

**Stanislaus County
Community Corrections Partnership
2011 Public Safety Realignment Plan**



Background

On April 4, 2011, Governor Brown signed Assembly Bill 109 (AB 109), which made fundamental changes to California's correctional system. AB 109 realigned custodial and community supervision responsibility for non-serious, non-violent, and non-sex offenders, as well as supervision of lower level adult parolees returning from state prison sentences to counties. AB 109 did not contain funding for county agencies to implement the realignment shift and was not operative until funding was provided for counties. On June 30, 2011, Governor Brown signed a series of legislative bills as part of the State budget that provided funding and made necessary technical changes to implement the public safety realignment program outlined in AB 109.

The legislation enacting the financing and technical changes necessary was contained in Senate Bills 87 and 89 (SB 87 and SB 89) and Assembly Bill 117 (AB 117). These three bills were extensive in nature and contained two designation requirements. By August 1, 2011, Board of Supervisors had to designate the county entity responsible for providing post-release supervision to local inmates sentenced under the realignment act, as well as those lower level inmates released on parole from the Department of Corrections. California Penal Code Section 1230(b) requires each county to establish a Community Corrections Partnership (CCP) and specifies the membership that comprises the CCP. AB 117 requires that the CCP must recommend a local plan to the county Board of Supervisors for the implementation of the 2011 Public Safety Realignment and that the plan must be voted on by an Executive Committee of each county's CCP. By statute, the current Executive Committee consists of the Chief Probation Officer as Chair, the Sheriff, the District Attorney, the Public Defender, the Presiding Judge of the Superior Court, and a local Chief of Police. The Board of Supervisors was required to appoint the final member of the CCP Executive Committee who had to be either the Director of the Department of Mental Health, the Department of Social Services, or Alcohol and Drug Programs. On July 26, 2011, the Board of Supervisors designated the Probation Department as the entity responsible for providing post-release supervision to inmates released pursuant to the Post-release Community Supervision Act of 2011 and designated the Director of Mental Health/Alcohol and Drug Programs to serve on the community Corrections Partnership Executive Committee.

Public Safety Realignment

AB 117 delayed the operative date of the public safety realignment elements contained in AB 109 to October 1, 2011. The provisions of the public safety realignment are prospective and, therefore, as offenders are sentenced on or after October 1 or released to supervision on or after October 1, they will be the responsibility of the county, if they meet the criteria for the realigned population. No one in prison on October 1 will transfer to county jail, and no one currently on parole will transfer to local jurisdiction.

AB 109/AB 117 changes the jurisdiction of the specified populations from state to local control to complete their sentences, as outlined below.

I. Sentenced Locally (Non/non/non felons)

- Revises the definition of felony to include specified lower-level (i.e., non/non/non) crimes that would be punishable in jail or another local sentencing option.
- Does not change length of sentences.
- Does not limit the felonies eligible for sentences of three years or less, but instead determines eligibility by qualifying crimes, as specified. Therefore, some sentences now served locally can exceed three years. However the time served may be done in a variety of settings: jail, probation, alternative custody or a combination of these settings.
- Felonies ineligible for state prison (non/non/non): Non-violent, non-serious, and non-sex offenders as defined in the Penal Code. There are 60+ felonies that would otherwise fall into the non/non/non category that are excluded and therefore continue to be eligible for state prison.
- Felonies eligible for state prison: Any person being convicted of a serious or violent felony as described in Penal Code (PC) Sections 1192.7 (c) or 667.5 (c), the person would be required to register as a sex offender pursuant to PC 290, or they had a previous serious or violent felony conviction or a sex offense in their history that requires sex offender registration.
- Options at sentencing of a non/non/non felony: Jail instead of prison for the entire sentence; felony probation; alternative custody; split sentence (imposed sentence of combined period of jail custody with the remainder on mandatory probation).
 - Imposed sentences (everything but felony probation) prison prior attaches to the sentence.
 - Split sentences cannot exceed the original sentence when combining custody and supervision time
- Options in custody: Sheriffs continue to have all the existing tools at their disposal to manage this population as they do with their current population. In addition, counties may use new alternative custody options for electronic monitoring and home detention (PC 1203.018), contract with other nearby counties, or contract with public community correctional facilities. Counties are authorized to contract back with the state for housing inmates. The state has not yet set a rate or provided specifics as to who or how many they could accommodate, especially in light of the prison overcrowding case. The state has indicated there may be different rates set depending on the type of inmate. The county also anticipates a proposal from the state as to how to address the need to incentivize continued placement of inmates into fire camps.
- Non/non/nons with imposed sentences as opposed to grants of probation do not have post incarceration supervision time. Specifically, there is no parole tail for these offenders.
- Credits for all offenders serving time in jail will prospectively apply day-for-day starting October 1, 2011, similar to what prison inmates currently receive.

II. Post Release Community Supervision (PRCS)

- Starting October 1, 2011, any offenders who were convicted of a non-serious, non-violent felony and are not deemed a high risk sex offender will be placed on local supervision upon release from prison.
- Anyone already on parole before October 1, 2011, remains under state jurisdiction until they are discharged. In addition, any individual who is serving a term for a current serious or violent offense, a third striker, high risk sex offender, or a mentally disordered offender (MDO) will remain under state parole's jurisdiction upon release from prison.
- Supervision and case plans are not specified in statute. There are general conditions in statute as a minimum that are given to the PRCS at release. The supervising entity may add conditions pursuant to the risk and needs of the offender.
- Statute requires the California Department of Corrections and Rehabilitation (CDCR) to notify the county within at least 30 days of an impending release onto PRCS.

III. Parole Revocations/PRCS Violations

- All parole revocations for state parolees (except those with a life term) will be served in county jail but capped at 180 days and receive day-for-day credit.
- After parolees have completed their revocation time, they will return to state jurisdiction to complete any remaining parole time.
- PRCS violations will also be served in county jail and subject to the same 180 day cap and receive day-for-day credit.
- Parole revocation hearings (for state parolees only) will continue to be done by Board of Parole Hearings (BPH) until July 1, 2013 when that responsibility will be moved to the local courts.
- PRCS final violation hearing will be conducted by courts beginning October 1, 2011. Courts may appoint hearing officers for this workload. The supervising entity must establish a review process for assessing and refining conditions consistent with the statutory authority to impose sanctions up to and including flash incarceration (up to 10 days).
- Contracting back with CDCR is not an option for either state parolees or PRCS violators who are revoked.

Population Projections

CDCR has provided the county with average daily projections for inmate and post-release community supervision populations. These numbers are based upon full implementation and have been adjusted for excluded crimes. Emphasis is placed on the fact that these are projections only and can be influenced by other factors such as judicial decisions.

Impacts to Jail Population:

It is estimated that the adult facilities will receive approximately 215 sentenced offenders and approximately 75 parole violators during the first nine months of implementation. Population projections show steady increases over the next three years.

Impacts to Probation:

It is projected that more than 500 parolees will be returned to local supervision within the first nine months of implementation. Population projections show steady increases over the next three years.

Community Corrections Partnership

The CCP was created to guide counties towards a plan that addresses the most effective ways to integrate the population and:

1. Maximize public safety
2. Use the taxpayers dollar in the most efficient way possible

The CCP consists of the full committee and an executive committee. The full Stanislaus County CCP body includes:

- Jerry Powers, Chief Probation Officer (Chair)
- Mike Tozzi, Executive Officer, Stanislaus County Superior Court
- Bill O'Brien, County Supervisor
- Birgit Fladager, District Attorney
- Tim Bazar, Public Defender
- Adam Christianson, Sheriff
- Mike Harden, Chief of Police, City of Modesto
- Christine Applegate, Community Services Agency Director
- Madelyn Schlaepfer, Behavioral Health and Recovery Services Director
- Jeff Rowe, Alliance WorkNet Director
- Tom Chagnon, Stanislaus County Office of Education Superintendent
- Cindy Duenas, Center for Human Services Director
- Gay McDaniel, Stanislaus County District Attorney Victim Services

The Stanislaus County CCP Executive Committee consists of:

- Jerry Powers, Chief Probation Officer (Chair)
- Mike Harden, Chief of Police, City of Modesto
- Adam Christianson, Sheriff
- Birgit Fladager, District Attorney
- Tim Bazar, Public Defender
- Mike Tozzi, Executive Officer, Stanislaus County Superior Court
- Madelyn Schlaepfer, Behavioral Health and Recovery Services Director

The first meeting of the CCP was held on June 17, 2011. The CCP has met six times since the initial meeting to develop the recommended local community corrections plan for implementing the 2011 Public Safety Realignment. A sub-committee related to treatment services also formed and met several times to identify available programs and capacities, and to develop expansion/enhancements options for the CCP's consideration. On August 23, 2011, the CCP members approved the following implementation plan.

Implementation Plan

Due to the uncertainty of the actual impacts resulting from realignment, the CCP agreed that a phased approach would be the most effective method for developing the implementation plan. Phase I will occur during the first nine months of implementation and will serve as the foundation for addressing the realigned population going forward. This phase will allow the county to determine the direct impacts of realignment to inmate housing and community supervision, while identifying the treatment and programming needs of the population to be served. Phase II will occur during the second year and will concentrate on adding and expanding programs, developing task force operations, and addressing the overall impacts to communities.

Phase I Programs (October 1, 2011 through June 30, 2012):

Bed Space

Since June of 2009, the Stanislaus County Sheriff's Department has closed 434 inmate beds due to budget reductions. This shortfall has made it necessary to continually release sentenced inmates to the Alternative Work Program and to increase the amount of time inmates can serve on alternative to custody programs. For example, inmates historically could only serve 45 days on AWP. With the closure of beds, the number of days has been increased to 365 days that can be served on AWP. In June of 2009, 32% of the inmates incarcerated in Stanislaus County were sentenced to serve time in the county jail. In June of 2010, that number dropped to 27%. In June of 2011, only 19% of the inmate population was serving a county sentence. In the near future, there will be a minimal amount of beds available in the detention facilities to house sentenced inmates.

There are currently two housing units closed at the Public Safety Center. During Phase I, funding will be utilized by the Sheriff's Department to re-open these living units, increasing the inmate bed count by 150. These beds will be utilized to house and provide services to the increased number of sentenced inmates, as well as the new group of probation/parole violators.

Jail Alternatives

The Jail Alternatives Unit consists primarily of two programs: the Alternative Work Program (AWP) and the Home Detention (HD) Program. With the expected increase in inmates, the AWP will add staffing to supervise four (4) inmate work crews that will be performing such tasks as trash cleanup and graffiti abatement. These crews will require the purchase of vans and trailers to transport the inmates and the equipment needed to complete their daily tasks. The HD program will add staff and increase the number of program participants by two hundred (200) to help the facilities with overcrowding by placing select individuals on the program, monitored through electronic monitoring equipment, including GPS. The current lease agreement for the electronic monitoring equipment will have to be amended to account for the additional units. Inmates on HD may participate in the Day Reporting Center, maintain employment, and further their education.

Phase I funding will be utilized by the Sheriff's Department to provide the necessary staffing and contract services to increase the capacity of the Jail Alternatives programs.

Post Release Community Supervision

During Phase I, it is anticipated that approximately 500 inmates will be released from state prison to the county for supervision. These offenders will be in addition to the more than 6,000 adult offenders currently supervised by the Probation Department. Additional Probation staffing will be required to provide community supervision for this population. Acceptable caseload standards require that no more than 50 offenders be assigned per officer. The risk level associated with this population will also require enhanced monitoring through the use of GPS/electronic monitoring devices. Phase I funding will provide the additional Probation staffing and services associated with supervising this population in the community.

Day Reporting Center (Expansion)

Currently there are five probation officers assigned to work out of the Day Reporting Center (DRC), with one officer being assigned to work in the adult facilities conducting risk assessments for potential early release candidates. With the increased jail population and inability to sentence non-violent, non-serious, and non-sex offenders to state prison, there will be a significant increase in the number of referrals to the DRC for programming. The DRC opened in February 2011 and is currently serving more than 100 probationers. It is anticipated that the population at the DRC will double during the first year of implementation. Phase 1 funding will provide additional Probation staffing

to handle the increased number of DRC participants, as well as expanding contracted services provided to the offenders.

Integrated Forensics Team (Expansion)

National data estimates 15% of the jail population as being seriously and persistently mentally ill. Typically in Stanislaus County, these individuals would be referred to programs provided by Behavioral Health & Recovery Services (BHRS), such as the Integrated Forensics Team (IFT) or other programs supported by the Mental Health Services Act (MHSA). IFT is a multi-disciplinary program providing comprehensive mental health and co-occurring services for adults on probation who are underserved and either homeless or at risk of homelessness, have frequent contact with law enforcement, and/or are frequent users of hospital and emergency room services. Services include: case management, crisis response, family support, housing and employment assistance, mental health rehabilitation, medication support, peer support and 24/7 coverage. Both IFT and MHSA programs are currently at capacity and not able to absorb the increased demands for service for the realigned population without expanding the existing programs. Most mentally ill offenders have either not had benefits established that would cover mental health treatment or they have had benefits suspended due to their incarceration, resulting in the increased demand for public assistance. Phase I funding will be utilized to add staffing to expand the program capacity of the IFT program. This includes staffing from BHRS and Probation. Additionally, Phase I funding will add a Community Services Agency (CSA) Social Worker to the IFT program who will focus on Supplemental Security Income (SSI) advocacy in order to establish benefits to support mental health treatment, thereby, reducing the need for public assistance.

Regional Apprehension Task Force

It is expected that there will be offenders who are released from jail early that do not show up for mandated appointments, as well as parolees that are released from prison, given a small amount of money to return to their county, and subsequently fail to report to Probation as ordered. The CCP identified the need to establish a task force to apprehend such absconders. The apprehension task force would consist of members from the Sheriff's Department, Probation Department and local police agencies. Phase I funding will provide these agencies with the ability to be reimbursed for costs associated with their apprehension efforts. The county has used a similar model for reimbursing specialty operations, such as Weed and Seed and Avoid the 12. Using this model, law enforcement agencies are reimbursed for salary and benefit costs for time spent conducting specialty operations.

Budget

Sheriff's Department (Re-open 150 beds and expansion of Jail Alternatives):

Staffing and operational services	\$2,325,000
State Parolee Bed Reimbursement (not to exceed)	\$ 375,000
Equipment expenses (One-time start-up costs)	\$ 212,000
10% Administrative Overhead	<u>\$ 291,200</u>
Total Sheriff's Department Budget Phase I	\$3,203,200

Probation Department (Post-Release Community Supervision & DRC expansion):

Staffing and operational services	\$2,032,000
Equipment expenses (One-time start-up costs)	\$ 212,000
10% Administrative Overhead	<u>\$ 224,400</u>
Total Probation Department Budget Phase I	\$2,468,400

Integrated Forensics Team Expansion: **\$ 244,485**

Regional Apprehension Task Force **\$ 100,000**

CCP Planning **\$ 150,000**

Total Phase I Budget: **\$6,166,085**

Available Phase I Funding **\$6,584,825**

Balance: **\$ 418,740**

Staffing

The following chart reflects the classifications and number of positions needed for Phase I implementation:

Classification	Number of Positions
Sergeant	1
Deputy Sheriff Custodial	20
Legal Clerk (Sheriff)	2
Supervising Probation Officer	2
Deputy Probation Officer III	2
Deputy Probation Officer I/II	13
Probation Corrections Officers	2
Legal Clerk (Probation)	3
Mental Health Clinician	2
Behavioral Health Specialist	2
Social Worker	1

Next Steps

The CCP will continue to meet during Phase I to review population numbers, service and treatment needs, staffing levels and outcomes of enhanced/expanded programs in order to develop a recommended plan for the subsequent year of implementation (Phase II). The updated CCP plan will be submitted to the Board of Supervisors for approval upon its completion.