

Inyo County Community Corrections  
Partnership Report and Recommendation  
to the Board of Supervisors on Assembly Bill  
109, The Public Safety Realignment Act of  
2011.



# Public Safety Realignment Act of 2011

County of Inyo-Community  
Corrections Partnership Plan

Approved on April 10, 2012

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**The Public Safety Realignment Act**  
**Inyo County Community Corrections Partnership Plan**

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**SUMMARY AND OVERVIEW**

In an effort to address overcrowding in California's prisons and assist in alleviating the state's financial crisis, the Public Safety and Realignment Act (Assembly Bill 109) was signed into law on April 5, 2011. AB 109 transfers responsibility for supervising specified lower level inmates and parolees from the California Department of Corrections and Rehabilitation to the counties. Implementation of the Public Safety Realignment Act is scheduled for October 1, 2011.

Additionally, Section 1230 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 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 multi-service centers, mental health treatment programs, electronic monitoring and GPS monitoring programs, victim restitution programs, counseling programs, community service programs, educational programs, and work training programs."

Key members of the Inyo County Community Corrections Partnership include:

**Executive Committee**

Jeffrey L. Thomson, Chief Probation Officer (Chair)

The Honorable Dean T. Stout, Presiding Judge of the Superior Court

Arthur J. Maillet, Inyo County District Attorney (Also representing Victim's Services)

Elizabeth Corpora, Public Defender

Bill Lutze, Inyo County Sheriff

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Chris Carter, Bishop Chief of Police

Jean Turner, Health and Human Services Director

**Remaining CCP Members and Participants**

The Honorable Brian J. Lamb, Judge of the Superior Court

Jacob E. Morgan, Probation Department, Director of Adult and Juvenile Services

Gail Zweir, Inyo County Behavioral Health Director

Marilyn Mann, Health and Human Services, Director of Adult and Children's Services

Sheri Snyder, Employment and Public Assistance Supervisor

Terry McAteer, Inyo County Superintendent of Schools

Eric Pritchard, Inyo County Sheriff's Department, Jail Sergeant

Nate Girardin-Inyo County Sheriff's Department, Correctional Officer

Nick Vaughn, Inyo County Sheriff's Department, Corporal

Darcia B. Lent, Bishop Paiute Tribe Career Development Center

Joel Samuels, Inyo County Assistant District Attorney

Carlos Hernandez, Bishop Paiute Tribe, Employment and Housing

Kevin Carunchio, Inyo County Chief Administrative Officer

Alisa Lembke, Inyo County Probation Department, Administrative Secretary (CCP Secretary)

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**BACKGROUND AND INFORMATION**

California Assembly Bill 109 is historic legislation that sets into motion a number of fundamental changes related to the incarceration, supervision and treatment of a designated group of offenders, and provides Inyo County with the ability and funding to provide a system of correctional services that address both the rehabilitation of offenders and community safety. AB 109 offers support for community corrections and its multiple goals of offender accountability, surveillance and supervision as well as fiscal accountability.

AB 109 reduces the number of offenders incarcerated in the state prison and releases low level offenders (non-sexual, non-violent offenders and non-serious offenders) to counties of commitment. It also changes the California Penal Code and sentencing practices to keep these low level offenders from being committed to the state prison. Community Corrections as detailed in the Realignment Act are non-prison sanctions imposed by a court that move offenders through a system of services that are evidence based and available to those who will most likely benefit from them, thereby redeeming both offenders and economies. The magnitude and scope of the legislation has required a paradigm shift for the criminal justice system in Inyo County. The justice partners, in conjunction with the Community Corrections Partnership stand ready and competent to provide public safety services, mindful of the realignment focus on evidence based practice solutions for alternatives to incarceration and reentry joined with public services.

To address the anticipated needs of the new realignment population, a number of proposals are recommended that will create a system of fiscally responsible, outcome and data driven, evidence based reforms to current justice system operations. Proposed reforms will be comprehensive, inclusive and transparent. The proposed strategies for reform consider the expected multidimensional needs of the new realignment population and the solutions necessary to achieve a balance between public safety and the spirit of the new legislation. The goals of increased public safety through recidivism reduction can be met at the local level, provided there is a thorough understanding that is informed by and based upon an already established and verified body of knowledge of evidence based practice, principles and programs.

**KEY PROVISIONS OF AB 109**

**Redefining Felonies:** Revises the definition of a felony to include certain crimes that are punishable in county jail for 16 months, 2 years or 3 years. Some offenses, including serious, violent and sex offenses are excluded and sentences will continue to be served in state prison.

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Felons excluded from serving a state prison sentence in county jail (County Jail Prison Term) include (See Appendix A for a list of crimes excluded from county jail prison sentences.):

- 3<sup>rd</sup> strikers (Penal Code § 667) or inmates serving a life term.
- Individuals with a prior or current serious felony conviction under Penal Code § 1192.7(c)(1).
- Individuals with a prior or current violent felony conviction under Penal Code § 667.5(c)(1).
- Individuals with an out-of-state felony conviction for a crime that would qualify as a serious or violent felony under California law.
- Individuals required to register pursuant to Penal Code § 290. (Sex offenders)
- Certain excluded offenses (See Appendix "A").
- Individuals with an enhancement pursuant to Penal Code § 186.11. (Theft in excess of \$1, 000,000.)

**Local Post Release Community Supervision:** Offenders released from state prison on or after October 1, 2011, after serving a sentence for an eligible offense shall be subject to, for a period not to exceed 3 years, Post Release Community Supervision provided by a county agency designated by that county's Board of Supervisors. Post Release Community Supervision ***will not*** include:

- 3<sup>rd</sup> Strikers (Penal Code § 667) or inmates serving a life term.
- Individuals with a current serious felony conviction under Penal Code § 1192.7(c)(1).
- Individuals with a current violent felony conviction under Penal Code § 667.5(c)(1).
- High risk sex offenders as defined by the California Department of Corrections and Rehabilitation.
- Mentally Disordered Offenders (MDO).

**Mandatory Supervision:** Mandatory Supervision is the term given to the period of supervision imposed as part of a, "split sentence," under Penal Code § 1170(h)(5). As a sentencing alternative for those offenders sentenced to County Jail Prison Terms, the Court has the authority to suspend the balance of term of incarceration and order the defendant to a period of mandatory supervision with conditions similar to those of probation. While probation departments have jurisdiction over this subgroup, these offenders are not on a traditional grant of probation, although they will be managed under the terms and procedures similar to probation.

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**Revocations Heard and Served Locally:** Post Release Community Supervision and parole revocations will be served in local jails. By law, the maximum revocation sentence is up to 180 days in county jail, with the exception of paroled, "lifers," who have a revocation term of greater than 30 days. The local Courts will hear revocations of Post Release Community Supervision while the Board of Parole Hearings will conduct parole violation hearings through July of 2013.

**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, with participants earning day for day credit.

**Alternative Custody:** Penal Code Section 1203.018 authorizes electronic monitoring for inmates being held in the county jail in lieu of bail. Eligible inmates must first be held in custody for 60 days post-arraignment, or 30 days for those charged with misdemeanor offenses.

**Community-Based Punishment:** Authorizes counties to use a range of community based punishment and intermediate sanctions as an alternative to jail.

**Flash Incarceration:** Flash incarceration entails a brief jail stay of up to 10 days, to motivate treatment and probation compliance. This method receives strong theoretical support based on the notion that sanctions must be swift, specific, consistent and use the least amount of punishment necessary to achieve the desired behavioral change. Research indicates the most important elements are swiftness and certainty that the punishment will occur, but as severity increases, the correlation with behavior change does not necessarily increase. No custody credits or good/work time credits are applied to periods of flash incarceration.

**Contracting Back:** Counties are permitted to contract back with CDCR to send local offenders to state prison or fire camps. Counties are also permitted to contract with public community correctional facilities. Contracting back does not extend to parole violations.

**Traditional Probation:** AB 109 does not change, "traditional," probation or make changes to probation eligibility.

**SB 678 California Community Corrections Performance Act**

In 2009, the State of California enacted Senate Bill 678, the California Community Corrections Performance Act of 2009, which provided a formula based system for sharing State savings with Probation Departments for improved supervision of felony probationers and reduced prison admissions. In 2010, the Inyo County Probation Department was awarded a grant through the California Office of Emergency Management (CalEMA) in the sum of \$54,354, to be utilized as



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start-up dollars for the purpose of implementing evidence based practices in adult probation, as provided for in SB 678. That \$54,354 was pooled with grants received by member counties of the Central California Probation Consortium, and utilized to purchase and implement the STRONG risk assessment for use in identifying the risk levels of clients currently on probation and thereafter create evidence based case plans to assist in supervision and case management. Furthermore, in 2010, the Probation Department commenced a series of in-service departmental trainings for its entire staff, to commence preparation for the culture change necessary to implement evidence based practices as required by SB 678. These efforts proved to be building blocks for what would eventually become requirements under AB 109.

**AB 109-FISCAL IMPACT**

**Funding Formula and Issues**

The formula establishing statewide funding allotments for AB 109 implementation in Fiscal Year 2011-2012 was developed by the State Department of Finance and agreed to by the County Administrative Officers (CAO) and the California Association of Counties (CSAC). The funding available through AB 109 is based on a weighted formula containing three elements:

- 60% based on the estimated average daily population (ADP) of offenders meeting AB 109 eligibility requirements.
- 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.
- 10% based on the SB 678 distribution model.

<b>INYO COUNTY FUNDING FY 11/12</b>	<b>AMOUNT</b>
Public Safety Realignment Funding	\$109, 678
District Attorney/Public Defender Activities	\$6,845
AB 109 Planning Grant (one-time funding)	\$100,000
AB 109 Training/Start-up Activities, including hiring, retention, training, data improvement, contracting costs and capacity planning. (one-time funding)	\$13, 475
<b>TOTAL</b>	<b>\$229, 998</b>

Of particular concern is the lack of agreement on the distribution formula for subsequent years. If future allocations are determined by a different formula, such as one based upon population only, there will be a significant shortage in funding. If the formula remains the same, initial revenue should double in FY 12/13 and triple in FY 13/14. Funding for FY 14/15 is slightly above FY 13/14. Presently, Governor Jerry Brown is pursuing a constitutional amendment to

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guarantee counties continued realignment funding, however, his success or failure remains to be seen.

Given, therefore, the present unpredictable nature of continued funding, the realignment plan must take into consideration resources that are presently available in Inyo County in addition to implementation of fiscally responsible, data driven programs with proven outcomes that can be sustained for the long term. Funding will initially be used to assist in the training of criminal justice agency staff, to assist in the implementation of evidence based programs and to supplement existing programs and contracts, with reserves maintained in the event state funding is limited or does not continue beyond 2012.<sup>1</sup>

**PROJECTED REALIGNMENT POPULATION/JUSTICE SYSTEM IMPACTS**

**Post Release Community Supervision Population**

According to the California Department of Corrections and Rehabilitation, projected inmates to be released to Inyo County during the first year of implementation are as follows:

10/2011	11/2011	12/2011	01/2012	02/2012	03/2012	04/2012	05/2012	06/2012
1	1	4	1	0	0	0	1	0
<b>TOTAL:</b>								<b>8</b>

It is noted, however, that numbers are expected to be higher than those provided by CDCR, for example, during the month of October, 2011, the Inyo County Probation Department received three (3) Post Release Community Supervision referrals as opposed to the one (1) referral initially reported. Additionally, the Probation Department has received two (2) PRCS clients from transfers in from other counties. The type of offender being referred back to Inyo County for supervision has varied, with two (2) offenders having convictions for felony property crimes and one (1) offender having a conviction for a felony drug crime. It is anticipated that the majority of PRCS offenders being released back to Inyo County will consist primarily of those convicted of drug and theft related offenses, with the remainder having convictions for alcohol related crimes.

With respect to case management, as of March, 2012, the Probation Department has engaged in the arrest of one (1) PRCS client for a drug related violation of her supervision conditions and

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<sup>1</sup> See Appendix B for Fiscal Year 2011-2012 proposed budget.

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utilized intermediate sanctions, specifically flash incarceration and daily reporting, on two (2) occasions. The Department additionally has proceeded with one PRCS revocation petition related to a client's use of methamphetamine, which resulted in her appearance before the Superior Court and subsequent modification of supervision to include ninety (90) days in jail, daily reporting to the Probation Officer and various counseling programs. That process, due to strict statutory timelines in which revocation proceedings must occur, in addition to the extensive documentation required, proved to be an exceptionally time consuming and somewhat arduous process.

Presently, the Inyo County Probation Department and Inyo County Sheriff's Department have been designated by the Board of Supervisors as co-agencies in charge of the supervision of PRCS clients. One Deputy Probation Officer has been assigned to PRCS supervision, with the Inyo Narcotics Enforcement Team assigned the duty of enforcement and compliance.

**Inyo County Probation Department**

<b>Total Probation Caseload</b>	<b>Misdemeanor Offenders</b>	<b>Felony Offenders</b>	<b>Serious/Violent/Sex Offenders, Excluded Felons</b>	<b>Non/Non/Non Cases Subject to County Jail Prison</b>	<b>FY 10/11 Felony Probation Revocations</b>
611	369	242	49	193	11 <sup>2</sup>

\*Snapshot of current caseload as of October 1, 2011

As indicated above, there are presently 611 persons presently on probation in Inyo County. Of those 611 clients, 369 are on formal, supervised probation for misdemeanor offenses, with 242 offenders on probation for a felony conviction. Forty-nine (49) offenders are on probation for an offense that makes them eligible for commitment to the State Prison, *with 193 offenders on probation for an offense that requires commitment to the Inyo County Jail if probation were revoked.* While obviously, not all 193 of those cases would result in revocation and a County Jail Prison term at the same time, the number is never-the-less quite staggering. Furthermore, those 193 cases, if probation were revoked, some would theoretically be eligible for a period of Mandatory Supervision and would thereby return to probation caseloads for supervision, where in the past, they would have been the responsibility of CDCR Parole.

<sup>2</sup> Penal Code Section 1203.2 et. al. Arising out of a probation violation, the process by which a grant of probation is revoked by the Court resulting in either probation being modified with new conditions or, in the case of a misdemeanor, a jail term being imposed, or in a felony case, a state prison term being imposed.

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While the initial impact of AB 109 on probation caseloads is insignificant, it is anticipated that the cumulative impact in coming years will be profound, with particular regards to what will be a growing population of offenders coming out of the Inyo County Jail on Mandatory Supervision. In order to accommodate the influx of these cases, combined with the need for the Department to reduce caseload size consistent with evidence based practices, added duties such as the supervision of electronic monitoring cases and the implementation and use of evidence based skillsets, it is anticipated that additional staff will ultimately be needed in the Probation Department Adult Division. As AB 109 presents as the single, most significant event in the history of probation services in California, the culture change necessary for effective and responsible implementation will be dramatic, in many respects necessitating line staff officers having to re-learn how to do their jobs. It will therefore be necessary for the Department to engage in the on-going training and evaluation of its personnel and the on-going evaluation of its policies and procedures. In addition, it will be necessary to develop a reliable system of outcome measures that allows for the constant assessment of programs, line staff skillsets, and supervision practices, so that limited funding can be directed to the most effective practices.

**Inyo County Sheriff's Department/Inyo County Jail**

<b>Offender Type</b>	<b>Total</b>	<b>% of Total Jail Population</b>
Total Misdemeanor Offenders	20	32
Total Felony Offenders	43	68
Total Pending Trial	41	65
Jail Commitments	22	35
Non/Non/Non Offenders	26	41
State Prison Eligible Offenders	17	27
Non/Non/Non Pending Trial	17	27
State Prison Eligible Offenders Pending Trial	10	16
Misdemeanor Offenders Pending Trial	14	22
Probation Violators (No new charges)	5	.08
Probation Violators (New criminal charges.)	11	17
CDCR Parole Violators	1	.01
<b>TOTAL JAIL POPULATION:</b>	<b>63 (Based on snapshot of jail population on November 14, 2011)</b>	

The present Inyo County Jail population therefore indicates that the majority of offenders being housed are convicted of, or pending, felony charges and of that population, 26 are non-serious,

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non-violent, non-sex offenders that would potentially be required to serve a County Jail Prison term of up to three (3) years or more, if probation were revoked or denied. Those offenders would also potentially be eligible for a split-sentence and Mandatory Supervision. *(The impact of AB 109 has already been experienced in this regard, with one (1) offender presently facing a potential 8 year County Jail Prison Term and five (5) offenders having been sentenced to county jail prison terms for totals averaging 1021 days [511 actual days]. No split sentences resulting in mandatory supervision have occurred with those cases.)*

While as of the present the jail is capable of housing approximately 30 additional inmates, the cumulative effect of long term County Jail Prison commitments, combined with PRCS commitments and the potential for CDCR parole violators being housed locally, it is projected that a minimum of one entire pod will be necessary to house what will be a growing realignment population over the course of the next several years. The fact of long term, County Jail Prison commitments will therefore necessitate expanded medical services at the jail, in addition to increased costs for the feeding and housing of those particular inmates. A strategy will therefore have to be developed that takes into account the need to reduce the number of inmates being housed while pending trial, that reduces the current misdemeanor population being housed for shorter term jail commitments, and that reduces the current population of offenders being housed for low level technical violations of probation. Furthermore, that strategy must consider the provision of additional services at the jail, particularly for inmates being housed for long term commitments, that provides vocational, educational and literacy components, in addition to therapeutic components designed to reduce recidivism.

**Inyo County Superior Court**

The advent of AB 109 introduces a new era and significant new challenges to the Superior Court. With the dramatic changes in sentencing laws, Superior Court judges will now be challenged with the responsibility of new sentencing options based upon the type of offense for which an offender is convicted. While there is relatively little discretion with regards to where an offender will serve his or her custodial term (County Jail or State Prison), significant consideration will have to be given to fashioning local sentences, including split sentences and probation sentences, that are informed by evidence based practices, balancing the rehabilitative needs of the offender, the restoration of the victim and the safety of the community. Thus, there will be a need for greater reliance on the Probation Department's pre-sentence investigations<sup>3</sup>, in addition to a greater reliance on the arguments of both the defense

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<sup>3</sup> The Probation Department is mandated by law in felony cases to investigate the background of a defendant, the circumstances of a crime, the impact of a crime on a victim and apply sentencing statutes to a case, culminating in

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and prosecutor to provide the Court with information that is informed by statute and grounded in evidence based practice. The historical trust vested in the Probation Department to supervise offenders and enforce the Court's orders will necessarily have to be extended to allow greater discretion in offender supervision and case management that is grounded in evidence based practice, including the use of intermediate sanctions for violations that historically would have required court intervention.

At its outset, it is difficult to predict how AB 109 will impact the court fiscally and procedurally. Given the significant changes to sentencing statutes, it is anticipated that the Court will be impacted by cases that are prolonged due to lengthy and repeated settlement hearings. New procedures arising out of AB 109 are as follows:

PRCS Revocation Proceedings: California Rule of Court 4.540 sets forth the rules and procedures for PRCS revocation proceedings. Under Rule 4.450, when the Probation Department desires to revoke Post Release Community Supervision, the Probation Officer must first file Judicial Council Form CR-300, Petition for Revocation of Community Supervision, which must be accompanied by a declaration in which the Probation Officer sets forth, among other things, a defendant's criminal record, biographical information, information pertaining to the victim, and a chronological history of previous violations of the terms of supervision. Efforts made by the Probation Department to address prior conduct with intermediate sanctions must also be documented. Upon the filing of the petition, the Probation Department must provide copies to the prosecutor and the Public Defender for review. The Superior Court Judge then has five (5) business days to review the petition and declaration and make findings as to whether probable cause exists to uphold the petition, and notify the Probation Department and the parties accordingly. If there is probable cause to uphold the petition, the Court must place the matter on calendar for hearing in a reasonable amount of time. While the PRCS revocation process is somewhat arduous, given the relatively small numbers of PRCS offenders being returned to Inyo County over the initial three (3) years, it is not anticipated that the impact of revocation proceedings will be significant. As of March, 2012, a formal PRCS supervision policy and procedure has been developed and Probation Department staff has been trained. The Inyo County Superior Court has also developed and implemented a PRCS revocation procedure and its staff has also been trained.

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a report and recommendation to the Court for an appropriate sentence. In misdemeanor cases, such pre-sentence investigations are optional, with the exception of misdemeanor domestic violence offenses and sex offenses.

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Split Sentences/Mandatory Supervision: In County Jail Prison cases, where the court elects to impose a period of Mandatory Supervision, a procedure will have to be developed for the filing of, and subsequent hearings on, revocation proceedings initiated by the Probation Department. Statutorily, Mandatory Supervision cases operate under the same authority that governs probation modification and revocation procedures. Court procedure will therefore be a relatively simple process of modifying existing procedure in felony probation cases and will not present as having a significant procedural impact on the Court. The long term cumulative impact of those cases on the Court is unknown at this time, however, it is anticipated that ultimately the Court will face challenges, given that County Jail Prison and Mandatory Supervision cases will be the population that will have the most prolonged impact on the local justice system. In the past, this population of offenders was sentenced to state prison and the revocation process occurred at the state prison level where under AB 109, they will now have to be heard at the County level. Where the PRCS population will ultimately dissipate after approximately six (6) years, the County Jail Prison/Mandatory Supervision population will continue to grow and place a new burden upon the Court.

**Inyo County District Attorney's Office**

The implementation of AB 109 will initially have a significant impact on the Office of the District Attorney, with an anticipated increase in the workloads of prosecuting attorneys arising out of the changes in sentencing options that will be available to resolve cases. Three (3) major impacts are anticipated during the initial phase;

1. The Office of the District Attorney will be responsible for reviewing and prosecuting Post Release Community Supervision revocation declarations that are filed by the Probation Department. While it is anticipated that the amount of revocations will initially be low, those numbers will grow over the course of the first several years. The PRCS revocation process involves a complicated procedure, whereby the Probation Department must file a lengthy declaration as described in the Rules of Court, followed by a judicial review and a subsequent Revocation Hearing if probable cause exists to uphold the revocation. This will necessitate more court appearances by prosecutors in addition to more time and effort spent reviewing cases and more time and effort spent by support staff processing paperwork, such as subpoenas.

2. Prosecutors will be required to make more court appearances (non-PRCS cases) and engage cases for longer periods of time. The changes to the sentencing statutes will have a significant impact on the settlement of new cases, as the majority of felony cases that are

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prosecuted in Inyo County involve non-violent, non-serious, non-sex offenses that can no longer result in state prison sentences. Without the possibility of a state prison sentence, it is anticipated that defendants will opt for a jury trial rather than settling a case. It is anticipated that this will result in prolonged settlement discussions and additional jury trials. Presently, the

District Attorney's Office has three (3) full time attorneys employed and is struggling with their current caseload and limited resources. It is anticipated that realignment will serve to heighten this dilemma, which will ultimately become even more exacerbated by the need to prosecute the coming PRCS and Mandatory Supervision revocation cases.

3. The Inyo County District Attorney's Office will have to develop expertise in alternative sentencing and work closely with criminal justice partners to ensure effective sentencing without reliance on incarceration. State prison is excluded as a sentence option for a number of offenses and given that many offenders will be returning to county jail from state prison, merely relying upon the Inyo County Jail to house offenders that formerly would have been housed in state prison will overburden our local jail. To hold these offenders accountable and protect the public, the District Attorney's Office will need to develop creative and effective approaches based upon a risk/needs assessment of the offender.

The increased workload that will be created by these factors will require prosecutors to spend additional time reviewing investigation reports and evidence, as well as making more court appearances for arraignments, settlement discussions and evidentiary hearings such as motions to suppress and preliminary hearings. In addition, clerical staff at the District Attorney's Office will be required to work additional hours to create new case files, prepare files for court appearances, and ensure that witnesses are subpoenaed when required for hearings. The District Attorney's Office is currently understaffed by one (1) Legal Secretary and it is anticipated that one (1) additional Deputy District Attorney will be needed to balance the impending increase in workload.

**Inyo County Public Defenders**

The impact of AB 109 on local contract Public Defenders will be similar to the anticipated impact on the District Attorney's Office. Where in the past, Public Defender caseloads remained somewhat balanced due to attrition, caseloads are projected to increase given the need to defend clients in both PRCS and Mandatory Supervision revocation proceedings. Furthermore, there is some speculation that more time will be required by attorneys to review cases and evidence, to consult with clients, and to prepare for trials that will arise out of an increasing



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difficulty with the settlement of cases. In order to assist with alleviating the pressure of increasing caseloads, the County of Inyo expanded the contract of its most recent Public Defender to include Public Defender services for PRCS and Mandatory Supervision cases. In the event that the designated Public Defender has a conflict of interest with a case, the funds designated for Public Defenders under existing AB 109 funding could be utilized to compensate another attorney appointed by the Court as defense counsel, or another strategy might ultimately be required, such as assigning cases to the same attorney, if available, who previously represented the client in the original case that resulted in a state prison term.

Finally, it is anticipated that given the substantial new changes to the law, both defense and prosecution counsel will be required to travel to and engage in continuing education to learn the new law and how to utilize it effectively in an adversarial context.

**Bishop Police Department**

It is not anticipated that AB 109 will have a significant initial impact on the Bishop Police Department, given the relatively small numbers of offenders that are scheduled for release and will reside in the City of Bishop. Patrol staff will necessarily have to be trained in statutes relative to the arrest and incarceration of both PRCS and Mandatory Supervision offenders who violate the terms and conditions of their supervision; however, this will occur in collaboration with the Inyo County Probation Department and Inyo County Sheriff's Department. The long term impact of AB 109 on both patrol patterns and the fiscal needs of the department is presently difficult to assess, given the unknown quantity of offenders that will be residing in the City in coming years. At the present, the Bishop Police Department remains committed to collaborating with the Community Corrections Partnership and to providing assistance to partner agencies in the monitoring and enforcement of offenders residing within the City.

**Inyo County Health and Human Services**

**Treatment Programs:**

The Behavioral Health Division of Health and Human Services is taking the lead in bringing Aggression Replacement Therapy (ART) in 2012 to our HHS treatment staff and to Adult and Juvenile Probation staff.

Health and Human Services presently has State-certified Substance Abuse Disorder (SUD) counselors trained in the evidence based practice, "Seeking Safety," that targets the symptoms

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of trauma as related to SUD. This model will be expanded for use with AB 109 treatment participants. Similarly, the “drug court,” model currently is used in the Substance Abuse and Crime Prevention Act (SACPA) services program and can be expanded to AB 109 participants.

For AB 109 participants with co-occurring mental illness and SUD, Health and Human Services currently offers targeted, specially designed treatment groups, as well as intensive case management services for identified consumers with high need. SUD service currently is available weekly in the Inyo County Jail. Health and Human Services is proposing expansion to offer group treatment services in the jail, as well as monthly services from the County psychiatrist.

**Fiscal Impact:**

1. Existing Mental Health Services Act funds for Workforce Education will be used for at least a portion of the costs of the ART training.
2. It is likely that, over time, there may be a need to expand staff by one or more certified SUD counselors, as well as an expansion of Mental Health services. Health and Human Services is not likely to experience the full impact of the increased need until 12+ months after initial implementation of AB 109. HHS will continue to explore new strategies to help offset the costs of realignment, such as bringing in additional federal Medi-Cal funds.

**Employment Services:**

The Social Services Employment and Eligibility Division of HHS currently offers classes to targeted individuals in need of job skills and assistance in obtaining employment. Through coordination with the Probation Department, Health and Human Services envisions accepting AB 109 referrals from the Probation Department for rapid turnaround job skills assessments, subsequent admission to the job skills classes, and assistance in locating employment.

**Fiscal Impact:**

Health and Human Services expects minimal fiscal impact in year one, associated primarily with the Probation Department in developing a referral process and feedback system. There may be minimal costs also associated with increased purchase of testing and assessment tools and job skills curriculum aids. HHS expects to be able to manage these cost increases in year one. As the volume of referrals increases, however, in the out years, HHS may see a need for increased personnel for the job skills services.

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**Health/Medical Care:**

For AB 109 participants who are no longer incarcerated, but are in our communities under electronic monitoring, their health care needs will be addressed like those of community residents, with such services being funded by whatever health insurance plan covers them. Relevant health insurance plans will likely include the new Path2Health being administered by the County Medical Services Program (CMSP) Governing Board, which is scheduled to begin January 1, 2012.

Health care for inmates in the Inyo County Jail is currently problematic in that medical care for inmates-whether at the State or County level-is very costly and exists within a very fragile health care system for such persons. Incarcerated individuals are not eligible for most insurance plans, including Medi-Cal and Path2Health, meaning that their health care needs are paid for out of local discretionary funds that otherwise fund community-based public health services. The extension of jail sentences for three (3) years or more will only serve to exacerbate this problem in that all acute and chronic medical needs of inmates will now be paid for out of local discretionary -public health funds for up to three (3) years instead of the current one (1) year maximum. HHS hopes to continue to work with the Inyo County Jail staff, the District Attorney, Public Defenders and the Court around acute and/or chronic health care conditions of those inmates as we continue to find creative ways to fund necessary health care.

Fiscal impact:

In the absence of continued cooperation and creativity among staff at the jail, District Attorney, and the Courts, the cost of medical care of incarcerated individuals likely could result in significant reductions of public health services to the community at large.

**Housing:**

Currently there is no HHS revenue source for housing for individuals other than in the Transitional Housing Program-Pus (THP-pus) which can fund housing *only* for 18-25 year olds who are aging out of the foster care system.

Fiscal Impact:

It is difficult for HHS to gauge the magnitude of the housing need for AB 109 individuals. One might assume that most local AB 109 candidates already have some type of housing. A very small number of them *may* qualify for THP-plus services; however, it is significant to note that

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*“Criminal justice policies that rely on building and operating more prisons to address community safety concerns are not sustainable, and will not result in improved public safety. California must reinvest its criminal justice resources to support community-based corrections programs and evidence-based practices that will achieve improved public safety returns on this state’s substantial investment in its criminal justice system. Realigning low-level felony offenders who do not have prior convictions for serious, violent or sex offenses to locally run community-based corrections programs, which are strengthened through community-based punishment, evidence based practices , improved supervision strategies, and enhanced secured capacity, will improve public safety outcomes among adult felons and facilitate their reintegration into society.”*

*California State Legislature-Penal Code § 17.5, subd. (a)(3)-(5)*

the THP-plus revenue source is one of the funding streams that has been, and continues to be, under scrutiny at the State level for possible elimination.

**SUMMARY OF EVIDENCE BASED MODELS**

The National Institute of Corrections (NIC) in its publication, “A Framework for Evidence Based Decision Making in Local Criminal Justice Systems, 7 Ways to Reduce Recidivism,” can provide direction in the implementation of a local plan. The National Institution of Corrections produces many publications designed to assist in the research of and implementation of evidence based practices, however, this particular publication discusses a process for the establishment of local values, principles and processes based on research and evidence that can provide assistance during the planning stages of the Community Corrections Partnership. It is anticipated that the CCP will utilize all evidence based and logic models as it progresses forward in the development and implementation of strategies and services designed to reform the current system.

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*Offenders have a variety of needs, some of which are directly linked to criminal behavior. These criminogenic needs are dynamic risk factors that, when addressed, affect the offenders' risk for recidivism. The "Big 8" criminogenic needs are: criminal personality; anti-social attitudes, values and beliefs; low self control; criminal friends/associates; substance abuse; dysfunctional family features; low levels of educational or vocational training; and low levels of involvement in pro-social leisure activities. Based on an assessment of the offender, these criminogenic needs can be prioritized so that services are focused on the greatest criminogenic needs.*

*Source: Motivational Interviewing Training, NCIC, 2003. <http://www.nicic.org/library/019791>*

**7 WAYS TO REDUCE RECIDIVISM**

**1. What works? Use risk assessment tools to identify risk to reoffend and criminogenic needs.**

**Research finding:** Structured assessment tools predict pretrial misconduct and risk of re-offense more effectively than professional judgment alone. Brief screening tools provide a quick assessment of risk; comprehensive tools provide information on risk to reoffend and effective targets of intervention to reduce future crime.

**Examples of policy implications:** Law enforcement uses assessments to inform cite versus arrest decisions; prosecutors and judges use assessments to inform plea and sentencing decisions; jails use assessments to determine housing assignments and work release placements; and community corrections uses assessments to determine intensity of supervision.

**Examples of practice implications:** Law enforcement officers administer brief assessments prior to making cite/release decisions; pretrial services and community corrections conduct assessments prior to key decisions.

**2. What works? Direct programming and interventions to medium and higher risk offenders.**

**Research finding:** Recidivism rates are reduced an average of 30% when medium and high risk offenders receive appropriate behavior changing programming. Conversely, offenders assessed as low risk to reoffend do not benefit from behavior changing programming and are slightly more likely to recidivate when they are overly supervised or programmed.

**Examples of policy implications:** For low risk offenders, prosecutors use diversionary programs, prosecutors and judges avoid excessive conditions of probation, defense counsel advocates for low intensity interventions,

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community corrections uses minimal supervision, judges, prosecutors and defense counsel target medium and high risk offenders for programming designed to positively influence behavior.

**Examples of practice implications:** Agencies performing assessments color code case files as high, medium and low risk offenders for easy identification by decision makers; community supervision agencies use call-in or kiosk reporting for low risk offenders; treatment programs modify admissions criteria to admit only medium and high risk offenders.

**3. What works? Focus interventions for medium and higher risk offenders on their individual criminogenic needs.**

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**Research finding:** Cognitive behavioral programs are generally the most effective programming interventions for higher risk offenders. Furthermore, employing program interventions that influence the traits that lead to future crime (i.e. criminogenic needs) yield stronger reductions in recidivism (up to an average of a 30% reduction). The net value (the cost of the program less the saving derived from preventing crime) of the average targeted, evidence-based cognitive-based behavioral program, using a cost/benefit formula, is \$10,299 per adult offender.

**Examples of policy implications:** Judges ensure that sentencing conditions align with specific criminogenic needs; community corrections and treatment providers use assessment instruments to identify offenders' criminogenic traits; treatment providers avoid, "one size fits all," programs; cognitive-behavioral services are systematically utilized.

**Examples of practice implications:** Treatment providers provide program listings that identify the criminogenic needs their services address; community corrections refers offenders to programs based upon a match between offenders' needs and programs' services; county executives/managers ensure that service contracts with treatment providers include accountability measures to make certain that the services provided include cognitive behavioral interventions.

**4. What works? Respond to misconduct with swiftness, certainty, and proportionality.**

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**Research finding:** Graduated sanctions (i.e. sanctions that increase in severity based on the number and nature of acts of misconduct) increase compliance with supervision and treatment. Swift, certain and proportional actions that reflect disapproval of behavioral misconduct are more effective in reducing recidivism than actions that are disproportionate, delayed, or inconsistent.

**Example of policy implications:** Court administrators develop polices to move cases swiftly through the court system; judges, prosecutors, and community corrections agencies establish violation decision making guidelines that take into account the risk of the offender and the severity of the violation behavior; all violation behavior is responded to in some fashion; judges and community corrections streamline procedures that allow for swift action following offender misbehavior.

**Example of practice implications:** Court administrators manage dockets that streamline case processing; community corrections uses a decision making tool to aid supervision officers in structuring their responses to violation behavior; community corrections provides administrative sanctioning processes to address misbehavior quickly.

**5. What works? Use more carrots than sticks.**

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**Research finding:** The use of incentives and positive reinforcement are effective in promoting behavioral change. Positive reinforcement should be provided at a rate of four reinforcers for every expression of disapproval (or

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sanction). Research demonstrates that this formula enhances offenders' motivation to continue exhibiting pro-social behaviors and attitudes.

**Example of policy implications:** Judges and community corrections develop policies around the structured and specific use of rewards to reinforce positive behavior.

**Example of practice implications:** Defense counsel requests review hearings when clients reach significant milestones; community corrections acknowledges progress through the posting of awards, writing letters of affirmation, providing complimentary bus passes, praising offenders' behavior to their families, or reducing reporting requirements; law enforcement acknowledges law abiding behavior of known offenders.

**6. What works? Deliver services in natural environments where possible.**

**Research finding:** Although treatment services provided in structured ( e.g. residential, institutional) settings are demonstrated to be effective, services delivered in natural environments (i.e. settings in offenders' immediate surroundings that most closely resemble pro-social, supportive environments) improve offenders' bonding to the pro-social community and aid in reducing recidivism.

**Examples of policy implications:** Law enforcement refers to community-based crisis services for offenders with mental health conditions; judges and prosecutors use community-based rather than residential or institutionally based programs when the safety of the community is not in jeopardy; county executives/managers provide support for funding community-based programming options.

**Examples of practice implications:** Judges, prosecutors, defense counsel, community corrections, and others take inventory of available services to ensure a continuum of service options; community corrections utilizes pro-social family members, employers and mentors to support the offender; resource directories are developed and shared among stakeholders.

**7. What works? Pair sanctions with interventions that address criminogenic needs.**

**Research finding:** Research demonstrates that sanctions without programming (e.g. boot camps without a treatment component, electronic monitoring, intensive supervision, incarceration) do not contribute to reductions in recidivism. Modest increases in time served may even increase recidivism.

**Examples of policy implications:** Prosecutors and judges employ a combination of sanctions and behavior changing programming for purposes of risk reduction; county executives/managers fund a balance of behavior changing programming and accountability measures; community corrections agencies address offender misbehavior with behavior changing, rather than solely punitive responses.

**CURRENT EVIDENCE BASED PRACTICES IN USE**

**Risk-Needs Assessment:** The Static Risk Offender Needs Guide (STRONG) is a 4<sup>th</sup> generation state-of-the-art, evidence-based risk and needs assessment and automated supervision planning system for adult offenders. Its most salient benefit to corrections agencies is its ability to help personnel predict recidivism by type of crime (violence, property or drug offenses, etc.). This allows probation management to tailor the most effective decisions and courses of corrections by individual offender. The source is delivered through a web based interface and enables Deputy Probation Officers to manage intake, assessment administration, case plan

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*“The terms **best practices**, **what works** and **evidence based practices (EBP)** are often used interchangeably. While these buzz words refer to similar notions, pointing out the subtle distinctions between them helps to clarify the distinct meaning of evidence-based practices.*

*For example, **best practices** do not necessarily imply attention to outcomes, evidence, or measurable standards. Best practices are often based on the collective experience and wisdom of the field rather than scientifically tested knowledge.*

***What works** implies linkage to general outcomes, but does not specify the kind of outcomes desired (e.g. just desserts, deterrence, organizational efficiency, rehabilitation, etc). Specificity regarding the desired outcomes is essential to achieving a system of improvement (Harris 1986; O’Leary and Clear 1997)\*

*In contrast, **evidence-based practice** implies that 1)there is a definable outcome(s); 2) it is measurable; and3) it is defined according to practical realities (recidivism, victim satisfaction, etc). Thus, while these three terms are often used interchangeably, EBP is more appropriate for outcome focused human service disciplines.”*

*Source: “Implementing Evidence-Based Practice in Community Corrections: The Principles of Effective Intervention” Crime and Justice Institute-United States Department of Justice*

management and outcome reporting from a single software application. Core components of the program are aimed at providing precise and objective assessment to gauge the individual’s risk level for future criminal acts and a prescriptive component that guides corrections personnel in tailoring supervision, treatment and services for optimal rehabilitative results. The tool ensures that treatment and public resources are devoted to the highest risk offenders and an objective, consistent and simple method of risk prediction and necessary levels of supervision. Currently, a static risk assessment is completed on all clients on active probation and all clients being referred to the Probation Department. Those offenders who are assessed as high risk have a subsequent Offender Needs Guide assessment completed and a case plan is developed for their supervision. Offenders assessed as moderate risk have an optional offender Needs Guide assessment completed and offenders assessed as low risk will be placed on an administrative (minimal supervision) or a banked caseload. All current probation cases, new cases referred by the Court for Probation Department supervision, Post Release Community Supervision clients and Mandatory Supervision cases as described by AB 109 will have a Static Risk Assessment (STR) completed to determine initial supervision level based on risk to reoffend and those clients determined to be moderate to high risk will have an Offender Needs Guide assessment completed and a subsequent case plan completed for their supervision and treatment. The STRONG is divided into three parts as follows:

**Part 1-Static Risk Assessment:** The program begins with a 26 question assessment of “static” factors and scores that determine future risks in three areas: 1) felony, 2) non-violent felony,



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and 3) violent felony. These risk scores lead to a classification of offenders into one of five

*Target Interventions-Evidence Based Practice Model*

**RISK PRINCIPLE:** Prioritize supervision and treatment resources for highest risk offenders.

**NEED PRINCIPLE:** Target interventions criminogenic needs.

**RESPONSIVITY PRINCIPLE:** Be responsive to temperament, learning style, motivations, gender, and culture when assigning programs.

**DOSAGE:** Structure 40-70% of high-risk offenders' time for 3-9 months.

**TREATMENT PRINCIPLE:** Integrate treatment into the full sentence/sanction requirements.

levels: High Risk Violent, High Risk Property, High Risk Drug, Moderate Risk, and Low Risk.

**Part 2-Offender Needs Guide:** Each high risk offender, and selected moderate risk offenders, receives an Offender Needs (criminogenic needs) Assessment reached via a 70-question survey covering social achievements, support systems, cognition and personality traits. Questioning covers education, employment, residential stability, marriage/family, friends, aggression, coping skills and substance abuse, as well as criminal history.

**Part 3-Offender Supervision Plan:** STRONG offers the ability to auto-populate the Offender Needs Guide data in an Offender Supervision Plan which recommends specific interventions targeting, "dynamic risk" factors related to criminal behavior. Targeting the greatest individual risk factors of an offender and identifying specific interventions to treat them allows agencies to actively facilitate the kind of positive change that can ultimately keep the offender out of the criminal justice system and help them become a productive member of society.

### **Motivational Interviewing**

Motivational Interviewing (MI) is a client-centered approach for eliciting behavioral change through helping offenders explore and resolve ambivalence. It is an evidence based practice that has been shown to effectively change behavior. It is a positive and focused, goal based approach that attempts to increase the offender's awareness of the potential problems caused, consequences, experiences, and risks faced as a result of the behavior in question. With

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offenders, the belief that change is possible is an important motivator to succeed in making the change. They are held responsible for choosing and carrying out actions to change. In Inyo County, Deputy Probation Officers have been trained, and are engaging in ongoing training, in Motivational Interviewing, an evidence based skillset that will be utilized with the realignment population.

**EPICS-Effective Practices in Community Supervision**

The research on the principles of effective intervention, coupled with the most recent research on community supervision, provided the impetus for the development of a new model by the University of Cincinnati. The purpose of the EPICS model is to teach probation and parole officers how to apply the principles of effective intervention (and core correctional practices specifically, including relationship skills) to community supervision practices.

The core correctional practices (or competencies) are organized into an overall framework to assist with the application of specific skills within the context of community supervision. This overall framework, or "Action Plan," assists with the development and implementation of case management plans to target the criminogenic needs of higher risk offenders. With the EPICS model, probation officers follow a structured approach to their interactions with their offenders. Specifically, each session includes four components. 1) check-in, in which the officer determines if the offender has any crises or acute needs, builds rapport and discusses compliance issues. 2) review, which focuses on the skills discussed in the prior session, the application of those skills, and troubleshooting continued problems in the use of those skills. 3) intervention, where the PO identifies continued areas of need, trends in problems the offender experiences, teaches relevant skills, and targets problematic thinking and 4) homework and rehearsal, is when the offender is given an opportunity to see the model the PO is talking about, provides opportunities to role play, assignment of homework, and gives instructions that the offender should follow before the next visit. The EPICS model is designed to use a combination of monitoring, referrals, and face-to-face interactions to provide the offender with a sufficient "dosage" of treatment interventions, and make the best possible use of time to develop a collaborative working relationship. The EPICS model helps translate the risk, needs and responsivity principles into practice. Probation officers are taught to increase dosage to higher risk offenders, stay focused on criminogenic needs, especially the thought-behavior link, and to use a social learning, cognitive behavioral approach to their interactions. The EPICS model is not intended to replace other programming and services, but rather is an attempt to more fully utilize probation officers as agents of change.

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At the present, Deputy Probation Officers, in addition to personnel from local schools and Health and Human Services, have been trained in the use of the EPICS model and training will be ongoing. Use of the EPICS model will be applied to the coming realignment population.

**PROPOSED EVIDENCE BASED PROGRAMS**

As indicated, the shift to an evidence based community corrections program begins with implementation and use of a validated risk assessment. The Probation Department has implemented and commenced use of the STRONG risk assessment. Following implementation of a validated risk assessment, implementation of supervision and case plans for clients is necessary, in addition to maximizing the use of the Officer's time with evidence based skillsets. The Probation Department has therefore trained its' staff in, and implemented Motivational Interviewing and the EPICS program. The third phase of implementation will be programmatic, in other words, the implementation of several evidence based treatment programs in addition to the implementation of alternative sentences to the traditional local jail term for violations of probation or lower level offenders. Proposed treatment programs and alternative sentences are as follows.

**Anger Regression Training (ART)**

Aggression replacement training (ART) is a cognitive behavioral intervention program to help children and adolescents improve social skill competence and moral reasoning, better manage anger and reduce aggressive behavior. The program specifically targets chronically aggressive children and adolescents. Developed by Arnold P. Goldstein and Barry Glick, ART has been implemented in schools and juvenile delinquency programs across the United States and throughout the world. The program consists of 10 weeks (30 sessions) of intervention training, and is divided into three components: social skills training, anger control training and training in moral reasoning. Clients attend a one-hour session in each of these components each week. Incremental learning, reinforcement techniques, and guided group discussions enhance skill acquisition and reinforce the lessons in the curriculum. While ART was initially developed for adolescents, it has application with adult offenders as well. Furthermore, ART is certifiable by the State of California for the purpose of both adolescent and adult students, who may earn a high school credit for completion of the program. Presently, the Inyo County Probation Department is partnering with Inyo County Behavioral Health to bring this program to Inyo County. The initial training is two (2) days, after which ART facilitators may commence running programs. Follow up training occurs over approximately 36 months, during which facilitator skills are critiqued and fine tuned. ART facilitators will not require the recruitment of staff to implement. Rather, the program may be integrated with existing staff, and while a bachelor's degree is preferred for facilitators, it is not necessary, particularly given the cognitive behavioral

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skillsets which staff has already been trained in and are currently utilizing. Selection of staff to participate in the training and conduct groups will be based upon their interest in becoming an ART facilitator, their performance in delivering existing evidence based skillsets to clients and their potential for longevity with the county. Staff who complete the 36 months of training will have the opportunity to become ART trainers themselves for the purpose of sustaining the program for the long term. ART will be utilized as a treatment option for the coming realignment population.

**Courage to Change-The Change Company**

Based on over 20 years of collaboration and development with the industry's leaders in behavioral change, The Change Companies®' Interactive Journaling® approach offers a change-focused, participant-driven resource for effectively guiding targeted populations through the process of life change. This innovative approach enhances the therapeutic engagement between providers of service and participants while building consistency and confidence in the modality being used. In the course of gathering immediate and relevant information related to the problem areas, participants map out where they have been, where they are now, where they wish to go and how to get there. This structured and experiential writing process leads participants through a series of core behavior change content, targeted questioning and effective behavioral change strategies toward positive, pro-social life changes.

Currently, The Change Company's Interactive Journaling program is in use by both the Inyo County Juvenile Center and Inyo County Drug Court program and will be implemented in the Inyo County Probation Department Juvenile and Adult Divisions. As of March, 2012, the Probation Department has trained three (3) Deputy Probation Officers as trainers in the program, with the remainder of the staff scheduled to be trained on March 30, 2012.

**Electronic Monitoring/Remote Alcohol Monitoring**

In collaboration with the Inyo County Sheriff's Department, it is anticipated that Inyo County will soon have an electronic monitoring and remote alcohol monitoring program. Electronic monitoring utilizes **GPS technology** to both track an offender's whereabouts and design specific "exclusion zones," or areas that offender is prohibited from entering, such as bars, school zones or areas in which victims reside to minimize the potential for contact and re-offense. GPS units are most frequently attached to the offender's leg with a bracelet. When a violation occurs, the supervising officer or agency is usually notified within minutes via cell phone text message or by email. Some GPS units have the capability of allowing the supervising officer or agency to send the offender messages, such as directives to report, pay fines, etc. The units are also sensitive to tampering, such as removal of the device or failure to charge the unit.

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Accompanying software allows the supervising officer or agency to track the offender and to generate compliance and/or violation reports.

**Radio Frequency (RF) monitoring** utilizes radio frequencies generated by both an ankle bracelet type unit and a base unit that is placed in the offenders' residence. An RF unit is attached to an offender and generates a radio frequency that communicates with the base unit and essentially confines the person to their home for a specified duration of time. If the offender leaves the specified area, an alert is sent to the supervising officer or agency within minutes of the violation occurring. Such technology creates virtual confinement of the offender to their home.

**Remote alcohol monitoring** utilizes a transdermal alcohol detection system within a unit that is attached to the offenders' leg. When the offender consumes alcohol, the unit detects blood alcohol levels through emission of alcohol through the skin, usually at a minimum threshold of .020% blood alcohol level, within 2 hours of consumption. The units are also sensitive to tampering, such as removal of the device, failure to charge the device or attempts to slip objects between the skin and transdermal portion of the unit that detects alcohol. Compliance and violation data are transmitted either to a base unit that is placed in the home, which thereafter transmits the data to a software system, or by directly downloading data from the remote alcohol unit to a supervising officer's computer. Violation data is also transmitted to a supervising officer or agency via cell phone text message or email.

Implementation of an electronic monitoring/remote alcohol monitoring program has many significant benefits to the supervision of local offenders and has application at all levels of the local criminal justice system. For the Inyo County Jail, the program could be utilized at a pre-trial level, whereby the courts have the option of placing low to moderate risk offenders on electronic monitoring or remote alcohol monitoring to alleviate overcrowding by offenders who historically utilize significant jail bed space while awaiting trial or settlement of their cases. Additionally, low to moderate risk offenders, both misdemeanor and felony level, who historically utilized significant jail beds while serving sentences between 30 and 90 days could be placed on electronic monitoring as an alternative, with the additional benefit that they would be required to participate in treatment at the same time. Significant jail bed space could thereby be preserved for those sentenced to local jail terms under the provisions of AB 109. For those Post Release Community Supervision clients who violate parole, and for those Offenders' for whom probation is revoked and who are required to serve local jail terms under AB 109, electronic monitoring, combined with treatment, could be utilized as an alternative sanction.

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Fiscally, implementation of an electronic monitoring program will be less than \$10,000, with existing SB 678 dollars being utilized to cover start up costs. As of March, 2012, the Probation Department will be contracting with STOP (Satellite Tracking Of People), who will provide GPS and RF house arrest monitoring and with SCRAM, who will provide remote alcohol monitoring. Probation Department staff has also been trained in the use of the equipment and the program and the Chief Probation Officer and Inyo County Sheriff will be seeking co-appointment by the Board of Supervisors as Administrators of the program. Typically, there is no shelf cost for electronic and remote alcohol monitoring equipment, with costs incurred only when GPS, RF House Arrest and/or Remote Alcohol Monitoring units are actually in use. Cost for units are generally around \$8.00 per day for GPS monitoring units, \$8.00 per day for remote alcohol monitoring units and less than \$3.00 per day for RF house arrest units. Furthermore, Inyo County will have the option to charge offenders for this service, thereby permitting the recuperation of some of the cost for the program. Initially, it is anticipated that 20 to 30 units per month will be necessary, with approximately 10 to 15 offenders being monitored at any given time. There will therefore be some impact on both Probation Department and Sheriff's Department staffing patterns, given the need to assign multiple Deputy Probation Officers to the program and multiple deputies to monitoring and compliance of offenders who violate the conditions of the program. Initially, the Probation Department and Sheriff's Department will be able to absorb the impact of the new electronic monitoring caseload with existing staff, however, as the realignment population grows and use of electronic monitoring increases with the growing realignment population, it may become necessary to adjust assignments or increase department personnel in both agencies.

**Violation Response Matrix**

With the anticipated realignment population and efforts to both reduce the jail population through alternative sanctions and recidivism reduction through evidence based treatment programs, it will become necessary to develop a system for responding to violations of probation and parole. Historically, sanctions for probation violations have taken a "cookie cutter," approach, e.g., a first violation, no matter the type of conduct, might result in 30 days in jail; a second violation 60 days in jail and a third violation 90 days in jail. Frequently, the sanction might not be imposed for weeks or even months after the violation occurred due to a lengthy court process, thereby diminishing the rehabilitative effect of the sanction. With the coming realignment population, the historical method will no longer be possible, thereby requiring the development of a new system of responding to violations of probation and parole.

A ***violation response matrix*** is a system wherein a supervising officer has a series of possible sanctions or actions for responding to violations that are evidence based and take into account

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the offenders' risk level and criminogenic needs. For example, a low or moderate risk offender who violates probation or parole for the first time for use of alcohol or drugs might be subject to a period of **flash incarceration** (an immediate period of custody of up to 10 days, imposed without a court hearing), combined with a requirement that the offender participate in, or repeat, a treatment program. The response to the violation is directed at the offender's criminogenic needs. For example, if the area of most criminogenic need is anti-social peers, the offender might be directed into an Interactive Journaling program, combined with increased reporting to the Probation Officer who engages the offender in an EPICS session in an effort to immediately and effectively address the conduct that led to the violation. For high risk offenders, the response would also be directed at the area of most criminogenic need, however, community safety and incarceration would be an optional response with a higher level of consideration. A violation response matrix therefore gives an officer or an agency a system for responding to violations of probation and parole that takes into consideration offender need, rehabilitation, -and community safety. In addition, a violation response matrix has the collateral effect of freeing up jail bed space for use with higher risk offenders and offenders sentenced to longer periods of incarceration under the provisions of AB 109. Furthermore, a violation response matrix will allow the Probation Department to engage in a systematic response to violations of Post Release Community Supervision, thereby satisfying the provisions of AB 109 that require use of intermediate sanctions, prior to proceeding to revocation.

Fiscally, a violation response matrix will incur little to no expense to implement, with a significant anticipated cost savings for the local justice system arising out of less jail space being utilized to house offenders on lower level violations and less court hearings arising out of the need to prosecute, defend and adjudicate offenders for lower level violations of probation, Post Release Community Supervision and Mandatory Supervision.

**Pre-Trial Services Program**

Historically, a significant portion of available space in the Inyo County Jail has been utilized to house inmates who are awaiting trial or settlement of their cases, many of whom are facing misdemeanor charges only. With the coming realignment population and the need to house inmates who are incarcerated on both PRCS violations, California Department of Corrections and Rehabilitation parole violations and lengthy county jail prison terms, it will become necessary to implement a Pre-Trial Services program that will allow the Court and the Sheriff's Department to have viable options for the release of inmates pending trial and settlement of cases. Furthermore, Penal Code Section 1203.018 authorizes electronic monitoring for inmates

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being held in the county jail in lieu of bail. Eligible inmates must first be held in custody for 60 days post-arraignment, or 30 days for those charged with misdemeanor offenses.

Historically, the Inyo County Probation Department has provided the Court with a Review and Study of Bail for all offenders arrested and being held at the Inyo County Jail for new offenses and violations of probation. The Review and Study of Bail involves a brief report to the Court that summarizes a defendant's criminal record, the present charges, ties to Inyo County, and public safety, accompanied by an analysis of the defendant's risk for failure to appear if released, and a recommendation for either a bail amount or an own recognizance release with specified conditions. While the Review and Study of Bail has historically assisted the Court in making decisions to release offenders from custody pending trial, jail populations for that offender class remain high. Given the impact of the coming realignment population, it will become necessary to develop a Pre-Trial Services program that expands the historical Review and Study of Bail to include use of a validated risk assessment tool that allows the Deputy Probation Officer and the Court to further determine an offenders' risk for failure to appear and thereby provide the Court with a system of options for release: Own Recognizance Release without conditions; Own Recognizance Release with supervision conditions; Own Recognizance release with electronic monitoring or incarceration in lieu of bail. Offenders released with supervision conditions and/or electronic monitoring will be assigned to the Probation Department for supervision, during which time Deputy Probation Officers may commence use of evidence based skillsets with the offender to address the conduct which led to their arrest. Further monitoring and compliance will occur in collaboration with the Inyo County Sheriff's Department, who will provide the personnel and means to return offenders to custody who violate either the conditions of their release or electronic monitoring parameters. With the implementation of a Pre-Trial Services program, it is anticipated that significant space will be made available in the jail for those offenders needing housing due to PRCS violations, CDCR parole violations and County Jail Prison terms.

Fiscally, it would appear as though minimal funds will be needed to implement Pre-Trial Services, as any initial increase in caseload size for the Probation Department can be absorbed by existing staff, monitoring and compliance can be accomplished utilizing existing Sheriff's Department personnel and the validated risk assessment tool being considered is a public domain instrument. Costs of implementation are therefore directly tied to the costs related to implementation of an electronic monitoring program, with the potential for future costs arising out of the need to increase personnel in both the Probation Department and Sheriff's Department, given the cumulative effect of the realignment population on jail space and Probation Department caseload size.



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**Adult Education Programs**

One of the largest, identified areas of criminogenic need that has directly and negatively impacted recidivism rates is education. Typically, offenders entering the criminal justice system have minimal educational or vocational training background, which has a profound impact on their ability to secure gainful employment, in addition to a profoundly negative impact on offenders psychologically, related to a positive sense of self esteem and community acceptance. While historically in Inyo County efforts have been made to provide, educational, vocational and literacy programs to offenders, primarily by the Bishop Paiute Tribe and the Inyo County Office of Education, it will become necessary to bolster existing programs and implement new programs to provide educational and vocational training to both the existing probation population and the coming realignment population.

In order to increase vocational and educational training for offenders, the Inyo County Office of Education is proposing implementation of GED programs, literacy programs and ROP programs both at the Inyo County Jail and in communities in Inyo County. Such programs will permit offenders to engage in meaningful and productive educational and vocational training while serving prolonged periods of incarceration, in addition to providing Deputy Probation Officers with additional referral sources for directing non-custodial clients into programs designed to address educational and vocational needs.

Additionally, the existing partnership with the Bishop Paiute Tribe will be strengthened, with collaboration and assistance provided to tribal programs for the development and funding of educational and vocational programs for Native American clients.

Fiscally, vocational and educational programs provided by the Office of Education are, and will continue to be, grant funded, in addition to many of the programs provided by the area tribes. It is anticipated that there will be some expense incurred related to the need for space at the Inyo County Jail to conduct programs, however, that expense remains unknown.

**Re-entry Assistance Program (REAP)**

Frequently, offenders released from long prison or county jail commitments have little more than the clothes on their backs and a few dollars in their pockets. When they arrive in our community, they have no place to live and very little in the way of basic necessities. Often, this can actually contribute to new criminal conduct, as offenders quickly revert to illegal acts, turn to old anti-social peer groups to provide for their needs, and suffer the negative psychological impact that arises out of homelessness. Furthermore, the supervision and case management

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of transient offenders is frequently taxing on the criminal justice system, as those clients demand additional up front services and more intensive supervision.

In addition to the programs proposed by Inyo County Health and Human Services, a Re-entry Assistance Program (REAP) is proposed that will provide a system of up-front services to those transient offenders that qualify. REAP would essentially require an offender to apply for the service and be eligible for services for a limited time period based upon a demonstrated lack of income, basic necessities and/or physical residence, with the option of the offender re-paying the program for all or a limited portion of the services provided, upon receipt of employment or income. In order to develop and implement the program, approximately \$10,000.00 of existing AB 109 funding would be set aside to contract with a local hotel or hotels to have rooms available for temporary housing and the provision of basic necessities, such as clothing and personal hygiene items and/or collaboration will be sought with local non-profit agencies to provide basic necessities for transient offenders.

**OUTCOME MEASURES**

The foundation for any plan or organization seeking to incorporate evidence based practice is a system of outcome measures designed to continually assess and re-assess program effectiveness. Developing a system of outcome measures will be particularly crucial to the success of Inyo County in managing the impact of realignment, given both the fiscal impact of realignment and the anticipated limited funding, in addition to the vast policy changes that will occur. Three primary outcomes will be sought as a result of implementation of the plan:

1. Implementation of an efficient and fiscally responsible system in the County of Inyo to manage the new responsibilities under the realignment.
2. Implementation of a system that protects and promotes public safety utilizing evidence based practices in recidivism reduction, at the incarceration, supervision and treatment phases.
3. Implementation of a system that effectively utilizes alternatives to pre-trial and post conviction incarceration where appropriate.

To achieve these outcomes, the Probation Department, collaborating with the members of the Community Corrections Partnership, will develop and track multiple outcomes measures, including but not limited to:

- Community Corrections Partnership feedback on effectiveness of mechanisms in place to collaboratively address realignment issues as they arise. This will include, at

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minimum, quarterly CCP meetings to review and process data and make any needed policy and procedure changes, in addition to agency transparency with respect to data, problems encountered and any internal policy and procedure that is developed relative to realignment.

- The monitoring of recidivism rates for non-violent, non-serious, non-sex offenders.
- The monitoring of recidivism rates for the PRCS population.
- The number and type of offenders sentenced to county jail prison terms and state prison terms.
- The number and type of offenders sentenced to probation, split sentences and alternative programs.
- Program efficacy, so that limited funding and resources can be directed to programs that work.

Historically, Inyo County has never been confronted with an urgent need to collect and analyze the vast amount of data that will be required to effectively assess outcome measures necessary under realignment, with many agencies relying on either antiquated case management systems or arduous hand counts of data to achieve a statistical analysis of a given population or program. Furthermore, many agencies utilize different electronic case management systems, making data collection all the more difficult. While the Superior Court, Probation Department and District Attorney all utilize the JALAN system for case management, the Sheriff's Department and Bishop Police Department now relies on RIMS, Health and Human Services relies upon Share Care, CPS uses CWS/CMS and the school districts and other stakeholders utilize their own systems respectively. Presently, the Probation Department has the capability to generate much of the needed realignment data through its STRONG risk assessment; however, that system is only capable of generating numbers based on cases being supervised by the department. It may therefore become necessary to purchase and implement a software system that has the capability of "mining," the respective software systems for the data necessary to the effective management of, and policy development required, under the realignment.

**CONCLUSION**

The Public Safety Realignment Act of 2011 presents as one of the broadest, most challenging events in California criminal justice history, presenting not only significant fiscal challenges for Inyo County, but requiring collaboration between all local partner agencies on a here-to-for unseen level. Fortunately, the Inyo County Community has and will continue to effectively collaborate for the common good, manage our resources, and successfully preserve the way of life that is unique to our side of California.

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There is no doubt that the requirements of Assembly Bill 109 necessitate that we develop a new philosophy and a new approach to local criminal justice. The implementation of evidence based practices in criminal justice is a complete cultural change that at first appears, “soft on crime,” and that is fraught with the potential for failure. Indeed, without the support and collaboration of all community members and agencies, the potential for failure is real. It is therefore crucial that we proceed with some amount of caution and responsibility, that we refrain from reactionary decision making and change the former perception of being, “soft on crime,” with a philosophy and policies that are *smart on crime*. This new approach, being smart on crime, will mandate intelligent, informed, fiscally responsible decision making, particularly given the limited fiscal resources we have been provided, and given the absence of a guarantee from the state that resources will continue beyond 2012. Fiscally responsible decision making and policy implementation will necessitate use of criminal justice practices that are research driven, that are scientifically tested, and that are outcome driven, allowing for ongoing re-evaluation and if necessary, redirection of resources to policies and programs that work within the culture and communities of Inyo County. This will include the ongoing use of a validated risk assessment to target the specific criminogenic risks and needs of offenders and to match those risks and needs with appropriate services.


With respect to the plan itself and the proposals and recommendations therein, given the vast amount of unknown variables that are likely to arise, the need for ongoing study and the near constant legislative changes relative to realignment, it is proposed that the Community Corrections Partnership and its sub-groups conduct ongoing evaluations and meetings to discuss the impact of realignment on the County and the community and to provide regular updates to the Board of Supervisors. In this sense, the plan will continue to be a fluid document, subject to regular revision and modification.

It is with this sense of ethics and community pride and responsibility that the Community Corrections Partnership proceeds and recommends that the County of Inyo adopt and approve this implementation plan.

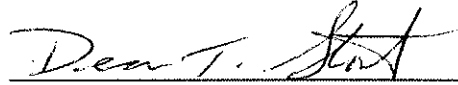
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The Executive Committee adopted this Community Corrections Partnership Plan on the 16<sup>th</sup> day of March, 2012:

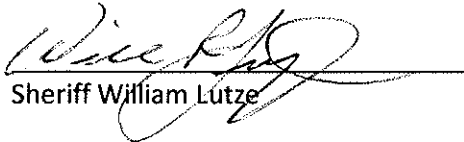
Inyo County Probation Department

  
Chief Probation Officer Jeffrey L. Thomson  
Community Corrections Partnership Chair

Presiding Judge of the Superior Court

  
The Honorable Dean T. Stout

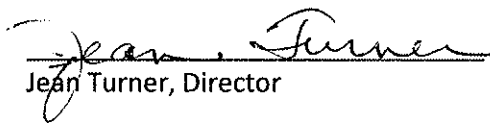
Inyo County Sheriff

  
Sheriff William Lutze

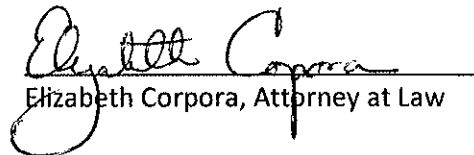
Inyo County District Attorney

  
Arthur J. Maillet, DA

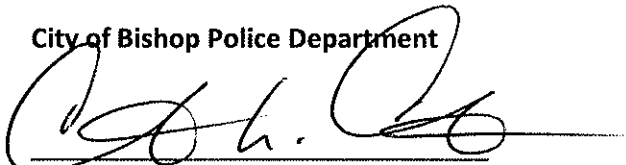
Inyo County Health and Human Services

  
Jean Turner, Director

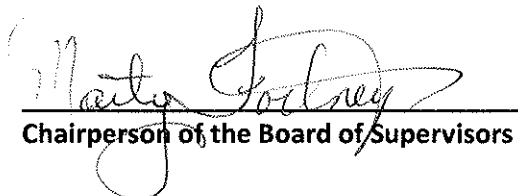
Public Defender

  
Elizabeth Corpora, Attorney at Law

City of Bishop Police Department

  
Chief Chris Carter

The Inyo County Board of Supervisors approved this Community Corrections Partnership Plan on the 10<sup>th</sup> day of April, 2012:

  
Chairperson of the Board of Supervisors

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APPENDIX A

CRIMES REQUIRING COMMITMENT TO STATE PRISON (EXCLUDED CRIMES)

Penal Code Section:

- 67 Bribing an executive officer
- 68 Executive or ministerial officer accepting a bribe
- 85 Bribing a legislator
- 86 Legislator accepting a bribe
- 92/93 Judicial bribery
- 141(b) Peace officer intentionally planting evidence
- 165 Local official accepting a bribe
- 186.11 Felony conviction with aggravated theft enhancement
- 186.22 Criminal street gangs
- 186.26 Street gang activity
- 186.33 Gang registration violation
- 191.5(c)(1) Vehicular manslaughter while intoxicated
- 222 Administering stupefying drugs to assist in commission of a felony
- 424 Misappropriation of public funds
- 243.7 Battery against a juror
- 243.9 Gassing a peace officer or local detention facility employee
- 245 Assault with a deadly weapon or force likely to inflict GBI
- 245(d) Assault on peace officer
- 266a Abduction or procurement by fraudulent inducement for prostitution
- 266e Purchasing a person for the purpose of prostitution or placing a person for immoral purposes
- 266f Sale of a person for immoral purposes
- 266h Pimping and pimping a minor
- 266i pandering and pandering with a minor
- 266j Procuring a child under 16 for lewd or lascivious acts
- 273a Felony child abuse likely to cause GBI or death
- 273ab Assault resulting in death of a child under age 8
- 273.4 Female genital mutilation
- 273.5 Felony domestic violence
- 290.018 Sex offender registration violations
- 298.2 Knowingly facilitating the collection of wrongfully attributed DNA specimens
- 299.5 Wrongful use of DNA specimens
- 347 Poisoning or adulterating food, medicine, drink, etc.
- 368b Felony physical abuse of elder or dependent adult
- 417(c) Brandishing firearm in presence of peace officer
- 417.8 Felony brandishing firearm or deadly weapon to avoid arrest
- 422 Criminal threats
- 424 Misappropriation of public funds

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452 Arson of inhabited structure or property  
455 Burning forest land or property  
504/514 Embezzlement of public funds  
598c Possession or importation of horse meat  
598d Offering horse meat for human consumption  
600(d) Harming or interfering with police dog or horse causing GBI  
646.9 Felony stalking  
653f(b) Solicitation for murder  
666(b) Petty theft with specified prior convictions  
4501.1 Gassing  
4530 Escape from prison facility  
4532 Escape  
11418 Use of weapon of mass destruction  
12021/12021.1 Possession of a firearm by prohibited person  
12021.5(b)(3),(4) Carrying firearm with detachable magazine  
12022(b) Using a deadly weapon in commission of felony  
12022.5 Using a firearm in commission of felony  
12022.9 Infliction of injury causing termination of pregnancy  
12025(b)(3) Carrying concealed firearm by gang member  
12303.1/12303.2 Possession of an explosive or destructive device

**Elections Code Section:**

18501 Public official who aids and abets voter fraud

**Government Code Section:**

1090/1097 Conflict of interest by public officer or employee  
1195 Taking subordinate pay  
1855 Destruction of documents

**Health and Safety Code Section:**

11353 Employment of minor to sell controlled substance  
11354 Employment of minor to sell controlled substance  
11361(a) & (b) Employment of minor to sell marijuana  
11370.1 Possession of a controlled substance while armed with firearm  
11380(a) Use of minor to transport/possess/possess for sale  
120291 Knowingly exposure of person to HIV

**Vehicle Code Section:**

2800.2 Reckless evading a police officer  
2800.3 Evading a peace officer causing death or serious bodily injury  
20001 Hit and run driving causing death or injury  
23109(f)(3) Causing serious bodily injury during speed contest  
23110(b) Throwing object at motor vehicle with intent to cause GBI  
23153 Driving under the influence causing injury

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In addition to the forgoing specific crimes, a defendant convicted of any felony under any of the following circumstances must be sentenced to state prison:  
[P.C. § 1170(h)(3)]

1. Conviction of a current or prior serious or violent felony conviction listed in sections 667.5(c) or 1192.7(c), or
2. When the defendant is required to register as a sex offender under section 290;  
or
3. When the defendant is convicted and sentenced for aggravated theft under the provisions of section 186.11.



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**APPENDIX B**

**Phase 1 Budget/Fiscal Year 2011-2012**

<b>PLANNING ALLOCATION-AB109 Planning Grant</b>	<b>\$100,000.00</b>
Probation Department Salaries and Benefits	\$10,000.00
CCP and Workgroup Meals and Refreshments	\$2,000.00
CCP and Workgroup Office Expenses (binders, toner, misc.)	\$500.00
Travel and Training	\$3,000.00
<b>Total Planning Fund Expenditures</b>	<b>\$15,500.00</b>
<b>Planning Grant Reserve Funds</b>	<b>\$84,500.00</b>
*Modifications of the budget within object levels will occur as actual expenses are incurred.	
*The balance of \$84,500.00 will be allocated in future plans or by separate action by the CCP Executive Committee.	

<b>AB109 TRAINING AND IMPLEMENTATION FUNDS</b>	<b>\$13,475.00</b>
Probation Department Travel and Training	\$8,000.00
Sheriff's Department Travel and Training	\$3,475.00
Department of Social Services Travel and Training	\$2,000.00
<b>Total Travel and Training</b>	<b>\$13,475.00</b>
*Modifications of the budget within object levels will occur as actual expenses are incurred.	

<b>DISTRICT ATTORNEY/PUBLIC DEFENDER (PRCS REPRESENTATION)</b>	<b>\$6,845.00</b>
DA prosecution of PRCS Revocation Hearings	\$3,423.00
Public Defender defense of PRCS Revocation Hearings	\$3,422.00
<b>Total PRCS Representation Expenditures</b>	<b>\$6,845.00</b>

<b>PUBLIC SAFETY REALIGNMENT ALLOCATION</b>	<b>\$109, 675.00</b>
Probation Department-Overtime for after hours supervision of PRCS	\$7,500.00
Probation Department-Staff cost for group facilitation	\$6,000.00
<b>Total Salaries and Benefits</b>	<b>\$13,500.00</b>
<b>Services and Supplies</b>	
Probation Department-Electronic Monitoring equipment and services	\$10,000.00
Probation Department-Safety Equipment (vests, ammo, radios, etc.)	\$10,000.00
Probation Department-STRONG risk assessment services	\$5,000.00
Probation Department-Discretionary Funds (Positive Reinforcers)	\$5,000.00
Probation Department-Programming equipment and supplies	\$4,000.00
Probation Department-Re-Entry Assistance Program (REAP)	\$10,000.00
Sheriff's Department-Support and care of PRCS/Parole holds	\$35,000.00
<b>Total Services, Supplies and Expenditures</b>	<b>\$79,000.00</b>
<b>TOTAL PUBLIC SAFETY REALIGNMENT BUDGET FOR FY11-12</b>	<b>\$92,500.00</b>
<b>Public Safety Realignment Reserve Funds</b>	<b>\$17, 178.00</b>
*Modifications of the budget within object levels will occur as actual expenses are incurred.	
*The balance of \$17, 178.00 will be allocated in future plans or by separate action.	