

Kings County Public Safety Realignment & Post Release Community Supervision 2013 Plan



Executive Committee of the Community Corrections Partnership

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OVERVIEW OF 2011 PUBLIC SAFETY REALIGNMENT ACT (AB 109)

The California Legislature passed the Public Safety Realignment Act (Assembly Bills 109), which transfers responsibility for supervising specific low-level inmates and parolees from the California Department of Corrections and Rehabilitation (CDCR) to counties. Assembly Bill 109 (AB 109) took effect October 1, 2011 and realigned three major areas of the criminal justice system. On a prospective basis, the legislation:

- Transferred the location of incarceration for lower-level offenders (specified non-violent, non-serious, non-sex offenders) from state prison to local county jail and provides for an expanded role for post-release supervision for these offenders;
- Transferred responsibility for post-release supervision of lower-level offenders (those released from prison after having served a sentence for a non-violent, non-serious, and non-sex offense) from the state to the county level by creating a new category of supervision called Post-Release Community Supervision (PRCS);
- Transferred the housing responsibility for parole and PRCS revocations to local jail custody AB 109 also tasked the local Community Corrections Partnership (CCP) with recommending to the County Board of Supervisors a plan for implementing the criminal justice realignment, which shall be deemed accepted by the Board unless rejected by a 4/5th vote. The Executive Committee of the CCP is composed of the County Probation Officer (Chair), Sheriff-Coroner, a Chief of Police (represented by the Hanford Police Chief), District Attorney, Public Defender, Presiding Judge of the Superior Court or designee, and Human Services Director.

BUDGET

The 2011 Realignment is funded with a dedicated portion of state sales tax revenue and Vehicle License Fees (VLF) outlined in trailer bills AB 118 and SB 89. The latter provided revenue to counties for local public safety programs and the former established the Local Revenue Fund for counties to receive the revenues and appropriate funding for 2011 Public Safety Realignment.

In November 2012, California voters approved Governor Brown's Proposition 30 which created a constitutional amendment that protected ongoing funding to the counties for Realignment. The amendment prohibits the Legislature from reducing or removing funding to the counties.

The table below outlines the distribution of Public Safety Realignment funds.

2013-14 AB 109 Allocations:

	[1] 2012-13 AB 109 PROGRAM FUND BALANCE	[2] 2013-14 Allocation for AB 109 PROGRAMS	[3] 2013-14 Allocation for AB 109 DA/PD Activities (revocation)	[4] 2013-14 Allocation for CCP Planning	[5] 2013-14 Anticipated One-Time Growth Monies	Total 2013-2014 Allocation
KINGS	\$3,405,099.58	\$7,159,116	\$135,535	\$0	\$854,421	\$11,554,172
			\$7,294,651			

FY 13-14 Distribution of AB 109 Funds:

Department	Allocation	% of Total Allocated	Amount of One-Time \$	Notes
Administration (111000)	\$ 96,613	1.13%		
County Counsel (130000)	88,164	1.03%		
Defense of the Accused (302500)	30,000	0.35%		
Human Resources (140000)	127,711	1.50%		
District Attorney (216400)	94,534	1.11%		
Probation (233100)	1,972,030	23.10%	\$ 100,000	
Probation - DRC	42,770	0.50%		
Probation - Residential Treatment	168,132	1.97%		
Probation - Counseling Services	57,818	0.68%		
Public Works (712000)	44,700	0.52%		
Sheriff - AB 109 (221500)	5,562,703	65.15%	\$ 500,000	
Building Projects (700000)	253,000	2.96%	\$ 253,000	
	\$ 8,538,175	100.00%	\$ 853,000	

Fund Balance Reserved for Ongoing
AB 900 & SB 1022 Requirements:

\$ 3,015,997

Budget minus one-time costs

\$ 7,685,175

On-going Allocation

7,294,651

Under(Over budget)

\$ (390,524)

PUBLIC SAFETY PARTNERS

DISTRICT ATTORNEY

Prison realignment has increased the number of persons placed on probation because of insufficient resources available to support traditional incarceration. An increase in probationers has resulted in more violation of probation hearings thereby requiring additional services from District Attorney staff.

PUBLIC DEFENDER SERVICES

Kings County's contracted public defense attorneys may work with the realigned offender population, and provide services to those individuals who will now qualify for county jail and alternative program placement sentences under AB 109. Under AB 118, the Legislature provided funding for the Public Defender to handle the additional workload.

PROBATION DEPARTMENT

The Probation Department is currently supervising Non-non-non offenders upon release from prison, which include: current Non-violent offenders, current Non-serious offenders, and some sex offenders. The Probation Department currently is maintaining 60 offenders to one supervising officer for the Post Release Community Supervision caseloads, and has Probation Officers assigned to work at Avenal, Hanford, and Lemoore Police Departments and Corcoran Sub-station.

- **DAY REPORTING CENTER**

The Day Reporting Center (DRC) participants are chosen based upon their risk level as determined by the Probation Department; the Department utilizes a validated risk assessment tool and services are provided to medium and high risk, AB 109 individuals.

Each participant reports to the Day Reporting Center five days a week during Phase I, four days a week during Phase II, and three days a week during Phase III; each Phase is 60 days. The participants receive an assessment to determine their predominate needs and then participate in various, in-house services.

The services offered at the DRC include: DRC orientation, a risk/needs assessment, an educational assessment, adult school, substance abuse treatment, 12-step education, anger management, individual and group therapy, job skills, life skills, and a group addressing anti-social thinking.

One Probation Officer is assigned to the DRC, and works on site Monday through Friday. The Probation Officer conducts group sessions from the Change Company Curriculum that addresses criminal thinking and behaviors. That Probation Officer performs field contacts and or home visits, and provides supervision of DRC participants.

- **COUNSELING SERVICES**

Participants will be screened by Counselors through Kings View to assess any mental health issues that need to be addressed, along with counseling of clients. This contract is for those counselors providing the screening.

- **RESIDENTIAL TREATMENT PROGRAM**

The Residential Treatment Program will house and service up to 18 individuals at full capacity with substance abuse problems. Those individuals will receive case management, crisis intervention, clinical services, and a treatment plan. Those individuals will also participate in the Day Reporting Center and other rehabilitative services.

- **PARKS & GROUNDS PROGRAM**

The Kings County Parks and Grounds Project is a collaborative effort between the Kings County Probation Department and the Kings County Public Works Department, Parks and Grounds division. The program serves as an intermediate sanction for offenders who are under the supervision of the program department. In lieu of being brought back before the Court for a violation of probation, the offenders are ordered by their Probation Officer to complete a set amount of hours doing community service, which includes the maintenance and clean up of county parks, landscaping of county buildings, etc. The offenders are supervised on the program by employees of the Parks and Grounds Division.

Since its inception in March 2012, there have been approximately 138 offenders who have been referred to and have participated in the program. The number of hours of work completed by each offender ranges from 8 hours to 40 hours, depending on the circumstances of their individuals violation of Court ordered terms and conditions. To date, Probation Officers are continuing to utilize the program as an intermediate sanction.

- **GPS MONITORING PROGRAM**

The Kings County Probation Department's Electronic Monitoring Services (EMS) Unit implemented a new Global Positioning Satellite (GPS) tracking program in November 2011; in response to criminal justice system re-alignment legislation. This new technology allows the Probation Department to place inmates under house arrest while actively monitoring their movements 7 days a week, 24 hours a day. Since the program was implemented in November 2011, 913 inmates have been placed in this program. Currently, the EMS Unit averages 100 inmates on this program at any given moment; including pre-trial subjects which take up the majority of the in-custody space. These subjects are subject to constant tracking, drug testing, and home contacts/supervision.

In addition to house arrest, the Kings County Probation Department is utilizing this GPS technology to track select offenders in the community who are deemed high risk or flight risks. In fact, multiple arrests have resulted with the aid of this technology. Additionally, the probation department has recently started a juvenile GPS tracking/house arrest program in collaboration with the Juvenile Justice Court.

The GPS tracking program allows the Kings County Juvenile Hall and the Kings County Jail to reserve the use of custody for serious/violent offenders; while maintaining a higher level of supervision on house arrest subjects. The County of Kings is a frontrunner in the use of such technology in light of re-alignment legislation; in fact, in 2012, *Satellite Tracking of People, LLC.* named the Kings County Electronic Monitoring Program one of the top five programs to use their technology in the nation.

SHERIFF

After AB 109 was passed, 185 additional temporary jail beds were added to the current jail facility via chain linked fencing in space located in the day rooms. Initially the temporary beds were sufficient in dealing with the impact of increased inmates related to AB 109. However, in a short amount of time these beds were quickly filled, and inmate releases had grown exponentially. In 2011, jail staff released 31 inmates prior to the completion of their sentence. In 2012 staff released 990 inmates prior to the completion of their sentence, and in Fiscal Year 2012-13 1,135 inmates were released prior to the completion of their sentence. Jail staff heavily scrutinizes which inmates would be released by evaluating things such as charges, criminal history, gang history, sex crimes, etc. to hopefully reduce the likelihood of the inmate returning before his or her sentence would have been completed. In 2012, thirteen percent of the inmates who were released early returned to custody prior to their original release date on new violations.

The Sheriff's Office has worked thoroughly to pursue alternative incarceration options to reduce the number of inmate early releases. Unfortunately, to date, none of these options such as Fire Camps, Community Corrections Facilities, contracting back inmates to the California Department of Corrections and Rehabilitation (CDCR), or partnering with another Sheriff's Office to contract out to a Community Correctional Facility (CCF) were successful.

Due to jail overcrowding and early releases, other changes by the Sheriff had to be made. In the latter part of 2012 Sheriff's staff began refusing to pick up certain out of county warrant subjects. It didn't make sense to spend resources to pick up someone on a warrant when the person would be immediately released from the jail if they were incarcerated here. In 2012 our records division processed 3,861 warrant arrests. Of these 1,690 were given a citation release prior to being booked. Many of those persons would have been previously booked into jail. Sheriff's staff also met with all of the law enforcement agencies in the County and asked them to closely scrutinize whether or not someone needed to be booked at all. An example of this might be not booking a parole or probation violator for a technical violation or minor criminal offense.

Other alternative sentencing programs in place include:

- Short-term flash incarceration in jail for a period of not more than ten days;
- Intensive community supervision;
- Home detention with GPS monitoring;
- Mandatory community service;
- Mandatory victim restitution;
- Work, training, or education in a furlough program;
- Work, in lieu of confinement, in a work release program;
- Day reporting;
- Mandatory residential or non residential substance abuse treatment programs;
- Mandatory random drug testing; and
- Community-based residential programs offering structure, supervision, drug treatment, alcohol treatment, literacy programming, employment counseling,

psychological counseling, mental health treatment, or any combination of these and other interventions.

A needs assessment conducted by Taylor Teter Partnership for Kings County for Kings County Jail facilities in December 2011 indicated a need for 483 inmate beds in that year, 894 inmate beds in 2015 and 1,015 beds needed in 2020. With the additional permanent beds added to our current facility, the main jail is now rated at 373 inmate beds. Currently each month our average daily population runs about 460 inmates, so we are well over our rated capacity and would be well over our needs assessment projection if we were not conducting so many early releases due to overcrowding.

The AB 900 Phase II 252 bed project is moving along with an anticipated opening in spring 2016. When the additional facility is opened, housing of inmates will be further studied. The Sheriff opened the Branch Jail in August, 2013 as a temporary solution to an immediate problem. The Branch Jail added the potential to increase the total rated bed capacity to 576 inmate beds (373 Main Jail-203 Branch Jail). In 2016, when the AB900 Phase II facility addition is completed, there will be an additional 252 beds. If the proposed Branch Jail is kept as an adult facility, the total rated bed count would be 828, which is still a deficit to what the needs are projected to be.

- **SENATE BILL 1022**

On June 27, 2012, Senate Bill (SB) 1022, the Adult Local Criminal Justice Facilities Construction Financing Program, became law. The County has the potential to obtain a \$20 million lease-revenue bond from the State. The County and its Community Corrections Partners will work towards seeking funding under SB 1022 for space that may include custodial housing, reentry, program, mental health or treatment space necessary to manage the adult offender population consistent with the legislative intent described in Sections 17.5 and 3450 of the Penal Code, under the jurisdiction of the Sheriff or county department of corrections. The Request for Proposal (RFP) for the construction program was issued by the State on July 23, 2013 and the County's completed project proposal must be submitted by October 24, 2013.

SUPPORT SERVICES

VICTIM WITNESS

The unit provides services to all victims of violent crime including those offenders sentenced under AB 109. Services include: orientation to the criminal justice system, court escort/support, victim of crime application assistance, crisis intervention, and referrals to other agencies, and this unit has handled the influx of crime.

COUNTY COUNSEL

The County houses great numbers of inmates who, because of past prison sentences, may be more contentious and file a significantly higher number of Writs. One Attorney handles the defense of the Sheriff in these cases. This attorney handles all matters associated with AB 109.

HUMAN RESOURCES

With all of the additional staff related to Realignment, more Human Resources staffing is needed to facilitate the hiring process as County Departments continue to go forward with recruitments of personnel, and for other related human resources tasks.

ADMINISTRATION

A position was transferred from the Probation Department to Administration to perform data related analysis on Realignment. This position will be assisting the Probation and Sheriff's Department with administrative, financial, and operational tracking functions.

IN SUMMARY

The table below provides a summary of Realignment Components:

Population Affected	Component of Public Safety Realignment	Local Plan
Release from State Prison	State prisoners serving sentences for non-violent, non-serious and non-sex offenses with one of these offenses in their criminal history will be placed on county post-release community supervision instead of state parole. The Court will adjudicate violations of county post-release community supervision.	The Probation Department is designated as the administrator of county post-release community supervision.
On State Parole	Violations of State Parole will be adjudicated by Board of Parole hearings inside the County Jail.	The Sheriff will provide a venue for Parole Board hearings.
Currently Held Pretrial in County Jail	Certain inmates may be released pre-trial on electronic monitoring.	The Sheriff is designated as administrator of electronic monitoring for pre-trial inmates.
Currently Sentenced in County Jail	Certain sentenced inmates may be placed on home detention.	The Sheriff and Probation designated as administrators of electronic monitoring for sentenced inmates.
Measures and Outcomes	Establish outcome measures related to local incarceration inmates and post-release community supervision populations (per AB109).	The Probation Department, in coordination with Administration, is designated to develop research design, collect data, and report on outcomes associated with AB109.
Evidence Based Practices and Treatment	Each of the involved agencies, including those participating in the Community Corrections Partnership, will support and/or assist in the implementation of the following activities, practices, and efforts.	- Flash Incarceration - Alternative Sanctions - Vocational Training - Educational Training - Specialized Courts - MH & AOD Services

OUTCOMES

Our local Public Safety Realignment Plan is intended to improve recidivism rates of offenders under our supervision. This will hopefully result in less crime, less victims therefore increasing public safety.

Goals

- 1) Implementing a system of alternatives to incarceration for pre and post convictions.
- 2) Collaborate with local agencies to provide local resources to Post release community supervised offenders as efficiently as possible.

Measures

- 1) Recidivism rates for the non-sex offenders the non-violent offenders and non-serious offenders.
- 2) Number of offenders sentenced to alternative and probation programs.
- 3) Number of offenders sent to State Prison and County Jail.