

# **Community Corrections Partnership (CCP)**

## **Meeting Minutes**

October 14, 2020

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

- a. Chief Probation Officer Wayne Barley called the re-scheduled meeting of the Community Corrections Partnership (CCP) to order at 9:00 a.m., on October 14, 2020. The previous meeting scheduled for September 16, 2020, was cancelled due to the North Complex fire. 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  
Greg Keeney for 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  
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**

Casey Hatcher – Butte County Administration  
Lieutenant Robert Hadley – Butte County Sheriff's Office  
Dwayne Martin – Butte County Probation Department  
Melissa Romero – Butte County Probation Department  
Rebecca Henderson – Butte County Probation Department

- c. Review of previous committee minutes from July 15, 2020. 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. Lieutenant Robert Hadley gave a brief update on the populations of the Jail, ACS, and SWAP. There are currently 550 jail inmates, with zero COVID-19 cases at the facility. He

noted the Sheriff's Office has resumed classes at the Day Reporting Center with COVID-19 mitigation protocols in place.

- ii. Sheriff Kory Honea indicated the Jail expansion project is moving forward. Sheriff's Office staff members are meeting with the architectural group and they hope to put the project out to bid later this year. A loan was approved for the new Evidence/Morgue building project, which will relocate and replace the current building and ultimately facilitate the Jail expansion.
- iii. COVID-19 has been a challenge, but there are currently zero cases within the Jail thanks to the mitigation, isolation, and containment efforts by Jail and medical staff. Kory Honea noted the Jail built capacity within the facility to deal with COVID-19 by leaving a sufficient number of beds available to accommodate isolation/quarantine of positive inmates or inmates who had contact with positive individuals. It is hoped numbers will remain low, but the population of inmates in the Jail has grown substantially.
- iv. Although CDCR has resumed a very limited number of intakes (approximately 150 per week), Kory Honea noted there is a growing backlog of approximately 7,700 inmates across the state currently housed in county jails. The Jail currently houses 98 sentenced state prisoners. The overall increase in population reduces the Jail's ability to mitigate COVID-19 and reduces the beds available for local offenders. CDCR is supposed to reimburse local jails for housing these inmates; however, it will be at a rate of \$93.54 per inmate per day, as opposed to CDCR's usual housing cost of \$222.00 per inmate per day. As such, CDCR is benefitting from substantial cost savings by keeping inmates in local jails. CDCR has not reimbursed any funds to the Jail, and currently owes approximately \$600,000 to the County. Kory Honea will continue to pursue avenues with the State, given the impacts to local COVID-19 mitigation and public safety.
- v. Wayne Barley asked if any of the delays with transporting inmates to CDCR could result in paper commitments, in which inmates would be released to PRCS directly from the Jail without ever having gone to CDCR. Kory Honea indicated there could be a significant number of such inmates, and he is currently seeking guidance from the State. Had those inmates been transported to state prison, they would have been eligible to time credits and programming opportunities at CDCR that are not offered in local custody.
- vi. Mike Ramsey asked for clarification of the availability of classes at the Day Reporting Center. Kory Honea confirmed classes have resumed with COVID-19 mitigation protocols in place. The current number of class attendees at the Day Reporting Center was unavailable, but there are 38 total participants in the program.
- vii. Shelby Boston asked if DESS eligibility staff should return to the Day Reporting Center. Robert Hadley indicated they do not need to return at this time. They are waiting to see how classes go before expanding services.

## 2. **BUTTE COUNTY PROBATION DEPARTMENT**

- i. Chief Wayne Barley noted there was a significant influx of prisoners released onto PRCS between March and September, as CDCR dealt with COVID-19 at the state level.
- ii. Assistant Chief Probation Officer Dwayne Martin reported on the department's PRCS and Mandatory Supervision statistics. A handout was provided to the members via email prior to the meeting. He noted new PRCS cases were significantly higher in recent months than what was typically experienced during the previous fiscal year. Don Taylor assisted with

housing and public health issues for COVID-19 positive inmates released onto PRCS; however, there have been no recent COVID-19 positive releases to Butte County. PRCS currently has a 30% warrant rate and a 14% homelessness rate. There have been fewer new Mandatory Supervision cases than normal so far this fiscal year, likely due to delays at the Court. Mandatory Supervision currently has a 32% warrant rate and a 16% homelessness rate.

- iii. Mike Ramsey noted CDCR originally projected 8,000 inmates would be released early, but the actual number was closer to 20,000. Dwayne Martin indicated PRCS releases have normalized since September, but he is uncertain of the number of releases. Wayne Barley noted he had not heard an updated number. Kory Honea reiterated his focus has been on sentenced state prisoners housed at local jails. Mike Ramsey explained his office is notifying victims of the early releases.
- iv. Wayne Barley indicated CDCR is due to provide \$107,000 to Butte County to compensate for early releases. Due to COVID-19, the department was able to focus more on the early releases. The department has now resumed more normalized field operations rather than limiting activity to wellness checks, and there will be a focus on monitoring sex offenders around Halloween.

### 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. He noted the statistical information reported out by the department has a new, more detailed structure. He pointed out that a large percentage of discharges from the AB109 program "go AWOL" or cannot be contacted.
- ii. Mike Ramsey asked for a definition of a client being open to services. Scott Kennelly explained those clients have been formally referred, assessed, a case has been opened, and they are receiving services.
- iii. Ron Reed indicated there was a discussion amongst the public defenders regarding the failure to report to Behavioral Health. During that discussion, Steven Trenholme suggested Judges continue cases for two weeks, order offenders to report to Behavioral Health, and follow up at the next hearing with consequences as needed. Scott Kennelly acknowledged the AWOL rates are very high. Mike Ramsey asked if those numbers reflect individuals who never reported or who reported once and then vanished. Scott Kennelly indicated he does not have that specific data, but he suspects it is both. He will look into gathering 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 Day Reporting Center remained closed to general client base.
- ii. There has been a slight upward trend in Medi-Cal, Cal Fresh, and General Assistance benefit applications and grants.
- iii. DESS continues to operate the Project Room Key program. She does not have specific information regarding AB109 client involvement in that program.

5. **BUTTE COUNTY OFFICE OF EDUCATION**

- i. Debbie Morris reported on the statistics for the Butte Community Based Coalition (BCBC). There was an influx in cases and an increased need for housing services over the last few months due to the early releases from CDCR. No additional funding was provided by CDCR for housing, but the program was able to accommodate the need within the existing budget.
- ii. BCBC continues to provide services primarily over the telephone. The program intends to launch Zoom-based classes, but staff members are still working from home and many of them have poor internet. It is hoped staff can return to the office. They are finding intensive services based on individual client needs are working well.

6. **BUTTE COUNTY ADMINISTRATION**

- i. Chief Administrative Officer Andy Pickett introduced his delegate to the Community Corrections Partnership, Deputy Chief Administrative Officer Casey Hatcher.

7. **SB823 DISCUSSION**

- i. Wayne Barley discussed SB823, the plan for the Department of Juvenile Justice (DJJ) to cease intakes as of July 1, 2021. The legislation shifts control of housing youth to the local level, regardless of the length of their terms or the programming they need. He noted Butte County typically has seven to ten youth housed at DJJ. There would be a need for specialized services for populations such as sex offenders and females. Butte County could develop a local program for these youth, or contract with another jurisdiction to provide services.
- ii. The State has directed that the Juvenile Justice Coordinating Council (JJCC) have a subcommittee in each county to conduct program development. The subcommittee would include the District Attorney, Public Defender, Social Services, Behavioral Health, Office of Education or a school district, the Court, and at least three additional community members who have experience providing community-based youth services, advocacy, etc. The next JJCC meeting will occur in the coming month.
- iii. One thing not taken into account in SB823 is that many counties have used DJJ in lieu of certifying youth to the adult Court/prison system. Butte County is a significant user of DJJ amongst the north state counties.
- iv. In addition, Butte County currently pays approximately \$24,000 per year to house youth at DJJ. Based on the language of the legislation, that cost would increase to \$125,000 per year. Wayne Barley was assured this increased cost would not be assigned to the Butte County youth housed at DJJ leading up to July 2021; however, the language is identical to what was used when a previous cost increase was implemented and imposed. The potential cost increase would greatly influence whether Butte County opts to keep existing youth housed at DJJ or to create a local program for them.
- v. Many of the rural jurisdictions do not currently have juvenile institutions, and they would occasionally need a long-term bed under the new legislation. Butte County currently contracts with several rural counties to house youth at our Juvenile Hall. The State has placed greater focus upon the larger counties.
- vi. Despite being a high user of DJJ, Butte County would not receive commensurate funding to deal with this transition. The minimum a county can receive in the first year to deal with

this population is \$250,000, and Butte County would be allocated \$300,000. The year two allocation would be \$900,000, and the year three allocation would be \$1.4 million.

- vii. Additional discussion regarding this topic will take place in the future. Wayne Barley noted the Transitional Age Youth program is not currently funded, and that program could potentially face elimination as more planning takes place with respect to developing programming for DJJ youth.
- viii. Mike Ramsey noted charging decisions for a number of very serious juvenile offenders are based upon the level of services and safety that are available to those youth. By removing DJJ as an option for the most dangerous youth offenders (those with the greatest public safety risk and greatest need for custody, education, and rehabilitation), his office would be more likely to certify youth to the adult Court.
- ix. Ron Reed indicated that while he was probably in the group that wanted DJJ transformed, he agrees the consequences of this legislation were flawed. There needs to be an alternative that is as good as, or better than, DJJ, or the alternative would be state prison. While no one wants to see youth go to state prison, those youth cannot be turned loose to the public, either. He hopes the result is a strong program that has serious consequences for violations and a good record for rehabilitation, but it will be a challenge.
- x. Kory Honea predicted what is happening in the juvenile justice system may be a road map for the State's intent for the adult state prison system. He anticipates a greater shift of state responsibility to the local level. The cessation of intakes at the state prison system due to COVID-19 could be the model for that shift. If the only alternative is state prison, and that alternative is no longer available, but the counties are not properly funded through juvenile or adult services, we would be in a very difficult position.
- xi. Wayne Barley noted Butte County is a strong advocate for juvenile rehabilitation, as evidenced by our work, so few youth in placement, a decrease in juvenile numbers, and positive programming in the Juvenile Hall. He believes the County will come up with a good solution for this population, but he shares concerns regarding lack of funding, the aggressive timeline, and poorly written legislation. He is not optimistic regarding clean-up legislation due to the manner in which this legislation was passed. He noted the County will work diligently to build a program to work with the most vulnerable and dangerous youth in our communities.
- xii. Ron Reed indicated DJJ programming has improved in the last three years, and has been very well attuned to getting people on the right track. He hopes that knowledge and wisdom can be transmitted to the counties. If the County can come up with a good program, it would be a benefit rather than a disaster. Wayne Barley indicated he joined the Juvenile Services Committee and he is the chair of a subcommittee for local planning and templates. He will gather information from his colleagues around the state and bring that back for local planning.
- xiii. Mike Ramsey asked if DJJ ceases to exist as of July 1, 2021. Wayne Barley explained that, as of that date, the cost for counties to house youth at DJJ could increase from \$24,000 to \$125,000. At \$24,000, local youth could remain at DJJ and population would be reduced through attrition. At \$125,000, those youth would need to transition to local programming due to the budgetary impact. He reiterated there were issues with the wording of the legislation that raised concerns about which youth would be impacted by the cost increase. He is following up regarding that wording. Mike Ramsey noted the County put together great programming under AB109, and he expects the same will occur under this legislation. Wayne Barley agreed and indicated he is cautiously optimistic.

- b. Sub-groups/committees requested to provide brief updates
  - 1. Mike Ramsey requested an update regarding the subcommittee addressing homelessness and custody alternatives for PRCS and Parole violations.
    - i. Ron Reed noted there has been a little progress with alternatives to custody. Progress is moving slowly, but forward. Dwayne Martin concurred, noting the early PRCS releases stalled the rolling out of the pilot program. The group can discuss implementing that pilot program again now that things are slowing down. Mike Ramsey asked about efforts to stop leakage from the Jail and to provide a warm hand-off to Probation to decrease failures to report. Dwayne Martin confirmed those were aspects of the pilot program.
- c. Announcements of any Legislative and/or funding updates/budget/training opportunities
  - 1. Mike Ramsey noted that there was new legislation allowing for discretionary, pre-trial (no conviction) diversion for all misdemeanor offenses, with the exception of some 290 PC registrable offenses and domestic violence. He discussed the possibility of having Probation and Behavioral Health run a diversion program with enforcement rather than releasing someone with minimal conditions.
    - i. CAO Andy Pickett asked if this is a deferred entry of judgment (DEJ) structure. Mike Ramsey indicated he would prefer to implement a DEJ program so there are consequences, particularly due to the high rate of failures to appear. DEJ is much better, as a guilty plea is entered until the program is successfully completed. If there are violations, the conviction is imposed and the DA does not need to have victims or witnesses appear in Court.
    - ii. Ron Reed indicated not many people are likely to be granted diversion because it is based on judicial discretion and will likely be used conservatively. Mike Ramsey noted there is some misunderstanding because probation is a form of diversion, they are very similar, and an individual can petition for expungement upon completion of a grant of probation.
  - 2. Mike Ramsey further noted there was additional legislation shortening misdemeanor probation to one year rather than three years and felony probation to two years rather than five or more years.

### **III. PUBLIC COMMENT**

- a. Wayne Barley announced the promotion of Amy Asher to Program Manager at the Probation Department.

### **IV. ADJOURNMENT OF THE CCP MEETING – 9:59 a.m.**

### **V. CALL TO ORDER OF THE TRANSITIONAL AGE YOUTH (TAY) STEERING COMMITTEE – 9:59 a.m.**

- a. Supervising Probation Officer Rebecca Henderson provided a brief summary of current statistics for the TAY program.
- b. Dwayne Martin explained the Board of State and Community Corrections subcontracted with the National Council on Crime and Delinquency to evaluate the effectiveness of the TAY program. An interview regarding the process of TAY is starting at the Juvenile Hall, and the department will forward data. The report will be finalized by the end of the calendar year.

1. Mike Ramsey asked about the purpose of the report. Dwayne Martin explained there was legislation guiding the evaluation process to determine if the TAY model improved outcomes of individuals going through the system. Individuals who were evaluated and accepted into TAY would be compared to individuals who were evaluated and eligible, but who opted out of TAY, to see how they ultimately fared over a period of time. Mike Ramsey asked about the length of the evaluation period after program completion. Dwayne Martin indicated he believed it was at least a year. Butte County's TAY program is one of the larger programs in the state and has been active since approximately 2017. The group being evaluated would be small.
2. Assistant Chief Probation Officer Melissa Romero indicated California State University, Chico, was not awarded the contract to evaluate the program, but a group of researchers will still conduct another separate, independent, and more thorough evaluation of TAY.
3. Wayne Barley noted that while the efficacy of the TAY program is being evaluated, it may be affected by the DJJ transition. He hopes to receive good information to drive those decisions or to allow the department to seek alternative funding, if necessary.

**VI. ADJOURNMENT OF THE TAY STEERING COMMITTEE – 10:05 a.m.**

Minutes submitted by S. Miller of Butte County Probation