

MARIPOSA COUNTY

Community Corrections Partnership

2011 Public Safety Realignment Plan

EXECUTIVE SUMMARY

The Mariposa County Community Corrections Plan articulates a local response to the Public Safety Act of 2011, also known as AB 109. This sweeping reform transfers responsibility for supervising specified lower-level inmates and parolees from the California Department of Corrections and Rehabilitation (CDCR) to counties. The legislation mandates a local Community Corrections Partnership to be established and to develop a plan for implementation. The Mariposa County Community Corrections Plan recognizes the magnitude of this responsibility and the scale of its impact.

Based on State funding formulas, Mariposa will receive \$165,626 for the nine month period from October 1, 2011 through June 20, 2012. These funds are intended to pay for all aspects of the adult population shifts, including the transfer of lower level offender population, the County's new supervision responsibilities for state prison inmates released to post-release community supervision (PRCS), and sanctions for those on PRCS who are revoked. In addition one time state grants for planning purposes (\$100,000) and training (\$11,678) have been allocated for AB 109 implementation programs and services.

In order to meet the immediate system needs while allowing for careful planning that includes both accurate data and community involvement; the Mariposa Community Corrections Plan will take place in three phases.

Phase one is designed to develop necessary system data and impact analysis in order to allocate funds in the most effective manner. While we don't anticipate the immediate need to add staff, the need to expand services and resources is anticipated. This will include the need to purchase/lease of additional electronic monitoring equipment, as well as overtime costs associated with supervision and the additional workload associated with this new population. Flex funds to support needed treatment and services to address criminogenic needs of the offender both in and out of custody is foreseen.

Phase Two will include planning for the expansion of community based programs and services to improve outcomes (reduce recidivism). The Day Reporting Center concept will be explored as a possible resource for the justice partners as

well as other evidenced based programs that may meet the needs of our community.

Phase Three will involve planning for continuation funding once it is solidified. The amount for fiscal year 2011-2012 is said to be approximately \$400,000 for Mariposa County. This will include exploring capacity building to expand a continuum of sentencing options to safely reduce reliance on incarceration on low level offenders as it is the most costly of sentencing options.

Evidence-Based Practice

The enabling legislation for realignment specifies the use of Evidence-Based Practice (EBP) as a requirement for activities and services funded through AB 109. The growing body of research has succeeded in distinguishing those correctional interventions that have no effect on offender criminality from those that reduce recidivism up to 25 percent. Both at the level of individual behavior change and broader system-level interventions, it is now possible to increase the effectiveness of the criminal justice system and enhance public safety through the utilization of EBP.

- “Evidenced-based practices refers to supervision policies, procedures, programs, and practices demonstrated by scientific research to reduce recidivism among individuals under probation, parole, or post release supervision....Consistent with local needs and resources, the (CCP) plan may include recommendations to maximize the effective investment of criminal justice resources in evidenced-based correctional sanctions and programs, including but not limited to, day reporting centers, drug courts, residential multiservice centers, mental health treatment programs, electronic monitoring programs, educational programs, and work training programs.” **(AB 109 Sect 458)**

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. As Mariposa County only has one Department Head for Mental Health, Social Services and Alcohol and Drugs it is not necessary for the Board of Supervisors to appoint the final seat.

Key Elements of AB 109

Major Changes:

- **Redefines 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; however, the excluded offenders will be subject to probation rather than parole supervision upon release from 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 an agency (Probation Department in this case) approved by the County's Board of Supervisors.

- **Revocations Heard and Served Locally:** Post-release community supervision and parole revocations will be served in local jails (up to 180 days), with the exception of paroled 'lifers' who have a revocation term of greater than 30 days. The Courts will hear formal revocations of post-release community supervision while the Board of Parole will conduct parole violation hearings in jail.
- **Custody Credits:** 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 four days served in jail. This means that inmates will be required to serve 50% of their sentence in custody, minus any credits for time served prior to their sentence as determined by the Court, instead of two-thirds of their sentence, which is the current law. This change will help mitigate, to some degree, the impact of longer sentences being served in the county jails. 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 Sanctions:** Authorizes counties to use a range of community-based punishment and intermediate sanctions other than jail incarceration alone or traditional routine probation supervision.

Local Planning and Oversight:

Community Corrections Partnership (CCP)

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. SB678 established a Community Corrections Partnership in each county, chaired by the Chief Probation Officer, charged with advising on the implementation of SB678 funded initiatives..

Creates CCP Executive Committee

AB109 establishes 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 executive committee will oversee the realignment process and advise the Board

of Supervisors in determining funding and programming for the various components of the plan.

Voting members of the executive committee include: a Judge (appointed by the Presiding Judge); Chief Probation Officer; County Sheriff; District Attorney; Chief of Police; Public Defender; and one Director from **either County** Social Services, County Mental Health, or County Drug and Alcohol as determined by the Board of Supervisors. In Mariposa County, there is only one department head for all of these departments so there was no need for the Board of Supervisors to designate which Director would fill that seat. Mariposa County has no Police Departments so that seat remains vacant.

Implementation Plan

This preliminary plan was developed by the CCP Executive Committee members and other key partners:

Executive Committee CCP Members:

Honorable Dana Walton, Judge
Pete Judy, Chief Probation Officer (Chair)
Doug Binnewies, Sheriff
Mike Fagalde, Public Defender
Robert Brown, District Attorney
Jim Rydingsword, Human Services Director

CCP Members at Large and Community Participants:

Bryan Brew, Representing Community Based Organizations
Megan Kehoe, Representing Victims
Mary Jane Erickson, Representing Employment
Aaron Rosander, Superintendent MCUSD
Allison Tudor, Executive Director Mountain Crisis
Chevon Kothari, Community Organizer
Gary Collings, Public Defender
Jim Allen, Chairperson Board of Supervisor
Joel Bibby, Undersheriff
Ryan Oliphant, Assistant Chief Probation Officer
John Lawless, Mental Health Director
Tom Cooke, Public Defender
Rich Parrish, Sheriff's Jail Lieutenant
Ruth Catalan, Mental Health Board Representative
Tyson Wellcome, Ethos Youth Services
Rob Iwama, Deputy District Attorney

The strategies that follow take into consideration the multifaceted needs of the AB109 population and the resources necessary to achieve desired public safety outcomes.

Due to the uncertainty of the actual impacts resulting from realignment, the CCP agreed that a three 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 immediate treatment and programming needs of the population to be served.

A cornerstone of all these strategies is a validated risk and needs assessment made possible through the Static Risk Offender Needs Guide (STRONG), which is being implemented with guidance from Assessments.com, Inc. and administered by the Probation Department. This instrument was purchased using SB 678 funds. Probation has recently starting using the tool to identify the risk and need score of our current probation population.

Phase II will concentrate on adding and expanding programs as necessary, developing task force operations, and addressing the overall impacts to communities. A study utilizing planning funds has been agreed upon as an effective strategy to focus on what evidenced based programs that best fit the needs of our community.

Phase III anticipates the state securing funding for ongoing implementation for fiscal year 2011-12 said to be approximately \$400,000 for Mariposa County. The CCP will continue to explore program improvements and sustainability efforts. This phase will also focus on quality control and ongoing evaluation of program effectiveness. The phased planning process will also allow the CCP to assess and address unanticipated consequences to existing programs and services in the community.

Jail Alternatives

Probation will expand its current use of electronic monitoring, house arrest, and community restoration projects to those determined to be low risk offenders. Actions will include purchasing additional electronic monitoring equipment and the realigning of exiting personnel resources to more effectively monitor the offender in the community. AB 109 Implementation funds will be used to make 1 time equipment purchases and costs associated with increased monitoring. This could include additional funds being applied to Sheriff Dispatch if significant after hours issues arise.

Post Release Community Supervision/ High Risk Supervision

Acceptable caseload standards require that no more than 50 high risk offenders be assigned per officer. The STRONG was completed on all probationers to determine the risk level. A reassignment of caseloads to available officers resulted in the High Risk Officer caseload being set at 75. Recognizing this is too high for this population the department is looking at ways to reduce that

caseload through existing resources. This may be accomplished through over time spread across the department. The risk level associated with this population will also require enhanced monitoring through the use of GPS/electronic monitoring devices funded in Jail Alternatives.

Re-Entry Resource Review

Deputy probation officers and other support agencies will serve as the Re-Entry Resource Review Board team, having responsibility for:

1. Assessment
2. Pre-release Planning
3. Supervision Assignment (Including Courts – Reentry and MH)
4. Referral to Services (Day Reporting, Educational, Treatment, Vocational, Drug Court)
5. Incentives

The team will convene as needed to review incoming post-release community supervision cases. The CDCR will notify the Probation Department 30-120 days in advance of any PRCS case; therefore, ample time will be provided for conducting a risk assessment, making contact with family, and assessing the re-entry plan. The team will tentatively determine which services the offender should receive, including levels of supervision and treatment. The review team will also recommend incentives for offender participation in services and may confer on appropriateness of early termination for those who have successfully completed the re-entry and supervision plans.

As part of the re-entry plan developed by the probation officer, the team will also meet when necessary to resolve any problematic jail releases to the community. Funding associated with re-entry planning and services is deemed needed to insure resources are available for a safe and effective return to the community.

Integrated Forensics -Drug and Alcohol Team

National data estimates 15% of the jail population as being seriously and persistently mentally ill. National data also shows that 78 percent of violent crimes and 83 percent of property crimes were committed by those with drug and alcohol related dependencies.

The CCP recognizes the importance of identifying those in the system who have mental health and substance abuse issues and developing a rehabilitation plan that protects the public while providing treatment to underlying factors. Leveraging local dollars with other resources is viewed as a priority. The CCP has determined to allocate planning funds to contract out for a study to determine how best to use Med-Cal and CMSP funding for the eligible local jail/probation population. This would maximize federal, state, and local resources as we work

with the offender in the community. It may be necessary to contract for services to determine eligibility for individual offenders and their families as well as provide services to those who are not eligible for state/federal funds.

Contract Jail Support Services-Jail Staffing

It may be necessary to contract for in jail services to include but not limited to health, dental, psychiatric, and drug/alcohol counseling programs. A portion of the funds will be allocated for that possibility.

Also offenders that would have been sentenced to prison and parole violators who would have served their violation time in prison will now have to be housed in our local jail. These offenders create a higher risk to jail security officers. It may be necessary to utilize funds to pay overtime and or support jail personnel expenses to deal with the higher risk inmates.

Probation Enforcement-Apprehension Team

There is a higher risk population that will need closer monitoring in the community outside of normal business hours. They will require additional resources in order that law enforcement conduct searches of residences to insure compliance. The CCP has identified the need to establish a Probation Enforcement and Apprehension Team (PEAT) consisting of probation officers and sheriff deputies to work closely together to monitor the identified high risk population.

It is also expected that there will be offenders who are released from jail that do not show up for mandated appointments, as well as the PRCS that are released from prison and subsequently fail to report to Probation as ordered. PEAT will assist in this operation as well.

Phase I funding will provide these agencies with overtime funds for costs associated with their apprehension, surveillance, and compliance efforts. While Probation and the Sheriff have agreed to form this collaboration out of existing man power, it is recognized that overtime will be incurred in order to conduct periodic enforcement checks on nights and weekends. The use of implementation funding to support this effort is recommended as the most cost effective means of accomplishing this in Phase 1 funding.

Positive Reinforcement

Research indicates applying a much higher ratio of positive reinforcements to negative reinforcements will achieve sustained behavioral change. A ratio of four

positive to every one negative reinforcement is optimal for promoting behavior changes. These rewards do not have to be applied consistently to be effective (as negative reinforcement does) but can be applied randomly. Studies have also proven that the rewards can be simple and inexpensive and still produce positive results.

Offenders having problems with responsible self-regulation generally respond positively to reasonable and reliable additional structure and boundaries. With exposure to clear rules that are consistently (and swiftly) enforced with appropriate and graduated consequences, offenders and people in general, will tend to comply in the direction of the most rewards and least punishments. This type of extrinsic motivation can often be useful for beginning the process of behavior change.

It is necessary to develop a list of rewards for positive reinforcement for offenders through partners and other community resources. A level of funding will be dedicated for the use of positive reinforcements.

Day Reporting Center

The use of the Day Reporting Center (DRC) has been effectively used in other communities to monitor offenders while providing needed support services to improve success on probation. The Executive Committee is currently exploring the possibility of collaborating with local community based organizations to co-locate re-entry and DRC services from the same location. For the DRC concept to move forward the committee will need to identify program specifications, location, and other costs associated with implementing this program.

Contingency Fund

With the phased in approach it is anticipated that the first year AB 109 Implementation funds may not be fully utilized. These funds can be rolled over year to year. This population may need contract services for health, employment, and housing and residential treatment in order to be stabilized and monitored in the community in years to come. As realignment progresses it may be necessary to add staff to maintain public safety.

Lastly the state will contract with counties for beds in the state prison and fire camps. It may be necessary for Mariposa County to do so in the future. Having an "emergency fund" available is viewed as necessary to respond quickly to issues that tax local resources of our community. Having a fund available for extraordinary expenses will reduce the need to use general fund dollars when this occurs.

2011-12 MARPOSA COUNTY AB 109 IMPLEMENTATION BUDGET

2011-12	9 MONTH ALLOCATION	\$165,626
	JAIL ALTERNATIVES	\$ 10,000
	DAY REPORTING CENTER	\$ 30,000
	POST RELEASE SUPERVISION-HI RISK	\$ 15,000
	RE-ENTRY RESOURCE REVIEW	\$ 10,000
	INTEGRATED FORENSIC/DRUG/ALCOHOL TEAM	\$ 10,000
	PROBATION ENFORCEMENT TEAM	\$ 10,000
	JAIL SUPPORT SERVICES—JAIL STAFFING	\$ 15,000
	POSITIVE REINFORCERS	\$ 5,000
	CONTINGENCY	\$ 60,626
	TOTAL	\$165,626