

# **Community Corrections Partnership (CCP)**

## **Meeting Minutes**

May 19, 2021

### **I. CALL TO ORDER:**

- a. Chief Probation Officer Wayne Barley called the regularly scheduled meeting of the Community Corrections Partnership (CCP) to order at 9:01 a.m. on May 19, 2021. Due to the social distancing recommendations set forth by the Governor due to the COVID-19 emergency, this meeting was conducted via a socially distanced in-person meeting with a phone-in conference call option.
- b. Introduction of membership. Quorum present.

#### **List of CCP Executive Committee Members Present**

Wayne Barley – Chief Probation Officer, Butte County Probation Department

Kory Honea – Sheriff, Butte County Sheriff's Office

Mike Ramsey – District Attorney, Butte County District Attorney's Office

Billy Aldridge on behalf of Matt Madden – Chief of Police, Chico Police Department

Ron Reed – Attorney, Butte County Public Defender

Christina Hernandez, on behalf of Judge Clare Keithley - Butte County Superior Court

Scott Kennelly – Director, Butte County Department of Behavioral Health

Casey Hatcher, on behalf of Andy Pickett – Chief Administrative Officer, Butte County Administration

Shelby Boston – Director, Department of Employment & Social Services

Debbie Morris, Butte Community Based Coalition, on behalf of Mary von Rotz Sakuma –  
Superintendent, Butte County Office of Education

#### **List of CCP Executive Committee Members Not Present**

Erna Friedeberg – Director, Northern Valley Catholic Social Services

#### **Additional CCP Members Present**

Jarrold Agurkis – Lieutenant, Butte County Sheriff's Office

Eric Lyon – Sergeant, Butte County Sheriff's Office

Dwayne Martin – Assistant Chief Probation Officer, Butte County Probation Department

Jennifer Hard – Program Manager, Butte County Probation Department

Cathleen Ouimet – Program Manager, Butte County Behavioral Health

Monica O'Neil – Coordinator, Butte County Victim Assistance Bureau

Trevor Hatley – Parole Agent III/Unit Supervisor, Division of Adult Parole

David Mallory – Supervising Probation Officer, Butte County Probation Department

- c. Review of previous committee minutes from March 17, 2021. Mike Ramsey motioned to approve and Kory Honea seconded the motion. All approved and the minutes were accepted.

### **II. SUB-GROUP COMMITTEE REPORTS/UPDATES**

- a. Department updates/progress/concerns

#### **1. BUTTE COUNTY SHERIFF'S OFFICE**

- i. Sheriff Kory Honea indicated the Jail expansion project is slowly moving forward. The evidence room/morgue project is making rapid progress, and he is hopeful the Jail portion of the project will be contracted later this year.

- ii. Kory Honea indicated there are approximately 100 sentenced state prisoners currently housed at the Jail, which continues to reduce capacity to house local offenders and parole/PRCS violators. CDCR has still not improved reception for the current demand of 7,000 sentenced state prisoners statewide who are housed in county jails. CDCR currently has approximately 20 COVID positive inmates statewide. He currently attends weekly meetings with CDCR and hopes to invite a representative to the Jail to tour the facility.
- iii. Mike Ramsey noted the Jail housed approximately the same number of inmates at the last CCP meeting, but, at that time, there seemed to be progress towards transporting at least 40 inmates to CDCR. Kory Honea explained that some sentenced state prisoners were transported to CDCR; however, ongoing sentencings have kept the Jail population stable.
- iv. Sergeant Eric Lyon gave a brief update on the populations of the ACS and DUI programs.

## **2. BUTTE COUNTY BEHAVIORAL HEALTH DEPARTMENT**

- i. Director Scott Kennelly reported on his department's statistics for AB109 and Mental Health Diversion. He noted there has been an increase in open cases, and services have resumed at the Probation Department. Referrals have also increased substantially for Mental Health Diversion.
- ii. Scott Kennelly also reported that the Governor's state budget proposes a closure of the state hospital system to "LPS" conservatorship clients. The state hospitals would be reserved for felons who need to be restored to competency in order to stand trial. While this will expand the state hospitals' ability to serve clients who are incompetent to stand trial, it will displace LPS clients. He noted the state hospitals (including Napa and Atascadero) have historically housed individuals whose mental health conditions were too acute or violent to be managed locally or at Institutes for Mental Disease (IMD) or Mental Health Rehabilitation Centers (MHRC). While there was some indication of increased funding to counties, there is inadequate local infrastructure (buildings, etc.). The Psychiatric Health Facility (PHF) is only intended for short-term acute stabilization (two weeks). If someone needs higher level care, they can go to an IMD or MHRC for one to three years. If an individual cannot be served at that level, usually due to violence or risk, the individual can be treated at the state hospitals. The current proposal indicates that the Department of Health Care Services (DHCS) would reduce the state hospital population by one-third each year for the next three fiscal years. There are currently 778 LPS patients in the state hospitals, with 285 prospective patients pending placement.
  - 1. A group discussion ensued regarding the potential effects of the proposed shift in inpatient mental health services from the state to local level. Kory Honea noted the net impact is that existing system allows BCBH to intervene and help prior to an individual committing a criminal act, whereas the new proposal means someone in need of psychiatric services at the state hospital level must first commit a felony offense and then be deemed incompetent to stand trial. Mike Ramsey noted individuals would need to quickly proceed through the 1368 PC process. Shelby Boston asked if there is advocacy to have this proposal reviewed by the legislature. Scott Kennelly indicated his association plans to pursue that. At the local level, BCBH will look into grant funding and a solicitation to encourage providers to build an IMD or MHRC in the county; however, these measures are unlikely to resolve the number of clients being stepped down from the state hospitals.
  - 2. Mike Ramsey asked how this proposal will affect Murphy conservatorships, wherein the 1368 PC process runs out. Scott Kennelly explained that Murphy conservatorship clients who are not restored to competency become LPS conservatorship clients. Under this proposal, that venue will be closed. Mike Ramsey noted Murphy conservatorships are for the most violent and dangerous

mentally ill offenders, often murderers. He expressed concern regarding public safety. Scott Kennelly noted the budget references transferring state responsibilities to counties in many areas; however, there is not the funding or infrastructure to support that. Mike Ramsey noted this proposal is analogous to the closure of DJJ and the transfer of violent youth to the counties.

3. Shelby Boston suggested having a discussion with James Gallagher about this situation, as he previously advocated legislation bringing Butte County into a San Francisco pilot regarding LPS clients. If legislators had a better understanding of LPS and Murphy clients, it could go a long way.
  4. Eric Lyon asked if the intermediate facilities are privately run. Scott Kennelly confirmed the facilities are private. The IMD hospitals can turn away clients for being too violent and cherry-pick who they are willing to take. As such, BCBH puts together a packet, including history and diagnoses, and essentially has the challenge of marketing a client to the hospitals. The packet is submitted, along with hundreds of other packets from other counties, to the hospitals. Eric Lyon asked if those private facilities receive state funding. Scott Kennelly noted local Behavioral Health realignment funding is typically used. Eric Lyon noted the similarities to private prisons.
  5. Kory Honea asked what factors make a client appealing to a privately run hospital during this marketing process. Scott Kennelly noted current or historical violence or noncompliance with treatment are negatives. If a patient is cooperative and manageable, it is easier to have them transferred. He further noted that some hospitals own multiple different facilities, and a patient can be blackballed from all of the facilities run by that particular hospital. BCBH and Public Guardian oftentimes have to call the hospital directly and plead for assistance for patients who have been in a hospital emergency room or the PHF on a long-term basis. Kory Honea noted this creates a default position in which clients end up in jail or the PHF. Scott Kennelly indicated hospitals can legally deny a client based upon medical condition, but they should not be allowed to deny a client for being too acutely mentally ill. Kory Honea asked if the local facilities have the capacity to accept psychiatrically acute patients. Scott Kennelly explained that Enloe Hospital is voluntary inpatient and will not accept those clients. Typically those patients will go to the PHF, which only has sixteen beds. As such, he is advocating for more inpatient beds in Butte County.
- iii. Mike Ramsey asked for clarification of BCBH's department statistics and the ongoing issue with a significant number of AB109 clients failing to report for services. Cathleen Ouimet clarified that the clients reflected in the statistics reported once and then failed to follow through. Typically there would be more follow up with the Probation Department regarding the loss of contact with those clients, but that has been more difficult recently because of COVID-19. The statistics should improve now that BCBH is meeting with clients at the Probation Department. She noted it is still difficult for officers to pick up clients on warrants due to jail overcrowding, but typically BCBH would try to contact individuals at the Jail as well. Wayne Barley confirmed the situation should improve now that both the Oroville and Chico offices are increasing operations. Scott Kennelly pointed out that clients are less likely to miss an appointment with Probation than with BCBH.
  - iv. Mike Ramsey noted there was a Mental Health Diversion team meeting recently, including the Public Defender's Office, the DA's Office, and BCBH. He hopes to involve the Probation Department in the Mental Health Diversion Court as well for supervision.

### **3. BUTTE COUNTY PROBATION DEPARTMENT**

- i. Chief Wayne Barley indicated the Oroville office is fully re-opened with a normal level of service, and the Chico office will re-open within the next few weeks. Field work has increased, and noncompliance has already been noted.
- ii. This year's state budget was neutral towards Probation.
- iii. SB 823 DJJ realignment planning is ongoing, with DJJ intake closing on July 1, 2021. DJJ will close entirely in 2023. The Transitional Age Youth (TAY) pod is being converted to house long-term offenders. Readiness for intake closure is an issue across the state, and Butte County is historically a high user of DJJ. Much like the Jail assuming long-term housing of offenders, the Juvenile Hall will be doing the same. It was previously rare for the Juvenile Hall to house youth longer than a few months, and the new program will potentially house them up until their mid-twenties.
- iv. Program Manager Jennifer Hard reported on the department's PRCS and Mandatory Supervision statistics. Handouts were provided to the members via email or printed copy prior to the meeting.
- v. Mike Ramsey inquired as to the increased numbers of individuals who are out to warrant. Dwayne Martin explained this is likely pandemic-related and the situation should improve with increased field work and swing shifts. Wayne Barley noted there have been pandemic-related impacts at the Court and Jail as well. Trevor Hatley pointed out that the number of parolees at large has increased as well, due to less field work and stricter regulations regarding revocations.
- vi. SPO David Mallory reported on the department's MCRP statistics. Handouts were provided to the members via email or printed copy prior to the meeting. He noted the number of clients released on MCRP is anticipated to increase substantially over the summer.

### **4. DEPARTMENT OF EMPLOYMENT AND SOCIAL SERVICES**

- i. Director Shelby Boston reported on her department's statistics regarding AB109. A handout was provided to the members via email or printed copy prior to the meeting. She noted an eligibility worker is now stationed back at the Day Reporting Center, and those statistics are expected to increase once again.
- ii. Shelby Boston noted DESS contracted with a vendor to conduct a survey of homeless individuals, primarily in large encampments, in the greater Chico area. Approximately 80% of the individuals surveyed had a criminal history, and twelve individuals self-reported current probation or parole status.
  1. Mike Ramsey asked if mental health issues were part of the survey. Shelby Boston confirmed there were 47 questions asked, which were determined by data collected by the Homeless Management Information System, and mental health diagnosis history was included. She noted not all homeless individuals realize they have a diagnosis. The questions also asked about local origins and criminal history. Out of the 115 individuals surveyed, approximately 40% were raised in Butte County. The survey also asked if the individuals were homeless at the time of the Camp Fire, or afterward. Shelby Boston offered to share out the data. It is noted the data was emailed out to the group following the meeting.

2. Shelby Boston noted the rest of the county will be surveyed, but a different vendor will be needed. The contracted vendor was uncomfortable conducting the survey outside of the greater Chico area because they had already established relationships there. A trusted provider is important for this type of survey because they are able to build a rapport with the homeless community, encourage honesty, and alleviate participants' fears with respect to the nature of the questions in the survey.

5. **BUTTE COUNTY DISTRICT ATTORNEY'S OFFICE**

- i. District Attorney Mike Ramsey noted there continue to be pandemic-related impacts to the Court. At this time, there are 500 pending jury trials (approximately 300 felonies and 200 misdemeanors). Without the potential for an immediate trial, there is less incentive to accept a plea bargain early in the process. The defendants may prefer to spend more time locally.
- ii. Mike Ramsey joined a District Attorneys' consortium to petition against credit increases CDCR is awarding due to the pandemic. He reiterated there are minimal COVID-19 cases within the state prison system. CDCR used emergency powers to increase good time credits that are typically used to incentivize good behavior. Those credits can also be lost due to heinous offenses committed in custody. By statute, good time credits on violent offenses are calculated at 15%, and CDCR increased those credits to 33%. Serious, and some violent, crimes were increased to 50%. The concern is that the credit increases are being used to reduce state prison populations to facilitate the closure of two prison facilities.
  1. Kory Honea indicated he believes in creating incentives, as it is important to reward good behavior and participation in programming. He is concerned that capacity reductions, initiated by the closure of CCC and additional proposed facility closures, as well as intake reductions created by the pandemic, are creating pressure to reward unearned or unwarranted credits to manage the state prison population. Mike Ramsey noted there have been changes in the types of in-custody offenses that merit loss of credits. Credit loss is now associated with violent offenses such as attacking other inmates or staff or participating in a riot. Mike Ramsey indicated he also supports milestone credits, or extra credits awarded for completing substance abuse and educational programs, being on a fire crew, etc.
  2. A group discussion ensued regarding the reduction in inmate fire crews. Shelby Boston noted there are currently only 45 inmate fire crews statewide, so large scale fires may be longer and larger. Several fire camps were closed and CCC is being closed. This will have a significant impact on Lassen County. In addition, changes in state laws have removed the non-serious, non-violent, lower level offenders who historically participated in fire camp programming from the state prison system. Those who remain have often committed offenses which disqualify them from participating on a fire crew, and there aren't enough participants available to justify running the fire camps. Mike Ramsey attributed those changes to AB109.
  3. Wayne Barley asked for clarification, noting CDCR already had the ability to issue enhanced credits but chose not to implement it previously. Mike Ramsey confirmed Prop 57 granted that ability, and CDCR did grant additional credits. He noted that was a transparent process that included the opportunity for public comment. The current system of awarding additional credits was handled differently. Wayne Barley noted his association met with CDCR recently and it was difficult to follow how CDCR derived the power or the rationale of the increased credit awards. Kory Honea concurred that a recent press release addressed COVID-19 and discussed incentivizing programming, but this is taking place against the backdrop of reducing capacity. He noted the secretary of CDCR

has to follow the directives of the governor, the Department of Finance, and the receiver. The decisions from those offices carry more weight than the concerns of local agencies. Local agencies want to be assured that individuals are actually rehabilitated and do not pose a risk to public safety upon their release.

4. Mike Ramsey noted the real world effects of early release are suffered by the victims of crime. They no longer have the sense of security associated with an offender serving a prescribed term of incarceration. His office is no longer able to tell victims how long an offender will be in custody, and the victims may be surprised to run into offenders in public places.
5. Mike Ramsey recently submitted a public record act request to CDCR to obtain date of release data for all inmates sentenced to state prison by Butte County Superior Court from January 2019 to the present so he can compare the length of imposed sentences against actual release dates. He noted his office is already seeing recidivism amongst individuals they believed were still serving terms at CDCR.

#### 6. **BUTTE COUNTY SUPERIOR COURT**

- i. Christina Hernandez noted there were no updates.
- ii. Mike Ramsey asked if there are any updates as to when the Court will be fully re-opened. Christina Hernandez indicated she does not have any updates at this time pending further information and directives from Cal OSHA and the Judicial Council.

#### 7. **BUTTE COUNTY PUBLIC DEFENDERS CONSORTIUM**

- i. Ron Reed did not have any updates. He indicated he appreciates the principle behind credits that reward good conduct, though he agrees there are issues with the approach. He noted good behavior should be incentivized and rewarded, and we want inmates released better off than they were at the time of sentencing.

#### 8. **DIVISION OF ADULT PAROLE**

- i. Parole Agent III/Unit Supervisor Trevor Hatley indicated there were several changes to parole supervision due to the pandemic. The department stopped drug testing, limited field contacts by not entering residences, and contacted offenders outside the office or by telephone. Staffing was reduced. Revocations could only be initiated due to immediate, articulable public safety risk or statutory requirement. The department recently resumed traditional field operations, office visits, and drug testing, but the guidelines with respect to revocations remain in place.
- ii. Trevor Hatley indicated he understands the frustration with respect to current CDCR policies. His office has also dealt with the repercussions of the reduced intake at CDCR.
- iii. Trevor Hatley explained CCC has 16 fire camps (all of Northern California) and Jamestown/Sierra Conservation Center has 14 fire camps (all of Southern California). Jamestown is taking over all fire camp duties for the state, including training the fire crews and assigning them out. This initially began due to the spread of COVID-19 at the Susanville facilities. Jamestown cannot handle all 30 fire camps, so there may be more fire camp closures. He noted the fire camps provide numerous valuable services in addition to firefighting.
  1. A second group discussion ensued regarding the closure of the fire camps. Shelby Boston noted the fire camp crews perform additional services, such as making signs

and uniforms. It is a diverse program and having fewer crews available will be a big loss for the state. Kory Honea noted the fire camps facilitate job skills development and rehabilitation. He agreed Jamestown cannot train all 30 fire crews and it is Southern California-centric. He expressed concerns that CDCR could focus resources and staffing on Southern California fire camps because of disproportionate political power. Trevor Hatley noted four fire camps each were closed in Northern California and Southern California, with some closed due to their close proximity to other fire camps. Shelby Boston noted the number of fire crews has been reduced at the Northern California camps, which is concerning in terms of extreme fire behavior and fewer available local resources.

#### **9. BUTTE COUNTY OFFICE OF EDUCATION**

- i. Debbie Morris reported on the statistics for the Butte Community Based Coalition (BCBC). She noted she has received a large number of new referrals from parole. During the pandemic, the program's housing numbers were lower because clients did not undergo drug testing and did not arrive at Johnson House or Tri County Treatment clean. BCBC plans to resume in-person services in July 2021, pending resolving some staffing issues.
- b. Sub-groups/committees requested to provide brief updates
  1. None.
- c. Announcements of any Legislative and/or funding updates/budget/training opportunities
  1. Wayne Barley briefly discussed AB 1869, which involves the elimination of criminal fines and fees. This may have budget implications for some departments. Mike Ramsey indicated the Treasurer will meet with impacted departments in the near future. Wayne Barley indicated there is a \$65 million backfill in the state budget, but that may not be adequate. The Probation Department currently receives \$600,000.00 in realized revenue.
  2. Deputy CAO Casey Hatcher noted the May revise of the state budget was released and there may be an increase in the CCP budget allocation. There could be a need for a budget subcommittee meeting in the fall to address a mid-year adjustment.

#### **III. PUBLIC COMMENT**

- a. None.

#### **IV. ADJOURNMENT OF THE CCP MEETING – 10:01 a.m.**

#### **V. CALL TO ORDER OF THE TRANSITIONAL AGE YOUTH (TAY) STEERING COMMITTEE – 10:01 a.m.**

- a. Wayne Barley noted there is an omnibus bill pending to extend the Probation Department's ability to operate the TAY program. The department is not obligated to participate, but would have the continued ability to do so. The program is now operated out of custody due to DJJ realignment planning.
- b. Jennifer Hard reported the department's TAY program statistics.

#### **VI. ADJOURNMENT OF THE TAY STEERING COMMITTEE – 10:03 a.m.**

Minutes submitted by S. Miller of Butte County Probation