

County Contract No.

Department  
Probation/Collections

**TRINITY COUNTY**  
Board Item Request Form  
2011-10-18

**7.05**

**Contact**

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**Phone**

530-623-1204 ext 124

**Requested Agenda Location**

County Matters

**Requested Board Action:**

Approve the Public Safety Realignment & Post-Release Community Supervision 2011 Implementation Plan as approved and recommended by the Community Corrections Partnership and its Executive Committee, as well as the actions items included in the the plan for the 2011-12 FY.

**Fiscal Impact:**

Funding from State Allocation and has no impact on General Funds for FY 2011-12.

Motion: \_\_\_\_\_ Second \_\_\_\_\_ Roll Call: Ayes: \_\_\_\_\_ Nays: \_\_\_\_\_ Tabled To: \_\_\_\_\_

Action:

Notes:

## STAFF REPORT

Subject: Public Safety Realignment & Post-Release Community Supervision  
(AB 109) 2011 Implementation Plan

Date: September 30, 2011

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**ISSUE:** Should the Board approve the Public Safety Realignment & Post-Release Community Supervision (AB 109) 2011 Implementation Plan and approve the submission of the plan to the State as recommended by the Community Corrections Partnership and its Executive Committee.

In response to overcrowding in state prisons, the Supreme Court ordered that the state reduce its prison population by 60% over the next 3 years. The State drafted and enacted AB 109 and its associated trailer bills in order to create a new system of corrections in California. Essentially, the bill takes many lower risk inmates and transfers them back to counties for incarceration or post-release supervision. This is a shift localizing corrections and rehabilitation. AB 109 gave each county the mandate to form a Community Corrections Partnership to create a local plan to oversee these functions. This initial plan is due to the state in October 2011, and after the approved plan is submitted, the State will release funding from a state allocation to pay for the activities included in the plan.

**ALTERNATIVES INCLUDING FINANCIAL IMPLICATION:**

Not approve the plan and authorize its submission to the State. This option will delay the release of the State allocation until the plan is approved and submitted to the State. This option will shift the costs of incarceration and supervision of inmates locally to the County. *This will not stop the roll-out of the states mandate to return prisoners to local custody beginning October 1, 2011.*

**RECOMMENDATION:**

That the Board approve the Public Safety Realignment & Post-Release Community Supervision (AB 109) 2011 Implementation Plan and it included action items.

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Department head signature line



Trinity County  
Public Safety Realignment & Post-  
Release Community Supervision  
(AB 109)  
2011 Implementation Plan

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**Community Corrections Partnership Executive Committee**

Terry Lee, Chief Probation Officer (Chair)

James Woodward, Presiding Superior Court Judge

Michael Harper, District Attorney

Derrick Riske, Public Defender

Bruce Haney, Sheriff

Mark Loveless, California Highway Patrol Commander

Linda Wright, Health & Human Services Director

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# SUMMARY OF RECOMMENDATIONS

The Executive Committee submits the following recommendations to the Trinity County Board of Supervisors:

1. Consider and adopt Phase I 2011 Implementation Plan herein, as County of Trinity's Public Safety Realignment plan required by PC1230.1 and the Post-Release Community Supervision strategy required by PC3451 as added by the Post-Release Community Supervision Act of 2011 contained in AB109. This Plan contains recommendations for implementation using funds allocated by the State, and additional resources required by the County and its partners to successfully implement the plan.
2. Consider and approve the following items:

## A. Enhanced Intensive Community Supervision Program

The Correctional Administrator of the County as designated in Penal Code 1203.017 is authorized to provide an intensive supervision program, voluntarily or involuntarily pursuant to PC1203.16 of the California penal code to inmates being held in lieu of bail in the County Jail or other County correctional facilities. The updated Electronic Monitoring Program, attachment 4, and its guidelines would go into full force and effect October 1, 2011 if approved in the plan. Section 1230 (3) requires that funds provided by this act *shall* be used to provide supervision and rehabilitative services for adult felon offenders subject to probation and *shall* be spent on evidence based community corrections practices as defined. It is recommended that funding be provided to achieve caseload standards that approximate 1 probation officer or sheriffs' deputy for every 35 high to moderate risk PRCS referrals from the state. From the initial Phase I, funding in the sum of \$101,450 is recommended (See Attachment III) to provide intensive supervision as required by the act and executed the duties authorized under section 1203.016 and 017 respectively. Intensive supervision, electronic monitoring are evidence based programs as defined in the code.

1. Home Detention Program - The Correctional Administrator is authorized to offer a home detention program, as specified in Section 1203.016 of the California Penal Code, in which inmates committed to the County Jail or other County correctional facility or inmates participating in a Work Furlough program may voluntarily participate or involuntarily be placed in a home detention program in lieu of confinement in the County Jail or other County Correctional facility.
2. Pre-trial release program -Team Approach  
The Chief Adult Probation Officer is authorized to offer an electronic monitoring and/or home detention program to individuals who are granted release from custody prior to conviction.
3. Risk needs assessment program -Team Approach  
Risk and Needs Assessments are to be completed for all inmates at the jail to determine both the risk to society if released from custody and

criminogenic needs is an evidence based practice as defined in section 1230 (A).

**B. Jail Needs Study**

The Trinity County Sheriff, Trinity County Grand Jury and a number of public corrections officials have identified the need for a new jail. It is recommended that a sum of \$10,000 be authorized to begin the process of a needs study to meet the needs of the timeline for applications under AB 900. Grant funding is now available with a short timeline to address this study. California code of regulations require a needs study to be submitted with the application.

**C. Transitional Housing**

Inmates departing state and local custody are frequently homeless or without stable housing. It is proposed that \$10,000 be authorized for contractual services to provide temporary housing for inmates transitioning from state and or local custody.

**D. Community Service Work Program**

Community service programs are an in-lieu-of-jail program, offering judicial officers the option of sentencing offenders to community service work in lieu of incarceration. Program coordinators find offenders work sites and locations that are appropriate, given the length of their jail sentence and nature of the offense. They would provide information to the courts and probation officers on the offenders' progress towards completion. Community service work is typically performed for private non-profit organizations, although local government agencies can and will also be used as available work sites. Client disabilities and limitations are a consideration in placements. Program recipients are expected to reimburse the program for the required insurance. It is recommended that \$26,741 be authorized to fund the Community service program in Phase I of the program.

**E. Data Collection and Outcomes**

By statute, five percent of the total allocation must be spent on data collection and tracking outcomes and program effectiveness. This may be accomplished through hiring a consultant or through internal personnel, but must be set aside to meet this requirement and to help inform the CCP's future development of programs and budgets.

# OVERVIEW OF 2011 PUBLIC SAFETY REALIGNMENT ACT (AB 109)

In an effort to address overcrowding in California's prisons and assist in alleviating the State's financial crisis, the Public Safety Realignment Act (Assembly Bill 109) was signed into law on April 4, 2011. AB109 transfers responsibility for supervising specified lower level inmates and parolees from the California Department of Corrections and Rehabilitation to 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, the Presiding Judge or his or her designee, and the department representative listed in either section 1230 (b) (2) (G), 1230 (b) (2) (H), or 1230 (b) (2) (J) as designated by the county board of supervisors for purposes related to the development and presentation of the plan. (c) The plan shall be deemed accepted by the County Board of Supervisors unless rejected by a vote of 4/5ths in which case the plan goes back to the Community Corrections Partnership for further consideration. (d) Consistent with local needs and resources, the plan may include recommendations to maximize the effective investment of criminal justice resources in evidence-based correctional sanctions and programs, including, but not limited to, day reporting centers, drug courts, residential multiservice centers, mental health treatment programs, electronic and GPS monitoring programs, victim restitution programs, counseling programs, community service programs, educational programs, and work training programs."

Key elements of AB109 include:

**Target Population:** The post-release community supervision population, which is released from prison to community supervision, is the responsibility of local probation departments and includes those whose current conviction is non-violent, non-serious, or non-sex offense and have no prior PC 667.5(c), PC 1192.7(c) or registerable offenses pursuant to Penal Code section 290. (See Attachment 1 for exclusions)

The population that will serve their prison sentences locally includes the non-violent, non-serious, non-sex offender group. The California Department of Correction and Rehabilitation (CDCR) and the Department of Finance estimate that Trinity Counties "average daily population" (ADP) of these offenders will be:

- 9 Post-release community supervision
- 9 Parole and post-release community supervision violators in jail on revocations

## 9 Sentenced to local incarceration under AB109

At some point in time all 27 offenders will be on post-release community supervision to Probation, requiring the full range of supervision, sanctions and service resource available through the department. Based on historical averages, this group will increase to approximately 60 after full implementation.

This population becomes a local responsibility as of October 1, 2011 when the Post-Release Community Supervision Act of 2011 is implemented. These estimates are based upon data provided by CDCR; however, the Community Corrections Partnership Executive Committee anticipates that the actual population will be greater than the State projections.<sup>1</sup>

Additional key elements of AB109 include:

- Redefining Felonies: Revises the definition of a felony to include certain crimes that are punishable in 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.
- 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.
- Revocations Heard & Served Locally: Post-release community supervision and parole revocations will be served in local jails (the maximum revocation sentence cannot exceed 180 days), with the exception of paroled 'lifers' who have a revocation term of greater than 30 days. The Courts will hear revocations of post-release community supervision while the Board of Parole Hearings will conduct parole violation hearings in jail.
- Changes to Custody Credits: Jail inmates will be able to earn four days of credit for every two days served. Time spent on home detention (i.e., electronic monitoring) is credited as time spent in jail custody.
- Alternative Custody: Penal Code Section 1203.018 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 other than jail incarceration alone, or traditional routine probation supervision.

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<sup>1</sup> Numbers provided by CDCR and the Department of Finance do not include figures for out of state transfers into the county for supervision.



## Summary of Realignment Components & Local Legislative Recommendations

<b>Population Affected</b> (as of effective date of AB 109)	<b>Component of Public Safety Realignment</b>	<b>Local Legislative Recommendations</b>
<i>Released from State Prison</i>	State prisoners serving sentences for non-violent, non-serious and non-sex offenses with one of these offenses in their criminal history will be placed on county post-release community supervision instead of state parole. The Court will adjudicate violations of county post-release community supervision.	Recommendation that the Board designate Probation as the administrator of county post-release community supervision, including administration of home detention and electronic monitoring program for post-release community supervision offenders and probationers.
<i>On State Parole</i>	Violations of State Parole will be adjudicated by Board of Parole Hearings inside County Jail.	None
<i>Currently Held Pretrial in County Jail</i>	Certain inmates may be released pre-trial on electronic monitoring.	Recommendation that the Board designate Probation Department as administrator of electronic monitoring for inmates.
<i>Realigned Local Incarceration and Post-Release Community Supervision Population</i>	Certain inmates may be placed on home detention.	Recommendation that the Board expand Probation Departments duties as administrator of Home Detention for inmates.
<i>Realigned Local Incarceration and Post-Release Community Supervision Population</i>	Establish outcome measures related to local incarceration inmates and post-release community supervision populations (per AB109).	Recommendation that the Board approve funding for 5% of the budget to be set aside to develop a research design, collect data and report to the Board on the outcomes associated with AB109.

# LOCAL PLANNING AND OVERSIGHT

## *Community Corrections Partnership*

In the last two years, there have been statewide efforts to expand the use of evidence based practices in sentencing and probation practices, and to reduce the state prison population. SB 678 (2009) established a Community Corrections Partnership<sup>2</sup> (CCP) in each county, chaired by the Chief of Probation, charged with advising on the implementation of SB 678 funded initiatives. AB109 (2011) established an Executive Committee of the CCP charged with development of a 2011 Realignment Plan that will recommend a county-wide programming plan for the realigned population, for consideration and adoption by the Board of Supervisors.

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

This plan was developed by CCP Executive Committee members, their designees and other key partners. Meeting attendees included:

Anne Lagorio	AODS
Noel O'Neill	Behavioral Health
Judy Pflueger	Board of Supervisors
Mark Loveless	California Highway Patrol
Michael Harper	District Attorney
Linda Wright	Health & Human Services
Dave Toler	Human Response Network
Terry Lee	Probation Department
Derrick Riske	Public Defender
Bruce Haney	Sheriff
Debbie DeCoito	Smart Center
James Woodward	Superior Court
James French	Trinity County Office of Education
Alsaah Bundi	Victim Services Representative

The CCP has been meeting as needed since Sept 19th, 2011 discussing funding methodology, policies and programming necessary to implement the plan. The substantive policy and operational plan, without specific budget detail was voted on and approved at the September 26th, 2011 meeting, and Submitted to the BOS for approval.

<sup>2</sup> The CCP and its subgroups are considered legislative bodies and as such, are subject to the Brown Act and are public meetings. For more information of the Brown Act, see [http://ag.ca.gov/publications/2003\\_Main\\_BrownAct.pdf](http://ag.ca.gov/publications/2003_Main_BrownAct.pdf).

## NEW POPULATIONS & FUNDING

As a small, rural county, Trinity County has a unique set of needs. The vast and varied terrain and scattered population of the county make the reality of providing law enforcement and supervision a challenge to its residents and those charged with administration and provision of these services. The population of inmates that will now be serving their sentences locally or who will parole home earlier to serve their terms under Post-Release Community Supervision will be in the community and this already strained system will have to adapt to work with the new influx of offenders.

The Trinity County justice system is comprised of the partnership between the Trinity County Sheriff's Office, California Highway Patrol Office, Trinity County Probation Department, the District Attorney's office, Public Defender's Office, and the Trinity County Superior Court. Each member of this system works to meet its mandates within its large and geographically diverse land mass, and with its rural population.

As an integral part of the Trinity County justice system, Trinity County Probation strives to protect the community, enforce court orders, promote responsible behavior in offenders, provide information and recommendations to the court, and provide services to victims. The Department oversees adult and juvenile probationers, the Juvenile Detention Center, Victims Witness Services, and many other functions. As such, the Department has been given the mandate to act as the lead agency to implement Realignment and work with its partners to build new programs and systems to accommodate a new system of corrections to be administered within the county.

### *PROJECTED POPULATION*

The State has estimated that Trinity County will assume responsibility for approximately 27 additional offenders at any point in time across all agencies.<sup>3</sup> This population is diverse and may include offenders who have been convicted of property, public order, drug, and domestic violence offenses, and gang-involved offenders. Of these 27 people, it is anticipated that at any given time. An average daily population of approximately 18 offenders will be serving a sentence of local incarceration or sanctioned to other custodial/programmatic options on one of the alternative programs, and that approximately 9 offenders will be serving their sentence in county jail. All 27 people will at some point be on post-release community supervision (PRCS).<sup>4</sup> Revocations for violations of probation or parole will lead to increased numbers of incarcerations, and the demand for alternatives for the violations will also increase. In 2010, Trinity County had a revocation rate of 21.7% for PRCS violations and 91.3% for parolee violations.<sup>5</sup> These rates indicate that the State projections may be lower than actual demand, as the States

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<sup>3</sup> These Estimates are based upon data provided by CDCR; however, the Community Corrections Partnership Executive Committee anticipates the actual population will be greater than state projections.

<sup>4</sup> These Estimates are based upon data provided by CDCR; however, the Community Corrections Partnership Executive Committee anticipates the actual population will be greater than state projections.

<sup>5</sup> CDCR 2010 Revocations Report by County.

average for revocations and violations were at 71.3% for the same time period, which is significantly lower than Trinity County.

### *PROJECTED FUNDING*

The formula establishing statewide funding allotments for AB109 implementation in Fiscal Year (FY) 2011-12 assumes \$25,000 per offender for six months of local incarceration, with each of these offenders allocated \$2,275 for either rehabilitative services while incarcerated or alternative incarceration programs. This same level of funding will be made available for parole violators serving a 60-day revocation, albeit on a pro-rated basis. Offenders on post-release community supervision are funded at \$3,500 per person for community supervision and \$2,275 per person for rehabilitative services (for a maximum of 18 months). The above formula establishing a statewide allotment was developed by the State Department of Finance and agreed to by County Administrative Officers (CAO) and California State Association of Counties (CSAC).<sup>6</sup>

The level of local funding available through AB109 is based on a weighted formula containing three elements:

- 60% based on estimated average daily population (ADP) of offenders meeting AB109 eligibility criteria
- 30% based on U.S. Census Data pertaining to the total population of adults (18- 64) in the County as a percentage of the statewide population; and
- 10% based on the SB 678 distribution formula

Based on this formula Trinity County is projected to receive \$259,936 for FY 2011-12 to serve approximately 27 additional offenders at any point in time.<sup>7</sup> This funding includes:

Post-Release Community Supervision (PRCS)/local incarceration	\$ 144,554
AB109 Planning grant	\$ 100,000
AB109 Training and implementation activities	\$ 10,200
<u>District Attorney/Public Defender (PRCS representation)</u>	<u>\$ 5,182</u>
TOTAL	\$ 259,936

Funding for Trinity County Superior Court operations is unknown at this time; the Administrative Office of the Courts (AOC) is expected to address this determination of the funding distribution in the near future.

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

<sup>6</sup> These Estimates are based upon data provided by CDCR; however, the Community Corrections Partnership Executive Committee anticipates the actual population will be greater than state projections.

<sup>7</sup> See Attachment 2.

The final 2011 Implementation Plan will contain actual budget details specifying revenue and expenditures for all of the public safety and social service agencies providing services and programming needed to effectively manage the AB109 realigned offender population. (See Attachment II) The FY 2011-12 budget is pending finalization. Partners are leveraging other federal, state, and private sources. However, a gap will remain between what the State is proposing for funding and the actual cost of proposed operations and services. A draft plan will be submitted September 19<sup>th</sup>, 2011, to the Community Corrections Partnership for public and Committee review.

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

## JUSTICE REINVESTMENT

PC 3450(b)(7), added by AB109, states that "fiscal policy and correctional practices should align to promote a justice reinvestment strategy that fits each county." In order to determine the needs of the county to aid in planning, the CCP will be conducting a Local Needs Assessment at its September 19<sup>th</sup>, 2011 meeting. The goal is for the finding of this assessment to help direct the services to be developed for Phase II of Implementation.

AB109 defines justice reinvestment as "a data-driven approach to reduce corrections and related criminal justice spending and reinvest savings in strategies designed to increase public safety." A plan for developing statistical tracking tools and evaluations is being developed to help ensure that funding is being spent in a manner that upholds these objectives and makes the best use of existing funding while taking into account local needs.<sup>8</sup>

## PROPOSED IMPLEMENTATION STRATEGIES

The proposed strategies that follow take into consideration the multifaceted needs of the AB109 population, and the resources necessary to achieve desired public safety outcomes. In order to meet all of the needs of the local populations within existing programs, a three Phase Program is part of the strategy for Trinity Counties' Implementation Plan. Phase I, FY 2011-12, will be the focus of this plan. Phase II, FY 2012-13, and Phase III, FY 2013-14, would be built upon and expanded each year based on the development of additional program resources, expanded funding, and the use of funds based on the evaluations of program effectiveness. Phase I, which is only 9 months and begins October 1, will focus on creating infrastructure for the expansion of

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<sup>8</sup> See Proposed Outcomes section for specific goals and objectives.

supervision and alternatives to incarceration, while working with the CCP to develop programs to support recidivism reduction for Phases II and III.

A cornerstone of all of these strategies is the use of a validated, evidence based risk and needs assessment which directs all case planning for supervisees, and is made possible through the use of STRONG (Static Risk Assessment and Offender Needs Guide) that is being implemented with guidance from Assessments.com and administered by Probation and shared with relevant partners. Additionally, as part of this implementation process, Probation has developed a "implementation organizational chart" to help guide the complex process of connecting policies to explicit operations that can be measured for performance. (See Attachment IV)

Additionally, all PD staff has been trained and will use Motivational Interviewing with offenders in conducting interview and assessments. Motivational Interviewing (MI) is a directive, client-centered approach for eliciting behavior change by helping offenders explore and resolve ambivalence. It is a more focused and goal directed approach to working with individuals. It is an evidence based practice that has been shown to effectively change behaviors. MI recognizes and accepts the fact that clients who need to make changes in their lives approach counseling at different levels of readiness to change their behavior. MI is non-judgmental, non-confrontational and non-adversarial. The approach attempts to increase the offenders' awareness of the potential problems caused, consequences experienced, and risk faced as a result of the behavior in question. Probation Officers have received MI training from UC Davis Master Trainers and use MI in all interviews they conduct.

## *I. County Jail*

### PROJECTED ADDITIONAL NUMBER OF INMATES

The Probation and Sheriff's Department (TCSO) believe they will see jail population increases of at least 15-20 inmates per month for the first 9 months followed by some leveling off. TC also estimates it will continue to admit at least 1-2 inmates a month on new commitments of people who would otherwise have gone to state prison. The 18 inmate figure referenced earlier in the report derives from State estimates of parole and post-release community supervision violators serving revocations in jail and offenders sentenced to local incarceration on new charges.

The additional inmates include (1) those convicted of a felony who have been sentenced to 16 months, 2 years, or 3 years in county jail in lieu of state prison; (2) the additional number of people in county jail who are pretrial; (3) violators of post-release community supervision; (4) violators of state parole up to 180 days (an exception is that paroled lifers with revocation terms greater than 30 days will serve time in state prison); and (5) post-release community supervisees sanctioned with flash incarceration of up to 10 days for each violation.<sup>9</sup>

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<sup>9</sup> The use of flash incarceration is currently under judicial review since *Cruz*. The outcome may limit or revoke the right to use this tool, increasing the need for supervision and alternative s to incarceration.

## PROPOSED STRATEGIES FOR COUNTY INMATES

To address these projected increases, the TC Probation and SD will maximize county jail capacity and utilize alternatives to incarceration through the development of Expanded Intensive Supervision Programs and Alternatives to Incarceration. By expanding the Probation Departments authority in the use of home detention and electronic monitoring, the Board of Supervisors will provide additional alternatives to incarceration to be utilized for both the pre-trial and sentenced populations.

## COUNTY JAILS

### Facilities

The Sheriff's Department currently operates one jail in the county seat of Weaverville. This facility is adjoined by the Sheriff's Department and houses the intake and release facility, as well as housing for up to 53 inmates. This facility was reviewed by the 2008-09 Grand Jury and their findings indicate that many of its facilities are antiquated and in need of repair or replacement. In order to assess the needs of the jail, including the possibility of needing a new facility, a formal Needs Assessment will be conducted. This assessment will review the facilities, staffing concerns, response times, safety, and a host of other concerns. This Needs Assessment should be done as soon as possible in order to allow the Sheriff's Department and county to explore funding options for needed changes. The Corrections Standards Authority has a current application cycle for funding of new jail building projects beginning later this year. Completing a Needs Assessment in a timely fashion would be beneficial in the event that the County needs to look at updating or building a new facility.

### Incarceration

People convicted of non-serious, non-violent, and non-sex offense felonies will serve sentences in the county jail. This change is prospective and will apply to anyone who is convicted on or after October 1, 2011. Typically these sentences will be 16 months to three years; this is longer than the average 90-day sentence currently served in California county jails. Enhanced and consecutive sentences may create even longer sentences. AB109 changes how credits for good time and work time are calculated from one day of good time and one day of work time for every six days served in jail to one day of good time and one day of work time for every 4 days served in jail. This means that inmates will serve 50% of their sentence in custody, minus any credits for time served prior to their date of sentence, instead of two-thirds of their sentence, which is the current law. This change will help mitigate, to some degree, the impact of longer sentences being served in the county jails. Further, all post-release community supervision revocations and almost all parole revocations will be served locally.

AB109 encourages the use of flash incarceration up to 10 days in county jail for post-release community supervisees who violate their community supervision terms.<sup>10</sup> Further analysis is necessary once AB109 is implemented to accurately determine the impact on jail beds, alternative incarceration programs and court security/inmate transportation. Enhancements to jail programming such as substance abuse services,

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<sup>10</sup> The use of flash incarceration is currently under judicial review since *Cruz*. The outcome may limit or revoke the right to use this tool, increasing the need for supervision and alternatives to incarceration.

twelve step support groups, educational services, and faith based supports are considered as necessary and will continue to be provided. AB109 offenders will have programming based upon availability. TCSO will work with the courts and CDCR parole personnel to provide programs and services to inmates serving time in jail for a parole revocation to the extent possible within funding constraints.

## *II. Expanded Intensive Community Supervision Program*

### **Caseload Size**

There are many challenges facing Probation Department personnel that are charged with the supervision of the Pre-Trial, Probation, PRCS, and Parole population. Of these, one of the most challenging is the increase in case load size and complexity. A publication from the American Probation and Parole Association summarizes some of the challenges that these complex caseloads present in the following excerpt:

“As the problems facing society have grown more complex and challenging, so have the offenders who are sentenced to probation or released to parole. Today, the average agency caseload includes adult and juvenile offenders with alcohol and drug addictions, the mentally ill, sex offenders, drunk drivers, gang members, violent offenders and offenders with combinations of all of the above.

As the number of these “special needs” offenders grew, probation and parole agencies began to specialize their services. In the beginning, this meant putting all of the like offenders in one caseload. Staff assigned to those caseloads then began to develop experience and gained specialized expertise through training. As the knowledge about these cases grew, the nature and type of supervision changed. Caseloads were limited in size, and supervision was targeted to the special needs of the population. Officers began to consult with specialists and treatment providers from other agencies, providing more comprehensive services. Lastly, probation and parole agencies began to enter into formal partnerships with other agencies to provide more comprehensive supervision for these offenders.

Today it is commonplace to see a full array of specialized caseloads and even units in all but the smallest of probation and parole departments. This development is mirrored in the professional literature, which reflects an increased depth and sophistication about effective supervision and treatment strategies and techniques. Specialization almost always requires additional resources for smaller caseloads, specialized training, purchase of treatment services and perhaps even hiring of specialists to provide services directly, if the numbers warrant. *This approach poses particular problems for small departments, which have neither the number of cases to support specialization nor sufficient numbers of staff to specialize. Yet these departments still have the problematic offenders on their caseloads.”*<sup>11</sup>

AB 109 diverts offenders convicted of “low-risk, non-violent, non-sex” crimes back to their communities to serve their sentences, but their risk level is more thoroughly determined using evidence based assessment tools and then assigning them to the appropriate level of supervision. The APPA recommends, as best practice, a 20:1 caseload ratio given the assessed higher-risk level of the supervised population. Given funding constraints, Probation projects a proposed maximum caseload of 50:1 to provide adequate supervision for this mixed, higher-risk population. In order to meet these standards, Probation

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<sup>11</sup> From the APPA publication, “Trends in Probation and Parole in the States” By William D. Burrell



estimates that it will require 1 FTE for a Probation Officer III to cover the influx of new cases under AB 109 during Phase I of the Implementation Plan. For associated Costs, see Attachment III.

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

#### **Post-Release Community Supervision**

The term of post-release community supervision will not exceed three years, and individuals may be discharged following as little as 6 months of successful community supervision. Supervisees may be revoked for up to 180 days; all revocations will be served in the local jail. Post-release community supervision shall be consistent with evidence-based practices demonstrated to reduce recidivism, and PD may impose appropriate terms and conditions, appropriate incentives, treatment and services, and graduated sanctions.

Probation has invested heavily in establishing evidence-based supervision and intervention practices proven effective in reducing recidivism and improving outcomes. At the heart of evidence-based practices are concepts of risk, need and responsivity (the practice of assessing and identifying criminogenic risk factors contributing to ongoing criminal behavior, which can be changed through application of culturally, developmentally and gender appropriate interventions, teaching new skills and building on offender strengths to mitigate criminality). These principles are applied in the use of the Static Risk Assessment and Offender Needs Guide (STRONG) in preparing reports and case plans for all offenders. Risk and need factors are assessed prior to sentencing using the STRONG assessment tool; this information guides sentencing recommendations and identification of the most appropriate supervision conditions to reduce the likelihood of re-offense.

PD will create a specialized supervision caseload with responsibility for intensive supervision of the post-release community supervision population. This staff will administer the STRONG risk/needs assessment tool to every post-release community supervisee –consistent with the above referenced principles – and ultimately develop a case plan that supports the assessment objectives and meets the offenders' needs for successful completion of their term. This action will guide supervision intensity, treatment/program referrals, case management efforts and offender activities. The STRONG program was chosen because of its long history of utilization and rigorous

evaluation/validation with adult offender populations. Additionally, all 16 counties in the Northern California Probation Consortium use the same tool to assess offenders under its supervision and its use as an evidence based tool is well documented.

Additionally, a system of rewards and responses is being developed for use with the post-release community supervision population, and ultimately will drive intervention decisions with all offenders under supervision. The use of a reward and response decision matrix will provide guidance to probation officers regarding the type of intermediate sanction to impose in responding to violations. This strategy requires probation officers to consider offender risk and criminogenic need factors, severity of the violation, and their behavior before determining the most appropriate graduated response.

A key component of successfully implementing AB109 relies on creating an effective violation hearings process combined with consistent imposition of graduated sanctions in response to violations of supervision conditions. Conversely, when an offender achieves a certain milestone in supervision, (e.g., completes substance abuse treatment); the probation officer needs to identify an appropriate reward (incentive). This matrix establishes a decision-making structure for Probation staff to ensure consistency in responses to violations. A methodology of this type is important given the fact that a provision in AB109 allows discharge of post-release community supervision following six months of violation-free supervision. Use of this program by PD reaffirms the agency's commitment to evidence-based practices and public safety.

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

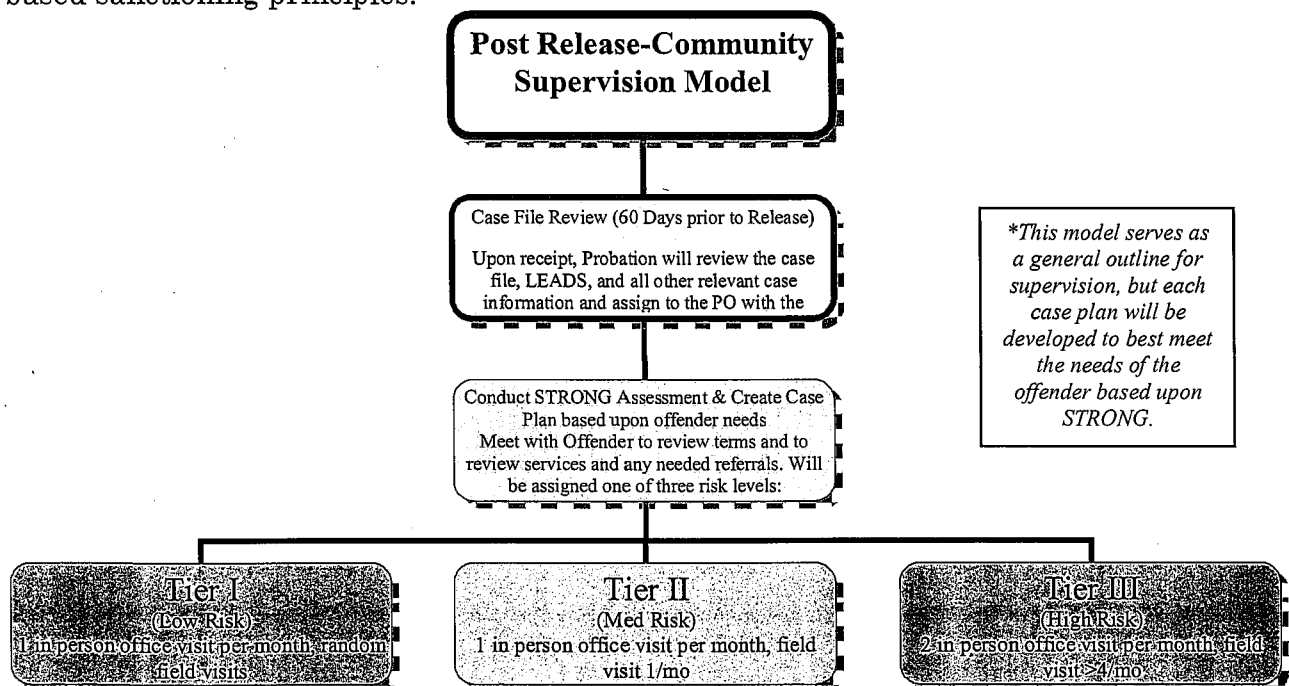
Another key element of enhanced supervision with the AB109 population includes an emphasis on actively engaging the offender's family in the supervision process. A family focused model, tapping into available positive supports in the client's social ecology and building capacity within the family has proven effective in improving outcomes with high risk offenders.

Additionally, Probation will partner more extensively with Child Protective Services (Child Welfare) to ensure children of offenders are receiving needed services and that coordination of intervention activities and service delivery occurs to maximize efficiency and increase potential for intervening successfully with intergenerational criminality. This will include coordination with Health & Human Services, along with

the Trinity County Office of Education, associated school districts and appropriate community agencies to address service needs. As well, PD is partnering with Child Support Services to assist offenders with child support obligations in obtaining employment and working out reasonable support payments, as allowed by court order and Department standards, which provide necessary financial support to families. This action promotes more responsible behavior on the part of the offender and aids in removing barriers that non-payment of support obligations causes in terms of restricting access to driving privileges, obtaining education and vocational training, etc.

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

In addition to the intensive supervision and collaborative case planning mentioned above, Probation will actively explore a variety of alternatives to incarceration for use in managing the post-release community supervision population and responding to violations. Building upon the success of the Drug Court and Prop 36 program, Probation will draw upon this experience to craft appropriate alternative custody options to address criminogenic risk factors, hold the offender accountable, and enhance community safety. It is envisioned that violations of post-release supervision could be handled in Drug Court or a similar court to create greater consistency and ensure application of evidence-based sanctioning principles.<sup>12</sup>



<sup>12</sup> An additional "Collaborative Justice Court" could provide for this need. Funding Could possible be obtained through grants, but there will be resource issues in developing such a court.

### **Pre-Trial Release Program**

TCSO and Probation provide a number of alternatives to incarceration and supervises people in these alternatives while they remain in the constructive custody of the Sheriff. These alternatives to incarceration are frequently utilized to transition inmates back into the community. TCPD will increase reliance on alternatives to incarceration in order to manage anticipated population increases under AB109. These additional alternatives provided for by AB109 legislation include involuntary home detention and electronic monitoring for the pretrial population.

Penal Code Section 1203.018 will allow TCPD to release prisoners being held in lieu of bail in the county jail to an electronic monitoring program under specific circumstances. The Sheriff, Probation Chief, and the District Attorney may prescribe reasonable rules and regulations under which such a program will operate. Specific eligibility criteria will limit the number and type of pre-trial prisoners eligible for this program.

Additionally, AB109 provides legal mechanisms to use alternatives to incarceration for sentenced populations. In Trinity County, these alternatives will include: electronic monitoring, home detention, residential treatment beds, restorative justice programs, substance abuse services, parenting classes, employment counseling and services, and transitional housing. An inmate under the supervision of the Pre-Release Program (PRP) may be provided multiple services as determined by their individual needs.

All jail programming and alternatives to incarceration managed by the Sheriff will be made available to AB109 offenders providing they meet eligibility criteria and space is available. Once an offender has been sentenced to the county jail, both jail program staff and PRP staff will review the program and services the prisoner is participating in and develop a timeline and plan for the prisoner, if eligible, to transition from the county jail to an appropriate alternative to incarceration. Decisions regarding this plan will consider in-custody behavior, participation and progress in jail programs and services, the pre-sentence report and court commitment, eligibility based on current charges and prior convictions, and availability of the alternatives to incarceration best suited for the prisoner. Probation will supervise people in alternative to incarceration programs through a highly visible community presence and random site checks. TCSO will provide a swift response if a person absconds or violates conditions of their participation in the program. Increased staffing will likely be needed to ensure strong enforcement and maximize community safety.

At least 60 days prior to the inmate's date of release from TCSO custody, TCSO will meet with Probation Department to discuss Pre-Release to ensure a smooth transition at the time of the prisoner's release. Changes may be made to the preliminary transition plan at any time while the prisoner is in TCSO custody.

### **Electronic Monitoring**

Electronic Monitoring, or EM, is a program that has been available to inmates who meet program, financial and/or medical criteria. Moving forward, this program will have to be

expanded in order to accommodate alternatives to traditional incarceration and to manage the population within county custody. This program will become mandatory for participants who meet criteria and will expand its size and scope to better meet the supervision needs of the changing population served<sup>13</sup>. EM uses monitoring equipment to monitor the location of participants and helps PO staff to ensure that offenders on house arrest are staying at home. Additional equipment can be added as well to test offenders for drugs or alcohol to meet additional supervision needs of offenders with substance abuse conditions. Additionally, GPS equipment can be used to track offenders who must leave the home for work release programs or who have additional needs the traditional EM equipment cannot meet.

Currently, the expansion of the EM program will be one of the first strategies to roll out. The county's program allows for up to five participants at any given time. To meet the needs of the expanding population that will need supervision, the Probation Department anticipates needing to have a program capacity of at least twenty. In order to provide these services to additional inmates, the Probation Department will be purchasing additional equipment for the programs expansion. Related costs are included in the Detailed Budget Worksheet, see Attachment 3.

#### **Discretionary Fund for Professional Specialized Services**

Along with other strategies for supervision discussed above, there may be additional needs that cannot be met without additional funding. In order to provide flexibility to Probation to provide these needed services, a small fund will be created to provide funding, when no other source is available, for necessary Specialized Professional Services. These services may include, but are not limited to: AODS, mental health, Prop 36 assessment fees, insurance co-pay for participation in programs as ordered by the court, etc

### *III. Community Service Alternatives*

There are several models for alternatives to incarceration. Day Supervision Programs, intensive community service, and intensive outpatient services are just a few of the possible options. Currently, there is no approved Day Supervision Programs, but several programs and treatment options are under development and it is anticipated that these programs will be developed to roll out in force by the beginning of the Phase II July 1, 2012 deadline under the guidance of the CCP and its partner agencies.

### *IV. Transitional Housing*

In order for inmates to be successful upon release, there are many services and supports that offenders will need to meet conditions of release/parole. One of the largest and most challenging is the need for suitable housing. Housing poses a great challenge for several reasons: offenders have limited financial resources, lack of affordable housing options, lack of family and community supports, etc. In order for anyone to be a candidate for

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<sup>13</sup> See Attachment V for Electronic Monitoring Policy.

EM, they must have housing options that provide for a home with a telephone line and power to supply the EM unit. This presents a great need for transitional housing options for inmates who do not have suitable housing that meets these criteria. Additionally, offenders with medical needs to great to be met while in custody mare a priority population and as such are preferred to be placed into the EM program and will need to have access to housing as well. By placing these priority offenders into the program, they are able to receive medical care and lower the cost of said care for the county, making the best use of the limited funding that is currently available.

In order to meet this criterion, HRN, who currently is the largest provider of Transitional housing services in the county, or another CBO will be contracted with to provide transitional housing services for offenders. Housing options may include single occupancy options or shared options with multiple offenders. The housing program features an integrated services approach. Residents meet with a case manager who assesses their situation and works with them to identify their strengths and challenges in order to develop an individualized plan to assist in achieving permanent housing and independent living. Plans may include assistance with life skills, such as budgeting, emergency services e.g. food or medical care, referrals to other services such as food stamps, TANF, MediCal, mental health, or drug and alcohol services, household management, completing rental application, food shopping, cooking, or other specific information requested by the resident. Residents meet with the case manager a minimum of twice a week. For detailed budgeting costs, see Attachment III.

## PROPOSED OUTCOMES

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

### *OUTCOME MEASURES*

The Realignment Plan seeks to achieve the following three outcomes:

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

To achieve these outcomes, TC Probation, in conjunction with CCP partners, will develop and track several outcome measures. Examples of potential outcome measures may include:

- CCP partner feedback on effectiveness of mechanisms in place to collaboratively address realignment issues as they arise

- Recidivism rates for non-violent, non-serious, non-sex offenders
- Recidivism rates for parolees under TC jurisdiction
- Number and type of offenders sentenced to county jail and state prison
- Number and type of offenders sentenced to probation or alternative programs

Potential measures will be discussed among the TC CCP partners before the October 1, 2011 beginning of realignment and will be developed and included in the Phase II Implementation Plan. In order to support Outcomes and accountability, 5% of the budget will be set aside to track and manage data on the Realignment Plan, which in turn will assist the CCP in steering the direction of the Phase II and II plans for the most effective use of funds.

## GLOSSARY OF TERMS

AB109	Public Safety Realignment Act of 2011
APPA	American Probation and Parole Association
BPD	Board of Parole Hearings
CalWORKs	Cash assistance and welfare-to-work services for low-income adults with dependent children.
CalFresh	a monthly benefit that can be used to purchase food. (formerly Food Stamps)
CAO	County Administrative Officer(s)
CBO	Community Based Organization
CCP	Community Corrections Partnership
CCPIF	Community Corrections Performance Incentive Fund
CHP	California Highway Patrol
CPS	Child Protective Services
CSAC	California State Association of Counties
CSS	Child Support Services
TCDA	Trinity County District Attorney
PH	Public Health
EM	Electronic Monitoring
FTE	Full-Time Equivalent
GPS	Global Positioning System
HD	Home Detention
HHS	Health & Human Service
Medi-Cal	Health coverage for low-income children, pregnant women, seniors and persons with disabilities.
MI	Motivational Interviewing
PC	California Penal Code
PKC	Probation Knowledge Center, a case management tool
PRCS	Post-Release Community Supervision
PRP	Pre-Release Program
PV	Probation or Post-Release Community Supervision Violation
PD	Probation Department
STRONG	Static Risk Assessment and Offender Needs Guide
TC	Trinity County
TCSO	Trinity County Sheriff's Office
UA	Urinalysis sample



# ATTACHMENTS

## Attachment I

**AB 109: Final Crime Exclusion List**

	Code Section
Administering stupefying drugs to assist in commission of a felony	PC 222
Battery against a juror	PC 243.7
Gassing of a peace officer or local detention facility employee	PC 243.9
Abduction or procurement by fraudulent inducement for prostitution	PC 266a
Purchasing a person for purposes of prostitution or placing a person for immoral purposes	PC 266e
Sale of a person for immoral purposes	PC 266f
Pimping and pimping a minor	PC 266h
Pandering and pandering with a minor	PC 266i
Procurement of a child under age 16 for lewd or lascivious acts	PC 266j
Felony child abuse likely to produce great bodily injury or death	PC 273a
Assault resulting in death of a child under age 8	PC 273ab
Felony domestic violence	PC 273.5
Poisoning or adulterating food, drink, medicine, pharmaceutical product, spring, well, reservoir, or public water supply	PC 347
Felony physical abuse of an elder or dependent adult	PC 368b
Brandishing firearm or deadly weapon to avoid arrest	PC 417.8
Unlawfully causing a fire that causes an inhabited structure or inhabited property to burn	PC 452
Felony stalking	PC 646.9
Solicitation for murder	PC 653f(b)
Possession of a firearm by a prohibited person	PC 12021/12021.1
Possession of an explosive or destructive device	PC 12303.2
Escape PC 4532	
Possession of a controlled substance while armed with a firearm	HS 11370.1
Evading a peace officer by driving in a willful or wanton disregard for safety of persons or property	VC 2800.2
Evading a peace officer causing death or serious bodily injury	VC 2800.3
Hit and run driving causing death or injury	VC 20001
Felony driving under the influence causing injury	VC 23153
Felony convictions with a Penal Code Section 186.11 enhancement	PC 186.11
Bribing an Executive Officer	PC 67
Executive or Ministerial Officer Accepting a Bribe	PC 68
Bribing a Legislator	PC 85
Legislator Excepting a Bribe	PC 86
Judicial Bribery	PC 92/93
Peace Officer Intentionally Planting Evidence	PC 141
Local Official Accepting a Bribe	PC 165
Misappropriation of Public Funds	PC 424
Embezzlement of Public Funds	PC 504/514
Conflict of Interest by Public Officer or Employee	GC 1090/1097
Taking Subordinate Pay	GC 1195
Destruction of Documents	GC 1855
Public Official Who Aids and Abets Voter Fraud	EC 18501
Assault on a Peace Officer	PC 245(d)
Persuading, Luring, or Transporting a Minor Under 13	PC 272(b)
Employment of Minor to Sell Controlled Substance	HS 11353
Employment of Minor to Sell Controlled Substance	HS 11354
Use of Minor to Transport/Possess/Possess for Sale	HS 11380(a)
Employment of Minor to Sell Marijuana	HS 11361(a)(b)
Brandishing Firearm in Presence of Peace Officer	PC 417(c)
Brandishing Firearm or Deadly Weapon to Resist Arrest	PC 417.8
Vehicular Manslaughter While Intoxicated	PC 191.5 (c)
Knowingly Exposes Someone to HIV	HS 120291
Knowingly Facilitates the Collection of Wrongfully Attributed DNA Specimens	PC 298.2
Wrongful Use of DNA Specimens	PC 299.5
Criminal Gang Activity	PC 186.22
Street Gang Activity	PC 186.26
Gang Registration Violation	PC 186.33
Possession or Importation of Horse Meat	PC 598c
Sale of Horse Meat	PC 598d
Manufacture/Distribution of False Documents for Citizenship Purposes	PC 113
Use of False Documents for Citizenship Purposes	PC 114

<b>State Realignment (AB 109) Proposed Budget Detail Fiscal Year 2011-12</b>	
<b>Sources</b>	
AB 109 Revenue	\$ 259,936
EM Program Revenues	\$ 2,000
<b>Total Sources</b>	<b>\$ 261,936</b>
<b>Expenditures</b>	
Probation- <i>Implementation Planning &amp; Training Activities</i>	\$ 110,200
Probation-Supervision Programs	\$ 126,554
Sheriff's Department	\$ 10,000
Public Defender	\$ 2,591
District Attorney	\$ 2,591
Transitional Housing Provider	\$ 10,000
<b>Total Expenditures</b>	<b>\$ 261,936</b>

**AB 109 Allocation Breakdown:**

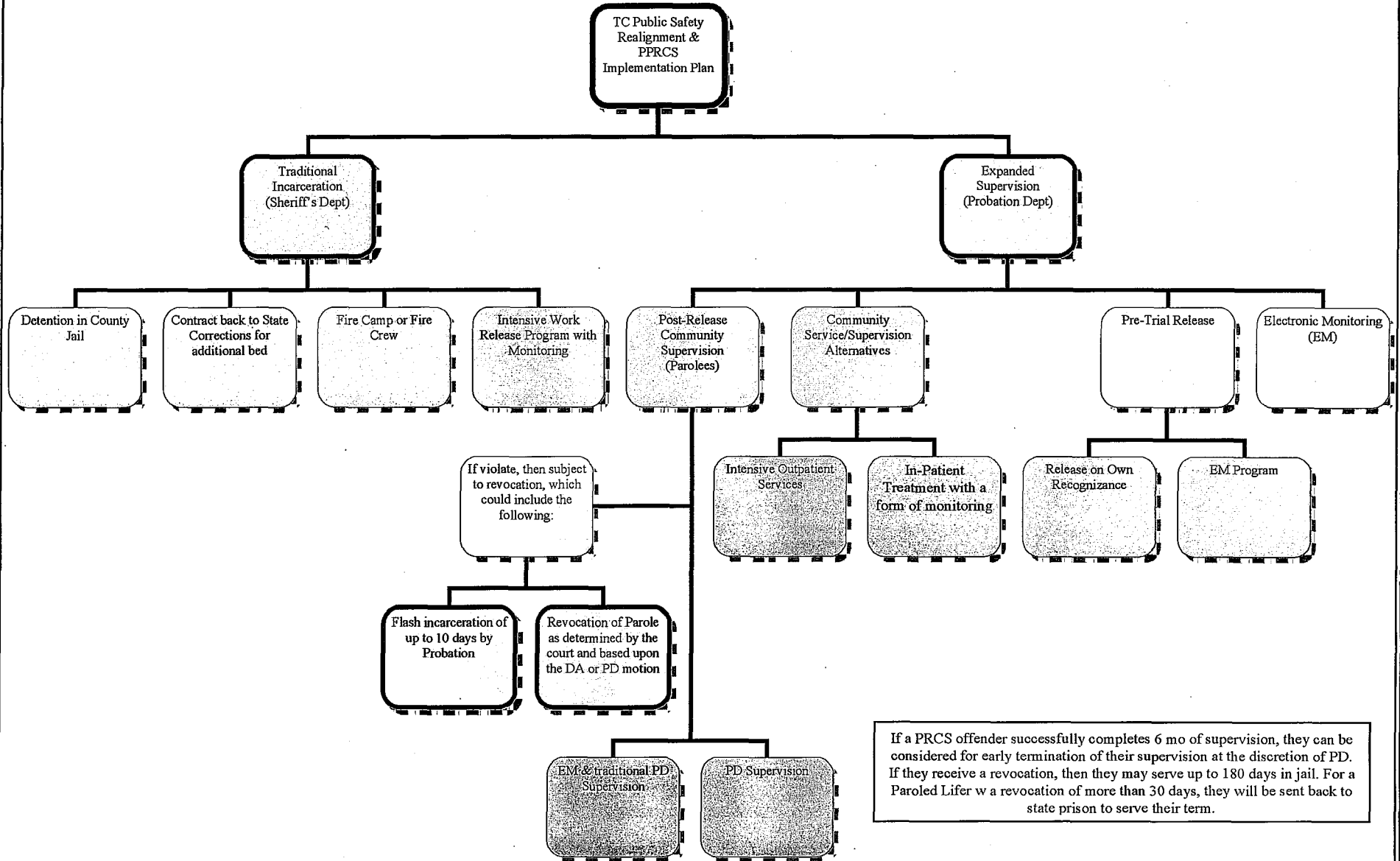
Post-Release Community Supervision (PCS) local Incarceration	\$	144,554
AB 109 Planning Grant	\$	100,000
AB 109 Training and Implementation Activities	\$	10,200
District Attorney/Public Defender (PCS Representation)	\$	5,182
Court Associated with PCS hearings*	\$	UNKOWN
<b>Total Incoming Sources from State</b>	<b>\$</b>	<b>259,936</b>

\*Funding for Superior Court operations are unknown at this time, AOC will distribute.

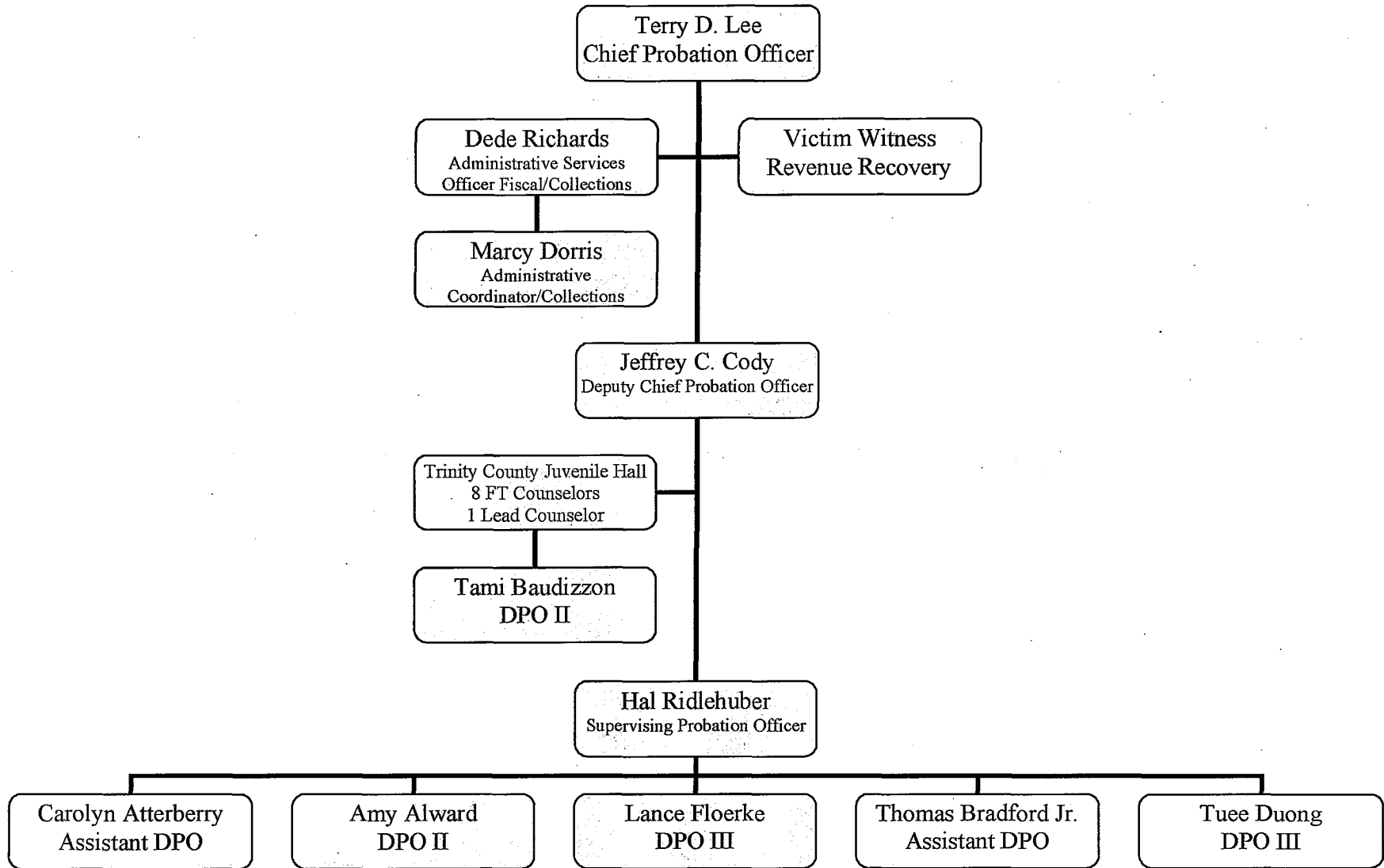
## Detailed Program Budget Worksheet FY 2011-12

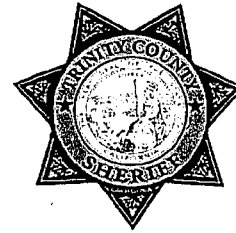
<i>Name</i>	<i>Details</i>	<i>Funds</i>	
Probation		\$	126,554
<i>Supervision Program</i>	<i>(Statutory)</i>	\$	95,556
	Staff costs	\$	58,328
	Specialized Professional Services:	\$	33,122
	EM Equipment & Services	\$	10,000
	Transitional Housing		<i>See line item below</i>
	Data Collection (Statutory 5%)	\$	7,228
	STRONG Assessments for new inmates, non-PRCS (Jail or Probation, as to be determined)	\$	5,000
	DA for Revocation Hearings	\$	5,000
	Discretionary Fund	\$	5,894
	Transportation	\$	3,500
	Communications	\$	750
	Testing Supplies	\$	2,500
	Publications & Legal Notices	\$	1,000
	Maintenance of Equipment	\$	2,750
	Office Supplies	\$	1,500
	Anticipated Revenue (EM Program)	\$	(2,000)
<i>Community Service Program</i>	Program TBD by CCP (either Probation or Community Partner)	\$	26,741
	Staff Costs	\$	24,241
	Travel	\$	1,500
	Communications	\$	250
<i>Jail</i>	Needs Study	\$	10,000
<i>Transitional Housing</i>	Community Partner (like Human Response Network)	\$	10,000
<b>Total</b>		<b>\$</b>	<b>140,660</b>

# Implementation Organizational Chart (AB 109)



### Probation Department Organizational Chart





**TRINITY COUNTY  
PROBATION DEPARTMENT & SHERIFF'S OFFICE  
HOME DETENTION &  
ELECTRONIC MONITORING PROGRAM**

Revised 8/11

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## PROGRAM OVERVIEW

The Trinity County Home Detention Electronic Monitoring Program is administered and operated jointly between the Trinity County Sheriff's Office and Probation Department. The purpose of the program is to select, place and monitor appropriate inmates, both adult and juvenile, on home electronic monitoring within the guidelines of Penal Code Sections 1203.016 and 1208.2, and in accordance with standards set into place by AB 109. Program participation can be voluntary or mandatory, based upon the administration of the TCSO and TCPD.

Inmates participating in the Home Detention Electronic Monitoring Program will receive day for day credits only, and no good time/work time credits, for any period of time served on home detention in accordance with Penal Code Section 4019.

There are three categories of inmate to be released on EM/HD; 1) Non-voluntary inmates who are low risk and as determined by Probation, Sheriff's, or the Courts as appropriate for this alternative incarceration, 2) Voluntary inmates who request and apply for the program and are determined eligible and approved for the program, and 3) the Medical Release inmate who qualifies for and is determine appropriate for the program.

## GENERAL ELIGIBILITY (For All Applicants)

1. This program, under AB 109, makes electronic monitoring available to persons committed to serve a term in the Trinity County Jail, Trinity County Juvenile Detention Facility, or referred from another county, and who are residents of Trinity County, and who have qualified and been accepted and deemed appropriate for participation under our policy and procedures.
2. Eligibility may be determined in part when considering the applicants criminal history, nature and severity of present offense, medical/health issues, substance abuse and mental health issues, and employment. *Applicants in sex offense cases are **not eligible** for participation in the Home Electronic Monitoring Program.*
3. The participant is required to reside physically within Trinity County.
4. The participants shall remain within the confines of the residence at all times unless attending a permitted activity. Use of an electronic monitoring device to ensure compliance is mandatory. A telephone and 110 volt power is required.
5. Inmates shall undergo a risk assessment screening and shall be required to receive review board approval to participate in this program.
6. There is no compelling requirement for the Sheriff's Office, Probation Department, or Review Board to place any person on the program that is not deemed a fit candidate.
7. The sentencing court may restrict or deny eligibility prior to sentencing, at time of sentencing, or at any time thereafter if it deems it is appropriate.

8. Inmates must serve one half of their sentence in custody before being eligible for placement on Home Electronic Monitoring. The sentencing court may consider granting a waiver of this half time rule if petitioned by the applicant.

## MEDICAL RELEASES

Inmates who meet the general eligibility criteria as well as the following criteria may be eligible for Medical Releases to EM/HD:

1. Inmates whose medical conditions are severe enough to warrant alternatives to standard jail confinement may be considered for home electronic monitoring.
2. Prior to placing an inmate on home electronic monitoring the review board shall consider the medical condition, cost of treatment of the condition, and safety issues to the public associated with placing the inmate on home electronic monitoring.
3. Inmates found suitable for medical release on home electronic monitoring shall be required to complete a financial declaration in order to assess their ability to pay for the program.
  - a. Inmates found to have the financial ability to pay for the program shall pay the same rate set for non-medical home electronic monitoring participants.
  - b. When an inmate is found not to have the financial ability to pay for the program, County Health Realignment or the Jail Health shall pay the costs associated with the home electronic monitoring.

\* Medical Release is a priority population and will be given priority consideration in determining program participation.

## APPLICATION PROCESS

1. All in-custody or pre-trial adults who desire to be considered as a voluntary participant shall make formal written application via the Trinity County Jail Corrections Staff using the Electronic Monitoring Application Form. *All non-voluntary inmates will have SO or PO EM/HD staff complete required paperwork when they are selected/considered for placement onto EM/HD.*
2. All in custody juvenile applicants or their parent shall make formal written application via the Trinity County Probation Department using the Electronic Monitoring Application Form.
3. All out of custody applicants shall make formal written application via the Trinity County Probation Department using the Electronic Monitoring Application Form.
4. The applicant shall submit all required documentation and the Application & Processing Fee, for voluntary applicants, at the time application is submitted. *For non-voluntary applicants, the fees will be assessed and added to the inmates account and will be eligible for collections upon release.*

5. Applicants requesting electronic monitoring based on medical or employment reasons must submit supporting documentation at time of application in addition to the application and fees.

## SCREENING AND APPROVAL PROCESS

1. All applications will be forwarded to a Probation Department Home Detention Officer who will screen the applications to ensure they are filled out completely and the application fee is included (for voluntary applicants). Incomplete applications or applications received without the application fee will be rejected and the applicant notified. *For non-voluntary applications/participants, a Home Detention Officer will complete the paperwork for the candidate, and an Application and Processing Fee will be assessed and added to their fees for repayment after incarceration ends.*
2. The designated Probation Department Home Detention Officer shall convene a review board consisting of at least a representative from the Sheriff's Office, Probation Department, District Attorney's Office and Public Defender's Office to review all Home Detention candidates. Majority approval is required. A representative from the Health and Human Services Department shall also be on the review board for the purpose of considering medical release cases.
3. The Sheriff in adult matters, and the Chief Probation Officer in juvenile matters, has the authority to override the decision of the review board.
4. The applicant will be formally notified by mail or personally of the decision of the review board, Sheriff, Chief Probation Officer.
5. An applicant who is denied electronic monitoring is not entitled to a refund of the Application and Processing Fee.

## IMPLEMENTATION

1. If not currently in custody, selected applicants for electronic monitoring shall be booked into the jail or juvenile hall, depending on whether adult or juvenile.
2. The participant completes the Home Detention Contract, and associated forms. If voluntary, the participant will submit the minimum of 1<sup>st</sup> month's fees to the designated Jail Corrections Staff. The Jail Corrections Staff forwards the packet to the Probation Department's designated Home Detention Officer. *In the event that the participant is non-voluntary, fees will be assessed and added to a collections account, which will be repaid after completion of his/her sentence.*
3. The Probation Department's designated Home Detention Officer reviews the packet and facilitates the completion of any additional forms such as Employer Agreement, Occupant's Agreement/Permission to Search, etc.
4. The Probation Department's designated Home Detention Officer approves the participants release from jail, and if necessary transports the participant from jail to the Probation

Department. The Home Detention Officer and participant complete the remaining forms including the Behavioral Interventions Enrollment Form, Voice ID Enrollment/Change Form (if applicable), Equipment Tamper Warning and Service Charge Notification and Equipment Receipt and Completion Record.

5. The Home Detention Officer reviews all program rules with the participant to verify participant's complete understanding.
6. The Home Detention Team consisting of a designated Sheriff's Deputy and designated Probation Officer will transport the participant to the participant's residence and complete the installation of all electronic monitoring equipment.
7. Upon successful completion of the sentence, the Home Detention Team will arrange to either remove all electronic monitoring equipment from participant's residence, or to have the participant return all equipment to the Home Detention Officer at the Probation Department. The Probation Department's Home Detention Officer will complete and distribute a "Notice of Successful Completion" form.

## FEES

1. Fees associated with the Home Detention Program are paid through the Probation Department's Collections Division, and imposed and collected from the participant as follows:
  - a. A non refundable **\$100.00** one time Application and Processing fee (which also covers setup) is due with the application or will be assessed and added to the inmates collections account prior to placement on program, for administrative costs.
  - b. A daily administrative fee of **\$16.00** for each program day on Electronic Monitoring.
  - c. A daily administrative fee of **\$22.00** for each program day on Global Positioning Monitoring.
  - d. A daily administrative fee of **\$6.00** for each program day on the Sobrieter Alcohol Monitoring Device.

The fees are:

Payable totally in advance, or

Payable in advance monthly, or

Payable in advance bi-weekly with approval of the Probation Department's Home Detention Officer, or

Will be assessed and added to inmates sustain account for collections after sentence is served.

2. All fees paid in advance are nonrefundable if the participant terminates for any reason.
3. The participant is responsible to pay any costs associated with the collection of unpaid and overdue balances.

4. The participant is responsible to pay the costs incurred by the county to replace or repair any electronic monitoring equipment whether lost, damaged or stolen.
5. The participant is responsible to pay an Equipment Tamper Service Charge of \$75.00 for the cost of having a Home Detention Officer respond to a tampering of the electronic monitoring equipment at your residence.

## PROGRAM SUPERVISION & DEPARTMENTAL RESPONSIBILITIES

### 1. Probation Department Responsibilities

The Probation Department's Home Detention Officer shall be responsible for the daily operation of the Home Detention Program to include:

- a) Maintain contact with electronic monitoring equipment provider, Behavioral Interventions, regarding participant's schedule of at home and approved away from home times.
- b) Direct efforts to collect program fees.
- c) Maintain copies of all applications, worksheets, review board actions, correspondence, and other documentation.
- d) Prepare periodic reports pertaining to the Home Detention Program.
- e) Perform any other duties as required to maintain the program in good order.

### 2. Sheriff's Office Responsibilities

- a) The Sheriff's Office Dispatch Center will receive all violation notifications via either fax, telephonically, or e-mail from the electronic monitoring equipment provider, Behavioral Interventions. Sheriff's Dispatch shall be responsible to make immediate notification to both the Sheriff's Office and Probation Department's Home Detention Personnel.
- b) Between 5:00pm and 8:00am Monday through Friday, and 24 hours a day on weekends and holidays, Sheriff's Department Personnel will be dispatched and respond to electronic monitoring violations. This response time will be base on priority levels set by the Sheriff.

### 3. Joint Responsibilities

- a) Between 8:00am and 5:00pm, Monday through Friday, response to electronic monitoring violations will be provided by a team of two officers. The team will be comprised of one Sheriff's Department Officer and one Probation Department Officer.
- b) Monitor participant's attendance at work or other legitimate places by periodic direct or telephonic contacts.

## FORMS

1. APPLICATION
2. CONDITIONS OF CUSTODY
3. OCCUPANT'S AGREEMENT/PERMISSION TO SEARCH
4. EQUIPMENT TAMPER WARNING
5. EMPLOYER NOTIFICATION
6. EQUIPMENT RECEIPT AND COMPLETION RECORD
7. PARTICIPANT REQUEST SLIP
8. REVIEW BOARD APPLICATION RESULTS