



# COUNTY OF LAKE

## Community Corrections Partnership Plan 2020-2021

### Community Corrections Partnership Executive Committee

Chief Probation Officer - Rob Howe  
Court Executive Officer - Krista LeVier  
District Attorney - Susan Krones  
Public Defender - Mitchell Hauptman  
Sheriff - Brian Martin  
Lakeport Chief of Police - Brad Rasmussen  
Lake County Department of Behavioral Health - Todd Metcalf

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## **OVERVIEW OF THE PUBLIC SAFETY REALIGNMENT ACT AB 109**

In an effort to address overcrowding in California's prisons and assist in alleviating the state's financial crisis, the Public Safety Realignment Act (Assembly Bill 109) was signed into law on April 4, 2011. AB 109 transferred responsibility for supervising specified lower level inmates and parolees from the California Department of Corrections (CDCR) to counties. Implementation of the Public Safety Realignment Act began on October 1, 2011.

Section 1230.1 of the California Penal Code was amended to read "Each county local Community Corrections Partnership (CCP), established pursuant to subdivision (b) of Section 1230, shall recommend a local plan to the County Board of Supervisors for the implementation of the 2011 public safety realignment. The plan shall be voted on by an executive committee of each county's Community Corrections Partnership consisting of the Chief Probation Officer of the county as chair, a Chief of Police, the Sheriff, the District Attorney, the Public Defender, presiding Judge or his or her designee, and the department representative listed in either section 1230 (b) (2) (G), 1230 (b) (2) (H), or 1230 (b) (2) (J) as designated by the county board of supervisors for purposes related to the development and presentation of the plan. The plan shall be deemed accepted by the County Board of Supervisors unless rejected by a vote of 4/5ths in which case the plan goes back to the Community Corrections Partnership for further consideration.

Consistent with local needs and resources, the plan may include recommendations to maximize the effective investment of criminal justice resources in evidence-based correctional sanctions and programs, including, but not limited to, day reporting centers, drug courts, residential multiservice centers, mental health treatment programs, electronic and GPS monitoring programs, victim restitution programs, counseling programs, community service programs, educational programs, and work training programs."

### **Key Elements of AB109:**

#### **Post-Release Community Supervision (PRCS):**

The PRCS population, released from prison to community supervision, is the responsibility of the probation department and is inclusive of non-violent, non-serious, non-sex offenders (register-able offenses pursuant to Penal Code Section 290). Offenders released from state prison after October 1, 2011, after serving a sentence for an eligible offense, shall be subject to, for a period not to exceed 3 years, post-release community supervision. PRCS and state parole revocations will be served in the county jail with the maximum revocation being reduced from one year to 180 days. The local Courts will hear revocations of PRCS while the Board of Parole Hearings will conduct parole hearings on current state prison parolees in jail.

#### **Felonies served in county jail:**

AB 109 revised the definition of felonies to be served in county jails to include certain crimes that are punishable in jail for 16 months, 2 years, or 3 years. Crimes designated as serious, violent, and sex offenses, as well as 60 other felonies designated by the legislature, were excluded and those sentences will continue to be served in state prison. AB 109 also changed how credits for good time and work time were calculated, from one day of good time and work time for every six days in jail (1/3 time off), to one day of good time and one day of work time for every four days served (1/2 time off). This was changed to help mitigate, to some degree, the impact of longer sentences being served in the county jail.

### **Alternative Custody:**

Penal Code Section 1203.018 authorized electronic monitoring for inmates being held in jail in lieu of bail. Eligible inmates must first be held in custody for 60 days post-arraignment for felony charges, or 30 days for those charged with misdemeanor offenses.

### **Community Based Punishment:**

AB 109 authorized counties to use a range of community based punishment and intermediate sanctions other than jail incarceration alone or traditional routine probation supervision.

## **LAKE COUNTY REALIGNMENT IMPLEMENTATION PLAN**

The parole/prison realignment (AB109 and AB117) mandated significant changes with respect to how adult offenders are handled by various criminal justice agencies. The Lake County Community Corrections Partnership (CCP) Executive Committee viewed these mandates as both a challenge and an opportunity. Impacts to the courts, probation, jail facilities, district attorney, public defender and community-based organizations seemed obvious at first glance. However, further analysis revealed that the specific impact on each entity was, to a great extent, unknown.

The CCP Executive Committee acknowledged Lake County's inability to provide a comprehensive continuum of services that had a foundation of evidence-based practices. Budget limitations and staffing issues made this a difficult, if not impossible, task for many years. Funding provided to Lake County by realignment legislation gave us the opportunity to make significant strides in correcting this deficiency.

The CCP Executive Committee took the necessary steps to implement programs, policies and procedures and training to reduce recidivism. Implementing evidence-based practices was determined to be the best first step for Lake County. The CCP Executive Committee supported the plan to contract with BI Incorporated. The services that were provided by BI Incorporated included:

- Assessments
- Behavior change plans
- Individual cognitive behavior therapy group cognitive behavior therapy referrals to local community services
- Discharge planning and aftercare
- Computer-based cognitive behavioral therapy
- Employment and education services substance abuse treatment
- Alcohol and drug testing in person daily reporting electronic monitoring anger management
- Life skills training
- Family and parenting skills
- Community connections

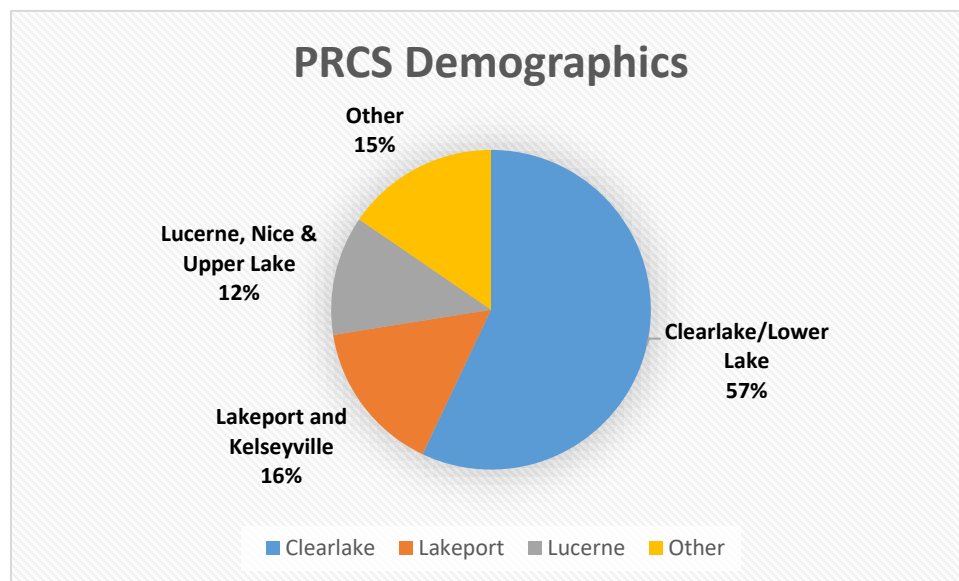
In 2015, the CCP Executive Committee, with approval of the Board of Supervisors, decided to terminate the contract with BI Incorporated as it was believed services could be provided by the Lake County Probation Department at a lower cost. In July of 2015, the county run Day Reporting Center was opened in the AWP (Alternative Work Program) building located on Hill Road in Lakeport near the county

jail. By providing county owned space, the cost of the contract was reduced by \$8,000 per month. In 2016, the DRC was moved into the former juvenile hall at 1111 Whalen Way, Lakeport, California. The services that were provided included:

- Assessments
- Behavior change plans
- Individual cognitive behavior therapy group and behavior therapy referrals to local community services
- Life skills training
- Family and parenting skills
- Community connections
- Computer-based cognitive behavioral therapy
- Employment and education services substance abuse treatment
- Alcohol and drug testing in person daily reporting electronic monitoring anger management

In 2020, the Covid 19 pandemic created new challenges in providing services. The DRC location on Whalen Way was closed and programing was moved to on-line classes via Zoom. Participants receive assistance in obtaining necessary equipment to attend programing when necessary. A space for participants has also been designated with computers and equipment at the Lake County Probation main office.

The Probation Clearlake office has continued to provide services and also to operate as a check in center for the south side of Lake County where fifty-seven percent of offenders reside. The remaining forty-three percent reside in other areas of the county.



## GOALS, OBJECTIVES AND PROGRESS

Goal: Improve the continuum of services from in-custody, to supervised, to discharge

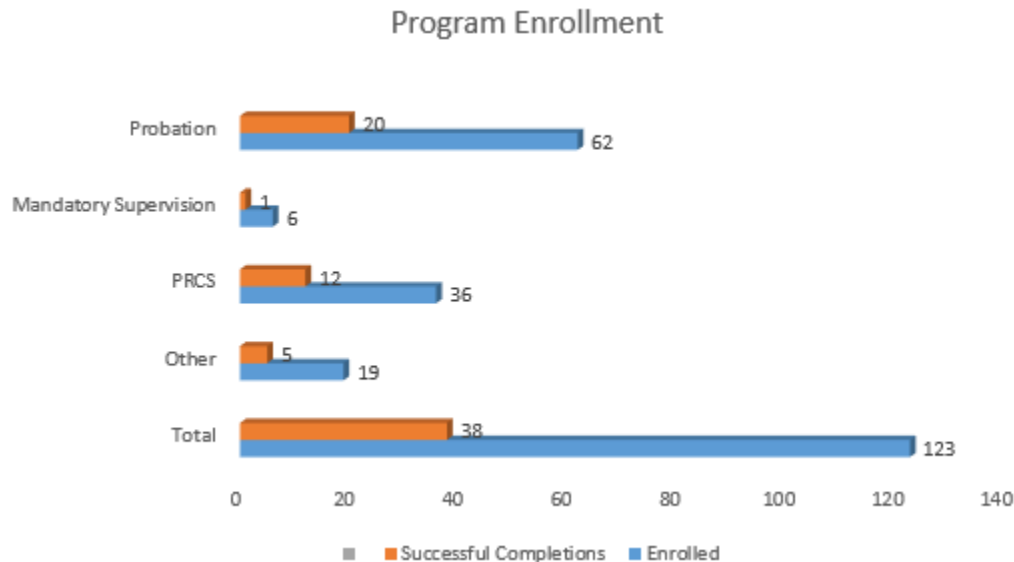
### Objective:

- Continue to add and improve in-custody services.
- Continue to add and improve programs and services offered
- Add and improve custodial staff mental health training.

### Progress:

The Lake County Probation Day Reporting Center added Nurturing Parenting, a substance abuse and relapse prevention course we refer to as Stages, and Men's Recovery and Support through Alcohol and Other Drug Services. Along with these added programs we continue to offer Moral Reconciliation Therapy (MRT), Alcohol and Other Drug Services (AODS) counseling, Mental Health counseling, Anger Management, Job Readiness, Behavioral Health Trauma Groups, Nurturing Parenting and Men's Recovery Support through Alcohol and Other Drug Services, as well as other anger management courses provided with partner providers.

During the 2019/2020 fiscal year our programs had a 31% percent successful completion rate.



As well as our in house day programs we placed nine participants in residential treatment and sober living environments. Four of those participants exited the treatment programs successfully.

## Goal: Provide remote (distance) learning alternatives

### Objective:

- Increase our ability to provide remote learning to programs offered.
- We want to be able to provide our DRC programs remotely to increase community safety during Covid, while still seeing the benefit of our programing.

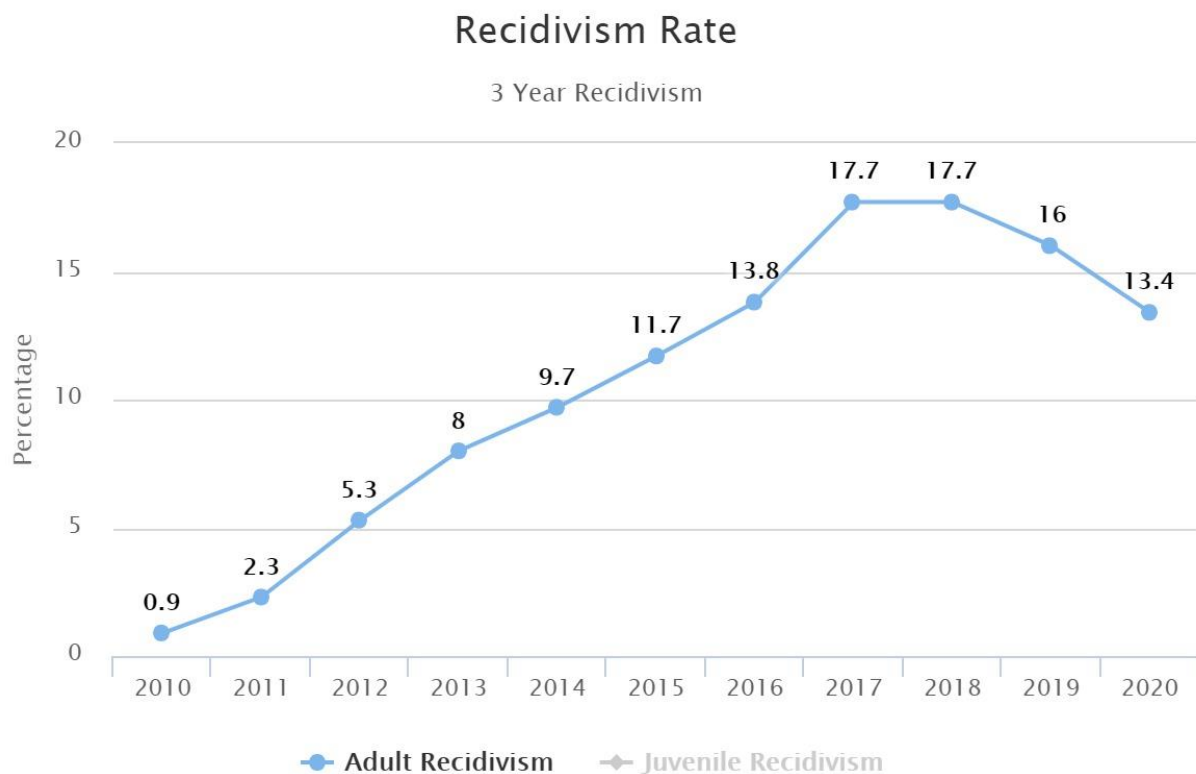
### Progress:

We have begun holding our classes remotely and are in the process of procuring the necessary equipment and technology to provide remote (distance) learning for all of our clients. A space has been designated with computers and equipment at the Lake County Probation main office as well for participants.

## Goal: Reduce Recidivism.

### Objective:

- Reduce rate of violations that return offenders to prison.



## **FISCAL YEAR 2020/21 IMPLEMENTATION PLAN REVISION**

On 09/11/2020, all departments that currently receive AB 109 funding were requested to submit any request to change or maintain their level of funding. This request was given a deadline of 09/25/2020.

The Lake County Probation Department, the Lake County Sheriff's Department, the Lake County Health Services Department, the Lake County Department of Behavioral Health and the Lake County District Attorney's Office all submitted requests, which are included in this plan.

The disbursement requested is as follows:

The Lake County Probation Department will receive \$1,473,910.

The Lake County Sheriff's Department will receive \$905,620.

The Health Services Department will receive \$448,900.

The Department of Behavioral Health will receive \$147,709.

The Lake County District Attorney will receive \$148,000.

On December 3, 2020, the CCP Executive Committee members voted and approved this Implementation Plan Revision.

On December 8, 2020. The Lake County Board of Supervisors approved this Implementation Plan Revision.



## Lake County Probation Department request for AB 109 funding

The Lake County Probation Department requested AB 109 funding in the amount of \$1,473,910. The funding requested is to offset the following costs:

1. Staff. Total cost - \$903,480

- Staff Services Analyst. Total cost- \$74,000

In addition to numerous state reporting requirements, statistical analysis is an integral part of determining effectiveness of programming.

- Deputy Probation Officer, Senior. Total cost- \$107,000

When the decision was made to replace the BI Incorporated managed Day Reporting Center (DRC) with a Probation managed DRC in 2015, it was determined that one Deputy Probation Officer, Senior (front line supervisor) would be necessary. The current approximate annual salary (+benefits) for that position is \$107,000.

- Deputy Probation Officers (DPO). Total Cost (8 DPOs) - \$640,000

Again, when the decision to transition to a Probation managed DRC, it was determined that staffing of five to six DPOs would be necessary. The current approximate annual salary for a DPO position (+benefits) is \$80,000.

Aside from the staff necessary to operate a DRC, additional DPO positions were originally added in 2011 to accommodate the increase in high risk offenders as a result of Post Release Community Supervision (PRCS) inmates released into Probation supervision. The current industry standard for supervision, supported by evidence based practices, of high risk offenders is no more than 50 supervised to one probation officer, with an ideal ratio being approximately 30-1. As a result of realignment, we currently have 150 PRCS releases in the Lake County, with a minimum of 78 of those being supervised as high risk. We believe funding for two DPO positions to supervise this population is appropriate.

- Cost associated with hiring of a DPO: Total cost (8 DPOs) - \$82,480

Equipment (ballistic vest, duty gear, etc.) - \$3,500

Work station (computer and chair) - \$2,000

New position background, physical & psych - \$1,810

Training - \$3,000

2. Case Management System and Assessment Tools. Total cost - \$22,140

As realignment progresses, the tracking of statistical data is imperative. In order to comply with funding justification and evidence based practices, an efficient, comprehensive case management system was obtained. Additionally, a risk assessment tool must be used to have consistent data. This request also benefited other departments and effected parties of realignment, as shared data is necessary for all involved to succeed.

- Tyler Supervision - \$16,200 annually
- Risk Assessment License Fees - \$5,940 annually

3. Clearlake Day Reporting Center (DRC) Total cost - \$30,624

Probation is currently utilizing an off-site location in Clearlake as a day reporting center for PRCS commitments. The off-site location enables effective supervision, including enhanced daily reporting, and helps us comply with the evidence based practice requirements of realignment. In excess of 50% of our PRCS commitments are from the south end of the county, so this facility greatly improves the ability to supervise a large portion of the PRCS population.

- DRC building lease - \$14,400 annually
- Phone and fax line - \$1,464
- T-1 line-\$8,640
- Misc. supplies and garbage collection - \$720
- Utilities (PG&E and gas) - \$5,400

4. Electronic Monitoring. Total cost - \$30,000

Probation currently spends between \$15,000 and \$20,000 annually for electronic monitoring. The number of individuals placed on electronic monitoring since the beginning of the pandemic has increased because of the increased releases from CDCR. Electronic monitoring is one of the preferred methods of dealing with this population.

6. Miscellaneous expenses. Total cost - \$21,000

- Mileage for three vehicles, dedicated for realignment related caseloads - \$13,000
- Office supplies and copies - \$2,000
- Bus passes to ensure the ability of clients to attend all programming - \$1,000
- Equipment to accommodate distance learning for remote DRC participation - \$5,000

7. Contracts. Total cost – \$196,200

The Probation Department currently contracts with private or community based organizations (CBOs) for services such as sober living environment and full residential treatment. The total cost to contract with outside organizations is \$196,200.

8. Additional one-time funding request. Total cost - \$270,466.

The Probation Department relies heavily on state funding as a primary revenue source. Although we are technically a General Fund department, well over half of our revenue comes from state and federal sources, with AB 109 and SB 678 funding making up most of that. Primarily due to Covid, our estimated SB 678 funding was reduced significantly for Fiscal Year 20/21. In order to maintain all programs and services provided with these two funding sources, I am requesting one time AB 109 allocation of \$270,466.

## Lake County Sheriff's Office request for AB 109 funding

The Lake County Sheriff's Office requested AB 109 funding in the amount of \$905,620. The funding requested is to offset the following costs:

Our overall goal is to attempt to increase the efficiency of the Hill Road Facility and to keep the County's costs to a minimum by performing preventive maintenance and bringing more efficient tools into the jail to help with the County's liability of caring for 250+ adults in our facility only rated for 286 inmates. We must do our best to attempt to make sure that the inmates are well cared for and that we are complying with the applicable state and federal laws.

1. Contracted services-GED, Anger Management, DV, MRT future classes - \$170,000

These services are necessary to continue with existing programming that is being provided in the jail. These programs are designed to reduce recidivism rates.

2. Nine Custodial staff \$642,120

Staffing for six correctional officers (now classified as Correctional Deputies) was requested, approved and has been in place since 2015. We would request continuation of funding for those positions. In addition, we are requesting funding for an additional Correctional Deputy, a Correctional Aide and a Records Tech position. These positions are essential for the jail operations and are currently unfunded in the 20/21 budget. The total estimated cost of for these positions is \$642,120.

3. Training for Mental Health Officers - \$15,000

This item is requested to provide four Correctional Officers proper training to deal with Mental Health inmates. Multiple lawsuits have been filed against the State in regard to the treatment and force used against mental health inmates. Our goal is to have four staff members specially trained in Crisis Intervention Training, mental disorders and use of force, and several other trainings in order to try and reduce the risk of litigation.

4. PREA training for staff 49 dollars per person - \$3,500

5. Dispatch Services - \$75,000

Public Safety Realignment (AB 109) created the need for Probation to increase their staff. That increase in staff and supervision responsibility resulted in a substantial increase in the number of probationer and PRCS checks, contacts, searches and arrests conducted by their officers in the field. Those activities are monitored through the Sheriff's Office's Central Dispatch. That activity created the need for additional dispatch staffing.

Total Requested funds: \$905,620

## Lake County Health Services Department request for AB 109 funding

The Department of Health Services is requesting ongoing support from the available AB109 funding in the amount of \$448,900.00 for costs associated with jail medical care including:

- Increased contractual cost with CFMG based on significant population increase in the inmate population relating to AB109.
- Incarcerated medical expenses for episodes costing over \$15,000 and ADAP costs exceeding \$10,000.
- Mental Health inpatient expenses not included in the CFMG Contract.
- CFMG's request for the County of Lake to fund half of the cost of increasing the jail nursing staff by 1.4 FTE. The increase in staffing for FY 13/14 was \$68,000 the cost for FY 14/15 was \$70,885. This is an ongoing cost to the county each year of 50% of the 1.4 FTE.
- The need for increased nursing staff is to handle the growth in jail inmate population and the more demanding and chronically ill inmates the county jail is now serving as a result of AB109.

Lake County Department of Public Health and Health Services manage the contract for on-site healthcare at the Hill Road Correctional Facility. Services encompass medical, outpatient mental health, and dental care.

The need for healthcare services in correctional facilities is high for a variety of reasons. Arrestees present a high rate of injuries, substance abuse and mental health disorders. In addition, the prevalence of chronic illness is common and includes conditions such as diabetes, cardiovascular disease, chronic hepatitis, dental abscesses and others.

Health care services represent a significant and essential component of jail operations. Properly run health services contribute to the overall stability and safety of the facility. Furthermore, the provision of healthcare is required as initially determined by the Supreme Court (*Estelle v. Gamble* (429 U.S. 97 (1976))) in its interpretation of the Eighth Amendment of the Constitution. It is no accident that as California's prison system was placed in receivership in order to raise its level of medical care to meet constitutional standards (<http://www.cphcs.ca.gov/faq.aspx>), the transfer of inmates and the burden of responsibility for their healthcare to local jurisdictions provides relief to the state. However, if unable to maintain an adequate level of healthcare for inmates at the local level, Lake County is now at risk for similar litigation and consequences.

With the continuing implementation of AB109, increased demands for healthcare services are anticipated. These include:

- Additional growth in the inmate population, increasing the per diem cost for basic healthcare services.
- Increased requirements for chronic disease management resulting from longer sentences and aging inmates ( e.g., antiviral treatment of chronic hepatitis C)
- Increased requirements as a result of lengthier sentences to address preventive healthcare needs (e.g., dental cleaning, mammography)
- Increased injuries from altercations within the jail as the result of crowding
- The healthcare industry in general is beginning to grapple with the long-term results of increases in obesity, diabetes, and chronic hepatitis. These conditions lead to increased cardiovascular disease, kidney disease, retinal disease, liver failure (potentially requiring transplant), and cancer. Inmate healthcare will be impacted at least as much as the general healthcare community.

- Need for increased nursing staff to handle the growth in jail inmate population and the more demanding and chronically ill inmates.

The basic approach to correctional care is to provide sufficient health care services to avoid preventable deterioration during the time in custody (i.e., to the extent possible, an inmate should be no worse off than when they came in). For short periods of time, this philosophy provides the basis for postponing elective care that can be safely deferred. However, as sentences are longer, that flexibility diminishes. Further, sophisticated inmates coming from the state correctional system are well versed in taking full advantage of the range of available services, knowing that Constitutional guarantees work in their favor.

Funding for Lake County's Jail healthcare services currently comes from the general fund with contributions from Public Health, Mental Health and AB109. Public Health and Mental Health funding comes from State Sales Tax Realignment and VLF Realignment. These revenue sources and the general fund have continued to shrink over the past several years while the costs of jail medical care and inmate populations continue to increase.

Through its contract with Wellpath (formerly California Forensic Medical Group (CFMG)) since 1996, Lake County has enjoyed stable, reliable service that has kept complaints and litigation to a minimum, and has produced the highest level of facility administrator satisfaction in recent memory. The program is accredited by the California Medical Association's Institute for Medical Quality, a status that has been proven in federal court to demonstrate a constitutionally adequate level of care.

For the many reasons listed above the department is requesting ongoing funding from AB109 in the amount of \$448,900. These funds will cover the county's share to hire 1.4 FTE additional nursing staff. The additional staff is needed to handle the significant increase of inmate population and their chronic to complex medical needs. It also assists with the additional jail medical costs because of the continued increase in the inmate population associated with AB109.

## District Attorney request for AB 109 funding

The District Attorney's Office is requesting the total sum of \$148,000 from the AB 109 funds, which represents one full time deputy district attorney and one half time district attorney investigator. The request is based on 1) increase in felony filings 2) additional case load for attorneys, investigators, advocates and support staff 3) PRCS violations and parole hearings and 4) a comparison of practices of similar counties.

### Increase in Felony Filings:

Since the implementation of AB109 the number of felony filings in the District Attorney's Office has increased approximately 19% while the number of employees has decreased. This information is based on the following facts:

In the four years (2008 to 2011) prior to the implementation of AB109 the District Attorney's Office had an average of 774 felony filings per year. The four years (2004 to 2007) prior the average was 755 felony filings per year. Therefore, the average yearly felony cases have remained pretty consistent for the eight years prior to the implementation of AB109.

In four years (2012 to 2015) after the implementation of AB109 the District Attorney's Office average felony case filings have increased to 921 year, a 19% increase. There have been no significant variables other than the implementation of AB109 to cause such an increase. In fact, because of the passage of Proposition 47, downgrading some felonies to misdemeanors, that number should be even higher.

### Additional Case Load for Attorneys, Investigators, Advocates and Support Staff:

This additional case load on felony attorneys has caused the District Attorney's Office numerous problems including our ability to get cases to trial, back log of criminal cases, compromised plea bargains, time necessary to prepare for trial hampering the quality of trial presentation and our conviction rate.

In addition to the increased case load placed on attorneys, the investigative staff has experienced approximately the same 19% increase. The District Attorney Investigators, among other duties, investigate almost exclusively felony cases and assists attorneys in preparing for trial.

The same situation has occurred in the District Attorney Victim Witness Division. With a 19% increase in felonies, means an increase in victims and trial witnesses. Having to assist the additional victims and witnesses in their needs, and in assisting attorneys in trial and trial preparations, the Victim Witness Division has reluctantly found it necessary to limit their services or seek out other alternative, such as referring restraining orders to other agencies.

### Post Release Community Service Hearing and Parole Hearings:

In addition to the drastic increase in felonies, the District Attorney's Office has the responsibility to prosecute PRCS and parole violations. This is a responsibility that the District Attorney's Office did not experience prior to AB109.

In a survey of attorneys in this office there was an estimate of approximately 325 cases per year have some component of PRCS or parole. The attorneys estimate that each of these matters about one hour is devoted to the PRCS or parole portion of the case. The total number of PRCS and parole cases handled by this office represents 25% of an attorney's position.

## Conclusion

Based on the above set of facts, the District Attorney's Office is requesting the sum of \$148,000 from the AB 109 fund. This amount represents the need to hire one full time attorney at a yearly salary of \$105,000 and a one-half- time investigator at a yearly salary of \$43,000.



## Department of Behavioral Health request for AB 109 funding

Behavioral Health is requesting funding for one full-time Mental Health position, one full-time Substance Abuse Counselor position and 12.5% of one Staff Psychologist position. These positions will provide a variety of clinical services to clients in the Jail and the DRC. The Psychologist will provide staff training, consultation, oversight, supervision and program development services as well as serve as a liaison. The total cost for these positions are as follows:

	Annual Salary	Benefits	Total Cost
Staff Psychologist	\$9,740.60	\$3,950.94	\$13,692
MH Specialist II	\$50,230.54	\$23,786.11	\$74,017
SAC Senior	\$39,356.72	\$20,715.12	\$60,000
Total Personnel Budget:			\$147,709
<b>Total Cost:</b>			<b>\$147,709</b>

## Disbursement Recommendation

AB 109 Proposals for FY 20/21			
New in FY 20/21			
	Requested	Recommended	Approved
Lake County Probation			
Staff			
DPOs	\$ 1,093,691.00	\$ 1,093,691.00	\$ 1,093,691.00
Staff Services Analyst	\$ 61,000.00	\$ 61,000.00	\$ 61,000.00
Services and supplies	\$ 109,870.00	\$ 109,870.00	\$ 109,870.00
Inventory items	\$ 13,149.00	\$ 13,149.00	\$ 13,149.00
Contracts	\$ 196,200.00	\$ 196,200.00	\$ 196,200.00
<b>Total</b>	\$ 1,473,910.00	\$ 1,473,910.00	\$ 1,473,910.00
Lake County Sherriff's Department			
In custody programs	\$ 170,000.00	\$ 170,000.00	\$ 170,000.00
Nine current positions	\$ 642,120.00	\$ 642,120.00	\$ 642,120.00
Dispatch Services	\$ 75,000.00	\$ 75,000.00	\$ 75,000.00
Training	\$ 18,500.00	\$ 18,500.00	\$ 18,500.00
<b>Total</b>	\$ 905,620.00	\$ 905,620.00	\$ 905,620.00
Public Health			
CFMG	\$ 448,900.00	\$ 448,900.00	\$ 448,900.00
Behavioral Health			
MH Specialist	\$ 74,017.00	\$ 74,017.00	\$ 74,017.00
Staff Psych	\$ 13,692.00	\$ 13,692.00	\$ 13,692.00
Substance Abuse Counselor	\$ 60,000.00	\$ 60,000.00	\$ 60,000.00
<b>Total</b>	\$ 147,709.00	\$ 147,709.00	\$ 147,709.00
District Attorney			
One Deputy DA	\$ 105,000.00	\$ 105,000.00	\$ 105,000.00
One half time investigator	\$ 43,000.00	\$ 43,000.00	\$ 43,000.00
<b>Total</b>	\$ 148,000.00	\$ 148,000.00	\$ 148,000.00
<b>Total:</b>	\$ 3,124,139.00	\$ 3,124,139.00	\$ 3,124,139.00