

Community Corrections Partnership (CCP)

Meeting Minutes

November 18, 2020

I. CALL TO ORDER:

- a. Chief Probation Officer Wayne Barley called the regularly scheduled meeting of the Community Corrections Partnership (CCP) to order at 9:04 a.m., on November 18, 2020. Due to the social distancing recommendations set forth by the Governor due to the COVID-19 emergency, this meeting was conducted via a phone-in conference.
- 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

Matt Madden – Chief of Police, Chico Police Department

Ron Reed – Attorney, Butte County Public Defender

Richard Holst, 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

Robert Hadley – Lieutenant, Butte County Sheriff's Office

Daryl Hovey – Captain, Butte County Sheriff's Office

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

Melissa Romero – Assistant Chief Probation Officer, Butte County Probation Department

Jennifer Hard – Program Manager, Butte County Probation Department

Amy Asher – Program Manager, Butte County Probation Department

David Mallory – Supervising Probation Officer, Butte County Probation Department

- c. Review of previous committee minutes from October 14, 2020. Kory Honea motioned to approve and Mike Ramsey 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 there is some progress towards the Jail construction project. The department broke ground on the new Evidence/Morgue facility, which will relocate the current building out of the footprint of the proposed future Jail expansion.
- ii. Kory Honea indicated approximately 80 sentenced state prisoners have been transported to CDCR, and there are approximately 38 still housed at the jail. The sentenced state prisoners must test negative for COVID-19 before being transported to CDCR. CDCR does not have capacity to accept intakes who previously tested positive but have since recovered. CDCR cannot explain the rationale for that policy or the reason those inmates cannot be accommodated. In addition, the department is currently required to transport those inmates to Kern County for intake, which amounts to a twelve hour trip. The Jail's transport vans do not have restroom facilities, and the staff cannot accommodate rest stops. Kory Honea sent a letter to CDCR indicating it is an inhumane and intolerable position in which to place those inmates. He hopes a reception center can be established in Northern California.
- iii. Lieutenant Robert Hadley gave a brief update on the populations of the Jail, ACS, and SWAP. On-site work details for SWAP are closed. ACS classes are ongoing, with COVID-19 modifications.
- iv. Robert Hadley noted on-site visitation at the Jail is currently closed due to the County's re-assignment to the purple tier for COVID-19 mitigation. Kory Honea indicated the Jail is trying to balance competing interests between mitigating COVID-19 and concerns about alienating the inmate population from their families during the upcoming holiday season.
- v. DA Mike Ramsey asked if the sentenced state prisoners with a prior COVID-19 diagnosis who are not permitted to go through the CDCR intake process would instead serve their sentences in the local jails. Kory Honea indicated that will likely be the case. Mike Ramsey asked if there have been paper commitments already who have completed their state prison terms in the local jail. Kory Honea and Robert Hadley confirmed that has occurred.
- vi. Mike Ramsey asked if attorneys are prohibited from visiting the Jail. Both Robert Hadley and Kory Honea confirmed attorney/legal visits are still permitted.
- vii. Ron Reed noted the public defenders would like to increase their ability to contact inmates via telephone. He indicated he has had good luck facilitating that contact through Post 10 at the Jail, but other attorneys have stated they do not know how to do that. Kory Honea indicated he will discuss those accommodations with his staff, and some education through the public defenders consortium may be helpful. He noted face-to-face contact and the ability to read the nuance of facial expressions is important to the attorney-client relationship, and the department is trying to protect that as well.

2. BUTTE COUNTY PROBATION DEPARTMENT

- i. Chief Wayne Barley noted the department is also making some minor modifications in light of changing COVID-19 conditions. Court operations do not appear subject to any major modifications unless there is an outbreak. The department lobby will remain open unless conditions change dramatically, but there will be partially reduced staffing and public traffic on-campus. Referrals from the Court have increased to above normal for this time of year.
- ii. Rich Holst confirmed there should be a new order from Judge Clare Keithley in the coming days. There will not be any major modifications; however, there will be an emphasis on

video appearances by witnesses in evidentiary hearings. New jury trials will be suspended for a couple of weeks, but the two current ongoing jury trials will continue.

- iii. Program Manager Jennifer Hard reported on the department's PRCS and Mandatory Supervision statistics. A handout was provided to the members via email prior to the meeting. PRCS currently has a 33% warrant rate and a 6% homelessness rate. Mandatory Supervision currently has a 31% warrant rate and an 11% homelessness rate.
- iv. Jennifer Hard noted the Veteran's Court received a \$500,000.00 grant over a period of three years to fund a full time probation officer, as well as to provide a variety of services and outreach to this population.
- v. Ron Reed asked if there is overlap between the homeless population and out to warrant population on PRCS and MS. Jennifer Hard and Wayne Barley noted that information is not captured in the current data but it could be captured in the future. Mike Ramsey asked if those statistics are available for the general formal probation population. Jennifer Hard and Wayne Barley indicated that information could also be provided in the future. Wayne Barley noted there has been discussion regarding dedicating a caseload to the homeless population, though that is exploratory at this time.
- vi. Supervising Probation Officer David Mallory provided an update regarding the MCRP program. A handout was provided to the members via email prior to the meeting.
- vii. Assistant Chief Probation Officer Dwayne Martin clarified that the homeless statistics for PRCS and MS only include active cases and not those that are currently out to warrant.

3. **BUTTE COUNTY BEHAVIORAL HEALTH DEPARTMENT**

- i. Director Scott Kennelly reported on his department's statistics for AB109 and Mental Health Diversion. A handout was provided to the members via email prior to the meeting. The high AWOL number was examined and there are currently changes being made to the electronic health records system to capture that data starting next month.
- ii. Mike Ramsey asked for clarification of when the department will have the statistics broken down to identify the point in the process at which clients go AWOL. Scott Kennelly explained that the coding in the system does not currently specify that information, and the systems performance team is currently working on going back to pull that data.

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 prior to the meeting. She noted the number of active or pending cases increased substantially because a new eligibility worker was assigned to the project and conducted a thorough audit. The audit revealed there were active cases that were not previously captured in the statistical data.
- ii. DESS continues to operate the Project Room Key program. Shelby Boston provided an updated regarding the program's statistics. FEMA approves funding on a month to month basis.
- iii. Shelby Boston noted there was a meeting approximately two years ago with a county leadership team to discuss medically assisted treatment specific to opioids. The County has been asked to apply for and participate in the next phase of the MAT opioid and stimulant learning collaborative. Her department is currently working on the application. The

collaborative requires a partnership between the Court, Probation, Child Welfare, and attorneys who work with individuals who are involved in the judicial system and have opioid issues. The collaborative was expanded to include methamphetamine as well. There will be twelve counties funded, and it is likely Butte County will be accepted because the County was specifically asked to apply. Butte County was likely asked to apply based upon the number of opioid-related overdose deaths and overall difficulties involving drugs and alcohol. All of the meetings will be virtual.

5. **BUTTE COUNTY OFFICE OF EDUCATION**

- i. Debbie Morris reported on the statistics for the Butte Community Based Coalition (BCBC). She will provide homeless statistics at the next meeting.
- 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 noted planning for SB 823 DJJ Re-Alignment is ongoing. On December 1, 2020, the Juvenile Justice Coordinating Council will meet and a required DJJ subcommittee will be established to address planning for SB 823. It is important for members or their designees to attend that meeting. The group will also receive a presentation on the draft of the Juvenile Justice Plan. The meeting will be held via Zoom.
 2. Wayne Barley explained AB 1950 reduced maximum probation supervision periods to two years for most felonies and one year for most misdemeanors. Some offenses are excluded from the new legislation due to statutory requirements. The department is still in the process of pulling data to see how this will affect current caseloads. According to Judge Couzens and the *Estrada* case, it appears this legislation should be applied retroactively and individuals who are currently on probation should get this relief as of January 1, 2021. Dwayne Martin noted the department is currently building a report to identify individuals whose probation would expire as of January 1, 2021, when the law takes effect. It appears a couple hundred individuals would be affected, and most of those cases would be on the administrative caseload. The information will be updated in the supervised release files (SRF) at DOJ to prevent illegal searches after probation has expired. Mike Ramsey agrees the law is retroactive unless someone is currently out to warrant with a pending violation. Wayne Barley confirmed anyone with a warrant or who is in revoked or violated status would still remain, but the SRF would be updated for individuals who by passage of law are no longer on probation as of the first of the year to avoid violating Constitutional rights. Given the retroactivity of the law, Mike Ramsey noted the deputy district attorneys have been directed to recognize the law as if it was in effect now for new probation terms. Wayne Barley agreed that there was discussion between the Probation Department, the District Attorney's Office, and the Court that any probation grants leading up to January 1, 2021, will be sentenced according to the new law unless there is a statutory exclusion.
 3. Wayne Barley noted there was a provision in the Governor's budget bill that if the CCP wanted to continue to receive annual funding to help support the development of the CCP survey, the annual survey must be submitted as well as an updated plan. Most counties, including Butte, have not done a complete update to their plan since the initial plan was developed back in 2011. The CCP presents a plan to the Board of Supervisors every year, and the CCP members discuss their departmental plans and line item budgets annually, but the State wants something in writing. Program Manager Amy Asher explained she has been working on an updated implementation plan, including how the County continues to respond to the AB109 population. She is currently reaching out to the

membership to gather information as to how the agencies are addressing AB109 clients. She has a few sections left to work on, but the update is almost finished. Wayne Barley noted the advocacy groups at the State level requested greater accountability with respect to the allocation of funding for anything corrections-related. The CCP, through Andy Pickett and now Casey Hatcher, has traditionally provided the Board of Supervisors with updates regarding how AB109 resources were being spent. That information, with an explanation of each program, should be briefly summarized for submission to the State prior to December 15, 2020.

- i. Ron Reed asked if the information included in the report to the State could be sent to the membership. Wayne Barley noted the information is available on the State's website and a link to the website can be sent.
- ii. While there was no need for a formal vote, Wayne Barley asked that the body be in approval to use the method of expanding the existing budgetary information into a brief narrative form for submittal to the State. There were no objections.

III. PUBLIC COMMENT

- a. None.

IV. ADJOURNMENT OF THE CCP MEETING – 9:43 a.m.

V. CALL TO ORDER OF THE TRANSITIONAL AGE YOUTH (TAY) STEERING COMMITTEE – 9:43 a.m.

- a. Assistant Chief Probation Officer Melissa Romero provided a brief summary of current statistics for the TAY program.
 1. Ron Reed indicated he completed an online survey related to the TAY evaluation. Melissa Romero indicated the evaluation should be completed by the end of the year and she hopes to have information to report.
 2. Wayne Barley noted he spoke to the two newest TAY participants at length recently and he was very impressed with their level of maturity and accountability.
- b. Wayne Barley indicated the next CCP meeting is January 20, 2021.

VI. ADJOURNMENT OF THE TAY STEERING COMMITTEE – 9:46 a.m.

Minutes submitted by S. Miller of Butte County Probation