



# County of Monterey Public Safety Realignment & Post Release Community Supervision

## **Executive Committee of the Community Corrections Partnership**

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Darius Engles, Police Chief, Monterey County Chief Law Enforcement Officers Association (MCCLEOA)

Scott Miller, Sheriff

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James Egar, Public Defender

Tim Roberts, Judge (Presiding Judge)

Elliott Robinson, Director, Department of Social and Employment Services  
(designated by Board of Supervisors)

**As recommended to the Monterey County Board of Supervisors on October 4, 2011**

Prepared by the Monterey County Probation Department based on recommendations by the Community Corrections Partnership (CCP)

Approved by CCP's Executive Committee on September 26, 2011

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# PREFACE

*This document represents Monterey County's guide for the effective implementation of mandates from AB 109 and AB 117, the Public Safety Realignment Act of 2011.*

*The plan's intent is to create a framework for partner agencies, and to improve the collaboration among county and community agencies that will work with the realigned populations of adult felony offenders.*

*Partners in the adult criminal justice and service provider systems are called to actively participate in the historical system change toward alternative sanctions, and to structure strategies to maximize the effective investment in evidence-based correctional sanctions and programs.*

*This process seeks to enhance and coordinate a continuum of supervision strategies, treatment, graduated sanctions and detention alternatives with the intent of:*

- ✓ *Reducing recidivism*
- ✓ *Maintaining and improving public safety*
- ✓ *Containing, or eventually reducing, the number of incarceration beds*

*The Public Safety Realignment Act presents both public safety opportunities and challenges for each of the involved criminal justice agencies. Serious, violent and sex offenders will still be sent to state prison. For non serious, non-violent and non-sex offenders, there will be additional tools available to make recidivism less likely to occur. Realignment is designed to produce increased local supervision of defendants that will allow for immediate and appropriate consequences for those found to be in violation of the terms of any orders. It also initiates a breadth of support services including employment, education, substance abuse, mental health, housing and behavior modifications which have proven to be successful. Increased local supervision will be designed to promote public safety through accountability and providing tools to break the cycle of criminality. In effect punishment will remain one of the available options. However, all of the criminal justice agencies will utilize their unique skills and responsibilities to effect change that has not been successfully realized in the past. Each of the criminal justice agencies have grave concerns for the adequacy of dedicated funding. All of the agencies will be vigilant to carry out their primary mandates, but all are committed to cooperate zealously to make Criminal Justice Realignment as successful as possible to reduce recidivism while protecting public safety.*

*The plan discusses the current correctional context, provides a summary of legislative changes, outlines evidence-based research, clarifies recommended alternative strategies, and proposes the funding allocations to support these strategies.*

*Due to the realignment's wide scope, current uncertainties in terms of projected populations, and the need to clarify and define new protocols and processes, this is intended to be a dynamic document, and only the beginning of a long-term process. Such processes will*

*necessitate evaluating progress at routine intervals, revising the course of action or intervention as appropriate, and building upon the foundation established by the plan.*

*It is important to note that the long-term success of local realignment is closely linked not only to the system change toward evidence-based practices, but also to adequate funding to carry out the plan. At this time, there are two areas of concern in regard to funding: 1) that it does not adequately fund the obligations to detain, supervise, and provide rehabilitative and support services to the realigned populations, and 2) that its continuation is not yet guaranteed by a stable mechanism ensuring a continuous appropriation by the State. Counties are pursuing the implementation of a Constitutional Amendment to guarantee this funding is sustained and protected.*

*Within these constraints, the recommended local plan, its strategies and funding allocation represent the best collective judgment from the professionals entrusted with its implementation.*

## EXECUTIVE SUMMARY AND RECOMMENDATIONS

The Public Safety Realignment of 2011 constitutes a significant system change in adult corrections, shifting to local community supervision and local custody the responsibility for: a) low-level felony offenders no longer eligible for a prison commitment; b) state prison post-release community supervision; and c) parole violators.

Recognizing the ineffectiveness of the current level of prison incarceration as a crime-control strategy, the law reallocates criminal justice resources to support community-based corrections programs, utilizing evidence-based strategies that increase public safety, and hold offenders accountable while facilitating their reintegration into society.

The law emphasizes its intent to reduce recidivism, and to depart from the traditional model of prison commitments which have failed – at the national level and even more so in California – to lower recidivism rates from offenders released from prison.

The Community Corrections Partnership's Executive Committee submits the following recommendations to the Board of Supervisors, County of Monterey:

1. Consider and adopt the 2011 Implementation Plan herein, as the County of Monterey's Public Safety Realignment plan as required by Penal Code (PC) 1230.1 and the Post Release Community Supervision strategy as required by PC 3451 as added by the Post Release Community Supervision Act of 2011 contained in AB 109 and AB 117. This Plan contains recommendations for implementation based on projected funding allocated by the State of California for Monterey County.
2. Identify Probation's role as Post Release Community Supervision Authority. The Probation Department is designated as the county agency responsible for implementing post release community supervision (PRCS) as specified in Section 3451 of the California Penal Code as added by the Post-Release Community Supervision Act of 2011.
3. Support the design and implementation of a system of "community-based punishment" utilizing evidence-based correctional sanctions and programming other than jail incarceration alone pursuant to PC 17.5. Intermediate sanctions include Electronic Monitoring, flash incarceration, community service, participation in residential and outpatient treatment programs, and educational and vocational training services.
4. Consider a Pretrial Services Program in which the Probation Department would be authorized to employ investigative staff for the purpose of recommending to the Court whether a defendant should be released on his or her own recognizance or on other pretrial alternatives/ options.

## LOCAL PLANNING AND OVERSIGHT

### The Community Corrections Partnership

In the last two years, there have been statewide efforts to expand the use of evidence-based practices in sentencing and probation practices, and to reduce the state prison population. SB 678, the California Community Corrections Performance Incentives Act (2009), established a Community Corrections Partnership (CCP) in each county, chaired by the Chief Probation Officer, charged with advising on the implementation of SB 678 funded initiatives. AB109 (2011) instituted an Executive Committee (EC) as the voting body within the CCP; CCP is charged with the development of a local Realignment Plan that will recommend a county-wide programming strategy for the realigned population, for consideration and adoption by the Board of Supervisors.

The CCP's Executive Committee will advise on the progress of the Implementation Plan. Chaired by the Chief Probation Officer, the CCP's Executive Committee will oversee the realignment process and advise the Board of Supervisors in determining funding and programming for the various components of the plan. Voting members of the Executive Committee include: a Judge (appointed by the Presiding Judge); Chief Probation Officer; County Sheriff; District Attorney; Chief of Police; Public Defender; and Director of County Social Services/Mental/Public Health (as determined by the Board of Supervisors).

This plan was developed by Monterey County's Community Corrections Partnership and its EC members, their designees and other key partners. Meeting attendees included:

|                  |                                                                  |
|------------------|------------------------------------------------------------------|
| Manuel Real      | Chief Probation Officer, Probation Department                    |
| Marcia Parsons   | Probation Department                                             |
| Todd Keating     | Probation Department                                             |
| Nancy Hatton     | Probation Department                                             |
| Marisa Fiori     | Probation Department                                             |
| Roseanne Rodarte | Probation Department                                             |
| Elliott Robinson | Director, Department of Social and Employment Services           |
| Loyanne Flinn    | Workforce Investment Board<br>Department of Economic Opportunity |
| Dean Flippo      | District Attorney                                                |
| Berkley Brannon  | District Attorney                                                |
| Terry Spitz      | District Attorney's Office                                       |
| Pam Patterson    | District Attorney's Office – Victim Witness Unit                 |
| James Egar       | Public Defender                                                  |
| Donald Landis    | Public Defender's Office                                         |
| Wayne Clark      | Director, Health Department's Behavioral Health Bureau           |

|               |                                                                                                 |
|---------------|-------------------------------------------------------------------------------------------------|
| Darius Engles | Pacific Grove Chief of Police, MCCLEA President                                                 |
| Scott Miller  | Sheriff                                                                                         |
| Jeff Budd     | Sheriff's Office                                                                                |
| Tim Roberts   | Presiding Judge, Superior Court                                                                 |
| Lew Bauman    | County Administrative Officer                                                                   |
| Nick Chiulos  | County Administrative Office                                                                    |
| Paul Lewis    | County Administrative Office                                                                    |
| Jane Parker   | Chair, Board of Supervisors                                                                     |
| Robin McCrae  | Director, Community Human Services<br>Community-based organization serving offender populations |

The planning group has met weekly since July 25, 2011 discussing funding methodology, policies and programming necessary to implement the plan.

The local approach is based on the work of subcommittees in four integrated focus areas: 1) community supervision and alternatives to detention; 2) rehabilitative and treatment services; 3) custody; and 4) courts and justice partners.

The substantive policy and operational plan, with specific budget allocations, was voted on by the CCP's Executive Committee, and approved at their September 26, 2011 meeting.

## CHANGES IN THE STATE AND LOCAL CORRECTIONAL SYSTEMS

Correctional systems in the United States serve multiple goals of: a) incapacitating offenders from further crimes; b) deterring them from criminal activity; c) giving retribution for offenses committed; and d) rehabilitating offenders for reintegration into society.

One critical goal is reducing the likelihood that the offender will continue to engage in criminal behavior. There is now a significant and highly respectable body of research on recidivism and the effectiveness of the strategies employed in the last 30 years to both contain crime and manage the incapacitation of offenders through custody.

Nationwide, state and federal prison populations have grown exponentially in the last 40 years, so that a generation of growth has produced prison populations that are now eight times what they were in 1970. This growth has been fairly constant, and independent of elements such as crime rates, or economic conditions. It has become a monumental, and no longer sustainable, expense in financial terms, and a recognized failure in terms of recidivism and rehabilitation. (Warren, 2007, Lipsey and Cullen, 2007, Petersilia, 2009, Murphy and Turner, 2009)

As of the end of 2008, CDCR reported the nation's largest prison population (about 171,000 prisoners) (CDCR, 2009), and while some other state prison populations have declined in recent years, California's continues to increase (Petersilia, 2008). Its prison expenditures are among the highest in the nation, with a significant share of the overall state budget, prompting the Little Hoover Commission to call California's parole system "a billion-dollar failure."

In spite of major expenditures, California prisons remain dangerously overcrowded, at 200 percent of intended inmate capacity, so that a federal court has issued an Opinion and Order to reduce the number of inmates by over 40,000 (Grattet, et. al., 2008).

Rehabilitation has also been reduced, as classrooms have been converted to living space. California's Expert Panel on Rehabilitation recently reported that nearly 50 percent of all prisoners released in 2006 did not participate in any work assignment or rehabilitation program for their entire time in prison (California Expert Panel on Adult Offender Recidivism Reduction Programming, 2007).

California utilizes a hybrid system of mandatory parole supervision and determinate sentencing, with automatic release of almost all inmates after a statutorily defined percentage of their sentences, and automatic parole supervision regardless of the inmates' risk of reoffending. As few parolees complete their parole without a revocation, two-thirds of them return to prison within three years, nearly twice the average rate nationally (Grattet, et. al., 2008). Due to this high rate of failure, parolees comprise much of the prison admissions in California (about 66 percent) (Grattet, et. al., 2008), so that over the last 20 years, the number of parole revocations has increased 30-fold in California, compared with a six-fold increase nationally (Travis, 2003). While California's rates of new arrests and



new criminal convictions are similar to those of other large states, its technical violations are the highest in the nation, and this contributes to keeping the prisons full.

In 2003, the Little Hoover Commissions report already called for graduated sanctions for the large percentage of parole violators returned to prison for drug use and possession, and reducing the length of revocation sentences for certain offenders by a third as “two immediate opportunities to cuts costs without jeopardizing public safety”.

California’s budget crisis and the 3-judge panel ruling to reduce prison population within two years accelerated the shift toward alternative detention strategies based on research-driven methodologies and quantifiable results initiated by the State in 2005. The new effort to manage parolees’ high rates of recidivism and returns to custody by assessing risk of recidivism and addressing individual criminogenic needs culminated in the transfer of responsibilities from state to local authority. Local agencies have been determined to be better equipped and more experienced in dealing effectively with these offenders.

# OVERVIEW OF 2011 PUBLIC SAFETY REALIGNMENT ACT (AB109)

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

Implementation of the Public Safety Realignment Act is scheduled for October 1, 2011, pursuant to provisions under the related bill, AB 117.

Section 1230.1 of the California Penal Code is amended to read "Each county local Community Corrections Partnership 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. (b) 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. (c) 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. (d) 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 include:

## Target Populations

- a. Offenders who will serve their prison sentences locally include the non-violent, non-serious, non-sex offender group.
- b. The post release community supervision population, released from prison to community supervision, is the responsibility of local probation departments and is inclusive of offenders committed for a non-violent, non-serious, non-sex offense.
- c. Parole and PRCS violators.

The California Department of Correction and Rehabilitation (CDCR) estimates Monterey's "average daily population" (ADP) of these offenders at full implementation of realignment will be:

308 Sentenced to local incarceration under AB109

309 Post release community supervision (PRCS)

34 Parole and post release community supervision violators in jail on revocations

These estimates are based upon data provided by CDCR. These offenders will be under the authority of the local jurisdiction, and will require a wide range of supervision, sanctions and service resources.

These populations become a local responsibility as of October 1, 2011 when the Post-Release Community Supervision Act of 2011 is implemented.

Additional key elements of AB109 include:

- Changes to Custody Credits: Jail inmates will be able to earn four days of credit for every two days served. Time spent on home detention (i.e., electronic monitoring) is credited as time spent in jail custody.
- Alternative Custody: Penal Code Section 1203.016 has been expanded to authorize electronic monitoring for inmates committed to the County Jail, in which they may voluntarily participate or involuntarily be placed in a home detention program during their sentence in lieu of jail confinement.
- Community-Based Punishment: Authorizes counties to use a range of community-based punishment and intermediate sanctions other than jail incarceration alone or traditional routine probation supervision.
- Emphasis on Evidence-Based Policy, Practices and Programs: This approach assists groups to make well-informed decisions in developing and implementing policies and programs based on the best available evidence from research identifying “what works in corrections” to reduce recidivism. Evidence-based practices consist of three principles: (1) there is a definable outcome; (2) it is measurable; and, (3) it is defined according to practical realities, such as recidivism, victim satisfaction, etc.
- System Change: The realignment represents a profound change in corrections, and a shift toward the evidence-based approach permeating and shaping the criminal justice system and the network of service providers. While it presents tremendous challenges, it also constitutes an opportunity for counties to replace the State’s model of incarcerating low-level, nonviolent offenders with a more flexible, cost-effective approach tailored to community needs. Research shows that a flexible approach that includes jail time, community supervision, treatment and diversion programs can help reduce the number of repeat offenders while lowering criminal justice costs.

## Realigned Populations

AB 109/AB 117 does not result in the early release of any currently sentenced felons. It changes the jurisdiction of specified populations from state to local control to complete their sentences, as outlined below:

### I. Sentenced Locally (County Jail Felons)

- Revises the definition of certain felonies to include specified lower-level crimes that, absent a grant of probation, would be punishable in county jail or another local sentencing option. Persons ineligible for state prison (County Jail Felons) include those offenders who do not have a current or prior conviction for a serious or violent crime described in PC Sections 1192.7 (c) or 667.5 (c), or are not required to register as a sex offender pursuant to PC 290. Persons who do have a current or prior conviction for such crimes are still eligible for state prison. There are an additional 60+ felonies that would otherwise fall into the non/non/non category that are excluded and therefore continue to be eligible for state prison.
- Does not change length of sentences. Does not limit the felonies eligible for sentences of three years or less, but instead determines eligibility by qualifying crimes, as specified. Therefore, some sentences now served locally can exceed three years. However, the time served may be done in a variety of settings: jail, probation, alternative custody or a combination of these settings. Options at sentencing of a non/non/non felony include: jail instead of prison for the entire sentence; felony probation; alternative custody; split sentence (imposed sentence of combined period of jail custody with the remainder on mandatory supervision).
- County Jail Felons whose sentences are imposed locally generally do not have post incarceration supervision time. However, the Court may impose a hybrid sentence of custody and “**mandatory supervision**,” which when combined may not exceed the imposed sentence (PC 1170 (h)(5) (B)). Credits for all offenders serving time in jail will prospectively apply day-for-day for crimes committed after October 1, 2011, similar to what prison inmates currently receive.

### II. Postrelease Community Supervision

- Starting October 1, 2011 any offender who was convicted of a non-serious, non-violent felony and is not deemed a high risk sex offender will be placed on local postrelease community supervision upon release from state prison.
- Anyone on parole before October 1, 2011 remains under state jurisdiction until they are discharged. In addition, any individual who is serving a term for a current serious or violent offense, a third striker, high risk sex offender, or a mentally disordered offender (MDO) will remain in state parole’s jurisdiction.
- Supervision and case plans are not specified in statute. There are general conditions in statute as a minimum that are given to the PRCS at release. The supervising entity may add conditions pursuant to the risk and needs of the offender.

### III. Parole Revocations/PRCS Violations

- All parole revocations for state parolees (except those with a life term) will be served in county jail but capped at 180 days and receive day-for-day credit. After parolees have completed their revocation time, they will return to state jurisdiction to complete any remaining parole time.
- PRCS violations will also be served in county jail and subject to the same 180 day cap and receive day-for-day credit.
- Parole revocation hearings (for state parolees only) will continue to be done by Board of Parole Hearings (BPH) until July 1, 2013 when that responsibility will be moved to the local courts.
- PRCS revocation hearings will be conducted by courts beginning October 1, 2011. Courts may appoint hearing officers for this workload. The supervising entity must establish a review process for assessing and refining conditions consistent with the statutory authority to impose sanctions up to and including flash incarceration (up to 10 days).

## **New Local Responsibilities and Funding**

Monterey County has a history of providing quality alternatives to incarceration, therapeutic justice courts, and community supervision. Local partners will continue to build upon these successful models and implement promising new practices of evidence-based supervision and post-release services to responsibly meet the diverse needs of these additional individuals.

### Projected Population

The State has estimated that Monterey County will assume responsibility for approximately 650 additional offenders at full implementation of realignment across all agencies. This population is diverse and includes offenders who have been convicted of property, public order, drug, and domestic violence offenses, and gang-involved offenders. Of these individuals, it is anticipated that at any one time an average daily population of approximately 342 offenders could be serving a sentence of local incarceration or sanctioned to other custodial/programmatic options. All 650 people may at some point be on some form of community supervision. <sup>1</sup>

### Projected Funding

The formula establishing statewide funding allocations for AB109 implementation in Fiscal Year (FY) 2011-12 assumes \$25,000 per offender for six months of local incarceration, with each of these offenders allocated \$2,275 for rehabilitative services while incarcerated or in alternative incarceration programs. This same level of funding will be made available for parole violators serving a 60-day revocation, albeit on a pro-rated basis. Offenders on

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<sup>1</sup> These estimates are based upon data provided by CDCR.

postrelease community supervision are funded at \$3,500 per person for community supervision and \$2,275 per person for rehabilitative services (for a maximum of 18 months). The above formula was developed by the State Department of Finance and agreed to by County Administrative Officers (CAO) and California State Association of Counties (CSAC).

The level of local funding available through AB109 is based on a weighted formula containing three elements: a) 60% based on estimated average daily population (ADP) of offenders meeting AB109 eligibility criteria; b) 30% based on U.S. Census Data pertaining to the total population of adults (18-64) in the County as a percentage of the statewide population; and c) 10% based on the SB 678 distribution formula.

Based on this formula, Monterey is projected to receive \$4,406,336 for FY 2011-12, to serve approximately 650 additional offenders at full implementation.

This funding includes:

|                                                                 |                  |
|-----------------------------------------------------------------|------------------|
| Post Release Community Supervision (PRCS)/local incarceration   | \$3,846,989      |
| AB109 Planning grant (one-time funding)                         | \$150,000        |
| AB109 Training and implementation activities (one-time funding) | \$271,450        |
| District Attorney/Public Defender (PRCS representation)         | <u>\$137,897</u> |
| TOTAL                                                           | \$4,406,336      |

Independent from the County budget, the Superior Court for Monterey County will receive \$323,341 for its operations and \$21,003 for security.

While AB109 becomes operative October 1, 2011, State funding will be provided to counties after their Realignment Plan is approved by the Board of Supervisors. Annually, state funding is allocated to Monterey County's Community Corrections Performance Incentives Fund (CCPIF). This fund was established by SB 678 (2009), which gives broad discretion to probation departments in selecting and implementing evidence-based practices to maximize return on investment and improve outcomes with more effective supervision of probationers, which ultimately impacts commitments to state prison.

The funding formula is based on an October 1, 2011 implementation through June 30, 2012 and is for the first year only. CSAC/CAO's and the Department of Finance will revisit the formula for future years.

Partners are leveraging other federal, state, and private sources. However, a gap will likely remain between what the State is proposing for funding and the actual cost of proposed operations and services.

# PROPOSED IMPLEMENTATION STRATEGIES

The proposed strategies take into consideration the multifaceted needs of the AB109 population, and the resources necessary to achieve desired public safety and offender rehabilitation outcomes.

*"Making decisions based on your gut or the crime of the week is not responsible. If we can help policymakers be smart about what works to reduce crime and what doesn't, we can move the system forward. That's the reward." Susan Turner, Ph.D.*

The local approach is based on four integrated focus areas: 1) supervisions and alternatives to detention; 2) rehabilitative and treatment services; 3) custody; and 4) courts/ justice partners.

## I. Supervision and Alternatives to Detention

### **Probation**

With the implementation of SB 678, the Probation Department had already initiated its internal shift toward an evidence-based model. SB 678 enacted the "California Community Corrections Performance Incentive Act of 2009," which would establish a system of performance-based funding to support evidence-based practices relating to the supervision of adult felony offenders. SB 678 was designed to reduce the felony probation failure rate, which was estimated to be approximately 40%.

This model included proven evidence-based strategies, such as:

- Case management based on classification, according to risk of recidivism levels (low, moderate or high)
- Restructuring of caseloads with more increasing supervision and services according to risk
- Use of a validated Risk & Needs Assessment
- Individualized Case Plan based on assessed risk and criminogenic needs
- Intensive Probation Supervision, with a ratio of 50:1 for high-risk offenders (such as those on PRCS)
- Use of Motivational Interviewing (MI)
- Use of a Journaling System (The Courage to Change by The Change Companies)
- Periodic narcotic testing
- Referral to treatment and support services
- Program participation monitoring
- System of Graduated Sanctions, including electronic monitoring, GPS monitoring, day reporting, substance abuse treatment programs, and flash incarceration
- Drug Court



A cornerstone of all of these strategies is a validated risk and needs assessment and individualized Case Plan using the Ohio Risk Assessment System (ORAS) that will be administered by Probation and shared with relevant partners.

As part of Public Safety Realignment implementation, Probation will focus on: 1) Alternatives to Custody; 2) Offender Supervision; and 3) Coordination and Referral/ Access to services.

## **1.) Alternatives to Custody**

### Expand Electronic Monitoring Capacity

Probation will expand the existing Supervised Home Confinement (SHC) Unit for the electronic monitoring of offenders completing a portion of local jail sentences. Protocols for determining which offenders are eligible for this service will be developed and presented to the Board of Supervisors.

Probation projects that 3.0 FTE Deputy Probation Officer positions will be needed to adequately supervise offenders participating in this expanded program.

## **2.) Offender Supervision**

Probation will continue to provide effective supervision with consistent application and expansion of evidence based best practices, assessment-driven planning, incentives and graduated sanctions including flash incarceration, collaborative case planning with public and community partners, and a reentry one-stop strategy.

The Probation Department has been designated as the county agency responsible for administering programs directed to the post release community supervision population. This includes the full range of options for community supervision: intensive field supervision (with routine home visits), home detention with electronic monitoring, day reporting, residential substance abuse treatment, outpatient behavioral health treatment (e.g., substance abuse, mental health, sex offender, batterer's intervention), urinalysis testing, cognitive behavioral interventions, restorative justice programs, community service, family strengthening strategies, pre-release "reach-in" services (assessments and supervision planning pending release from jail), referral to education, vocational training, employment services and housing resources, drug court, and imposition of up to 10 days jail as a sanction for violating supervision conditions.

### Evidence-Based Supervision

Probation will create a specialized supervision unit with responsibility for intensive supervision of the PRCS population. Given the anticipated high-risk level of PRCS offenders, Probation projects that additional 6.0 FTE Deputy Probation Officer positions are needed to provide more intensive supervision of this offender population, proposed at a ratio of 50:1, in accordance with evidence-based practices. The proposed ratio recognizes the reality of fiscal constraints; American Probation and Parole Association (APPA) standards recommend a 20:1 caseload ratio for high-risk offenders.



Adult Probation has invested heavily in establishing evidence-based supervision and intervention practices proven effective in reducing recidivism and improving outcomes. At the heart of evidence-based practices are concepts of risk, need and responsivity (the practice of assessing and identifying criminogenic risk factors contributing to ongoing criminal behavior, which can be changed through application of culturally, developmentally and gender appropriate interventions, teaching new skills and building on offender strengths to mitigate criminality).

These principles are applied in the recently implemented case management system, which allows for tracking of cases based on risk of recidivism, and is integrated with a validated risk assessment tool, the Ohio Risk Assessment System (ORAS). Risk and need factors will be assessed using the ORAS tool; this information will guide supervision strategies to reduce the likelihood of re-offense.

Probation staff will administer the ORAS risk/needs assessment tool to every post release community supervisee and develop an individualized supervision case plan. The plan will guide supervision intensity, treatment/program referrals, case management efforts and offender activities. The ORAS tool, developed by the University of Cincinnati – Center for Criminal Justice Research, lead by renowned criminologist Dr. Edward Latessa, was chosen because of its extensive research and rigorous evaluation/validation with adult offender populations.

Further, a system of responses is being developed for use with the post release community supervision population, and ultimately will drive intervention decisions with all offenders under supervision. The use of the response decision matrix will provide guidance to probation officers regarding the type of intermediate sanction to impose in response to violations. This strategy requires probation officers to consider offender risk and criminogenic need factors, severity of the violation, and offender behavior before determining the most appropriate graduated response. A key component of successfully implementing AB 109 relies on creating an effective revocation hearing process combined with consistent imposition of graduated sanctions in response to violations of supervision conditions, and incentives in response to compliance.

Collaborative case planning is the focal point of this active engagement approach involving the offender, his/her family, probation officer, law enforcement and multiple service providers (e.g. housing, employment, vocational training, education, physical and mental health, nutritional supports, behavioral health, and pro-social activities). Individual factors such as strengths, risk factors, needs, learning style, culture, language and ethnicity are integral to the determination of appropriate interventions and services. In addition to these important considerations, the case plan will determine the level of supervision the probationer requires, and identify the type of evidence based treatment and services needed, promoting dual goals of reducing the risk of re-offense and increasing pro-social functioning and self-sufficiency.

Another key element of enhanced supervision with the AB 109 population includes an emphasis on actively engaging the offender's family in the supervision process. A family-focused model, tapping into available positive supports in the client's social ecology and

building capacity within the family, has proven effective in improving outcomes with high risk offenders. Family strengthening and cognitive skill building programs will be utilized to enhance supervision. Additionally, Probation will partner more extensively with Family and Support Services (Child Welfare) to ensure children of offenders are receiving needed services and that coordination of intervention activities and service delivery occurs to maximize efficiency and increase potential for intervening successfully with intergenerational criminality.

GED and high school diploma programming is available and post-secondary education and vocational training referrals are made when appropriate. Offenders transitioning out of local incarceration can continue educational programming initiated while in the Sheriff's custody when they are released to community supervision.

#### Flash Incarceration

Flash incarceration is a new tool available to Probation, as an administrative process to send offenders to jail for short periods of time for violating any post release community supervision condition. Each offender on PRCS has waived any right to a Court hearing prior to imposition of flash incarceration of not more than 10 consecutive days for any violation of PRCS conditions (PC 3453(q)).

### **3.) Coordination and Referral/ Access to Services**

The limited implementation time, funding constraints, and the need to manage the first groups of offenders that will be realigned to local supervision, require a short-term plan to address the first "wave" of realigned offenders, as well as the phased implementation of a long-range reentry strategy for managing the constant influx of offenders.

#### **Reentry Assessment (Phase I) and Reentry Services Center (Phase II)**

Central to improving outcomes for the PRCS population is ensuring access to an array of services for these offenders, and creating a one-stop model of service delivery.

To accomplish this goal, Probation is proposing creation of a Reentry Assessment Center (RAC), with the intent of expanding it into a Reentry Services Center (RSC), a model patterned after day reporting programs emphasizing collaborative case management, and pairing the expertise of Probation staff with center staff in the provision of assessments and services, delivered both in-house and on a referral basis.

At the beginning, the Reentry Assessment Center process will be managed by Probation staff, who will conduct ORAS assessments, deliver cognitive skill building curriculum (designed specifically for the high-risk offender population to address criminogenic needs and criminal thinking), obtain UA samples for analysis, and conduct regular office visits with offenders at the Center.

In a second phase, these activities will be connected and integrated with referral and access to treatment, and rehabilitative and support services for the successful integration of the

offender in the local community. For this reason, the Center would need to be located at or in close proximity to Probation's Adult Division.

The "one stop" concept Reentry Services Center serves as a receiving location, an assessment for risk of recidivism and criminogenic needs, a referral center and provider of direct services. It could also be used to administer a unified psychosocial assessment and to evaluate housing stability, employment and training. It would expand a role similar to the Parole and Community Team (PACT) and the Adult Day Reporting Center, with comprehensive services and follow-up. Offenders could be directed to a mandatory 30-day participation in which all these activities and initial treatment services would take place, and would rotate out of the daily reporting phase as other offenders come in.

This model is based on close collaboration and communication among the public and private entities serving these populations, to leverage resources, avoid duplications and share successful strategies, including:

- Ally with services providers to gather information about populations served, successful programs in terms of outcomes or reduction in recidivism
- Connect with local faith and community-based organizations (FCBOs) and involve them in planning process
- Adopt partner/resource matrix or similar method to integrate public agencies and faith and community based organizations
- Engages public agencies, such as Behavioral Health, Economic Opportunity, Redevelopment and Housing, Social and Employment Service
- Adopt multi-disciplinary case management model
- Develop and measure outcomes for continuous improvement and identify obstacles to data collection

It is anticipated that assessment, treatment and rehabilitative services could be contracted to a community-based organization, and that staff functions would include assessments and referrals to a host of community-based programs including education, vocational training, employment, housing, mental health services, substance abuse treatment (outpatient and long-term residential), medical services, HIV/AIDS prevention and education, food and nutrition resources, and parenting skills services. Clients will be required to attend activities in the Reentry Services Center daily for the first 30 days, to concentrate efforts toward identification of needs, referrals and participation to services, and closer supervision at a time when the offender is most vulnerable and in need of support.

Restorative justice activities, such as family reunification and family circles, victim impact training, victim/ offender reconciliation, and connection to sponsors or mentors can also be initiated during the first 30 days.

The RSC model is based on the successful Adult Day Reporting Center (DRC), established with assistance from a Recovery Act Edward Byrne Memorial Competitive Grant. The Monterey County DRC opened in December 2009 and maintains an average of 50 clients daily. The DRC is a cognitive behavioral program and a hub of supervision, treatment,

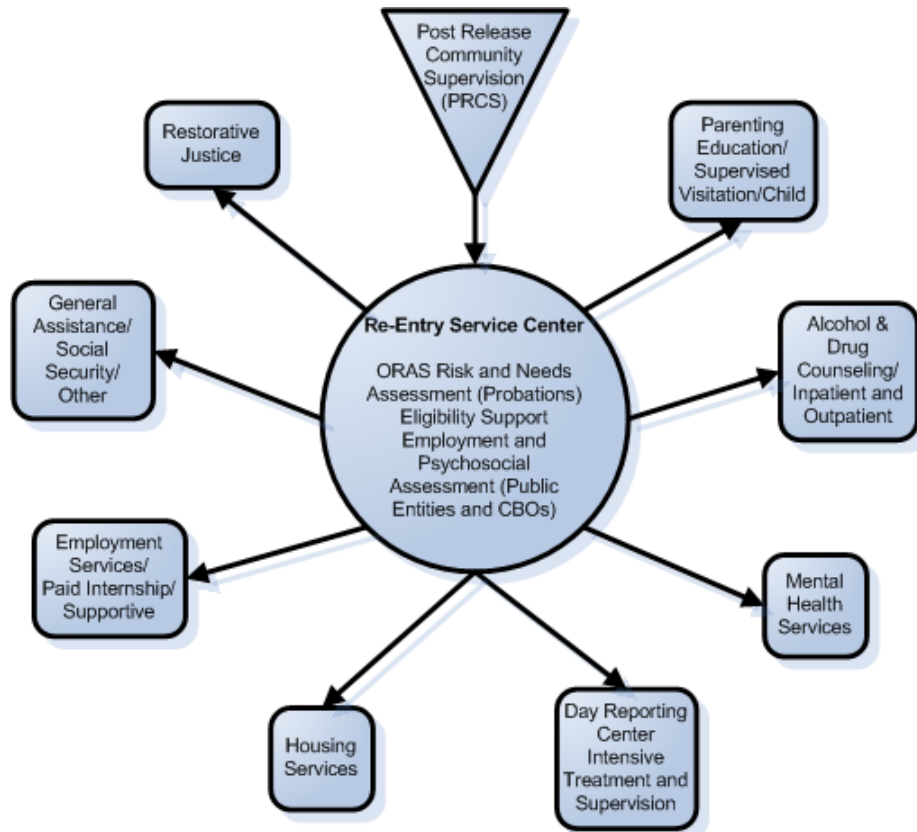
vocational training and educational activity for offenders with the goal of replacing criminal thinking with pro-social thinking and reducing recidivism. All clients are monitored for sobriety while participating in the program; sobriety rates increase sharply over the duration of the participant's time in the program.

Data collected through March 2011 is extremely positive and indicates that over 300 probationers received services from the DRC; 52% of participants completed all program requirements. For the first 30 clients who graduated from the DRC program, only two (6%) have been re-arrested for a probation violation or new crime.

In addition, the Probation Department, as the designated agency for PRCS, will require enhancing the program's infrastructure, by adding:

- 1.0 FTE Accountant position to manage fiscal requirements, collect backup documentation and audit programs for fiscal compliance;
- 1.0 FTE Management Analyst position to develop data collection and evaluations procedures, analyze trends and recommend corrective actions, report program results, research other evidence-based programs, evaluate the effectiveness of the rehabilitation and supervision programs, ensure program fidelity, and work with all partners to promote common goals and integrated and consistent strategies.

### Monterey County Re-Entry Services Center Model



## II. Rehabilitative and Treatment Services

Key components of rehabilitation and treatment services include providing employment and housing support, addressing substance abuse and mental health needs, and establishing a matrix and network of providers committed to implementing evidence based practices, meeting periodically, and fulfilling their role in community treatment. An ongoing commitment to training in and fidelity to cognitive behavioral intervention strategies and evidence based practices is part of the plan for rehabilitative and treatment services.

*"...we now warehouse too many prisoners. In California, fully half of all prisoners are released without ever having a work assignment or participate in any rehabilitation program. They get out unprepared for reintegration, and most fail and return to prison. They end up 'doing life on the installment plan.' This is wasteful of their human potential, expensive for the taxpayer, and fails to protect the public." Joan Petersilia, Ph.D.*

### Department of Social and Employment Services

#### Employment Services and Access to Public Assistance for Offenders Under Community Supervision

Central to the success of individuals and their families is access to employment and public assistance resources to support independence and self-sufficiency in the community. To this end, the Department of Social and Employment Services (DSES) will provide access to public assistance benefits through eligibility outreach, and will provide access to employment services to some of the more than 300 people who will be out of custody on Post Release Community Supervision (PRCS). Additionally, as service needs evolve to incorporate the population supervised under pre-trial release programs or alternative sentencing programs, DSES remains committed to revising this plan of service to maximize opportunities for reducing recidivism while sustaining community safety as a priority.

#### Projected Additional Number of People in Need of Social and Employment Services

COMPAS Validation Study of 2010 for CDCR reported that over one-third or 35% of the former inmates in the COMPAS sample reported experiencing significant financial problems; 37% were in high need of vocational/educational assistance; and a slightly higher percent, 39%, suggested a high need for housing assistance.

DSES estimates that most of the 309 individuals out of custody PRCS will require some level of employment assistance. Individual needs will range from job readiness and employment workshops to much more intensive employment support. Based on the COMPAS Validation Study, it is assumed that 37% of the PRCS population may need intensive employment services. However, it is further assumed that approximately half of that amount in need will be ready to successfully engage in employment services.

Similarly, it is estimated that most of the 309 individuals returning under local supervision will need some level of outreach to support applications for public assistance (CalFRESH, Medi-Cal, CalWORKs when connected to a family with minor children, and General Assistance when not connected to minor children.) Using the COMPAS Validation Study, it is further assumed that up to 35% will experience significant financial problems that could be alleviated by nutrition or cash assistance programs.

With regard to the PRCS population and homelessness, the recent “Homeless Triangle” series reported on SF Gate cited CDCR point-in-time data on the number of parolees whose address is listed as either “transient” or “homeless.” For Monterey County, this data yields an estimate that one in twenty (5.3%) individuals in PRCS will be homeless. Another source, the *2011 Monterey & San Benito Counties Homeless Census and Survey Comprehensive Report*, identified 2,507 homeless individuals in the County. Based on data compiled from 520 surveys conducted from February 1<sup>st</sup> to March 21<sup>st</sup>, 2011, an estimated 22% of the homeless population is on parole or probation. When divided by the total parolee and probationer population in Monterey County, this yields an estimate that 8.6% of that population is homeless at any point in time.

### Proposed Strategies for Employment and Social Services

#### **a.) Employment-Related Services**

Through the One Stop Career Center system, the Department of Social and Employment Services will use existing grants and general service delivery funds to make available:

- Employment workshops (including the successful Kickstart Program) will be provided at the Probation Reentry Services Center on an as-needed basis;
- Ongoing employment workshops, including job readiness, job search, and JobLink workshops at the One Stop Career Center
- Enrollment into Workforce Investment Act (WIA) intensive employment services at the One Stop Career Center or with subcontractors at Turning Point and Shoreline Workforce Development Services. (It should be noted that for the overall WIA intensive employment services the population under PRCS will be assessed for service delivery alongside the broader population seeking employment support without special consideration.)

To the extent resources are available from AB 109 realignment funding, it is recommended that employment services targeted toward the population in community supervision be expanded. Targeted funding will allow for more flexibility in service delivery and eligibility; it will also minimize challenges that could result from redirecting resources away from the broader population of unemployed community members.

Using data from the CDCR COMPAS Validation Study, it is estimated that approximately 114 of the 309 individuals under Post Release Community Supervision can benefit from Intensive Employment services. Assuming that approximately half the population with need (57 individuals at any given time) follows through with intensive employment



services, \$285,000 per year would be needed to pay for direct work experience, on the job training or wage subsidy. Staffing for an additional employment case manager is approximately \$65,000. The total annual additional cost at full implementation would be \$350,000, with an estimated cost for the first 9 months of implementation in FY 2011-12 of \$235,333.

### **b.) Public Assistance Services**

DSES will support enrollment of the PRCS population into applicable public assistance programs. It is estimated that most of the individuals returning to local supervision will need some level of outreach to support applications for public assistance (CalFRESH, Medi-Cal, CalWORKs when connected to a family with minor children, and General Assistance when not connected to minor children.) It is assumed that up to 35% could qualify for the county General Assistance (GA) program. However, access to the GA program by the PRCS population is currently limited by local policy that bars drug felons from receiving assistance (consistent with the rules under CalWORKs.)

DSES will propose policy to the Board of Supervisors to ease this restriction so that it matches CalFRESH policy. Under proposed policy, GA would be made available to the PRCS population of drug felons whose conviction is for personal use, and who is participating or has participated in a drug treatment program. The ban remains for those drug felons convicted of a crime that includes manufacture, sale or distribution, or unlawfully encouraging a minor to participate in sale, manufacture or distribution of drugs.

Further, DSES will work with health care partners to improve the SSI Advocacy process to balance the local financial burden of an increased General Assistance population, and keep the proposed change cost-neutral.

### **c.) Housing Services**

Housing resources are extremely pressured in Monterey County. It is estimated that at least 8.6% of the PRCS population will need intensive housing assistance. To the extent resources are available from AB 109 realignment funding, it is recommended that DSES and the Probation Department develop a plan in partnership with the Coalition of Homeless Services Providers. In concept, this plan is to provide Probation Officers with resources to stabilize housing for PRCS participants. Recommended resources include: a stipend could be used to offset the cost of move-in expenses, housing or shelter services if the PRCS participant is complying with their case plan and making progress. In order to pilot this concept, it is proposed that an initial flexible pool of financial resources in the amount of \$40,000 be set aside for the first nine months, and made available to Probation Officers to support housing for PRCS participants who are making progress in their treatment goals.

## **Health Department, Behavioral Health Bureau**

### **Psychosocial Assessment and Behavioral Health Treatment for Offenders Under Community Supervision**

Many offenders returning to the community have behavioral health issues that need to be addressed and treated. To this end, the Department of Health, Behavioral Health Bureau (HDBH) will provide psycho social assessment, referral, and behavioral health treatment, to some of the offenders who will be out of custody on Post-Release Community Supervision (PRCS). HDBH will revisit the proposed service plan to maximize opportunities for treatment and to contribute and support community safety, as service needs evolve to incorporate population supervised under pre-trial release programs or alternative sentencing programs.

#### Projected Additional Number of People in Need of Social and Employment Services

At a Panel presentation to the California Mental Health Directors Association, representatives from CDCR indicated that at least 5% and as many as 25% of prisoners expected to be released had serious mental health problems or were on psychiatric medications. Moreover, data was presented that indicated at least 60%, and as many as 80%, of parolees had a substance use disorder.

HDBH estimates that most of the 309 individuals (and many triple Non's) out of custody PRCS will benefit from a psychosocial assessment. Individual needs will range from psychiatric medication management, severe medical conditions, substance abuse problems, family counseling, and more intensive behavioral health support. Based on the data provided by CDCR, HDBH recommends that all community probationers receive a psychosocial assessment, with the opportunity for referral to appropriate behavioral health outpatient and residential programs.

#### Proposed Strategies for Psychosocial Assessment, Mental Health and Substance Abuse Treatment

Through Probation's Reentry Services Center, the Health Department, Behavioral Health Bureau will leverage existing resources with AB 109 funds to provide:

- One to two hour behavioral assessment, utilizing ANSA clinical assessment tool and if deemed appropriate, the Addiction Severity Index (ASI)
- Psycho-education groups on managing stress, depression, relationships, and trauma at the RSC, on an as needed basis;
- Referral and linkage to appropriate Mental Health and Substance Abuse treatment services, including: psychiatric services, medication services, case management services, outpatient substance abuse treatment, and residential substance abuse treatment; and family services such as parenting education, supervised visitation, anger management and domestic violence classes, and family counseling.



The proposal is for phase one funding, with the idea that on a second phase services will be more comprehensive. It assumes there will be a ramp up period for service referral, with an immediate need for psychosocial assessment for 300 clients, services to 60 outpatient clients for a 7-month period, and 42 residential. The estimated cost for the first 9 months of implementation in FY 2011-12 is \$334,846. A Psychiatric Social Worker II will be requested for performing the psycho social assessments at a cost of \$77,246.

### III. Jail Management

#### **Sheriff's Office**

##### Projected Additional Number of Inmates

The Sheriff's Office (SO) is preparing for an unanticipated jail population increase due to the new felony sentencing structure created by AB 109.

Additional inmates potentially include: (1) those convicted of a felony now sentenced to county jail rather than state prison; (2) violators of postrelease community supervision; (3) violators of state parole up to 180 days (an exception is that paroled lifers with revocation terms greater than 30 days will serve time in state prison); and (4) postrelease community supervisees sanctioned with flash incarceration of up to 10 days for each violation.<sup>2</sup>

##### Proposed Strategies for County Inmates

To address these projected increases, the SO will maximize county jail capacity and utilize alternatives to incarceration in collaboration with the Probation Department through an expanded Supervised Home Confinement program. Based on an updated policy, Jail staff will also screen all persons booked into county jail for the appropriateness of release on own recognizance pending court.

##### County Jail

The Sheriff's Office operates the local jail through its Corrections Bureau. The Monterey County Jail has an 829-bed capacity and is running at 1,055 on a regular basis.

People convicted of non-serious, non-violent, and non-sex offense felonies will serve sentences in the county jail instead of being sent to state prison if they are not granted probation. This change is prospective and will apply to anyone who is convicted on or after October 1, 2011. Typically, these sentences would last 16 months to three years; this is longer than the average 90-day sentence currently served in California county jails. Enhanced and consecutive sentences may create even longer sentences. AB109 changes how credits for good time and work time are calculated from one day of good time and one day of work time for every six days served in jail to one day of good time and one day of work time for every 4 days served in jail. This means that inmates will be required to serve 50% of their sentence in custody, minus any credits for time served prior to their sentence as determined by the Court, instead of two-thirds of their sentence, which is the current law under PC 4019. This change will help mitigate, to some degree, the impact of longer sentences being served in the county jails. Further, all post release community supervision revocations and almost all parole revocations will be served locally. AB109 encourages the use of flash incarceration up to 10 days in county jail for postrelease community supervisees who violate their community supervision terms.

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<sup>2</sup> These estimates are based upon data provided by CDCR.

Further analysis is necessary once AB109 is implemented to accurately determine the impact on jail beds, alternative incarceration programs and court security/inmate transportation. Based on current population trends, local capacity for additional inmates must be created from beds vacated by low-level offenders being released from custody to alternatives to detention, and through a system of graduated sanctions to address technical violations of probation and PRCS.

Expansion of in-custody programming, such as substance abuse services, restorative justice programs, and veteran services, will be evaluated to maintain safety and offer productive use of free time while incarcerated. AB109 offenders could be assigned to programming based on meeting eligibility criteria and availability. The Sheriff's Office will work with the courts and CDCR parole personnel to provide programs and services to inmates serving time in jail for a parole revocation, to the extent possible within funding constraints and available programming space. Further, there is a prospect of placing some long-term violators into a Cal-Fire Conservation Camp.

### Community Programs & Alternatives to Incarceration

Alternatives to incarceration are frequently utilized to transition inmates back into the community. The SO will increase reliance on alternatives to incarceration in order to manage anticipated population increases under AB109. These additional alternatives provided for by AB109 legislation include involuntary home detention and pretrial services.

Additionally, AB109 provides legal mechanisms to use alternatives to incarceration for sentenced populations. These alternatives will include electronic monitoring, work alternative, and day reporting, but might be expanded later on to include residential treatment beds, restorative justice programs, employment counseling and services, and transitional housing.

Once an offender has been sentenced to the county jail, both jail staff and Probation will review the program and services the inmate is participating in, and develop a timeline and plan for the inmate, if eligible, to transition from the county jail to an appropriate alternative to incarceration. Decisions regarding this plan will consider in-custody behavior, participation and progress in jail programs and services, the pre-sentence report and court commitment, eligibility based on current charges and prior convictions, and availability of the alternatives to incarceration best suited for the inmate. Probation will supervise people in alternatives to incarceration programs through a highly visible community presence and random site checks, and will provide a swift response if a person absconds or violates conditions of their participation in the program.

## IV. Courts and Justice Partners

AB 109 creates three new classes of offenders resulting in potential revocations handled by the Court (authority for parole revocations is postponed to July 1, 2013). The workload impact on criminal justice partners will depend on several factors, which are not clearly quantifiable at this time, such as: offender compliance; administrative flash incarceration (for PRCS), and the successful use of alternative sanctions.

### **District Attorney**

Realignment presents significant impacts on partners in the Monterey County criminal justice system, including the District Attorney's Office (MCDA), as a result of the paradigm change involving the sentencing and supervision of certain convicted felons. The District Attorney will be presented with challenges in order to carry out these new responsibilities as well as ensuring that public safety is not compromised.

- **Training:** Realignment requires training deputy district attorneys in both the law and the consequences of the new sentencing scheme. MCDA will coordinate with the California District Attorneys Association in providing both in-house training and opportunities to attend state wide trainings.
- **Incarceration responsibilities:** The increase of felons into the county jail will tremendously pressure an already overcrowded facility. MCDA, in compliance with AB 109 directives, will examine alternatives to jail incarceration and will communicate, collaborate, and cooperate with justice partners in addressing this new burden, but not at the expense of public safety.
- **Revocation hearings:** Realignment shifts responsibility for revocation hearings from the state parole system to local courts. This process will increase the workload for the courts, the MCDA, and the defense bar. When these defendants violate the terms and conditions of PRCS, the local court system will adjudicate those matters, and the MCDA will have the responsibility of presenting evidence of the violations and representing the People.
- **Pretrial Release:** If more defendants are released pretrial because of jail overcrowding, MCDA believes there may be significant impacts on the criminal justice system, perhaps resulting in more continuances of cases and fewer dispositions. If more defendants are released pre-trial, it is reasonable to expect that there may be new crimes committed, given the high recidivism rates for this population group. MCDA will work with the other partners to try to mitigate this consequence by working to develop thorough assessments and community services that will help ensure that defendants appear for trial and do not re-offend.
- **Evidence Based Measurements:** MCDA anticipates that the tracking and monitoring of convicted offenders will require significant commitment of resources to obtain accurate data measuring the success or failure of alternative programs. MCDA will work with all the partners to ensure that the data collected accurately reflect how defendants are responding

to programs, and the impacts if any on the expeditious processing of cases within the court system.

- **Public Safety:** MCDA is very concerned about the practical effects of realignment on the safety of the local community. The programs developed to address issues involving defendants must be continually assessed to ensure that we are not endangering the community's public safety. The challenge of realignment is implementing the law with the goal of reducing recidivism, but also to ensure that released offenders are closely monitored to protect the public.

## **Public Defender**

The Public Defender's Office will represent persons charged with Post Release Community Supervision (PRCS) revocations following a probable cause hearing. These hearings may commence on or after October 1, 2011. Following October 1, 2013 the Board of Parole Hearings will no longer hear the majority of parole revocation hearings, which will be transitioned to the local courts. The Public Defender will participate as legal counsel in these proceedings as well.

The Public Defender may be available to self appoint in appropriate cases. (This authority is conferred by the Government Code but it is not anticipated to be frequently utilized).

Use of community sanctions in lieu of incarceration will be reviewed by the Public Defender to be sure that the terms and conditions comport with constitutional and other legal requirements. The Public Defender may be involved in the development and implementation of Therapeutic Justice programs such as drug court, mental health court and re-entry court if resources permit. In addition, the Public Defender will participate in a Restorative Justice model for interventions if utilized as part of the PRCS program.

The impact of the PRCS on the capacity of custodial institutions is unknown with certainty at the present time. Incarceration capacity will be closely monitored and not permitted to exceed legal or constitutional limitations.

The Public Defender is authorized by the Government Code to represent persons with issues regarding conditions of confinement, and will participate in this role as deemed appropriate.

## **Superior Court**

### Projected Additional Number of Revocation Cases

AB 109/117 shifts the responsibility for holding revocation hearings for state parolees from the State Bureau of Parole Hearings (BPH) to the County court system. As of July 1, 2013, the Court will handle revocations for parolees under CDCR supervision, with the exception of those on parole for a life sentence.

Under AB 109/117 parolees will only be able to serve violations of their community supervision, once revoked, in county jail - not state prison. The only exception is for persons previously sentenced to a term of life who can continue to be returned to state prison on a revocation. The length of a jail custody sanction imposed for a parole violator is limited to 180 days.

According to State estimates, the total parole and post-release supervision population expected to be serving revocation sentences in local custody is projected to be 34 on any given day.

It is difficult to estimate the workload impact on the Courts, as each offender from the realigned populations could have none (because of good behavior, or administrative sanctions such as flash incarceration, or graduated sanctions) or multiple revocation hearings handled by the Courts.

The Courts will be managing revocation hearings for the following new populations:

| <b>Population</b>                  | <b>Effective Date</b> | <b>Comments</b>                                          |
|------------------------------------|-----------------------|----------------------------------------------------------|
| "Non-non-non" on local supervision | October 1, 2011       | Hybrid sentence: custody and mandatory supervision       |
| Post Release Community Supervision | October 1, 2011       | Population exiting from prison who are eligible for PRCS |
| Parolees                           | July 1, 2013          | Excludes offenders sentenced October 1, 2011 to life     |

## CHALLENGES

A statewide system change of this nature carries significant legal, operational and financial challenges. Some are being identified during the planning stages, while others will arise during the development of policies and procedures, and program implementation.

- Clarification of legal language, and legal status of County Jail offenders and PRCS offenders
- Data collection requirements and outcome measurement
- Close coordination and consistency of processes with Superior Courts
- Approach by Superior Court judges in sentencing options, consistent with intent of the law, and alternatives to detention that will ensure public safety
- Insufficient funding for the breadth of detention alternatives and rehabilitative programs to address criminogenic needs
- High level of criminogenic needs for these new populations and support services (housing, employment, treatment, etc.)
- Limited capacity of local Jail; need for a more functional facility and higher number of beds
- Logistics of revocations: developing processes for revocations through the Court system, in terms of new protocols, still undefined processes, and data sharing
- Change management for the paradigm shift to evidence-based strategies for all partners
- Victim information and support for victims subpoenaed to revocation hearings



## PROPOSED OUTCOMES

This policy initiative – together with the intervention strategies articulated in the local Public Safety Realignment plan - is intended to improve success rates of offenders under supervision, resulting in less victimization and increased community safety. Accomplishing this in the most cost efficient manner and employing proven correctional and justice system practices, is emerging as the primary strategic goal of the initiative.

### Outcomes Measures

The Realignment Plan seeks to achieve the following three goals:

1. Implementation of a streamlined and efficient system in the County of Monterey to manage our additional responsibilities under realignment.
2. Implementation of a system that protects public safety and utilizes best practices in recidivism reduction.
3. Implementation of a system that effectively utilizes alternatives to pre-trial and post-conviction incarceration where appropriate.

To achieve these goals, Monterey County partners will develop and track several outcome measures. These measures should be derived from critical tasks and activities over which correction practitioners have direct control, as intermediate outcomes toward long-term goals.

Examples of potential outcome measures include:

- Program completion rates
- Local incarceration rates
- Number and type of offenders sentenced to county jail
- Number and type of offenders sentenced to state prison

Other possible measures will be evaluated and developed at a later date.

## ACRONYM GLOSSARY

|            |                                                                                                |
|------------|------------------------------------------------------------------------------------------------|
| AB109/ 117 | Public Safety Realignment Act of 2011                                                          |
| ADP        | Average Daily Population                                                                       |
| AOC        | Administrative Office of the Courts                                                            |
| APPA       | American Probation and Parole Association                                                      |
| ASI        | Addiction Severity Index                                                                       |
| BPH        | Board of Parole Hearings                                                                       |
| CalWORKs   | Cash assistance and welfare-to-work services for low-income adults with dependent children     |
| CalFresh   | (Food Stamps) - a monthly benefit that can be used to purchase food                            |
| CAO        | County Administrative Officer                                                                  |
| CBO        | Community-Based Organization                                                                   |
| CCP        | Community Corrections Partnership                                                              |
| CCPIF      | Community Corrections Performance Incentive Fund                                               |
| CDCR       | California Department of Corrections and Rehabilitation                                        |
| CMS        | Case Management System                                                                         |
| COMPAS     | Correctional Offender Management and Profiling Alternative Sanctions                           |
| CSAC       | California State Association of Counties                                                       |
| DA         | District Attorney                                                                              |
| DRC        | Day Reporting Center                                                                           |
| DSES       | Department of Social and Employment Services                                                   |
| EM         | Electronic Monitoring                                                                          |
| FBO        | Faith-Based Organization                                                                       |
| FTE        | Full-Time Equivalent                                                                           |
| GA         | General Assistance                                                                             |
| GPS        | Global Positioning System                                                                      |
| HD         | Home Detention                                                                                 |
| HDBH       | Health Department – Behavioral Health Bureau                                                   |
| MCDA       | Monterey County District Attorney                                                              |
| MDO        | Mentally Disordered Offender                                                                   |
| Medi-Cal   | Health coverage for low-income children, pregnant women, seniors and persons with disabilities |
| MI         | Motivational Interviewing                                                                      |
| ORAS       | Ohio Risk Assessment System                                                                    |
| PACT       | Parole and Community Team                                                                      |
| PC         | California Penal Code                                                                          |
| PD         | Public Defender                                                                                |
| PRCS       | Post Release Community Supervision                                                             |
| RAC        | Reentry Assessment Center                                                                      |
| RSC        | Reentry Services Center                                                                        |
| SB 678     | California Community Corrections Performance Incentives Act of 2009                            |
| SHC        | Supervised Home Confinement                                                                    |
| SO         | Sheriff's Office                                                                               |
| UA         | Urinalysis sample                                                                              |

## DEFINITIONS

|                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|--------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Criminogenic Needs                         | Dynamic risk factors or attributes of offenders that are directly linked to criminal behavior and therefore affect a person's risk for recidivism (Ed Latessa, Ph.D., University of Cincinnati).                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Evidence-based Practices<br>(Corrections ) | The conscientious, explicit, and judicious use by correctional administrators of current best research evidence in selecting programs designed to manage offenders, reduce recidivism, and increase public safety. Research evidence of program effectiveness must adhere to accepted methodological standards. A program must also use empirical assessment tools to target the program to the individual offender and must objectively measure program implementation and outcomes. Evidence-based programs also include programs that adhere to 'principles of effective intervention' established by prior research (CDCR). |
| Recidivism                                 | In the criminal justice context, it describes when a person reverts back to criminal behavior after being convicted and punished. Those in the criminal justice field commonly refer to repeat offenders as recidivists.<br>There is no standard definition of recidivism.                                                                                                                                                                                                                                                                                                                                                      |
| Non-non-non (N3)                           | Offenders convicted of a non-serious, non-violent, non-sex offense.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |

## SUMMARIES

### Roles and Responsibilities

| Entity                                                   | Roles and Responsibilities                                                                                                                                                                                                                                                                                             |
|----------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Probation                                                | <ul style="list-style-type: none"> <li>✓ Lead agency for PRCS program</li> <li>✓ Responsible for determining eligibility</li> <li>✓ Responsible for determining and modifying Risk and Supervision Levels</li> <li>✓ Lead agency for administering the Supervised Electronic Monitoring Program</li> </ul>             |
| Sheriff/ Local Law Enforcement                           | ✓ Manage jail population                                                                                                                                                                                                                                                                                               |
| D.A., Public Defender, Alternate Public Defender, Courts | ✓ Lead the revocation hearing process                                                                                                                                                                                                                                                                                  |
| Health/ Behavioral Health                                | <ul style="list-style-type: none"> <li>✓ Review PRCS pre-release packets</li> <li>✓ Assess for mental health needs</li> <li>✓ Develop treatment plan</li> <li>✓ Assist offenders in accessing treatment services (Referrals to CBOs)</li> </ul>                                                                        |
| DSES                                                     | <ul style="list-style-type: none"> <li>✓ Assist offenders assigned to Reentry Services Center</li> <li>✓ Determine eligibility for programs</li> <li>✓ Assist homeless population with finding housing (Referrals to CBOs)</li> <li>✓ Assist with work training and employment services (Referrals to CBOs)</li> </ul> |
| CBOs and FBOs                                            | ✓ Provide services as requested by government agencies offenders assigned to Reentry Services Center                                                                                                                                                                                                                   |

### Implementation Considerations

| Implementation Considerations |                                                                                                                                                                                                                                                                                               |
|-------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1                             | A process will need to be developed so that the State Department of Mental Health and Public Health can release pertinent medical and mental health information required to successfully treat offenders. Offenders may be required to sign a consent form to have this information released. |
| 2                             | Probation to develop standard policy and procedure for initiating the revocation process.                                                                                                                                                                                                     |
| 3                             | Contract with existing CBOs to launch the program. Develop RFP to provide qualifying CBOs with the opportunity to compete for provision of these services.                                                                                                                                    |
| 4                             | Provide training to supervision, treatment, custody and court staff on evidence-based practices and to build and strengthen the network.                                                                                                                                                      |
| 5                             | DSES and Probation to develop the Non-Compliance criteria and process when an offender on PRCS has absconded and/or revocation process has been initiated.                                                                                                                                    |
| 6                             | Probation will need to develop the mechanism for law enforcement to access CMS for accurate information as it relates to persons supervised on PRCS.                                                                                                                                          |
| 7                             | Key metrics will need to be developed for assessing: 1) effectiveness of the framework, and 2) effectiveness of the evidence-based programs and curriculum utilized.                                                                                                                          |

| <b>State Realignment (AB 109)<br/>Proposed Budget Allocations<br/>October 1, 2011 to June 30, 2012 (9 Months)</b> |                    |
|-------------------------------------------------------------------------------------------------------------------|--------------------|
| <b>Sources</b>                                                                                                    |                    |
| AB 109 Revenue                                                                                                    | \$4,406,336        |
| General Fund in FY 2011-12 Budget                                                                                 | 0                  |
| <b>Total Sources</b>                                                                                              | <b>\$4,406,336</b> |
| <b>Uses</b>                                                                                                       |                    |
| Probation – Supervision & Detention Alternatives                                                                  | \$1,392,400        |
| LEA – Day Reporting Center                                                                                        | \$700,000          |
| LEA – Evaluation                                                                                                  | \$42,000           |
| Sheriff – Custody                                                                                                 | \$1,181,903        |
| Public Defender – Representation                                                                                  | \$68,948           |
| District Attorney - Representation                                                                                | \$68,949           |
| DSES - Rehabilitative/ Treatment Services                                                                         | \$275,333          |
| HDBH – Rehabilitative/ Treatment Services                                                                         | \$348,846          |
| Contingencies from one-time funds                                                                                 | \$327,957          |
| <b>Total Uses</b>                                                                                                 | <b>\$4,406,336</b> |

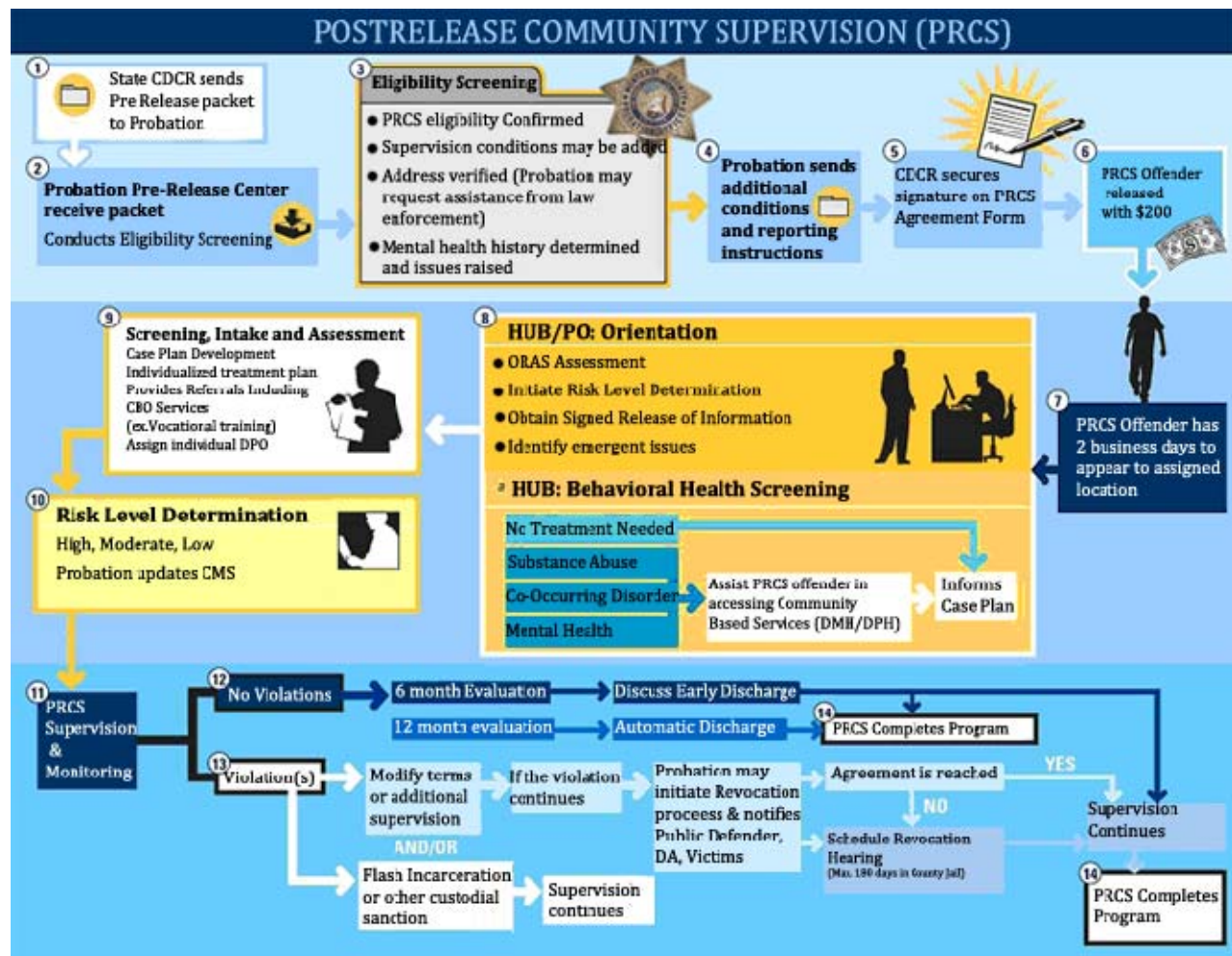
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|------------------------------------------------------------------|-------------|
| Post-release Community Supervision (PRCS)                        | \$3,846,989 |
| Supervision, detention, and detention alternatives               |             |
| District Attorney/Public Defender (PRCS representation)          | \$137,897   |
| AB 109 Planning Grant (one-time funding)                         | \$150,000   |
| AB 109 Training and Implementation Activities (one-time funding) | \$271,450   |
|                                                                  | \$4,406,336 |

**Evidence-Based Principles for Effective Intervention**

1. Assess Actuarial Risk/Needs
2. Enhance Intrinsic Motivation
3. Target Intervention
  - a. *Risk Principle*
  - b. *Need Principle (targeting criminogenic factors)*
  - c. *Responsivity Principle*
  - d. *Dosage*
  - e. *Treatment (using behavioral approaches)*
  - f. *Fidelity (ensuring that programs are delivered as designed)*
4. Skill Train with Directed Practice
5. Increase Positive Reinforcement
6. Engage Ongoing Support in Natural Communities
7. Measure Relevant Processes/Practices
8. Provide Measurement Feedback

Extrapolated from: *Implementing Evidence-Based Practice in Community Corrections: The Principles of Effective Intervention* - U.S. Department of Justice, National Institute of Corrections

## THE POST RELEASE COMMUNITY SUPERVISION PROCESS



*Adapted from the County of Los Angeles Community Corrections Partnership AB 109/117 Plan, August 2011*



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