



COUNTYWIDE CRIMINAL JUSTICE COORDINATION COMMITTEE



May 5, 2015

TO: Supervisor Michael Antonovich, Mayor
Supervisor Hilda Solis
Supervisor Mark Ridley-Thomas
Supervisor Sheila Kuehl
Supervisor Don Knabe

FROM: Jerry E. Powers, Chief Probation Officer *J.P.*
Chair, Public Safety Realignment Team
Mark Delgado, Executive Director *MD*
Countywide Criminal Justice Coordination Committee

SUBJECT: Public Safety Realignment Implementation – May 2015 Update

As directed by your Board, the Public Safety Realignment Team (PSRT) coordinates the implementation of realignment in the County. On January 27, 2015, PSRT presented to your Board a three-year report on key implementation issues, findings, and trends. This quarterly realignment update further discusses two key areas identified in that report: the impact of Proposition 47 and the increasing use of split sentencing.

PROPOSITION 47 IMPACT ON REALIGNMENT IMPLEMENTATION

Proposition 47, passed in November 2014, reclassified several felony drug- and theft-related offenses to misdemeanors. The law also allows eligible individuals previously convicted of specified felonies to be resentenced as misdemeanors. As discussed in the PSRT three-year report and the Chief Executive Office's February 27th report to your Board on Proposition 47, these changes impact supervision, treatment services, and custody systems.

Post-Release Community Supervision (PRCS)

Proposition 47 has resulted in the resentencing and supervision termination of individuals who were previously on PRCS, as well as the resentencing of state prison inmates who would have otherwise been released onto PRCS.

Following Proposition 47's passage, Probation identified 1,178 PRCS cases potentially eligible for resentencing based solely on the convicted charge level. Through the end of March, 415 Post-Release Supervised Persons (PSPs) had been resentenced and terminated from supervision.

Probation also reports that they received 238 pre-release packets from the state for prison inmates previously anticipated for release on PRCS who were subsequently resentenced and released without PRCS obligations. This number does not account for an unknown number of state prisoners who were resentenced prior to a pre-release packet being sent to Probation.

With these changes, Probation reports that the active PRCS population count at the end of March was 7,822. An additional 2,140 individuals remained outstanding on PRCS absconder warrants.

Treatment Services Delivery

Though the PRCS population has slightly decreased, the overall number of new PSPs accessing treatment services from the Department of Mental Health (DMH) and Department of Public Health Substance Abuse Prevention and Control (DPH-SAPC) treatment networks has not declined since Proposition 47 took effect.

However, continued engagement of PSPs in treatment services following their resentencing has been impacted. PSPs who are resentenced pursuant to Proposition 47 and terminated from supervision are no longer subject to treatment conditions that may have been imposed. Continued participation in treatment services, therefore, becomes voluntary.

If a client does elect to continue treatment services following PRCS termination, DMH and DPH-SAPC attempt to transition him or her from AB 109 funding to alternative funding sources available, including Medi-Cal, General Relief, Block Grant, Mental Health Services Act, or the County General Fund.

In addition, contracted substance use disorder and mental health treatment providers are required to provide discharge planning services for clients. Initiated soon after treatment admission, discharge planning aims to coordinate the delivery of continued support services upon treatment discharge, which may include a step-down into required treatment services, as needed, or linkages to public benefits assistance, housing, transportation, and other services.

Based on preliminary data, however, both DPH-SAPC and DMH report that a low percentage of PSPs have continued treatment services following a Proposition 47 resentencing. DPH-SAPC identified 22 PSPs who had been receiving substance abuse treatment services who were resentenced between November 2014 and January 2015. Of those, three clients (14 percent) remained in treatment as of the end of February 2015.

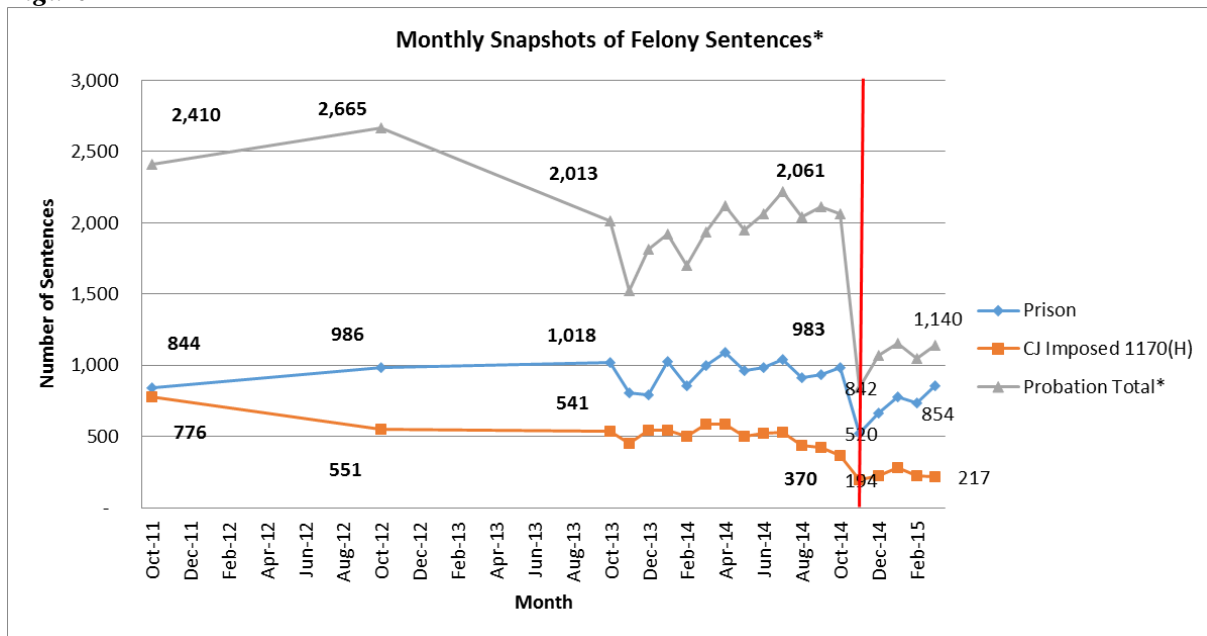
DMH identified 87 PSPs who were receiving services prior to being resentenced. Of those, two clients (2 percent) remained in treatment following the termination of their PRCS case.

Custody Impact

From November 2014 to January 2015, 860 county jail inmates were resentenced pursuant to Proposition 47. The Sheriff's Department reports that 57 percent of inmates who were resentenced due to Proposition 47 were released from custody immediately. The remaining 43 percent still had additional time to serve, either due to the resentenced case or another case.

In addition to resentencings, Proposition 47 has resulted in considerably fewer new felony sentences. Data from the District Attorney's Office on felony sentencing through the end of March 2015 illustrates the early impact on felony sentences to prison, county jail, and probation (Figure 1).

Figure 1



* Sentencing data from the D.A. is based on initial sentences only. Data does not include postsentencing, such as probation or mandatory supervision cases that result in a revocation and sentence to custody.

As the number of felony convictions has declined due to Proposition 47, the jail system’s average daily population and composition of the population has changed.

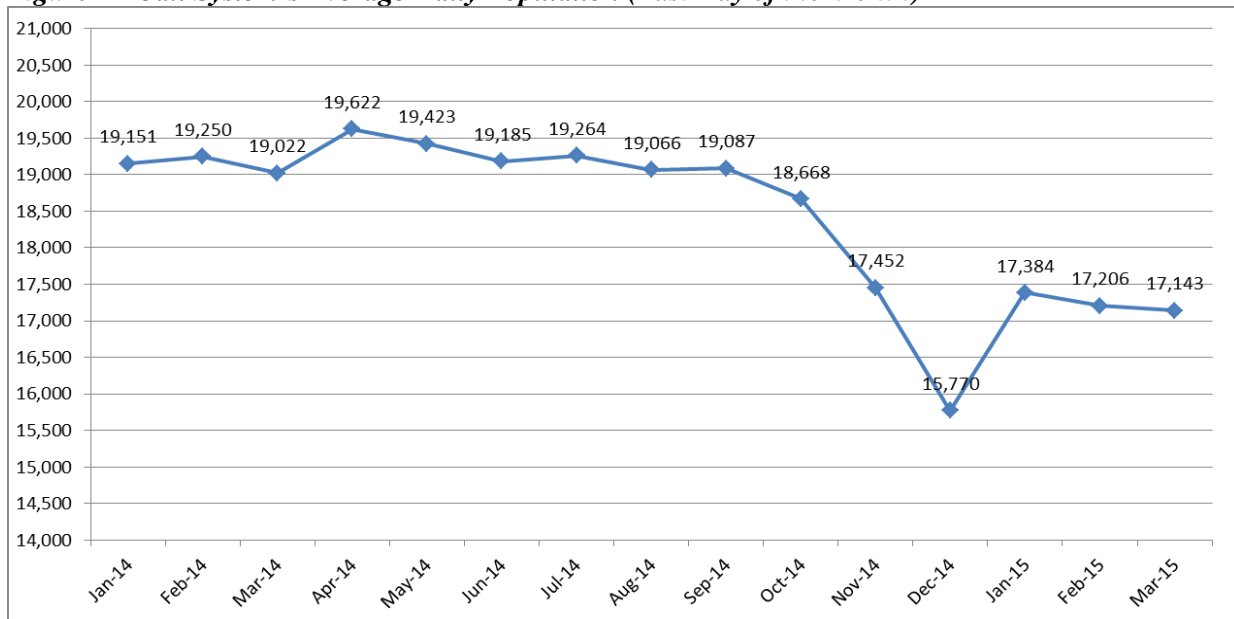
At the end of October 2014, just prior to the implementation of Proposition 47, the jail’s average daily population was 18,668, including 5,468 AB 109-sentenced inmates. At the end of December – following the implementation of Proposition 47 – the jail’s average daily population had dropped to 15,770, including 4,492 AB 109-sentenced inmates.

It should be emphasized, however, that that population total was also partly the result of the continued use of early release practices, through which traditional county sentenced individuals served as little as 10 percent of their court-ordered time.

The reduced jail population enabled the Sheriff’s Department to eliminate some of the non-traditional beds – such as triple bunks – and to adjust the percentage of time served for traditional county-sentenced inmates. They now serve 90 percent of their sentence, though inmates who have fewer than 60 days to serve at the time of sentencing are still immediately cited out. County-sentenced male and female inmates with more serious M-7 charges serve 100 percent of their sentence.

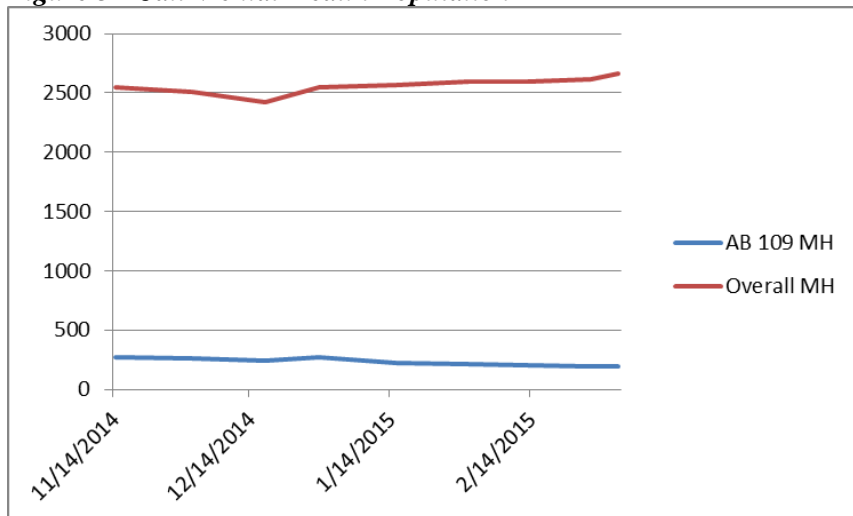
The increase in percentage time served has led to the jail’s average daily population increasing back to approximately 17,100, where it has generally remained since the beginning of the year. At the end of March, the jail population was 17,143, which included 3,395 AB 109-sentenced inmates (Figure 2). This average daily population remains approximately 125 percent over capacity established by the Board of State and Community Corrections (BSCC).

Figure 2 – Jail System’s Average Daily Population (Last Day of the Month)



While the overall jail population has decreased, the jail’s mental health population has not. In fact, while the number of AB 109 inmates receiving mental health care has essentially remained steady, the total number of inmates receiving mental health care has increased slightly (Figure 3). The Sheriff’s Department will continue to track the jail’s mental health population numbers to project future trends and will also work collaboratively with DMH to explore potential causal factors for the recent increase in this population.

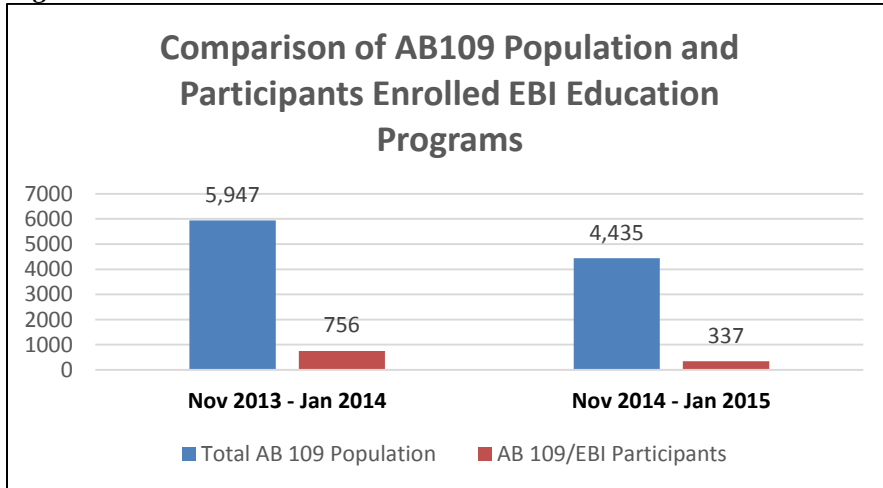
Figure 3 – Jail Mental Health Population



In terms of custody-based treatment services, the Sheriff’s Department reports that participation in Education Based Incarceration (EBI) programming has decreased since the implementation of Proposition 47 (Figure 4). Currently, inmates are only able to receive milestone and conservation credits for participating in EBI programs as sentenced AB 109 inmates. Those credits allow inmates to earn an adjusted release date of up to six weeks per year.

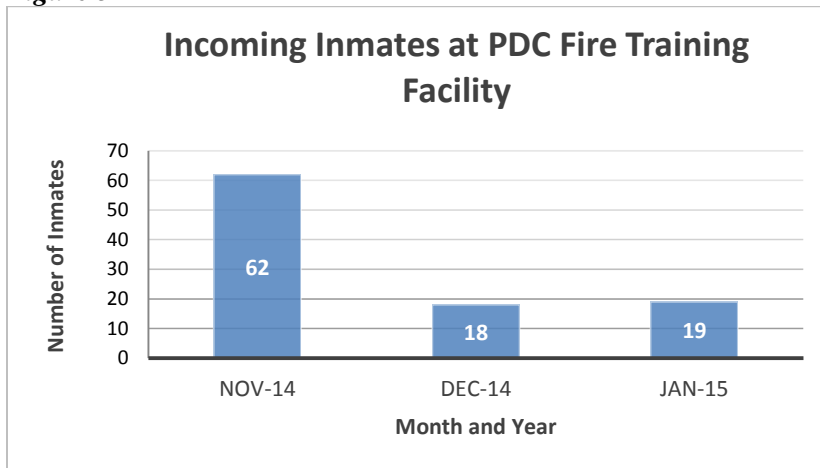
The Sheriff’s Department is evaluating a program that would allow *pre-sentenced* inmates to participate in EBI programs. Such a program would allow participants to “bank” their credits so that upon sentencing, credits earned can be applied to their release date.

Figure 4



The Sheriff’s Department also reports that while the number of inmates participating in the fire camp program has remained steady, the number of incoming eligible inmates has declined in recent months. The Sheriff’s Department identified 62 new eligible inmates in November, 18 in December, and 19 in January (Figure 5). The Sheriff’s Department will continue to closely monitor participant numbers and Proposition 47’s impact on the fire camp program.

Figure 5



Proposition 47 Funding Opportunities

Proposition 47 establishes that annual state savings generated by the initiative due to reduced corrections costs fund grant programs aimed at reducing truancy (25 percent); providing victim services (10 percent); and supporting mental health, diversion, and drug abuse services to help reduce incarceration (65 percent).

The Department of Finance will establish the state savings amount in August of 2016. The BSCC –tasked with administering the mental health, diversion, and drug abuse services grant

program – will be holding regional meetings with local stakeholders later this year to discuss potential allocation methods, solicit feedback, and answer questions.

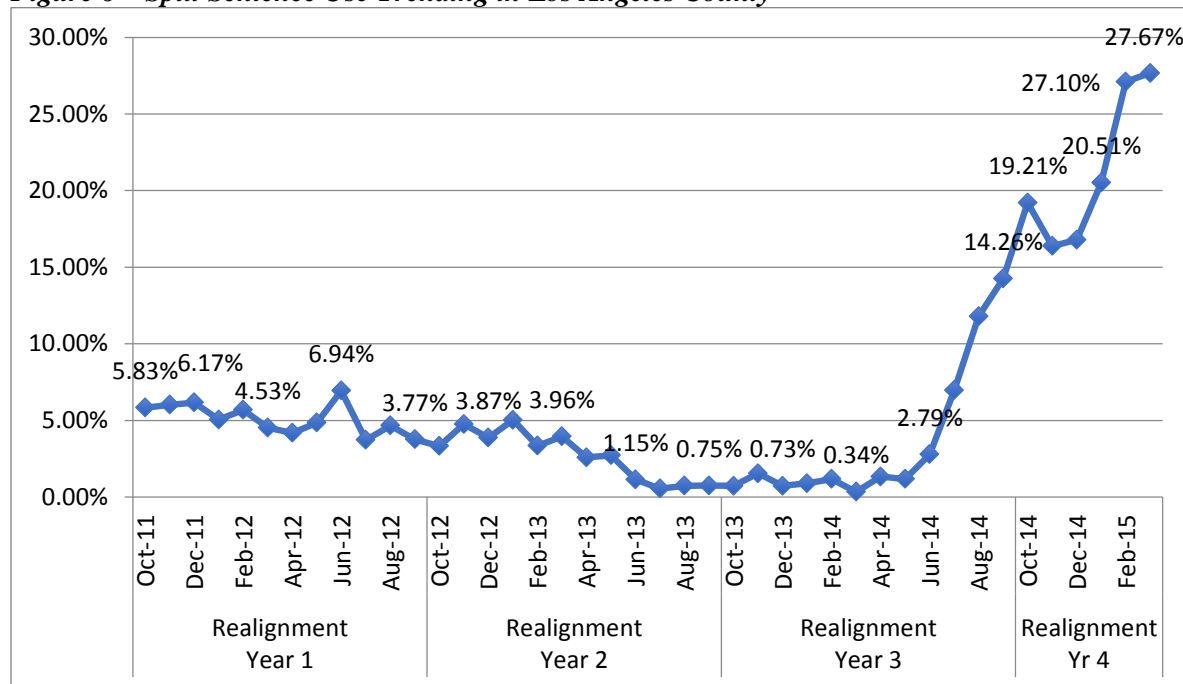
County efforts to pursue funding should be planned and coordinated in advance. To that end, departments will continue to work with the Chief Executive Office to coordinate local planning efforts and engage the state on the administration of such funds.

SPLIT SENTENCE LAW CHANGE

A split sentence allows for a concluding portion of an individual’s AB 109 sentence to be served on mandatory community supervision in lieu of custody. Its use in Los Angeles County has increased significantly within the past year (Figure 6).

In June 2014, the District Attorney issued a policy directive within her office encouraging the use of split sentencing in appropriate cases. In addition, AB 1468 took effect on January 1, 2015, establishing that unless the Court finds it not in the interest of justice, a defendant sentenced to county jail under realignment shall be given a split sentence.

Figure 6 – Split Sentence Use Trending in Los Angeles County



Probation data indicate that a total of 1,123 cases were split sentenced from October 1, 2011 through January 31, 2015. The average custody time ordered was 703 days, not including custody credits. Probation reports that by the end of January 2015, the custody portions had been completed in 710 cases. In those cases, the average length of supervision imposed was 653 days.

Tables 1 and 2 illustrate the wide range in the length of custody and mandatory supervision terms ordered on split sentences.

Table 1 – Custody Time Ordered

CUSTODY ORDERED	
Length	Count Of Custody Cases
0 -6 Months	26
6 -12 Months	154
1 - 2 Years	458
2 - 3 Years	268
3 - 4 Years	112
4 - 5 Years	42
5 - 6 Years	28
6 - 7 Years	6
7 - 8 Years	4
Over 8 Years	14
Unknown - Transfers	11
Grand Total	1,123

Table 2 – Supervision Time Ordered

SUPERVISION ORDERED	
Length	Count Of Supervision Cases
0 -6 Months	16
6 -12 Months	126
1 - 2 Years	337
2 - 3 Years	172
3 - 4 Years	59
4 - 5 Years	27
5 - 6 Years	20
6 - 7 Years	3
7 - 8 Years	2
Over 8 Years	6
In Custody	344
Unknown - Transfers	69
Grand Total	1,123

Analysis of Mandatory Supervision Cases

Of the 710 cases that have reached the mandatory supervision stage, Probation reports:

- 644 individuals accounted for the 710 cases. Some individuals received split sentences in consecutive fashion; others were on supervision concurrently for multiple cases.

Table 3 – Unique Individuals and Number of Mandatory Supervision Cases

Cases	Persons	Total Active or Closed Cases
1	588	588
2	49	98
3	5	15
4	1	4
5	1	5
Total	644	710

- 177 cases (25 percent) included a substance abuse treatment condition.
- Two cases (less than 1 percent) included a mental health treatment condition.
- 556 cases (78 percent) included a search and seizure condition.

Probation also reports that of the 710 split sentence cases that were released from custody to the supervision of Probation, 344 were returned to court for a violation hearing. This includes technical violations of supervision, desertions, and new arrests.

Probation also reviewed the cohort of cases that had already closed/terminated. Of the 454 closed cases, 230 had returned to court on a violation, resulting in 83 returns to custody.

Finally, of the 256 cases that remained active on supervision at the end of January 2015, Probation reports 25 individuals were outstanding on a warrant.

In addition to Probation's analysis of mandatory supervision cases, DPH-SAPC reviewed all of the department's AB 109 intakes to compare the mandatory supervision and PRCS populations.

Compared to the PSPs, individuals on mandatory supervision reported a higher frequency of primary substance use (12 days vs. 9 days in the past 30 days), were more likely to be admitted to narcotic treatment programs (23% vs. 13%) and residential detoxification services (10% vs 6%), and were less likely to be admitted to outpatient counseling services (54% vs 35%).

This indicates that the severity of treatment needs differ between these two groups: the split sentence population needs more medical monitoring and management to complete medical detoxification and needs a more therapeutic residential or inpatient environment than the PRCS population. Conversely, the PRCS population needs more guidance during early recovery, with an emphasis on relapse prevention.

Future Use of Split Sentencing

It is difficult to project how split sentences will be used in the future. However, one issue that may impact usage is the ability to collect restitution from AB 109-sentenced individuals.

When realignment began, counties did not have the statutory authority to collect from individuals sentenced under Penal Code Section 1170 (h) – the statute governing local felony sentencing for defendants under AB 109. As a result, felony probation may have been a more desirable sentence for the prosecution in cases where crime victims would be owed restitution. The County is able to and does collect restitution in felony probation cases.

The restitution collection statutory gap has since been addressed, and a CCJCC working group is developing recommendations for your Board on policies and procedures for collecting restitution from AB-109 sentenced individuals. When such a collection system is in place, the use of split sentencing may further increase in lieu of probation.

CONCLUSION

As previously reported to your Board, Proposition 47 and the increasing use of split sentencing present significant changes to the realignment implementation landscape.

While only preliminary data and information is available at this time, PSRT will continue to monitor and review their implementation to assess their impact on an ongoing basis. The committee will also continue to identify other key focus areas and emerging issues to highlight in future quarterly reports to your Board, including strategies and recommendations that can improve public safety and rehabilitative outcomes.

Attachment

- c: Interim Chief Executive Officer
Acting Executive Officer of the Board of Supervisors
County Counsel
CCJCC Members
Civil Grand Jury

**Public Safety Realignment
Summary of Implementation Data**

OCT 2014
NOV 2014
DEC 2014
JAN 2015

Total

Postrelease Community Supervision

Pre-Release Packets

1	No. pre-release packets received	652	484	468	526	2,130
2	No. pre-release packets processed	718	518	461	436	2,133
3	No. pre-release packets deemed ineligible (of those processed)	10	7	96	20	133
4	No. PSPs released with Special Handling Requirements	7	8	9	6	30
5	No. of PSPs released as registered sex offenders	42	5	14	12	73
6	No. address verifications conducted	265	169	226	170	830
7	No. homeless/transient PSPs per CDCR	20	57	51	67	195

PSP Reporting Population

8	No. PSPs released to County per pre-release packet dates	540	443	550	606	2,139
9	No. PSPs directly released to County per CDCR LEADS	522	482	513	539	2,056
10	No. PSPs released to Federal custody with ICE detainer	15	20	25	26	86
11	No. of PSPs released to the community by ICE	1	1	1	0	3
12	No. PSPs released to other jurisdiction custody	26	22	28	31	107
13	No. PSPs transferred to L.A. County from other counties	36	24	30	18	108
14	No. PSPs transferred from L.A. County to other jurisdictions	33	31	30	39	133
15	No. PSPs processed at hubs (intake/assessment)	495	371	513	465	1,844
16	Male	462	348	477	438	1,725
17	Female	33	23	36	27	119
18	No. PSPs by risk tier, as assessed at hubs:					
19	Low Risk	2	1	7	5	15
20	Male	1	1	7	4	13
21	Female	1	0	0	1	2
22	Medium Risk	76	76	114	84	350
23	Male	65	72	101	75	313
24	Female	11	4	13	9	37
25	High Risk	355	261	343	330	1,289
26	Male	335	242	323	315	1,215
27	Female	20	19	20	15	74
28	Very High Risk	62	33	49	46	190
29	Male	61	33	46	44	184
30	Female	1	0	3	2	6
31	No. PSPs who are veterans	16	10	6	9	41

PSP "No-Show" and Absconder Population

32	No. "no-show" notifications to Sheriff	16	9	12	21	58
33	No. Sheriff and LAPD attempts to contact "no-show" PSPs	9	8	14	21	52
34	No. warrants requested for absconders*	677	446	672	531	2,326
35	All warrants issued	574	491	644	539	2,248
36	All warrants recalled	438	364	492	523	1,817
37	No. of active warrants remaining**	3,380	3,485	3,633	3,404	13,902

* Does not include the number of Deportation Warrants. An additional 1,407 Deportation warrants were requested through January

**The number of active warrants remaining is cumulative and includes remaining warrants from previous months. Number of active warrants includes 1,292 Deportation Warrants through the month of January 2015.

PSP Violations/Revocations/New Charges

38	No. of petitions for revocations (other than warrants)	109	87	84	86	366
39	Pending Revocation Hearing	0	8	0	9	
40	No. of Revocation Hearing Cases Heard	400	182	328	557	1,467
41	Revocation Results					
42	Custody 1 - 10 days	0	0	1	0	1
43	Custody 11 - 45 days	5	4	10	8	27
44	Custody 46 - 90 days	64	39	40	39	182

**Public Safety Realignment
Summary of Implementation Data**

OCT 2014 NOV 2014 DEC 2014 JAN 2015 Total

45	Custody 91 - 180 days	229	86	186	189	690
46	Custody days, other	0	0	0	0	0
47	Other (Continuances, Bench Warrants, etc.)	102	53	91	321	567
48	No. of PSP arrests / bookings	1,048	930	1,073	1,260	4,311
49	<i>No. arrests/bookings for prior matters</i>	45	49	63	65	222
50	<i>No. arrests/bookings for new offenses and flash incarcerations</i>	976	848	964	1,162	3,950

Sanctions

51	No. of verbal warnings	300	217	281	313	1,111
52	Increase reporting (to DPO) requirements	46	41	41	38	166
53	Additional conditions of supervision	5	3	1	4	13
54	PAAWS (Cal Trans)	6	5	3	3	17
55	Referral to Treatment Program	21	17	25	24	87
56	Flash incarceration (Supervision and Warrants)	739	680	762	873	3,054
57	GPS/EM	0	0	0	0	0

Mental Health Treatment Services

58	No. of pre-release packets forwarded to DMH for review at PRC	103	82	70	36	291
59	No. of mental health treatment conditions added by Probation***	162	137	145	83	527
60	No. DMH determinations -- treatment needed	304	277	339	349	1,269
61	No. of PSPs refusing Mental Health Services at Hubs	2	1	1	6	10

*** Data are reported according to the PSP month of release.

Substance Abuse Treatment Services (Based on month of assessment)

62	No. of Hub referrals made to CASCs at Hub	283	205	275	265	1,028
63	No. of substance abuse treatment conditions added by Probation***	377	289	261	196	1,123
64	No. of narcotics testing orders added by Probation***	399	301	291	237	1,228
65	No. of PSPs showing at CASCs for assessment	518	443	556	540	2,057
66	No. of CASC treatment referrals	316	257	327	342	1,242
67	No. of PSPs entering treatment****	102	83	93	88	366

*** Data are reported according to the PSP month of release. **** Includes in and out of network admission to SUD treatment

Referrals for other Services (Based on month of assessment)

68	No. PSPs screened for benefits eligibility by DPSS	219	189	189	232	829
69	No. PSPs who DPSS referred to local DPSS office	151	115	114	141	521
70	No. PSPs enrolled in:	2,453	2,425	2,447	2,489	9,814
71	<i>MediCal</i>	5	6	6	4	21
72	<i>Med/CF</i>	35	34	31	30	130
73	<i>General Relief</i>	169	177	172	163	681
74	<i>CalFresh</i>	1,086	1,094	1,086	1,146	4,412
75	<i>CalFresh and General Relief</i>	1,158	1,114	1,152	1,146	4,570
76	<i>CalWorks/CalFresh</i>	0	0	0	0	0
77	Number of Medi-Cal applications filed (from Hub) ¹	9	10	6	12	37

¹ As of January 2014 the Affordable Care Act expanded access to health coverage, making HWLA recipients eligible for Medi-Cal.

Referrals for HealthRight 360 (Formerly Haight-Ashbury)

78	No. of PSPs referred this month	551	470	514	548	2,083
79	No. of Referrals	740	595	657	689	2,681
80	<i>Board and Care</i>	0	0	0	0	0
81	<i>Transportation</i>	0	0	0	0	0
82	<i>Sober Living</i>	41	41	36	47	165
83	<i>Sober Living With Child</i>	0	0	0	0	0
84	<i>Transitional Housing</i>	424	366	453	452	1,695

**Public Safety Realignment
Summary of Implementation Data**

OCT 2014 NOV 2014 DEC 2014 JAN 2015 Total

85	<i>Transitional Housing With Child</i>	0	0	0	1	1
86	<i>Job Readiness</i>	275	188	168	189	820

PSP Supervision Terminations

87	No. of petitions submitted to terminate supervision	37	17	28	125	207
88	No. of terminations	321	362	449	398	1,530
89	<i>No. terminations -- 6 months violation-free</i>	0	0	0	0	0
90	<i>No. terminations -- 12 months violation-free (automatic discharge)</i>	200	255	284	212	951
91	<i>No. terminations -- 3 year expiration (maximum term)</i>	1	2	0	4	7
92	<i>No. terminations -- due to a new criminal conviction</i>	71	59	75	46	251
93	<i>No. other terminations (revocation settlement, court order, fatalities, transfers, etc.)</i>	49	46	90	136	321

Custody

Jail Population and Sentencing

94	No. actual defendants sentenced pursuant to Penal Code 1170(h)	581	343	448	454	1,826
95	<i>Male inmates sentenced</i>	462	284	358	365	1,469
96	<i>Female inmates sentenced</i>	119	59	90	89	357
97	No. of sentenced N3s currently in jail (at end of the month)	5,020	4,820	3,947	3,577	
98	No. N3s released after serving full term (month of occurrence)	716	712	657	583	2,668
99	No. Station Worker Program (at end of month)	130	129	113	115	
100	No. N3s currently on alternative custody (at end of the month)	41	56	51	53	

Risk Management and Liability

Realignment Claims/Lawsuits

101	No. claims/lawsuits filed with the County identified as realignment related	0	0	0	0	0
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