

County Parole Board

Report of the 2000-2001 San Francisco Civil Grand Jury

SUMMARY

The Civil Grand Jury (CGJ) reviewed the County Parole Board, a part of the Sheriff's Department. The impetus for this review was the general absence of any publicly available information on the Board. As an example, the only known Annual Report from the Board, which is available at the main branch of the San Francisco Public Library, was issued in 1989.

The County Parole Board is one of four programs under the umbrella of the Sheriff's Alternative Programs Division. The Board consists of the county sheriff, county chief probation officer and a public member appointed by the Superior Court, or their alternates. The purpose of the parole system is to assist county jail inmates to reintegrate into society as constructive individuals as soon as they are able. Since they are not confined for the full term of their sentence, it also alleviates the cost to society of keeping them in jail.

We found the Parole Board deliberations and decisions to be thoughtful, careful, and based on the guidelines in the Board Rules. However, we found that the County Parole Board was not in compliance with the Brown Act with respect to the posting of meeting notices and agendas, making it very difficult for the public to be aware of the existence of the Board or possibly attend one of its meetings.

The CGJ recommends that:

The Sheriff's Office develop a procedure or process to come into compliance with the Brown Act.

The County Parole Board consider publishing some type of statistical report regarding its activities.

The Sheriff's Office consider funding a new vehicle for the Alternative Programs Division.

BACKGROUND

According to the County Parole Board 1989 Report, such boards were first established by the California Legislature in 1909 and originally consisted of the county sheriff, district attorney, and chief of police. In 1957, the membership was changed to the county sheriff, county chief probation officer and a public member appointed by the Superior Court. This is the composition of the current San Francisco County Parole Board.

INVESTIGATION

The CGJ met several times with members of the Sheriff's Office who are involved with the Sheriff's Parole Alternative Programs and attended a meeting of the County Parole Board. We also interviewed the coordinator for the Parole Board and one of the Parole Board members.

General Parole Information

The San Francisco County Parole Board operates under a set of rules (Attachment 1). Though no meeting frequency is specified, the Board typically meets twice per month, in

County Jail 8. As noted in the Rules, upon considering a parole application, the Board may take one of the following actions:

Grant parole and specify an effective release date.

Deny parole, giving written reasons for denial.

Continue the matter until a specified date.

Hold the matter on calendar until further information may be obtained.

The Board may parole an inmate who is otherwise eligible if, in the opinion of the Board, such release would not jeopardize the welfare of society. Guidelines in the Rules for parole release consideration include:

The opinion of the sentencing judge, if available.

The nature and circumstances of the offense.

The prior criminal record of the inmate.

The institutional performance of the inmate.

The adequacy of his/her release plans given the inmate's personal and social history. The 1989 "Annual Report" of the San Francisco County Parole Board notes that there are four methods of parole release, two of which were instituted in 1989 and may have been the reason for issuance of the report (their specific purpose was to partially alleviate chronic jail overcrowding, a significant problem in that time frame). County Parole personnel note that that information now is outdated.

The current structure of the Sheriff's Alternative Programs Division, including the County Parole Board, is as follows:

County Parole Board.

Home Detention.

Sheriff's Work Alternative Program (SWAP)/Post-Release Educational Program (PREP).

Warrant Services.

The County Parole Board function in turn includes residential parole and community parole (30-day parole occurs independently of the Parole Board).

After completion of one-half of their sentence, all sentenced inmates committed to the custody of the Sheriff are eligible for parole, unless convicted of a felony and the sentencing judge has ordered that parole not be granted. This includes an inmate sentenced to home detention or SWAP. The Board may also grant limited duration parole, not to exceed sixteen hours. Though inmates can transfer from jail to SWAP during the last 60 days of their sentence if certain criteria are met, Parole Board personnel do not consider this transfer part of their responsibilities.

In accordance with California Penal Code Section 4004, persons convicted of certain drug offenses but not yet sentenced, can be immediately transferred to parole programs, with formal sentencing to follow at a later date.

There are three categories of parole:

1. Residential County Parole

Inmates are placed in licensed residential substance abuse programs after in-jail program participation or upon referral by the court. Program placement is for six months. There currently is a \$50 registration fee, plus \$1 - \$30 per day (based on ability to pay). Eligibility for this program is determined after a minimum 30 days participation in one of the following county jail programs:

Sisters in Sober Treatment Empowered in Recovery (SISTERS)

Educational and substance abuse counseling for women. Women are engaged in program activities from 8 a.m. to 8 p.m., Monday through Friday.

Roads to Recovery

Educational and substance abuse counseling for men. Men are engaged in program activities from 8 a.m. to 8 p.m., Monday through Friday.

Resolve to Stop the Violence Program (RSVP)

Education and counseling for men with current or previous violent offenses. Men are engaged in program activities from 8 a.m. to 8 p.m., Monday through Friday.

2. Community Parole

In order to participate in Community Parole, an inmate must prepare a community re-entry plan, which is reviewed by Sheriff's Office personnel for appropriateness.

3. 30-Day Parole

Notwithstanding any other rule, inmates who have completed one-third of their sentence and who meet certain other criteria are granted parole for the last 30 days of the sentence (the purpose of which is to relieve jail overcrowding and assist offenders in reintegrating into society). The only requirement to maintain this type of parole is to remain "crime-free." As noted above, this type of parole occurs independently of the County Parole Board.

County Parole Board Meeting

The CGJ attended a meeting of the County Parole Board. We found the Parole Board deliberations and decisions to be thoughtful, careful, and based on the guidelines in the Board Rules. Board members questioned each inmate, for example asking about the events that had resulted in their incarceration, if while in jail they had attempted to resolve some of the behavior issues that had led up to those events, if they knew the name of their probation officer (many did not), and if they understood the parameters that parole would involve. Not all inmates are granted parole. The coordinator for the Board prepares statistics for the Board members, and an example is presented as Attachment 2.

Prior to this meeting, we asked Sheriff's Office personnel whether or not the Board was subject to the Brown Act (California Government Code, Sections 54950 through 54960.5); upon review of applicable state law, it was our opinion that the Brown Act was applicable. The Brown Act has several requirements, including the need to (a) have open and public meetings, (b) post and send notices and agendas of meetings, (c) limit action to items on the agenda, and (d) permit public comment on agenda items.

Rule 25 of the Parole Board Rules states: "Members of the public are allowed to attend meetings of the Board upon consent of the members of the Board." It is not clear how

the need to obtain the consent of the Board correlates with the Brown Act requirement to have open and public meetings. Further, neither the existence of the Parole Board nor its Rules are well-known, even within San Francisco City government. With the exception of certain personnel in the Sheriff's Office, every City employee we talked with was unaware that San Francisco had such a Board. Therefore, it would be unlikely that a member of the public would know either of the Board or its Rules in order to be able to ask to attend.

Sheriff's Office personnel consulted with the San Francisco City Attorney's Office who counseled that the County Parole Board was, in their opinion, subject to the Brown Act. Discussion with Sheriff's Office personnel indicates that they are preparing a procedure to comply with the Brown Act. The Sheriff's Office has not yet decided where the posting of meeting information will be placed.

The CGJ asked the Parole Board if Proposition 36 regarding drug treatment programs was expected to have any effect on the Parole Board. The Board has reviewed Proposition 36 and determined that only a few percent of the inmates they see would be impacted by Proposition 36; therefore, the Board does not expect Proposition 36 to have much impact on either its workload or the composition of the inmates it sees.

The Parole Board noted that they are participating in implementation of the city-wide "Mentally Ill Offender Crime Reduction Grant." The State Board of Corrections has awarded the Sheriff's Office a grant of \$5 million to be used to develop programs designed to reduce jail crowding, crime and criminal justice costs while addressing the needs of mentally ill offenders. More information on this project is included in Attachment 3.

Members of the CGJ asked if victims were notified when inmates were either released or paroled. We were informed that the Sheriff's Office runs a program called VINE (Victim Information and Notification Everyday). VINE is a free, anonymous, automated service that allows a crime victim to check on the custody status of an inmate in the San Francisco jail, and register to receive automatic telephone notification when the inmate is transferred or released.

Other Aspects of the Alternative Programs Division

The administration of the Alternative Programs Division involves approximately 16 sworn personnel (fifteen currently, with one vacancy) in the Sheriff's Office. In addition to monitoring parole, these personnel are also in charge of warrants. If someone is out on parole and skips town or otherwise doesn't complete the terms of parole, then a warrant is issued. The database of parole violations evidently goes back at least 10 years, but most attention is placed on recent parole violations. Staff state that there have been as many as approximately 700 active warrants, but currently the number varies between 400 to 500 active warrants.

The Alternative Programs Division employs the following personnel in its four groups: one acting director in charge of the Division, one senior deputy and three deputies in warrant services; one sergeant, and four deputies in SWAP, two deputies and one civilian in county parole, and one senior deputy and two deputies in home detention. There are four civilian program directors, one for county parole, one for community parole, two for SWAP/PREP, and four cadets who work where needed in any of the four

groups. Personnel assist other groups as workload dictates. Salaries and overtime for fiscal year 1999-2000 are presented in Attachment 4. When asked what their top "wish list" item might be, Sheriff's Office staff note that the vehicles available to them for warrant service are beginning to show their age and a new, or serviceable, vehicle or two would be very much appreciated.

Sheriff's Office personnel note that, to their knowledge, San Francisco is the only county within the nine bay area counties that runs such an extensive array of alternative programs. The CGJ called a variety of California counties and verified that this was the case. Sheriff's Office personnel state that they do their best to identify good candidates for parole. There is a segment of society that belongs in jail, but there are people that deserve another chance. The Sheriff's Office works to get persons in the second group back on track.

FINDINGS AND RECOMMENDATIONS

1. Finding: The Parole Board appears to be in violation of the Brown Act.

Recommendation:

The CGJ recommends that a process or procedure be developed by the Sheriff's Office regarding the provisions of the Brown Act and their implementation as regards the County Parole Board.

Required Response

County Parole Board - 60 Days

Sheriff - 60 Days

2. Finding: As a county agency provided for in state law, the County Parole Board is not subject to any county laws regarding annual report requirements. Therefore, though there have been some worthy initiatives and positive outcomes for the County Parole Board, there is no method by which to tell the public about them.

Recommendation:

The CGJ recommends that the County Parole Board issue some type of statistical report on an annual basis.

Required Response

County Parole Board - 60 Days

Sheriff - 60 Days

3. Finding: The vehicles used for warrant service are beginning to show their age.

Recommendation:

The CGJ recommends that consideration be given to funding a new or more serviceable vehicle for the Alternative Programs Division.

Required Response

Sheriff - 60 Days

ATTACHMENT 2
SAN FRANCISCO SHERIFF'S DEPARTMENT
ALTERNATE PROGRAMS DIVISION
RESIDENTIAL COUNTY PAROLE ANNUAL REPORT
YEAR 2000

ATTACHMENT 3
CITYWIDE CASE MANAGEMENT FORENSIC PROJECT
FACT SHEET

ATTACHMENT 4
ALTERNATE PROGRAMS DIVISION
FISCAL YEAR 1999-2000 SALARIES AND OVERTIME