

County of Santa Clara

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Lynn Regadanz
Interim Clerk of the Board

August 27, 2012

The Honorable Richard J. Loftus, Jr.
Presiding Judge
Santa Clara County Superior Court
191 North First Street
San Jose, CA 95113

RE: Grand Jury Report: AB109/AB117 Realignment: Is Santa Clara County Ready for Prison Reform?

Dear Judge Loftus:

At the August 21, 2012 meeting of the County of Santa Clara Board of Supervisors (Item No. 21), the Board adopted the response from the County Administration to the Final Grand Jury Report and recommendations relating to AB109/AB117 Realignment: Is Santa Clara County Ready for Prison Reform.

As directed by the Board of Supervisors and on behalf of the Board President, our office is forwarding to you the enclosed certified copy of the response to the Final Grand Jury Report. This response constitutes the response of the Board of Supervisors, consistent with provisions of California Penal Section 933(c).

If there are any questions concerning this issue, please contact our office at 299-5001 or by email at lynn.regadanz@cob.sccgov.org.

Very truly yours,

LYNN REGADANZ
Interim Clerk, Board of Supervisors
County of Santa Clara

Enclosures

FILED

SEP 04 2012

DAVID H. YAMASAKI
Chief Executive Officer/Clerk
Superior Court of CA County of Santa Clara
BY D. ALDYCKI

County of Santa Clara
Office of the County Executive



The foregoing instrument is a correct copy of
the original

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ATTEST: Lynn Regadanz,
Interim Clerk of the Board

DATE: August 21, 2012

By: D. Christopher
Deputy Clerk

TO: Board of Supervisors

Date: AUG 21 2012

FROM: Gary A. Graves, Chief Operating Officer

SUBJECT: Response to Santa Clara County Civil Grand Jury Report: AB 109/AB117 Realignmen't

RECOMMENDED ACTION

Adopt response from Administration to Final Grand Jury Report relating to Public Safety Realignment (AB 109); and, Authorize the Board President and Clerk of the Board of Supervisors to forward department response to Final Grand Jury Report to the Presiding Judge of the Superior Court with approval that responses constitute the response of the Board of Supervisors, consistent with provisions of California Penal Code Section 933 (c).

FISCAL IMPLICATIONS

There are no fiscal implications associated with these Board actions.

REASONS FOR RECOMMENDATION

Below is the response to the Grand Jury's findings and recommendations enumerated in the Final Report, AB 109/AB118 Realignment: Is Santa Clara County Ready for Prison Reform? The response has been completed pursuant to the California Penal Code, Section 933(c) and 933.05(a).

FINDING 1:

The County, through the CCP, has developed a well thought out and progressive approach to AB 109, based on a strategy of treatment versus re-incarceration.

Response: The respondent agrees with the finding.

Recommendation 1: None

FINDING 2:

The County has missed the opportunity to proactively communicate its work and progress to the community at large. This leaves county residents vulnerable to misinformation.

Response: The respondent agrees with the finding.

Recommendation 2:

The County should proactively and regularly communicate its approach to AB 109 and its progress, through community outreach or the media to communicate its successes, to educate the public, and debunk misunderstandings.

Response: 933.05(b)(2) The recommendation has not yet been implemented, but will be implemented in the future.

The Office of Public Affairs (OPA) will work with the Probation Department, Department of Correction, and appropriate entities to communicate about AB 109 to the media and public. Prior to implementation of AB 109, the County proactively initiated community outreach and communication to the media beginning with Criminal Justice Realignment Community Forums held in September 2011. OPA disseminated an advisory to the media before the September forum to encourage both public and media attendance. A follow-up news release was distributed to the media. Both were distributed through twitter to 2,000+ followers, and posted online in the County news room. Realignment updates were communicated to the public multiple times at the Board of Supervisors Committee and Board Meetings from September 2011 through budget hearings held in June 2012. As the County gains more experience with AB 109 and continues to achieve milestones, OPA will announce those milestones through news conferences and news releases, as appropriate.

FINDING 3:

The County has not defined the metrics it will use to measure success. State-funded incentive payments will be measured by metrics detailed in the penal code.

Response: The respondent agrees with the finding.

Recommendation 3:

The County should ensure the County Probation Officer is developing a means of gathering the data and reporting on the metrics outlined in the penal code, as well as developing metrics to evaluate the success of the CCP Plan as a whole.

Response: 933.05(b)(2) The recommendation has not yet been implemented, but will be implemented in the future.

A fundamental principle of effective community corrections management is ongoing measurement of outcomes. Outcome reporting and ongoing evaluation are necessary for stakeholders to understand whether or not the plan or its components is having its intended impact, if not, what needs to change. The Community Corrections Partnership (CCP) formed the Evaluation Design and Policy Research and Data Analysis work group to promote the implementation and long term sustainability of data collection and analysis, track outcomes, and determine the effectiveness of policies, programs and practices in effecting offender behavior change, reducing recidivism and enhancing public safety. The Evaluation Design and Policy Research and Data Analysis work group meets monthly and is currently finalizing a data matrix to share with policymakers. Additionally, the work group hired an independent evaluation consultant to provide a written assessment of the first year of the AB109 program in Santa Clara County, based on primary and secondary data gathered from agencies and program participants. The report will contain a comprehensive description of the AB109 program, including how participants enter and exit the program, the range of services available, waitlists for different types of services, eligibility for specific services, success/completion rates for specific services (e.g. employment training, substance abuse treatment), barriers to reaching project goals,

implementation issues, process evaluation of key components, and key informant interviews of major players.

In January 2012, the County Executive's Office (CEO) and the Chief Probation asked the Information Services Department (ISD) to lead a multi-phased data collection and sharing project to assist all County agencies to better track and manage public safety realignment initiatives. Phase I of this project was completed in June 2012 with the CCP data work group and the CEO directing ISD to develop plans to create a realignment data warehouse, automate the link between offenders referred to services, and standardize terminology and practices for record keeping. The CCP will use the data warehouse to answer key questions, provide reporting and analysis capabilities on cross-departmental data, and reduce manual consolidation and manipulation of data from various departmental systems.

FINDING 4:

The County's CCP is a cross-functional team made up of the right stakeholders who are collaborating effectively on AB 109 implementation.

COUNTY OF SANTA CLARA: The respondent agrees with the finding.

Recommendation 4:

The County should consider establishing a long-term role for the CCP to ensure the gains made by their collaboration continue.

Response: 933.05(b)(2) The recommendation has not yet been implemented, but will be implemented in the future.

The CCP will use the interim evaluation report to be released in the spring of 2013, the data matrix, dashboards, and current experiences on case management and service delivery to establish a long-term role for the CCP. Additionally, the County will assess the role the Re-Entry Network will have as it relates to implementing a strategic plan that is consistent with AB 109 funding and programming.

FINDING 5:

The CCP recommended and the BOS approved a Re-entry Resource Center (RRC) located in a convenient, central county location, for both AB 109 releases and others being released from county jail.

Response: The respondent agrees with the finding.

Recommendation 5A:

The County should ensure the RRC continues to be fully staffed with the County agencies and CBO representatives needed for effective re-entry, including the addition of case managers to aid in out-of-custody rehabilitation planning.

Response: 933.05(b)(2) The recommendation has not yet been implemented, but will be implemented in the future.

Staffing of the RRC is being completed in phases. Currently all involved County agencies have employees stationed at the RRC. The most recent addition occurred in late June 2012 when the Board of Supervisors approved the Final FY2013 Budget which contained 75.5 positions for AB 109, with approximately 12 positions to be located at the RRC. In August 2012, Probation Officers, who are already housed at the RRC, will join the existing Multi-Agency Pilot Program (MAPP) Team to provide enhanced comprehensive case management services to those out-of-custody AB 109 clients. Lastly and currently targeted for late September 2012, CBO representatives will start to be identified and subsequently integrated into the RRC. The County is currently assessing and pinpointing the greatest needs of our AB 109 clients so that we can provide those specific services and programs via our CBO representatives.

Recommendation 5B:

The County should communicate broadly, with a clear and consistent message to in-custody and out-of-custody clients, that the RRC is open for business and what resources are available there.

Response: 933.05(b)(2) The recommendation has not yet been implemented, but will be implemented in the future.

The County will work with its Office of Public Affairs, the Probation Department and the Department of Correction to develop a comprehensive and cohesive Information Sharing Plan (ISP). As additional resources are identified, added and integrated with existing resources, efforts will be made to disseminate this to both in-custody and out-of-custody clients. The County plans to have a permanent RRC Coordinator on board by early August 2012. This Coordinator will be responsible for developing a RRC Newsletter which will contain pertinent information about the RRC, to include available resources. The RRC Newsletter will be disseminated and distributed in September 2012. In early September 2012, the Coordinator will meet with representatives of the above-mentioned County departments to effectuate an ISP and begin its implementation.

FINDING 6:

The Sheriff argues that Elmwood Correctional Facility was not designated to house longer-term inmates and needs funds for facility upgrades.

Response: The respondent agrees with the finding.

Recommendation 6:

The County should continue to monitor the AB 109 length of stays to determine whether long-term facilities upgrades are needed.

Response: 933.05(b)(2) The recommendation has not yet been implemented, but will be implemented in the future.

Since October of 2011, the Department of Correction has been housing inmates sentenced or incarcerated under the Public Safety Realignment Act. Data collected thus far shows that a majority

of this population consists of ex-felons that returned to our community from State Prison and have been returned to custody after re-offending or violating the terms of their supervision. Since a large percentage of this population have either significant medical needs, special housing needs, or prior convictions for serious and violent offenses, the Department of Correction is extremely concerned about the affects this changing demographic will have on the safety and security of the jail facilities.

The recently published Grand Jury Report on AB 109 / AB 117 suggests waiting and studying the effects of the Public Safety Realignment Act before responding to the request for security upgrades at the jail facilities. The Department of Correction is already experiencing many of the effects of realignment, and will continue take a more proactive approach in the area of facility upgrades working with the County Executive's Office. The recent authorization to add Correctional Deputy positions to increase supervision levels at both facilities was a very positive response to what the County was currently experiencing, but the aging state of the County's custodial facilities will continue to restrict the ability to properly manage both current and future inmate populations.

Inmate populations are tied to numerous social, political and economic factors. Prior to the enactment of AB 109, the inmate population in Santa Clara County had been decreasing for a number of years, but showing an increase in the percentage of serious violent offenders within the remaining population. With the passage of AB 109, the overall population has once again begun to rise, with a corresponding increase in the percentage of serious violent offenders within the rising population. Since the issue of managing jail populations is not as simple as subtracting the total population number from the number of available beds, the Department of Correction is continually analyzing trends to ensure the County is able to address the issues of care and confinement in the future.

Inmates are classified and then housed using standardized criteria designed to reduce if not eliminate security and safety issues. Many years ago a majority of the jail population in Santa Clara County consisted of low-level nonviolent offenders. Since the Elmwood Complex was initially constructed to house low level misdemeanor offenders serving short-term sentences, the Department of Correction was able to accommodate this demographic. However, in the early 80's the inmate demographic in Santa Clara County began to change and the County recognized the fact that the aging facilities were unable to handle the newly developing conditions of confinement. At that time the County authorized funds to construct a new maximum/medium security facility, (Main Jail North), and to add additional medium security housing units inside what had traditionally been a minimum security jail, ("the Farm"). This development relieved pressure on the main jail housing units, but resulted in a dramatic increase in the security issues at the Elmwood Complex. Some of the external security issues have been mitigated over the years through a hardening of the fence line, but this was a public safety response to encroachment issues on the land surrounding the facility and did not resolve the long term safety and security issues inside the facility. With the enactment of AB 109, the facility is now being used to house a much higher risk inmate for a much longer term.

While the County recognizes that the overall effects of the Public Safety Realignment Act will not be known for several more years, the Department of Correction believes that a failure to react in a proactive manner today to address the environmental factors that the County is already seeing in the facilities, will result in a reduction in the security of jail facilities and subsequently to public safety.

FINDING 7:

The County's approach to implementing AB 109 is progressive, evidence-based and focused on treatment versus re-incarceration. It is currently limited to just those individuals that fit the AB 109 N/N/Ns criteria.

Response: The respondent agrees with the finding.

Recommendation 7:

The County should consider expanding its AB 109 approach to support other individuals being released from jail.

Response: 933.05(b)(2) The recommendation has not yet been implemented, but will be implemented in the future.

The County, via its Re-Entry Strategic Network, is currently completing its Strategic Plan. This should be completed by the end of August 2012. A Program Manager position was added as part of the FY 2013 Approved Budget to specifically manage the working groups and coordinate the implementation of the Plan. This position should be filled by late August 2012 and will then manage efforts, with other Re-entry Network partners, to support other individuals being released from jail. In addition, the RRC is available to not only AB 109 clients, but also to clients currently on Probation in need of various resources available through the Center. Inmates participating Department of Correction's custodial programs who are suitable for transition to out-of-custody programs are currently transferred to the RRC.

CHILD IMPACT

The recommended action will have a positive impact on children and youth. Implementing the Grand Jury recommendations will continue to support offender's ability to reconnect with their families locally and to receive services needed to reduce recidivism.

SENIOR IMPACT

The recommended action will have a positive impact on seniors. Implementing the Grand Jury recommendations will continue to support offender's ability to reconnect with their families locally and to receive services needed to reduce recidivism.

SUSTAINABILITY IMPLICATIONS

The recommended action will have no/neutral sustainability implications.

BACKGROUND

The Grand Jury reviewed the Santa Clara County 2011 Public Safety Realignment Implementation Plan and the corresponding Spending Plan, as well as other documents related to AB 109 to better understand AB 109 and whether Santa Clara County was adequately prepared for its implementation. The Grand Jury conducted a number of interviews, specifically, members of the Community Corrections Partnership, and attended numerous public meetings. The Grand Jury concluded that the County CCP's efforts to implement AB 109 are based on an assumption that service treatment is coordinated by all stakeholders on the CCP. The Grand

Jury concluded that the County's approach to implement supervision, counseling and treatment alternatives to re-incarceration could be expanded to more individuals that just the AB 109 population.

The Grand Jury makes seven specific findings and the Public Safety Realignment Program stakeholders, specifically, the Sheriff/Department of Correction and the Probation Department agree with the findings and are jointly working with other CCP members to implement all the recommendations in the near future.

CONSEQUENCES OF NEGATIVE ACTION

The County would not be in compliance with the law in responding to the Grand Jury's Final Report.

STEPS FOLLOWING APPROVAL

Following approval of the response, forward all comments of the Santa Clara Board of Supervisors to the Honorable Richard J. Loftus, Jr., Presiding Judge, Santa Clara County Superior Court, on or before Wednesday, September 19, 2012.

LINKS:

- Linked From: 64012 : Adopt a separate or amended response to the Final Grand Jury Report relating to Public Safety Realignment (AB 109), and authorize the Board President and Clerk of the Board to forward response to the Presiding Judge of the Superior Court.

ATTACHMENTS:

- Santa Clara County Civil Grand Jury: AB 109/117 Realignment Final Report (PDF)