



**MENDOCINO COUNTY COMMUNITY CORRECTIONS PARTNERSHIP
FINAL & APPROVED MINUTES**

Friday, April 10, 2020

12:00 p.m. – 1:00 p.m.

CALL IN ONLY: 1-978-990-5000

ACCESS CODE: 805491

Effective March 20, 2020, the Community Correction Partnerships meetings will be conducted by teleconference and not available for in person public participation (pursuant to State Executive Order M-29-20). In order to minimize the risk of exposure during this time of emergency, the public may participate telephonically in meetings by utilizing the call-in information above, or digitally by sending comments to ccp@mendocinocounty.org, in lieu of personal attendance. All email comments must be received by 8:00 A.M. the morning of the meeting in order to be published with the agenda. CCP Executive Committee staff remains dedicated to finding new and innovative methods for digital public comment during this challenging time. We are currently exploring several options to see what will best work to suit our County's civic engagements needs.

Call To Order:

Meeting called to order at 12:07 p.m.

Welcome:

Izen welcomes everyone telephonically. Reminds everyone to speak up so recording device captures everyone's voice.

Introductions:

Izen completes roll call.

Izen Locatelli, Probation

Cathy White, Probation

Katie Ford, Probation

Cambria Milani, Probation

Jenine Miller, HHSA/BHRS

Kim Turner, Courts

Justin Wyatt, Ukiah Police Department

Matt Kendall, Sheriff

Kirsty Thornton, GEO/BI



Public Comment for items not on agenda:

Members of the public are welcome to address the CCP on items not listed on the agenda, but within the jurisdiction of the CCP. The CCP is prohibited by law from taking action on matters not on the agenda. Individuals wishing to address the CCP under Public Expression are welcome to do so via email at ccp@mendocinocounty.org. All correspondence received by 8:00 A.M. the day of the meeting will be attached to the item.

There is no public on the line. No public comment.

Approval of Minutes:

February 21, 2020 – Kim Turner, Court motions to approve minutes from February 21, 2020. Matt Kendall, Sheriff seconds the motion. All in favor, none opposed. Minutes approved.

FY20-21 Budget:

Izen has attempted to get the hole in this year’s fiscal budget resolved. We tried to get an agenda item on the Boards calendar for May 7, 2020. Supervisor McCowen pulled it off consent calendar it was asked by CCP to move the Innovation Sub Account to CCP to close our deficit for this year. So where it stands now, the Board wants it back on calendar as an agenda item to discuss how it happened and who made those decisions. Izen has an agenda item that was scripted and essentially talks about how we get out of the situation we are in. He does not plan on from CCP’s perspective, really addressing much of who, what, why and how because CCP was not asked. All of this happened without CCP being informed. Izen as the chair, found out just like everyone else in the public did. It was on, in written narrative that that was what was going to happen. We are trying to get this back on the calendar in front of the Board.

For the fiscal year 20/21 the base we are projecting to have is \$3,062,136.00 Base Fund Revenues. We are expected to have growth in the amount of \$125,803.00 for a total revenue projection of \$3,187,939. Clearly that is not enough money to cover everyone’s requests. We need to consider either going through every single department’s line item requests and yeahing and naying what we are going to be approving to expend on or we need to look to a fiscal year that had a similar revenue and expenditure. If you look at your long sheets, the nine year budget comparison sheet that has all of CCP budget comparisons. Fiscal year 18/19 we had an approved expenditures of \$3,034,813.00. That is basically \$27,000 difference between expenditures and revenues. Izen thinks we cannot get more comparable than this right here when we are talking \$3,000,000.00.



This might be to everyone's advantage to look at fiscal year expenditures 18/19 and agreeing to cutting back to those expenditures and moving that plan forward as our 20/21 budget buildout. Verbal vote taken.

Justin Wyatt – UPD – supports 18/19 budget scenario.

Kim Turner – Court – supports 18/19 budget scenario.

Matt Kendall – Sheriff – supports 18/19 budget scenario.

Jenine Miller – HHS/BHRS – supports 18/19 budget scenario.

Izen Locatelli – Probation – supports 18/19 budget scenario.

Izen states long term this is not the way to do budgeting. With everything going on with COVID19, we really cannot expect the growth, even though we are projecting \$125,000.00 to be at \$125,000.00. Sales taxes and VLE are the main contributors to the growth funds and if you are following the state wide budget and Governor Newsom's projections and trying to account for the \$125,000.00 in our expenditures. Izen has been saying for a while, CCP should probably look at the base funds for expenditures and not bank on the growth being there. This year even more so than normal. Izen has sent out the past plan; each agency should review the three main principals CCP established and a future date when we can actually meet and have further conversations. We are going on 10 years of CCP and AB109 and a lot of things have changed in those 10 years since the inception. We should be reaffirming or changing things, if we need to, and put it in the plan and get it to BSCC and get it posted to the states website about what our plans are and the direction we are headed.

That would potentially again, because we do not know the numbers are going to be. It could be as high as \$153,126.00 that could be left over, if everything came in as projected. Izen suggests it be left there and let it be a contingency.

Izen was not prepared to discuss the next item because he had no idea when preparing for this meeting that Judicial Council would go in to the Emergency Bail. Kim Turner makes clarification that No Bail means the individual cannot bail out of jail and Zero Bail means the individual does get out of jail with a promise to appear. Izen states we are worried about Zero Bail effects and people not being able to go to jail when normally they would be in jail. He was not prepared to discuss this but wanted to throw this out there. There is \$153,000.00 possibly out there, probably not, but that is what is says on paper. He thinks the Sheriff, jail, the DA and the Court and we all have been kicking around the idea of what do we do with these people getting out of jail or the people who cannot go to jail and how it affects public safety. We do not have a Pre-Trial program in this county right now. We have historically out of CCP used money for the Sheriff's Office for a Pre-Trial program and risk assessments to the Court.



That has not actually been filled for a number of years. Izen is not sure if the CCP might want to consider this idea that there might be a way for CCP to think about using whatever funds are left over towards a Pre-Trial program for some type of monitoring component around these. Whether we keep track of that and the expenses that are put towards those people and then submit a claim to CCP at the end of the year. This is just an idea, obviously we just found out about this a couple of days ago and this might be the first some of you have heard this concept but there are quite a few counties that are trying to handle it this way. Quick discussion held.

Kim Turner responds and states we are all trying to interpret and understand this new Emergency Rule around bail but there is a broad consensus in the branch that nothing in the Emergency Rule prohibits Courts from exercising its traditions of discretion in a particular case to increase bail if those circumstances warrant it.

Sheriff Kendall responds and states he has some stiff concerns for the county and it is not the risk it is going to pose to the offender, but if we do not deal with this, we are going to have offenders assaulted, if the offenders go back and reoffend against people and it gets to the point they do not feel like the system is not taking care of them, they are going to begin taking care of it themselves.

Kim Turner responds and states we are all struggling with how long this is going to go on, if this is going to continue through May 1st or May 15th that is different if it stretches on through the summer.

Sheriff Kendall states it looks like legislature actually went 90-days beyond. Kim responds and states it gives the Court the discretion to use 90-days after the Governor lifts the emergency orders, but the Court does not have to use the entire 90 days. She is sure there will be a lot of pressure to reinstate our actual bail schedule and so forth and revoke some of these very lenient provisions as soon as possible. The COVID19 is a public health concern but the Emergency Rule deals with a lot of public safety concerns. She has listened to the Judicial Council meetings where these emergency rules were adopted and there was quite a lot of discussion about the concerns and aspects of this thing, but certainly the Zero Bail schedule was among the most difficult for some of the Judicial Council members and members of the public who commented to accept.

Izen tries to be a little bit clearer and states if someone who commits a 10851 VC or 594 PC and line level patrol officer know we would normally take that person to jail and we can make all the arguments we want that we know there will be continuous and on-going crime if that person is not incarcerated but Zero Bail does not allow him to be incarcerated and it is Izen's understanding at the bench level there is going to be some discretion of course but they may not be accepting that is a real public safety risk that they will keep incarcerated. Judge Couzen's memo gives some latitude, but not sweeping latitude, and remember the point is to have less people in jail and in the system. That means more crime for us on the streets.



A distrust could start to happen, as Sheriff Kendall pointed out, with those in the community that the Courts or Law Enforcement are not protecting them and taking care of business. He is not saying he has a perfect solution, but if somebody was at least checking in with these people when they are being released, or if they were at least having conditions put on them that they must check-in, make phone calls, or for instance make conditions like this is clearly a drug problem, lets make them get some drug treatment while this is going on. Obviously there is not a lot of teeth behind this because they are still on Zero Bail, but then someone could write a report to the Court saying the individual is clearly not complying, therefore we have concern they are not going to show up in court or they are an on-going safety risk and then they could go back to jail. This is all Izen is articulating on this point, that there is going to potentially be some excess, maybe funds, someone should be stepping into that gap to try to assist the system with this ruling from the state level. It does allow for us as county land partners to try and fill the void, we have done historically some monetary set-asides for PTR and maybe CCP use Probation staff and they claim against CCP to monitor or attempt to monitor or set up a system. We only have three more days to set something up and this is the only reason Izen brings this up before the 5pm deadline.

Chief Wyatt from UPD appreciates what Izen is saying and feels we all share each other's concerns. He wanted to ask or discuss what type of planning we are going to put in place for the people going to be released. Whether it be some version of home monitoring or check in on Zoom. Also discussion of who will have the knowledge of who is released and if there is any plan to get them back to their jurisdiction and just not released to the streets. These are all concerns, the ground work has really been laid for the public and victims to lose faith in the. Chief Wyatt thanks Izen for bringing this up for discussion.

Izen responds and states the reason he says CCP may be able to help with this, he has not got any traction or anywhere with the County about funding for these types of things. We were all waiting for SB10 before the County will get behind anything associated with Pre-Trial or Pre-Release but nobody could have anticipated it was here April 13th. Those counties that have a system in place, can quickly adapt and some type of risk assessment that the Courts are using to help them determine public safety. We do not have that here and it is based on offense only and what the line officers walked in to when they write their police report or probable cause statements. The Sheriff, DA and Probation are very concerned. This is all something to think about. If the CCP is willing to discuss further we can keep going down this road and try to develop something in writing so when these PRA's are done, there is at least something we are attempting to do and we understand concerns and this is how we are going to try and address them.



Like Chief Wyatt said, putting bracelets on people comes with a cost and there are zero funds coming to Probation from the County to do something other than mandates with just probation people, these are pre-trial people, there is a big hole right now and maybe CCP can help cover that.

Kim Turner inquires what Izen is looking for from the CCP group. Is he looking for support and if there is support, what are our next steps. Does CCP need to create and develop a program or just authorize Izen to do that in the Probation Department?

Izen responds, he is not jumping up and down for more work, but this is the role other Probation Departments are playing role across the state, it is easier for Probation to do the monitoring and tracking piece, this is what Probation already does. This is expanding what we would normally do since they have not been convicted yet. Izen has examples and models from other counties we could try and incorporate here, and he is suggesting, if everyone agrees with the idea, he is no way advocating just for the Probation Department, but this may work for us on public safety. There may be some excess from this year's budget, that until we figure out how this is going to work, maybe the Sheriff, jail, all Chiefs of Police could get behind this concept, there will be some type of monitoring or check-ins being done by Probation Officer, or if the Sheriff or anyone else wants this piece, and CCP could help fund that time if whatever agency this lands on, is tracking this is because of COVID19 and the Judicial Council orders that we are doing this work and then those bills go towards CCP and not the County.

Sheriff Kendall responds he likes where Izen is going with this but without having Public Defender Jeff Aaron on the phone, he cannot see him encouraging his clients to agree to some Pre-Release conditions or orders and even if they do not agree to them, they are going to be released. This is going to take some work with the Court, DA, Public Defender and Private Attorneys and how many are not even going to make it to jail.

Izen responds stating the way he read Judge Couzen's memo there is some thought there is an ability to put conditions on these releases and they are not just straight releases. If they do not comply or do things, they can still invoke Trial Courts discretions to set bail because of public safety concerns. He does not want to leave us in a position where this drags on for five to six months and we have nothing in place and what the Sheriff stated, we will have retaliation and vigilantism.

Sheriff Kendall states when he looks at different areas in the county, Covelo is by far his most violent in the areas in the North Sector. The reason behind that is that because people have an expectation the police will not be there when this is going on. So when one of the locals in Covelo is out burglarizing garages and someone takes a baseball bat to him, that individual does not normally pick up the phone and call the Sheriff and say "I got beat up by a guy while I was burglarizing his garage".



If that begins to happen in Ukiah, the expectation of the Sheriff's Office is going to be completely different based on what goes on down here because there is a bit of psychology to what goes on up North and what goes on down here. In a very short amount of time we are going to see citizens protecting themselves and their property. It is not the same dynamic as what it is up north. It is extremely concerning. Officers and civilians need to know there is still law and order.

Further discussions held on Zero-Bail releases.

Kim Turner from Court suggests getting together with Judge Moorman and have further discussion to move forward.

Izen recaps, everyone agreed to use 18/19FY budget and Cathy will provide new documents to everyone with new dollar figures.

Kim Turner from Court makes motion to use 18/19FY expenditures and replicate those amounts to be used in 20/21FY revenues.

Sheriff Kendall seconds the motion.

All CCP members present by phone vote.

Izen Locatelli - Probation is in favor of motion.

Chief Justin Wyatt – UPD in favor of motion.

Kim Turner, Court made motion and is in favor.

Sheriff Kendall in favor of motion.

Jenine Miller HHSA/BHRS in favor of motion.

All are in favor.

DA Eyster and PD Jeff Aaron are absent.

Motion passes.

Kim Turner states PD Jeff Aaron sent an e-mail and he had tried logging in to phone conference but is having difficulty.

Kim Turner makes motion for Criminal Justice Partner, who are interested in exploring a quasi-Pre-Trial services program, to be implemented in the COVID19 crisis, arrange or develop a proposal to bring to the Court.

Sheriff Kendall seconds motion.

All CCP members present by phone vote.

Izen Locatelli - Probation is in favor of motion.

Chief Justin Wyatt – UPD in favor of motion.

Kim Turner, Court made motion and is in favor.

Sheriff Kendall in favor of motion.

Jenine Miller HHSA/BHRS in favor of motion.



All are in favor.

DA Eyster and PD Jeff Aaron are absent.

Motion passes.

CCP Members Report Out:

Chief Justin Wyatt – UPD – Domestic Violence is up. Social resistance to gatherings and compliance to orders. Emergency Bail was a huge deal and appreciates everyone input and suggestions. Thanks everyone.

Sheriff Matt Kendall – MCSO – Echo’s what Chief Wyatt says and just remember the fact that as issues begin to pop up with the releases, he is going to have a lot of extra work for Corrections Officers and Deputy Sheriffs. They will eventually be getting to the point where they are subletting extra time.

Chief Izen Locatelli – Probation – states Probation is getting pressure from both ends from both release valves, the jail and the prison system. We are, this week and next week, will be having 12 additional early releases from the state system on PRCS. If Sheriff Kendall or Chief Wyatt want the names of those cases, Probation will release those names. That is the start of this, there are still ongoing lawsuits about inmates to be released. Those are only in status conference, they are not taking the rulings under submission yet. Izen is not sure where that is going to land for us.

Domestic Violence front, Probation Officers were ordered to reach out to victims directly, those with peaceful contact and those with no contact. DV reporting is down but actual DV is up, and that is probably because they are at home sheltering in place with their offenders. Izen is hoping this will give the victim’s a voice without having to call the police and be able to speak to a Probation Officer, who can then intervene for them. Of the 12 being released to us, seven of them are already in the county. Izen will email the Chief and Sheriff.

Kim Turner - Courts – nothing to report other than coping with the 11 new emergency rules due to COVID19.

Jenine Miller – HHS/BHRS – still providing services. They have moved what they can to mobile phone/video. HHS is still doing drug testing for SUDT and Child Welfare. They implemented the WARM line and will be expanding to seven days a week and will have a toll free 800 number. There will also be on-line support groups.



New Items for Future Agenda:

None.

Right now the future CCP meeting date is May 15th and is right around the corner and what we usually do is report out on the third quarter fiscal year. Izen is not sure if we all want that date for the meeting or postpone it.

Kim Turner suggests we postpone the meeting. Sheriff Kendall states we are all probably going to have our hands full.

Izen suggests having the next CCP meeting on June 5th, 2020 at 12:00 p.m. Izen thinks that might be right before our budget presentations. June 5th might be a good time if there is the need to discuss a budget strategy.

Future CCP Meeting Dates:

June 5, 2020

August 21, 2020

November 20, 2020

Meeting adjourned at 1:02 p.m.