

Responses to the 2012-2013 Grand Jury Report

Every year, when the annual Santa Cruz County Grand Jury Report is published, designated agencies are requested to respond to the findings and recommendations of the report. These responses may agree, partially disagree, or disagree with the findings, and may indicate that recommendations have already been implemented, will be in the future, or will not be implemented, or that further analysis is required.

Comments may also be added to the responses. When a response agrees with a recommendation, further comments are optional. In case of complete or partial disagreement, or in response to recommendations for action, comments should be provided as part of the response.

For each report, the collected responses are published in a separate file on the [grand jury's section of the county's public website](#). Note: The responses are provided as received, and have not been edited, except for minimal formatting to make them appear correctly on this web page.

Report: [AB 109: A Year in Review](#)

This report requested responses from the following:

1. Chief Deputy, Main Jail, Santa Cruz County: Findings 1-4; Recommendations 1-4
2. Probation Chief, Santa Cruz County Probation Department: Findings 5-6; Recommendations 5-6
3. Santa Cruz County Sheriff-Coroner: Findings 6; Recommendations 6

- **Finding 1: The Custody Alternatives Program (CAP) is vital to decreasing jail overcrowding.**
 - Response from Chief Deputy Jeremy Verinsky, Main Jail, Santa Cruz County:
AGREE

The Sheriff's Office Custody Alternatives Program was created as a direct response to the implementation of AB 109. The CAP team works five days a week in analyzing the jail inmates for consideration of alternative forms of custody, allowing people who are of low risk to the community to serve their jail sentence while home, maintaining vital connections with their family and social support structure. This allows inmates to maintain their employment, attend drug counseling, and other self-improvement classes; all while being supervised by Sheriff's Corrections Officers.

- **Finding 2: There are presently insufficient written criteria for the selection of inmates for CAP. However, during the course of our investigation, jail personnel indicated to us they are developing additional policies and procedures.**

- Response from Chief Deputy Jeremy Verinsky, Main Jail, Santa Cruz County:
DISAGREE

The Sheriff's Office CAP Program has a clear written policy that was developed at the inception of the program. The policy outlines: General information, CAP Definition, Eligibility Criteria, Risk Level, Control and Supervision, and Officer Safety and Conduct considerations. The CAP program under the direct supervision of a correctional Sergeant conducts a thorough background on every eligible inmate. This background selection process is consistent and outlined in the current policy. As all policies require periodic review and refreshing, we are currently in the process of updating the existing policies. This update should be in place by September 2013

- **Finding 3: There are no written guidelines to follow when an individual violates the terms of CAP.**

- Response from Chief Deputy Jeremy Verinsky, Main Jail, Santa Cruz County:
PARTIALLY DISAGREE

The current policy documents what constitutes a violation for participants but does not give only one guideline for imposing sanctions. Sanctions are imposed on a case-by-case basis taking into account such factors as nature and severity of the violation and the participant's history of compliance with the CAP program. Policies are updated regularly and those under development contain a violation response matrix to ensure consistency and continuity in the application of sanctions for violations.

- **Finding 4: There are few statistics on how well CAP is working.**

- Response from Chief Deputy Jeremy Verinsky, Main Jail, Santa Cruz County:
DISAGREE

The Sheriff's Office has been tracking the outcomes of everyone placed on Custody Alternatives Program since the inception of the program. We have had a total of 370 people serve time on Electronic Monitoring Program (EMP). Of that number, 41 (or 11%) have been returned to custody for rules violations or other offenses. Some of the 41 were allowed to go back out on the EMP and successfully completed their sentences. Only 3 people (or less than 1%) have removed their monitor and had warrants issued for their arrest. All three have been apprehended and returned to custody to serve the balance of their sentence. With 43 people (or 12%) currently active, 283 people (or 76%) have completed their sentences.

- **Finding 5: There is a difference of opinion between police officers in the field and the Probation Department regarding the timely processing of PRCS violators.**

- Response from Probation Chief, Santa Cruz County Probation Department:
DISAGREE

This item has already been addressed.

- **Finding 6: As of April 1, 2013, AB 109 appears not to have resulted in critical jail overcrowding in Santa Cruz County. However, as the length of sentences and the number of inmates sentenced to county jail instead of state prison increase, jail populations will likely expand.**

- Response from Probation Chief, Santa Cruz County Probation Department:
PARTIALLY DISAGREE

The Main Jail has been at its rated capacity or slightly over for many years. Due to the implementation of various inmate population strategies, the Corrections Bureau has been able to effectively maintain the average daily population at the Main Jail at a manageable level. The Corrections Bureau will continue to use innovative programs and population controls to maintain the current number of inmates housed at the Main Jail, even though some inmates may be serving lengthy sentences.

- Response from Chief Jim Hart for the Santa Cruz County Sheriff-Coroner:
PARTIALLY DISAGREE

The Main Jail has been at its rated capacity or slightly over for many years. Due to the implementation of various inmate population strategies, the Corrections Bureau has been able to effectively maintain the average daily population at the Main Jail at a manageable level. The Corrections Bureau will continue to use innovative programs and population controls to maintain the current number of inmates housed at the Main Jail, even though some inmates may be serving lengthy sentences and therefore, we do not agree that populations will likely expand.

- **Recommendation 1: The Chief Deputy of Corrections should consider expanding the CAP Program in order to decrease future jail overcrowding.**

- Response from Chief Deputy Jeremy Verinsky, Main Jail, Santa Cruz County:
WILL NOT BE IMPLEMENTED

While the expansion of the CAP program is certainly a goal to reduce the persistent over-crowding in the jail, expansion of the program needs to be done

in a thoughtful manner, balancing the needs of public safety and goals of the criminal justice program. We continue to analyze the needs of the program with an eye towards growth. The primary hold up is funding and hiring staff to maintain appropriate supervision of the offenders on the program. At this time there is no projected budget to increase staffing in the program.

- **Recommendation 2: The Chief Deputy of Corrections should complete and adopt written guidelines for eligibility for CAP.**

- Response from Chief Deputy Jeremy Verinsky, Main Jail, Santa Cruz County:
HAS BEEN IMPLEMENTED

As noted above in our response to Finding F2, the Sheriff's Office has had a written policy describing the criteria for participation in CAP since the inception of the program. We are currently reviewing and updating that policy to reflect our experiences in running the program over the last 20 months.

- **Recommendation 3: The Chief Deputy of Corrections should establish guidelines to follow when an individual violates the terms of CAP.**

- Response from Chief Deputy Jeremy Verinsky, Main Jail, Santa Cruz County:
HAS NOT BEEN IMPLEMENTED BUT WILL BE IMPLEMENTED IN THE FUTURE

The Sheriff's Office is currently revising and updating the policies and procedures for the EMP portion of CAP. Included in this revision is a violation response matrix to ensure consistency in how sanctions are imposed for violations of the terms of the program. The new policies and procedures will be implemented in September 2013.

- **Recommendation 4: The Chief Deputy of Corrections should establish a program to determine how successfully CAP is working.**

- Response from Chief Deputy Jeremy Verinsky, Main Jail, Santa Cruz County:
HAS BEEN IMPLEMENTED

As referenced above in our response to Finding F4, the Sheriff's Office has been monitoring program participants since the start of the EMP. The Sheriff's Office will continue to track the success of offenders in the program to gauge the effectiveness of the program and risk to public safety in releasing people from physical custody.

- **Recommendation 5: The Probation Department should improve communication with law enforcement agencies to facilitate placing a hold on probation violators.**

- Response from Probation Chief, Santa Cruz County Probation Department: **HAS BEEN IMPLEMENTED**

Persons on Post Release Community Supervision (PRCS) are subject to “flash incarceration.” This short-term jail hold may be utilized for up to ten consecutive days as a response to a probation violation. The law requires that only Probation, as the administrator of flash incarceration, can apply a hold. The Probation Department worked with local law enforcement in November 2012 to develop protocols and procedures for persons violating their PRCS supervision. This includes the ability for law enforcement officers to transfer PRCS violators directly to the Probation offices during business hours to address violations immediately. This transport may be utilized when a jail is not an appropriate sanction, but a meeting with Probation to discuss law enforcement concerns may take place. Law enforcement officers have been provided AB 109 probation officer cell phone numbers for 24-hour access.

Detailed information is provided monthly to all law enforcement agencies regarding persons formerly incarcerated in a state prison and now supervised by the Probation Department under PRCS supervision. The Chief Probation Officer meets monthly with local law enforcement chiefs and provides updated information regarding AB 109 implementation. The Probation Department Assistant Chief (or managers) meets monthly with law enforcement commanders regarding operational issues. The Probation Department Adult Division Director meets monthly with the CCP Court Work group to review system-wide issues and provide timely information regarding AB 109 implementation and development.

- **Recommendation 6: The Probation Department should improve communication with law enforcement agencies to facilitate placing a hold on probation violators.**

- Response from Probation Chief, Santa Cruz County Probation Department: **HAS BEEN IMPLEMENTED**

The Probation Department has a long history of embarking on groundbreaking justice initiatives, research endeavors, and partnering with external consultants in order to improve our delivery of justice. Probation has worked with evaluators through the Justice Reinvestment Initiative since October 2011 and George Mason University since March 2013 to evaluate local AB 109 implementation and impact.

To ensure that Probation provides effective supervision to the entire probation population, we have participated with the following outside agencies, consultants

and workgroups: Vera Institute and Carey Group, The Pew Center, and CalRAPP. Areas of evaluation include: the implementation and development of AB 109 Service Provider Network programs, probation techniques and services, and overall public safety.

- Response from Chief Jim Hart for the Santa Cruz County Sheriff-Coroner: **HAS BEEN IMPLEMENTED**

The Sheriff's Office and the Probation Department are currently working with an independent analyst to evaluate data and program effectiveness. Probation is also working with an academic group that will be evaluating counties' responses to AB109 on a statewide basis.