

KINGS COUNTY COMMUNITY CORRECTIONS PARTNERSHIP COMMITTEE MEETING

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MINUTES March 25, 2019

<u>Committee Members:</u> Todd Barlow , Kings County Superintendent of Schools Kelly Zuniga , Kings County Chief Probation Officer Darrell Smith , City of Lemoore Chief of Police Parker Sever , City of Hanford Chief of Police Lisa Lewis , Behavioral Health Director Marianne Gilbert , Contract Administrator/Attorney for Indigent Defense (as Public Defenders) Michelle Martinez , Executive Officer, Kings County Superior Court Lance Lippincott , Director of Kings County Job Training Office Sanja Bugay , Director of Kings County Human Services Agency Doug Verboon , Board of Supervisors Dave Robinson , Kings County Sheriff Rebecca Campbell , Kings County Administrative Officer Jeff Garner , Kings County Community Action Organization Keith Fagundes , Kings County District Attorney Julia Patino , Kings County Victim Witness Coordinator	<u>Executive Committee:</u> Chairman: Kelly Zuniga , Kings County Chief Probation Officer Members: Dave Robinson , Kings County Sheriff Darrell Smith , City of Lemoore Chief of Police Keith Fagundes , Kings County District Attorney Marianne Gilbert , Contract Administrator/Attorney for Indigent Defense (as Public Defenders) Michelle Martinez , Executive Officer, Kings County Superior Court Lisa Lewis , Behavioral Health Director
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Please turn off cell phones and pagers, as a courtesy to those in attendance

I. CALL TO ORDER

Roll Call

Present:

- Kelly Zuniga, Kings County Chief Probation Officer**
- Dave Robinson, Kings County Sheriff**
- Darrell Smith, City of Lemoore Chief of Police**
- Keith Fagundes, Kings County District Attorney**
- Michelle Martinez, Executive Officer, Kings County Superior Court**
- Lance Lippincott, Director of Kings County Job Training Office**
- Doug Verboon, Board of Supervisors**
- Julia Patino, Kings Co. Victim Witness Coordinator (as Public Defenders)**
- Domingo Cruz, Kings County Administrative Analyst**
- Carrie Woolley, Kings County Deputy County Counsel**
- Sanja Bugay, Director of Kings Co. Human Services Agency (missed roll call)**

Not Present: **Todd Barlow, Kings County Superintendent of Schools**
Lisa Lewis, Director of Behavioral Health
Marianne Gilbert, Contract Administrator/Attorney for Indigent Defense
Jeff Garner, Kings County Community Action Organization
Parker Sever, City of Hanford Chief of Police
Rebecca Campbell, Kings County Administrative Officer

II. UNSCHEDULED APPEARANCES

Any person may directly address the Committee at this time on any item on the agenda, or on any other items of interest to the public, that is within the subject matter jurisdiction of the Committee. Five (5) minutes are allowed for each item.

NONE

III. CONSENT CALENDAR

All items listed under the consent calendar are considered to be routine and will be enacted by one motion. For any discussion of an item on the consent calendar, it will be removed at the request of any Committee member and made a part of the regular agenda.

NONE

IV. REGULAR AGENDA ITEMS

A. Rueben Shortnacy – Behalf of Municipal Police Agencies & Dave Robinson

Funding request from the Community Corrections Partnership Board Budget

Recapped proposal for each municipal agency (APD, CPD, HPD and LPD) to commit an investigator with the primary responsibilities going to PRCS. He wanted to point out the Sheriff reached out to him after the last meeting and asked that \$75,000 (\$25,000 over a 3 year period) be included in the proposal to commit a Deputy Reserve. If this presents a problem with his item, he feels Sheriff is prepared to remove his request (gave the floor to Sheriff to comment). Sheriff commented Darrell's presentation makes sense and feels a Reserve Deputy would benefit the unincorporated PRC population to accomplish the same thing that the cities are trying to do. He will be glad to pull his request if the panel has any issues. Chief Shortnacy recapped that a commitment of an investigator from each municipal agency for a 3 year period would be at \$1.5 million dollars as presented. Chief Smith asked if the Sheriff's request changed the plan at all? Chief Shortnacy responded, it did not, he felt it adds to it, the more the stake holders are involved, the better. Chief Zuniga asked if the \$1.5 million includes the Sheriff's portion? Chief Shortnacy replied it would be just over that amount if you add \$75,000 to it. Keith Fagundes indicated he had reached out looking for avenues for the DA's participation and thinks it's a good idea to make steps in that direction. He asked if the committee has any objection with more agencies participating. He indicated the DA's office would be interested in having some type of participation in this as well. Chief Shortnacy again said the more the stake holders the better, but it's not up to him, but feels more can be accomplished if more of the players are involved. Keith Fagundes asked if there has been any concerted effort to lay out any type of plan or will there be an MOU? Chief Shortnacy responded that they would have to put together an MOU of some sort. Keith Fagundes mentioned the evidence based practices and asked if other cities are using CCP money for a similar project. Chief Shortnacy replied yes, out of the 58 counties 20 municipalities participate in some respect

with the CCP, and of those, 50% of them are a similar set up and have shown success and can be looked to for anything that has worked well and incorporate that into this plan. Keith Fagundes asked how he envisioned the MOU working as far as a department based investigator. Chief Shortnacy replied the MOU will cover the general idea, the model and the money, because there's an exchange of money, but the actual plan should include constant communication with Probation, Sheriff, DA, all the stakeholders and would work like a task force, housed in their own agencies, but could deploy to any community, have all those resources in one spot. Chief Zuniga added that Probation is now in a position to implant officers back into the municipal PD's like they had several years ago, they had to be pulled back due to shortages throughout the department. They will be housed in each agency and will do their supervisor work out of that community agency and work with this investigator hand in hand. Keith Fagundes asked if it was feasible to get the MOU intact and get a pilot program working for a month or two or get some parameters before looking at changing our base funding or digging into the reserves? Chief Shortnacy indicated he would be reluctant to reorganize his operation and move people around and commit them to something just for a few months, it needs to be a little more permanent. This will not be the traditional investigator, the role is going to change a lot and that's going to take some training and time. Keith Fagundes expressed his concerns with being a million over budget and by current spending will be broke in a couple of years, however, agrees with the project, but a million and a half in over 3 years and after this year, $\frac{3}{4}$'s of the entire reserve will be gone if this money is set aside for this project. He's not saying that the city should not get CCP money, just how can that money be restructured to get there. Chief Shortnacy responded his understanding of how the revenue stream works is that the better you perform the greater possibility of getting more revenue. Chief Zuniga told him he is correct, and that's the discussion they've been having as they move forward. The budget needs to be looked at and not be over allocated every year and look at the percentages and how the money can be better spent to improve the outcomes moving forward. This is something that this executive committee will take on and in conjunction with Administration working with the budget to get it back under control. Michelle Martinez asked about sharing the cost. Chief Smith responded that their proposal, including himself, because he has worked on this program, are sharing the costs. So the proposal that the city has presented is for salary and benefits, it doesn't include equipment, training or overtime. So there is a significant proposal in place that includes a sharing cost formula. Ms. Martinez suggested that the dollars be added so the public can see that everyone has a vested interest in it. Sheriff Robinson added the discussion at the last CCP meeting was, although this is a 3 year proposal it would be evaluated each and every year, so the initial expenditure is a half a million dollars out of a four million dollar fund balance and is not an overnight spending of 1.5 million dollars. It has potential to spend that as a project, but it's based on a year over year starting out at about half a million dollars of a four million dollar fund balance going forward. Stated he really likes this idea of focusing on the PRCS population because as Chief Zuniga has explained before that's the population that goes towards the growth formula when you can show successes.

Chief Smith made a motion to approve the proposal as written.

Keith Fagundes asked if the proposal as written was a 3 year package. Chief Smith replied 1 year of funding and it was his understanding that funding would be evaluated for year 2 and 3 in the next budget cycle, each year would be evaluated. Chief Zuniga added this reincorporates those intermediate sanctions that were lost. This is additional supervision and intervention to these people on the street without clogging up the jail and that's going to help them in their performance as well. and not recommitting them to jail and providing them the services they need to be successful moving forward. Chief Smith added that

Behavioral Health is also onboard to commit personnel and they haven't asked for any funding. Chief Zuniga added that it's especially important and very hard to find somebody willing to work with a forensic component of the mental health world, so with Dr. Lewis' commitment to us, it's a big deal with this population.

Carrie Woolley wanted to clarify Chief Smith's motion: is it to approve for 3 years, or is the motion to approve a 1 year and to revisit it each year. Chief Smith replied, his understanding was that the proposal would be for a 3 year commitment and funding would be for 1 year, and then evaluated each year after. So does he need to amend his motion or would that be sufficient in the way he just said it. Carrie Woolley said that is sufficient, 3 years with funding assured for 1 year? Chief Smith replied yes.

Chief Zuniga asked for a second to Chief's Smith's motion?:

Keith Fagundes asked when it comes to the funding, is it necessary that it be designated out of the reserve or can it be designated out of the budget? Chief Zuniga replied it can't be designated out of the budget at this point, as it's already set and went on to explain it was agreed not to make any changes to the 2019-20 Fiscal budget to give Administration and the County lead up time to any changes they may occur moving forward. Chief Smith added it is his understanding the funding would come from the reserves and then the redistribution discussion is going to take place in the 2020-21 budget. Because County Administration needs time to determine if there's going to be a significant impact to the General Fund and those positions, and hopefully can make an impact and actually improve the performance areas to bring in more funding for this particular program. Chief Zuniga replied that is also her understanding, and thinks that positive inroads can be made very quickly and have something positive to report. Stated they have already been doing more outreach and programming than before with this budget since 2011. Keith Fagundes said he will second Chief Smith's motion as long as the understanding is it's out of a reserve budget for this year and it's not moving forward, for 2019-20 budget would be specified a reserve, but moving forward it is subject to the entire budget process because the way it's written it seems as though this MOU would have the ability to come back every year and look at reserve and say we are entitled to that money from the reserve. Chief Zuniga said I don't think that's the intention of it, and particularly with Chief Smith's clarification of his motion, Michelle Martinez asked if something can be added to the language of the proposal to be more specific about the review of the results to help make a decision regarding the funding for the next year. Chief Zuniga indicated that was the wording of the motion and believes that is something that can be incorporated in the MOU with each municipality for clarification and full understanding of everybody.

Michelle Martinez seconded Chief Smith's motion.

Chief recognized Mr. Bradley. Mr. Bradley wanted to make sure he understood the process, doing a 2019-20 appropriation from the reserve? Chief Zuniga replied yes. Mr. Bradley went on to clarify that going forward other sources would be looked at for funding for the program and right now looking at \$673,000 including the DA's request? Chief Zuniga advised him that the DA is not part of this motion. Keith Fagundes asked Carrie Woolley if there was any issue, since the presentation was made and specified for cities, if there are any issues with his agenda item on later with public notice because there was no study session. Carrie Woolley advised him there is no issue the requirements were met for the Brown Act of 72 hours.

Chief Zuniga restated the motion for clarification. The motion is to approve the presentation for a year commitment with 1 year of funding and evaluate the program moving forward annually. The initial 1 year funding will come out of the reserve and will be re-evaluated moving forward. Motion unanimously passed.

B. Lance Lippincott – JTO

Project Re-Entry Preparation

Requesting approximately \$105,000 for the first year including an additional \$5,000 for a technology set up for an Employment and Training Technician III, to run a hybridized Tulare/Madera model which is performance based. It will be tracked quarterly based on utilization of the funds, how it impacts recidivism and analyzed if it is not having enough impact on recidivism. Madera has been running just over 3 years, the second year is where they saw the biggest impact of recidivism. Tulare has been running 7 years, they show a pretty consistent impact on recidivism. He referred to the Leveraged from JTO portion in his agenda attachment and indicated they received notice that Kings County co-authored a grant application with seven other central valley counties where \$3.1 million was awarded, Kings County's portion will be about \$200,000, and is flagged for justice involved, but additional staff can not be hired. This money is flagged for subsidized training to get people jobs. Chief Smith congratulated him on that news and asked if the \$200,000 can be incorporated in his proposal. Mr. Lippincott said absolutely, it would be specifically utilized for prison to employment justice involved. The big thing right now is offering subsidies on employment to local business, if they hire someone JTO will pay 50% of their wages for six months. This can be done with this new grant funding, it can also be done in a more limited sense through their workforce investment allocation. Keith Fagundes asked if the total funding of \$110,000 was for one year. Mr. Lippincott said yes, with the option to renew for two additional years, depending on performance. **Sheriff Robinson motioned to approve, but asked Mr. Lippincott if he was okay with the motion being that it is based on performance as well? Mr. Lippincott replied yes. Keith Fagundes seconded the motion. Motion unanimously passed.**

C. Robert Waggle – District Attorney's Office

Funding request from the Community Corrections Partnership Board Budget

His request follows in suit to Chief Shortnacy's item presentation. His office plays a huge role in the law enforcement community and is asking for some funding from CCP to help fund an investigator to participate in this project. The law enforcement community as a whole works closely with one another. Investigators are on the Hanford Police Department's POP Team, working together to do what can be done as an investigation bureau to help the law enforcement community. Keeping in line with the goal of trying to reduce crime or recidivism, the DA Investigators will be directly impacted when the investigation request comes to them and they have to go investigate the cases after the fact. It would be great to work closely with all local law enforcement agencies trying to stop crime before it has a chance to be committed by potential offenders. The cost to employ an investigator is \$127,000, following suit with Agenda Item A, he did a 3 year calculation of \$380,000 for a full-time investigator to be designated to the team. Keith Fagundes asked if was necessary to be a full-time investigator or can it be a half-time investigator? Mr. Waggle said it is not needed to be 1 FTE, it can be dropped down to a half-time. He is requesting a full-time because he knows they can contribute to the team. Chief Zuniga asked Mr. Waggle how he see's his investigator working with these teams without being frontline law enforcement and not having that partnership with Probation being housed within. He replied they work extremely closely with the law enforcement agencies and are frontline law enforcement even though they may not be dispatched to calls they listen to the radio and make traffic stops and are obligated to enforce laws or to engage whenever the situation arises. Chief Zuniga asked how often their investigators make initial contact with a new offense on a PRCS individual or how much interaction have they had with PRCS clients when they reoffend, where the other groups and task forces are looking at

intervening and doing something other than incarceration? Mr. Waggle indicated he did not have the information or stats at this time. Sheriff Robinson asked how he envisioned his investigator's role. Mr. Waggle replied it is his expectation and would also fall in line with PRCS, they are there as a support role and to accomplish a common goal, not to take over. If the goal is to stop crime before it actually happens then they're going to do that, to keep crime out of the community. Sheriff Robinson asked if their investigator would be working on the same PRCS list as other agencies within the County as a support role or as a primary role and taking on your own list. Mr. Waggle replied as a support role only. Chief Smith asked if the floor could be opened up to the public to ask his colleagues some questions and asked Chief Sever to step up to the podium. Chief Smith asked if he knew his PRCS numbers. Chief Sever replied not recent numbers but knows he has over a half. Chief Zuniga stated he had 161. Chief Smith said he believed the last count was at 287 and the reason he is bringing it up is Chief Sever has the most PRCS offenders in the county and wanted to know if a support role from the DA's office would be helpful to his agency if the DA office's participation was narrowed to a part-time basis like the Sheriff's Office. Chief Sever replied it would because they have a lot more ground to cover than the other agencies, so they could really use that extra support in Hanford. Chief Zuniga commented there are 308 active PRCS right now and has 3 officers from Probation alone assigned to Hanford because of the population differences. Chief Smith did ask if there would be a conflict with prosecution versus enforcement. Keith Fagundes replied no, that it falls within the AB109 model and they can be reactionary and there is no legal conflict of interest that would prevent them from further prosecuting later, but it would give them more insight in advance as to what they are dealing with in a particular PRCS person. Chief Smith asked Mr. Waggle if he would like to amend his proposal to consider half-time to support Hanford and their PRCS population? Mr. Waggle said he would amend his proposal and feels it would be reasonable to not go less than a .5 FTE when it comes to an investigator. Chief Zuniga commented that Probation is the lead on the supervision side for the PRCS and they don't have an embedded officer in the DA's office, how the communication between the DA's office and Probation would work to ensure they both aren't seeing the same person or someone is not being seen. Mr. Waggle replied it boils down to communication and coming to an understanding on how things need to operate. As the Chief of Investigations it would be his responsibility to make sure that the communication is ongoing, and goes both ways. Chief Smith suggested if they're going to support Hanford PD and Hanford is the reporting communicator between Probation and Hanford PD, that should be the main contact.

Carrie Woolley stated for the record she needed to have an explanation of what this DA Investigator would be doing, it sounds like he would be working in conjunction with Hanford PD's investigator and monitoring the PRCS population, is that what the proposal or is there something else? Mr. Waggle replied it was his understanding that it was specific to Hanford. Keith Fagundes stated it was his understanding that it would be countywide available for all agencies. Mr. Waggle stated ideally they would be available as a supporting role to all agencies throughout the county, but it is at the Board's discretion. Keith Fagundes wanted to say for the record if this Board decides that they want them to follow and support just Hanford, that's the direction that can also be taken. Chief Smith said it was his understanding that Hanford has the most need for a second person and it would give the Board an opportunity for the DA's office to support Hanford, and wanted to know if they would be willing to support Hanford, to keep track of what is being done and the impact it is having. Carrie Woolley wanted to clarify that the Scope of Work would be a .5 FTE DA Investigator working in conjunction with the Hanford Police Department Investigator assigned to the PRCS population.

Chief Zuniga asked for a motion much like the motion from the municipalities a half-time DA Investigator that would primarily in conjunction with Hanford PD and their investigator they are putting in place for the PRCS population and the Probation Officers assigned to Hanford PD to support the mission going forward of interfacing with the PRCS people early on and redirecting them before they end up in jail or back in Court. Dom Cruz from Administration commented that for the last six years the reserves have been averaging about \$3.5 million and with all the requests that are being proposed comes to approximately \$637,000 per year for FY 2019/20. Council was asked for clarification to recap how the process is envisioned to work and how the item would be approved. Carrie Wooley explained the CCP Executive Committee acts as an advisory Board to the Board of Supervisors, their vote would be an advisement to the Board to fund something, in this situation it would be this program to make funds available for a specific purpose. What is needed in order to get that in place would be a Scope of Work from each of the municipalities in addition to the Sheriff's Office and the District Attorney's Office and then an agreement where it would set forth how much funding was going where, that would then go to the Board of Supervisors for review and approval. Sheriff Robinson wanted to add that it is not his intention to increase the county's budget and if at the end of the day the MOU works out where there has to be a share of costs out of his budget, he would pull his request because he doesn't want his portion to be a deal breaker when it does go to the Board of Supervisors. Carrie Woolley told Sheriff Robinson that can be arranged within the MOU.

Sheriff Robinson motioned to approve a .5 FTE District Attorney Investigator, Chief Smith seconded. Motion unanimously passed.

STUDY SESSIONS

A. Keith Fagundes – District Attorney (presented by Phil Esbenshade)

Pre-trial Diversion Program

They are interested in launching a Pre-trial Diversion Program for those who are arrested for controlled substances, predominantly those arrested for Meth or under the influence. It is envisioned as an interdepartmental effort, where all the police agencies would work together in having the person that is contacted appear before the Court and would also dovetail with the PRCS population. In addition to all the different departments, they would have Mental Health, Probation and other necessary entities involved to help this person avoid the path of the endless cycle of going into Court and getting arrested for a misdemeanor, this process is not solving the problem. There are an inordinate number of cases of people arrested for controlled substances and under the influence of controlled substance. This would be a way to try and divert that and possibly find a much greater success than they are finding now. He explained they spent approximately \$300,000 having these controlled substances tested by the Department of Justice (Mineral King Laboratory). This would not eliminate this, but it could eliminate a significant portion if they can make some headway with this program. It's a starting point, they would need to get everybody together to discuss the possibility, if there is an interested in doing this. Chief Smith asked if he could go into a little more detail of the program. Are there incentives for someone to go into this program, would it be mandated by the Court or voluntary? Mr. Esbenshade replied this does not involve the Court, the incentive is that

they wouldn't be charged or convicted of a misdemeanor, they're avoiding the Court process. Chief Smith stated he is aware of the incentive, but questions why anyone would want to take a Diversion Program, when they can plead guilty and get no jail time and then get back on the street and commit crime. He wants to know how the attendance will be increased in this program. Mr. Esbenshade responded to Chief Smith what he is probably thinking of someone who has gone through the Court process and is convicted because there is no type of pre-trial diversion at the moment, so even if someone is getting released from the jail because of overcrowding, they are still being convicted of that misdemeanor. In this program they would not be convicted of anything if they complete the program. But to his point, there is going to be a certain percentage of people that are not interested. This is open for discussion, there has been no discussion on how long the program will be and haven't sat down with the departments to ascertain what kind of program they want to have in order to drive the success, because the way it is now it is not working. Keith Fagundes added he thinks some of the thought process is there are still some people, who are happy not to have to go back to Court and are happy to try something new. The money spent on testing for these types of cases can be better spent putting it towards a better purpose. Stated at this point, nobody is looking for funding per se, it's about using the existing resources, and agreed with Chief Smith that Behavioral Health is the pinnacle of how this can be successful, they understand mental health better and the occurring problem with mental illness and drug abuse/use and with the right coordination the right people can be involved with the right people who can divert the offenders to programs. Chief Zuniga stated she liked the idea of a diversion program, but wanted to clarify that it would not be solely for PRCS it would be for other first time arrestees as well, Mr. Esbenshade told her was correct. Keith Fagundes replied it should impact some of the PRCS population but also target the ones that need more supervision and guidance. Board of Supervisor Doug Verboon spoke as a citizen and expressed his support for this program, stating a few years ago he had a family member that needed a program like this, but the only option for him at that time was to have her arrested and put in jail. Since there was no help available he ended up sending her out of county to receive the help she needed. Behavioral Health has since opened up the avenue that would have benefitted his family member. Kyria Martinez from Administration added she attended a realignment training and heard about a program out of Orange County called "Whatever it Takes" that works for this type of population and is very successful.

Chief Zuniga reminded the committee if they have an agenda item for the June 24, 2019 meeting to have their item to Ms. Jacinto by end of day on June 18, 2019.

B. CLOSED SESSION

NONE

C. ADJOURNMENT

Meeting adjourned at 3:11 p.m. Next Meeting June 24, 2019 at 10:00 a.m.