

Alternatives to Incarceration Working Group
Meeting Notes
12/20/19
12:00 pm – 2:00 pm

The California Endowment

Welcome and Introductions

The meeting started at 12:06 pm with Dr. Robert Ross opening and confirming with Rigo that the voting members do form a full quorum. Dr. Ross thanked the members for being respectful in the deliberations and discussions. He then introduced Rigo to open the Intercept 6 process.

Rigo asked all the voting members to raise their hands and counted a total of 14 voting members and confirmed we have met the Brown Act requirement of having enough members for a quorum. He explained we will begin with the consent agenda. Then afterward, items can be pulled out for further discussion. The ones not pulled will then be voted upon. We will do as much as we can today. There will be friendly amendments shared with the group by voting members. The person from the Intercept 6 team can agree with the friendly amendment or keep as is. If friendly amendments are not accepted the voting member can propose an alternative recommendation (word, phrase or entire paragraph could be an alternative recommendation). Members of the public can also propose friendly amendments and/or alternative recommendations too. Rigo asked if there were any questions about the voting process and asked for member feedback.

Randall Pineda asked if the voting process was being changed in the interest of time and Rigo confirmed that was the reason. He mentioned if members felt it was too fast, they could slow it down. He asked voting members about recommendations 1 through 9.

All recommendations were pulled by the voting members. The group started with recommendation number 1 and asked how many members would propose amendments on number 1. Eunisses wants to erase the first sentence and begin from the word “stakeholder” on down. She stated the exact wordage she was proposing. The premise was to “create”. Dr. Ross asked the reason and if it was related to structure. The final version would say the “group created to ensure the implementation”. Kiwon stated that she would accept Eunisses amendment along with Julia’s amendment pertaining to supervision entity. Rigo said the friendly amendments now become the new recommendations. It was noted that one feels external and one feels internal, i.e. intra, versus inter and it is a difference, but no change was proposed. Make sure it incorporates the community and individuals, and probation. Whatever entity created there will be interest in fostering that collaboration. It was asked if CBO’s would be a part of this recommendation. Eunisses said she thought it was included.

Public added to the discussion on number 1 by proposing some amendments. People that end up having the most violations of probation tend to be young people 18-25 years old. Can we add them. Joe suggested adding in the words “and supervision”, he also said “advisory panels” doesn’t feel like enough, it should be wider than that, discussion meetings, conflict resolution meetings and panels, public discussions, and community engagement groups. There are three more people who want to add amendments. People with lived-experience “and their family members”. Also, something regarding sustainable funding of community engagement. Kiwon accepted them all. Will this be held under the ATI Initiative. It was born out of the initial group probation, but will now be more inclusive. This language was added.

Rigo moved the group over to recommendation 2. He asked people to just give what the friendly amendment is, and it will save the group more time. Isaac wanted a small language change to add “sheriffs” to the recommendation. Kiwon accepted Larry Alva disagreed saying exclude the sheriffs. Kiwon was undecided about accepting the friendly amendment. Two members of the public wanted to make comments. Public member requested deleting it altogether, as another recommendations encompassed it. The member said other ones added the components (i.e. number 63). It was considered as to whether it is redundant. It was recommended to add sheriffs and on the third line to add “barriers to transparency and flexible” (more specific word and phrase changing). Why don’t we put “other applicable funding resources” into the third line? Rigo mentioned one friendly amendment already accepted (eliminate this recommendation as content already in number 63).

Rigo moved us all onto recommendation 3. Eunisses wants to add in the last few lines “community-based support”. Kiwon suggested more concise grammar. Community member Joe Maizlish suggested adding the “community input” along with the evidence-based portion of the wording. Kiwon accepted the friendly amendment. Amendment of “or promising practices”, in addition to evidenced-based practices was also added.

Rigo moved us onto recommendation number 4 which Julia pulled for community member Joe Maizlish, at the end to add a concept about “public or community review” in addition to publishing it. Community member Tiffany recommended a change to the second line to a concept including people having lived experience. Isaac added for probation to improve their own data practices is an unfair burden and possibly there should be a collaboration with an outside public entity with quantitative and qualitative data expertise to perform the data collection. Julia Dixon wants to say “community-supervision entity” (not necessarily needing to be probation”). Adding “geography and charges” to last segment describing the data needed. Kiwon approved all these amendments. Change the word “particularly” to the word “especially” and include young people (18-25). Kiwon approved. Randall Pineda said that we don’t want to limit it to simply an outside entity and to add internal entities. Then change it to “including probation”. Julia stated there should be an evaluation to assess which is best suited as it gives the impression that it must be one or the other. Also, it pertains to evaluated probation violations. Where we are currently, it is handled by probation, but we need to consider where we will end up. Probation must be in some way involved with this process. If community supervision includes everything, then it includes the presumption in 6 that probation will be the agency that will assume all supervision, but we may not want to use probation exclusively due to other programs being implemented. It is still a request to add “probation” in the recommendation per Randall Pineda. Dr. Ross added an amendment to meet these needs that includes probation and adds “and/or the appropriate community supervision entity”. We must be clear for the implementation group that it does not mean one choice or the other, add “and/or”. Isaac proposed regarding data including people with lived-experience, “should also align with community, participatory best-practices”. Kiwon approved it.

We moved on to recommendation number 5. Eunisses wanted to “reduce average number of check-ins...” Mr. Pineda added “work to find solutions to reduce violations”, as it is a legal obligation of the probation department. Kiwon did except the friendly amendment as a replacement of the current amendment. Dr. Ross said it should read “and potentially eliminate technical violations”. Kiwon accepted his friendly amendment and encouraged others to write out alternates. Randall said there is no way to eliminate them completely (violations). Melodie Larsen asked about “reducing check-ins” as proposed by Eunisses. To address too many being booked into jails for violations related to check-ins. “Explore ways to reduce check-ins, and potentially reduce check-ins and reduce or potentially eliminate bench-warrants and technical violations and reducing and eliminating bench-warrants”. We should also include “length of term” according to Isaac. Kiwon said it was a different recommendation. Randall Pineda stated he did not

want to lose the three bullet points in the middle about check-ins and services. Public comment said bullet points should be kept due to detail in it (agreed with Randall). Reduce the terms “technical violations which could include probation officer bias and requires talking to courts about these terms. It needs to say, “explore ways to reduce probation terms, conditions that lead and are the main driver of technical violations.” Kiwon did not accept and several people wrote up alternative language.

Rigo asked people writing up all additions and suggested bullet points for future. He then moved us onto recommendation number 6 which Julia pulled. The entire intercept takes place inside the house of the probation department. Intercept 6 needs to clarify the concepts throughout every recommendation. There are other entities that need to be considered as being appropriate. It is almost like coming up with a new recommendation that’s an umbrella recommendation for all, no need to revise recommendation 6. It seems to be about helping them do what it is they are already doing at the probation department. Verah proposed a new recommendation number 10. She read the written proposed recommendation aloud to the group. The key is to distinguish different populations and consider different agencies outside of the probation department. Dr. Ross said we are caught in between incremental, practical, pragmatic stuff and the language in this intercept must accept both serving better with the current system and now calling for transformation in doing better today to move completely toward transformation. Let’s follow Rigo’s instincts on going with what we have and then focusing on this in more depth by calling it out in the report. Rigo clarified that we maybe do not vote on it yet but use language like this to frame the report. There was respectful disagreement about that, and it is okay to make it a large piece of the final recommendation to include the transformative view now.

Rigo proposed members now vote on what we have up until now (1:35 pm). It was proposed to vote on 1-5 and the new recommendation (10) now. The group approved it. Recommendation 1 was read and there were no alternatives for it. Rigo explained the voting process again. There will be no questions of clarification per Rigo. No one blocked it from moving forward and voting commenced. Rigo took roll call and it got completed. For recommendation 2 there was an alternative to number two that was brought before the group. The group agreed to eliminate recommendation two altogether and then voted in a roll call.

The group moved onto number 3. Some discussion ensued regarding additions to the recommendation. No one blocked the friendly amendments and voting through roll call commenced. Eunisses mentioned to include “community-based”.

Recommendation 4 was read, and all friendly amendments were stated for the group. Rigo asked the group if anyone wanted to block the friendly amendments as content to add. Nobody blocked and a voting roll call commenced. It was concluded and the group moved onto the next recommendation.

Recommendation 5 was read by Karin Tamis for the group and community member, Tiffany, spoke about her alternative to the group and Joe Maizlish read out his alternative to the recommendation. Randall Pineda blocked it from moving forward and then the alternatives were then offered. Isaac blocked all three bullet points (alternative). Rigo clarified the instructions and what they are voting on after several questions. The group began voting (Yes, No, Abstain). 62% of the quorum voted yes. It was passed. Rigo asked for any questions of clarification and asked if anyone wanted to block the recommendation and nobody did. The roll call was done. Recommendation 10 was not blocked and voting roll call commenced. It was concluded.

Numbers 6, 8 and 9 are blocked by a member. A quorum of the members agreed to stay another 10-15 minutes to get through this. 6, 8 and 9 were pulled out and Number 7 needs a roll call vote. Rigo tested for

consensus on the original recommendation. Alternatives were proposed for all except 7. Rigo asked the group if they would block any of the new language. The group then voted on the original recommendation stating that if it got 60% it would pass. It did not pass, and the alternative was brought forward for yes or no voting with a passing consensus percentage. This process was done for 6, 8, and 9 with the revised being passed. The original language for 7 was passed.

Adjournment

The meeting was adjourned at 2:17 pm.

Voting Results

Recommendation 1 (Amended) - Passed

A: 8

B: 7

C: 2

Recommendation 2 (Amended) – Eliminated

A: 4

B: 9

C: 4

Recommendation 3 (Amended) – Passed

A: 1

B: 15

C: 1

Recommendation 5:

Original Blocked

Amended Passed

Y: 10

N: 5

Abstain: 2

Recommendation 10 – Passed

A: 11

B: 4

C: 1

Abstain: 1

Recommendation 6:

Original Not Passed

Y: 2
N: 11
Abstain: 4

Amended Passed
Y: 13
N: 2
Abstain: 2

Recommendation 8 (Amended) – Passed

A: 12
B: 2
C: 1
Abstain: 2

Recommendation 9 (Amended) – Passed

A: 12
B: 2
C: 1
Abstain: 2

List of Alternative Recommendations:

- Alternative Recommendation #5a: Make available independent, informal consultation to supervisees to discuss difficulties in compliance with conditions or desire to change services and conditions.
- Alternative Recommendation #5b: Keep first five bullet points for those who do have check ins to make it easier to check in (not easier to violate).
- Alternative Recommendation #5c: Keep c, d, and e
- Alternative Recommendation #5d: First bullet point—Take out the commas.
- Additions are underlined:
 - ...SAPC, Sheriff's Department and/or...barriers to transparency, fairness and flexibility in qualifying for opportunities to apply, applying for funding in contracting and timely disbursement.
 - ...access to and ability to compete for...smaller organizations, including those led by formerly incarcerated people.