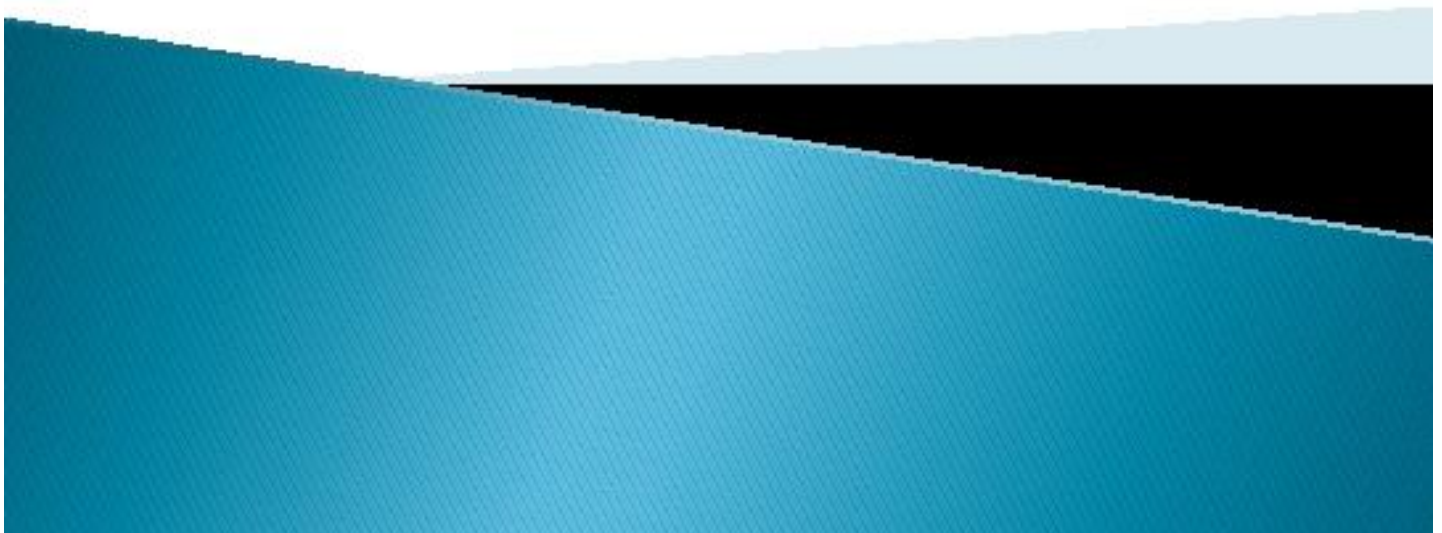




# AB109

## Yuba County Implementation Plan 2011



## TABLE OF CONTENTS

Summary of Recommendations.....	1
Overview of 2011 Public Safety Realignment Act (AB109).....	3
Local Planning and Oversight.....	7
Community Corrections Partnership.....	7
New Populations, Funding .....	7
Proposed Implementation Strategies.....	9
I. Sheriff's Department County Jail Inmates .....	10
II. District Attorney / Public Defender .....	11
III. Superior Court Parole and Postrelease Community Supervision Violations.....	12
IV. Probation Postrelease Community Supervision.....	13
V. Health and Human Services Department - Services for Offenders .....	15
Proposed Outcomes .....	16
Proposed Budget Summary.....	17
Implementation Goals.....	18
Glossary of Terms.....	20

### Attachments

- Attachment 1 – AB 109 Incarceration Groups
- Attachment 2 – Felony Conviction Sentencing Options
- Attachment 3 – Realignment Responsibilities and Exceptions
- Attachment 4 - Realignment Implementation Process Overview
- Attachment 5 – Realignment Service Options

## SUMMARY OF RECOMMENDATIONS

The Executive Committee submits the following recommendations to the Yuba County Board of Supervisors.

Recommendation #1: Consider and adopt the 2011 Implementation Plan herein, as the County of Yuba's Public Safety Realignment plan as required by PC 1230.1 and the Postrelease Community Supervision strategy as required by PC 3451 as added by the Postrelease Community Supervision Act of 2011 contained in AB109. This Plan contains recommendations for implementation using funds allocated by the State in a fiscally conservative manner.

Recommendation #2: Appoint the Sheriff as the County Correctional Administrator and authorize him 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 during their sentence in lieu of confinement in the County Jail.

Recommendation #3: Authorize the Sheriff, as the County's Correctional Administrator, to administer a home detention program, as specified in Section 1203.017 of the California Penal Code, when conditions in a jail facility warrant the necessity of releasing sentenced misdemeanor inmates prior to them serving the full amount of a given sentence due to lack of jail space, when such inmates are committed to a county jail or granted probation, or when inmates are participating in a work furlough program may be required to participate in an involuntary home detention program, which shall include electronic monitoring, during their sentence in lieu of confinement in the county jail or program under the auspices of the probation officer.

Recommendation #4: Authorize the Sheriff, as the County Correctional Administrator, to offer an electronic monitoring program, as specified in Section 1203.018 of the California Penal Code, to pre-trial inmates being held in lieu of bail in the County Jail or other County correctional facility.

Recommendation #5: Authorize the Sheriff to offer a voluntary work release program, as specified in Section 4024.2 of the California Penal Code, under which any person committed to the jail facility may participate in a work release program in which one day of participation will be in lieu of one day of confinement.

Recommendation #6: Approve the Sheriff and Chief Probation Officer to operate a Day Reporting Center under evidence-based principles for specified Postrelease Community Supervision clients already in the community as well as eligible work release clients in order to better prepare the clients to re-enter the community.

Recommendation #7: Authorize the Chief Probation Officer to offer an electronic monitoring and/or home detention program to individuals who are granted probation or are under postrelease community

supervision as a sanction for violating supervision conditions, as specified in Sections 3453 and 3454 of the California Penal Code.

Recommendation #8: Endorse the use of County Parole, as outlined in Section 3074 et seq of the California Penal Code as a possible alternative to incarceration for eligible inmates.

Recommendation #9: Approve the funding division and summary of spending methodology outlined in the budget summary on page 17.

## OVERVIEW OF 2011 PUBLIC SAFETY REALIGNMENT ACT (AB109/AB117)

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 1230.1 of the California Penal Code is amended to read "Each county local Community Corrections Partnership established pursuant to subdivision (b) of Section 1230 shall recommend a local plan to the County Board of Supervisors for the implementation of the 2011 public safety realignment. (b) The plan shall be voted on by an executive committee of each county's Community Corrections Partnership consisting of the Chief Probation Officer of the county as chair, a Chief of Police, the Sheriff, the District Attorney, the Public Defender, presiding Judge or his or her designee, and the department representative listed in either section 1230 (b) (2) (G), 1230 (b) (2) (H), or 1230 (b) (2) (J) as designated by the county board of supervisors for purposes related to the development and presentation of the plan. (c) The plan shall be deemed accepted by the County Board of Supervisors unless rejected by a vote of 4/5ths in which case the plan goes back to the Community Corrections Partnership for further consideration. (d) Consistent with local needs and resources, the plan may include recommendations to maximize the effective investment of criminal justice resources in evidence-based correctional sanctions and programs, including, but not limited to, day reporting centers, drug courts, residential multiservice centers, mental health treatment programs, electronic and GPS monitoring programs, victim restitution programs, counseling programs, community service programs, educational programs, and work training programs."

On July 26, 2011, the Yuba County Board of Supervisors approved the Yuba County Probation Department's request to designate them as the county agency responsible for implementing postrelease community supervision as specified in Section 3451 of the California Penal Code as added by the Postrelease Community Supervision Act of 2011.

On August 23, 2011, the Board of Supervisors designated Health and Human Services Department Director Suzanne Nobles as the remaining department representative to the executive committee.

Key elements of AB109 include:

Target Population: AB 109 addresses three distinct target populations. The first population is the Post Release Community Supervision (PRCS) population. The population consists of those who are released back to the community after serving a term in State's Prison. This population was previously placed on a grant of parole which was supervised by State Parole. Supervision of this population is now the responsibility of local probation departments and is inclusive of offenders with a current commitment

for a non-violent, non-serious, non-sex offense regardless of any prior violent felony conviction under PC 667.5(c), a prior serious felony conviction under PC 1192.7(c), or registerable offenses pursuant to Penal Code Section 290. (see Attachments 1 and 2)

The second target population are offenders who will serve their felony prison commitments locally in county jail instead of a State Prison. The population that will serve their prison sentences locally includes the non-violent, non-serious, non-sex offender group. After release, these offenders will not be supervised under either State or local probation parole. (See Attachments 1 and 2)

The third target population are released offenders who will remain under State Parole supervision. These are offenders with current commitments for violent or serious felony offenses, or offenders classified as “high risk sex offenders”. Parolees who violate the terms of their parole cannot be returned to State’s Prison; rather, any parole violation term will be served in the local county jail. (See Attachments 1 and 2)

The California Department of Correction and Rehabilitation (CDCR) estimates Yuba County’s “average daily population” (ADP) of these offenders will be:

- 106 Postrelease community supervision
- 18 Parole and postrelease community supervision violators in jail on revocations in the first year, with an estimate of 19 incarcerated at any one time by Year Four
- 78 Sentenced to local prison commitments under AB109 in the first year, with an estimate of 94 under sentence at any one time by Year Four

At some point in time during Fiscal Year 2011-12, up to 106 offenders will be on postrelease community supervision to Probation, requiring the full range of supervision, sanctions and service resource available through the department. This population becomes a local responsibility as of October 1, 2011 when the Postrelease Community Supervision Act of 2011 is implemented. **These estimates are based upon data provided by CDCR; however, the Community Corrections Partnership Executive Committee anticipates the actual population to be greater than the State projections.**

Additional key elements of AB109 include:

- **Redefining Felonies:** Revises the definition of 500 + felony offenses to mandate that the crimes are punishable in local county jail for the same length of term as was previously served in State’s Prison. Offenders convicted of committing serious felonies or violent felonies, and those who must register as sex offenders will continue to serve their terms in State’s Prison. In addition, approximately 60 other felony offenses will also qualify for terms in State’s Prison. (See Attachment 3).

- Local Postrelease 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, postrelease community supervision provided by a county agency designated by that county's Board of Supervisors.
- Revocations Heard & Served Locally: Postrelease community supervision and parole revocations will be served in local jails (by law maximum revocation sentence is up to 180 days), with the exception of paroled 'lifers' who have a revocation term of greater than 30 days. The Courts will hear revocations of postrelease community supervision while the Board of Parole Hearings will conduct parole violation hearings in jail until July 1, 2013 after which the Courts will assume responsibility of all revocations hearings.
- 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 pre-trial inmates being held in the county jail in lieu of bail. Eligible inmates must first be held in custody for 60 calendar days post-arraignment, or 30 calendar 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.

An Implementation Process Overview has been developed to define the new target populations and respective processes as the offenders move through the criminal justice system (Attachment 4).

**Summary of Realignment Components & Local Legislative Recommendations**

<b>Population Affected (as of effective date of AB109)</b>	<b>Component of Public Safety Realignment</b>	<b>Local Legislative Recommendations</b>
<b><i>Released from State Prison</i></b>	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 postrelease community supervision instead of state parole. The Court will adjudicate violations of county postrelease community supervision	Recommendation that the Board designate Probation as the agency responsible for supervision of prison inmates under postrelease community supervision, including administration of home detention and electronic monitoring program for postrelease community supervision offenders and probationers.
<b><i>On State Parole</i></b>	Violations of State Parole will be adjudicated by Board of Parole Hearings inside County Jail.	
<b><i>Currently Held Pretrial in County Jail</i></b>	Certain inmates may be released pre-trial on electronic monitoring.	Recommendation that the Board designate Sheriff as the Correctional Administrator of electronic monitoring for inmates.
<b><i>Currently Sentenced in County Jail</i></b>	Certain inmates may be placed on home detention and/or work release.	Recommendation that the Board designate the Sheriff as administrator of Home Detention and work release program for sentenced inmates.
<b><i>Realigned Local Incarceration and Postrelease Community Supervision Population</i></b>	Establish outcome measures related to local incarceration inmates and postrelease community supervision populations (per AB109).	
<b><i>Realigned Local Incarceration and Postrelease Community Supervision Population</i></b>	Existing AB109 and SB678 funding formula and allocation methodology do not appear to adequately fund the County's actual cost of managing the AB109 offender population and fiscally penalizes Yuba County's effective community supervision practices.	Recommendation that the Board approve the funding formula and allocation methodology summarized in Budget Summary section on page 17.



## **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 (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: Judge Debra Givens; Chief Probation Officer Jim Arnold; County Sheriff Steve Durfor; District Attorney Patrick McGrath; Marysville Chief of Police Wally Fullerton; Public Defender Ben Wirtschafter; and Director of County Social Services Suzanne Nobles. This plan was developed by CCP Executive Committee members, their designees and other key partners.

The planning group has met regularly since June 1, 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 August 24, 2011 meeting of the CCP.

### **NEW POPULATIONS AND FUNDING**

Probation has been particularly aggressive in providing innovative, quality alternatives to incarceration and post-release services. Probation has operated the Adult Offender Work Program and a Community Service program. Probation has worked with the Court to maintain Drug Court and Proposition 36 Court and supervision of those clients without funding. With the implementation on SB 678, Probation was able to further begin providing evidence-based supervision utilizing a risk and needs assessment, provided individual counseling at no cost to probationers, in-house cognitive behavioral therapy (Drug and Alcohol, Theft Awareness, Anger Management, 52-week Batterers' Treatment program) and individual counseling to jail inmates at no cost. Probation in conjunction with the Court implemented a violation of probation action plan to expedite the revocations of probation with the end result of probationers spending less time in jail. Probation has been heavily involved in finding residential treatment programs for probationers. Local partners will continue to implement evidence based models and implement promising new practices to responsibly meet the diverse needs of these additional individuals.

## PROJECTED POPULATION

The State has estimated that Yuba County will assume responsibility for approximately 200 additional offenders at any point in time across all agencies by FY 2012-2013. This population is diverse and includes offenders who have been convicted of property, public order, drug, and domestic violence offenses, and gang-involved offenders. Of these 200 people, it is anticipated that at any one time an average daily population of approximately 84 offenders will be serving a sentence of local incarceration or sanctioned to other custodial/programmatic options.

## 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 rehabilitative services while incarcerated or in alternative incarceration programs. This same level of funding will be made available for parole violators serving a 60-day revocation, albeit on a pro-rated basis. Offenders on postrelease community supervision are funded at \$3,500 per person for community supervision and \$2,275 per person for rehabilitative services (for a maximum of 18 months). The above formula 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). The projected funding falls short of the amounts listed above as Yuba County is receiving \$5,030 per offender.

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
- 10% based on the SB 678 distribution formula

Based on this formula Yuba County is projected to receive \$1,212,888 for FY 2011-12 to serve approximately 200 additional offenders at any point in time. This funding includes:

Postrelease Community Supervision (PCS)/local incarceration	\$1,005,858
AB109 Planning grant	\$ 100,000
AB109 Training and implementation activities	\$ 70,975
District Attorney/Public Defender (PCS representation)	\$ 36,055
<b>TOTAL</b>	<b>\$1,212,888<sup>1</sup></b>

---

<sup>1</sup> Yuba County Courts received a separate allocation through the Administrative Office of the Courts in the amount of \$88,413 to cover the cost of hearing/handling new revocation of supervision matters.

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

Yuba County continues to be negatively impacted by statewide budgeting formulas for criminal justice reforms (i.e., SB 678 and AB 109). This formula rewards counties that historically over-rely on prison incarceration and lack of supervision of probationers and penalizes counties like Yuba County that have created local criminal justice strategies designed to increase public safety and reduce victimization without relying solely on incarceration. The Executive Committee recommends that Yuba County and CSAC lobby legislative representatives to change the formula to create economic incentives that support counties who have effective strategies in place and award funds to counties based on the county's evidence based practice success rather than their county population or percentage of the prison population.

AB 109 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 Yuba County's Community Corrections Performance Incentives 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. Probation's use of evidence-based supervision practices has successfully reduced the number of probationers being sent from Yuba County to state prison for probation violations, from a three-year average of 61 (2006-2208) to 55 in 2010. In 2011 that commitment number to state prison is projected to be further reduced to 48. Probation anticipates receiving a one-time grant of \$100,000 for FY 2011-2012. These funds will be directed toward services and support for existing probationers (totaling approximately 650).

## **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. A cornerstone of all of these strategies is a validated risk and needs assessment and Individualized Case plan made possible through STRONG (Static Risk and Offender Needs Guide) that is being implemented with guidance from Assessment.com. and administered by Probation and shared with relevant partners. The offender is then referred to the appropriate intervention strategy (See Attachment 5). Further, as part of this implementation process, Probation is in the process of developing a "strategy implementation blueprint" to help guide the complex process of connecting policies to explicit operations that can be measured for performance.

## I. SHERIFF'S DEPARTMENT – COUNTY JAIL INMATES

The Sheriff's Department (YCSD) believes it will see jail population increases of at least 8 inmates per month for the first 9 months followed by some leveling off. YCSD also estimates it will continue to admit at least 6 inmates a month on new commitments of people who would otherwise have gone to state prison. The 78 inmate figure referenced earlier in the report derives from State estimates of parole and postrelease 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 now 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 postrelease 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) postrelease community supervisees sanctioned with flash incarceration of up to 10 days for each violation. **These estimates are based upon data provided by CDCR; however, the Community Corrections Partnership Executive Committee anticipates the actual population to be greater than the State**

### *PROPOSED STRATEGIES FOR COUNTY INMATES*

To address these projected increases, the YCSD will maximize county jail capacity and utilize alternatives to incarceration. By expanding the Sheriff's authority in the use of home detention and electronic monitoring and work release, the Board of Supervisors will provide additional alternatives to incarceration to be utilized for both the pretrial and sentenced populations.

The Sheriff's Department operates one jail with a 432-bed capacity. 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 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 jail. Further, all postrelease community supervision revocations and almost all parole revocations will be served locally. AB109 encourages the use of flash incarceration up to 10 days in county jail for postrelease community supervisees who violate their community supervision terms. Further analysis is necessary once AB109 is implemented to accurately determine the impact on jail beds and alternative incarceration programs.

*ALTERNATIVES TO INCARCERATION:*

YCSO 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 YCSO to release pre-trial prisoners being held in lieu of bail in the county jail to an electronic monitoring program under specific circumstances. The Sheriff 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 Yuba County, these alternatives will include electronic monitoring, home detention, work release and a day reporting center offering substance abuse services, parenting classes, general education (GED), and employment counseling and services. County Parole<sup>2</sup> (pursuant to Section 3074 et seq of the California Penal Code) is another alternative that may be made available to jail inmates.

An inmate 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, 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, available risk assessment reports, court commitment, eligibility based on current charges and prior convictions, and availability of the alternatives to incarceration best suited for the prisoner. YCSO will supervise people in alternative to incarceration programs through a highly visible community presence and random site checks. YCSO will provide a swift response if a person absconds or violates conditions of their participation in the program. Increased staffing for work release and electronic monitoring will likely be needed to ensure strong enforcement and maximize community safety.

**II. DISTRICT ATTORNEY / PUBLIC DEFENDER**

*IMPACT OF REALIGNMENT ON THE YUBA COUNTY DISTRICT ATTORNEY'S OFFICE AND PUBLIC DEFENDER'S OFFICE*

Realignment will have a significant impact on operational resources and policy decisions within the Yuba County District Attorney's Office (YCSO), which in turn will have impacts on the resources and personnel of the Public Defender's office. Three major impacts are anticipated:

---

<sup>2</sup> By statute, the County Board of Parole Commissioners is a three-person board consisting of the Sheriff, the Chief Probation Officer and a member of the public named by the Presiding Judge of the Superior Court. Eligible inmates in the county jail may make application to the board for a grant of *supervised* parole. The sentencing Judge shall be notified of any application and may make recommendation to the Board which the Board must carefully consider.

First, the complex provisions of AB 109 amount to an amendment to California's Penal Code affecting the definition of felony crime, placing sentencing restrictions on 500+ felony crimes, and mandating sentences be served in county jail as opposed to a State facility. These changes will greatly impact prosecutorial policy regarding case charging decisions which could mandate that a felony commitment be served in a State facility instead of the county jail. Consequently, based on the criminal history and facts underlying a current offense, a defendant may be charged with additional sentencing enhancements with correspondingly serious sentencing impacts in order to ensure such a result. Such cases will result in additional court appearances, longer time to case resolution, and the likelihood of an increase in the trial rate. These in turn will increase pressure on staff resources and the caseloads of the respective agencies and of the Superior Court.

Second, AB 109 creates significant case resolution options in non-violent, non-serious, and non sex offender cases heretofore unknown to the criminal justice system. Both YCDA and Public Defender personnel must develop expertise in alternative sentences and work closely with criminal justice partners to ensure effective sentencing for these cases without reliance on incarceration and the corresponding impact on jail capacity. In addition, YCDA will need to develop effective sentencing approaches which balance both the needs assessments of the offender, the risk to public safety, and the rights of crime victims. Public Defender personnel will be responsible for designing alternative sentencing strategies and identifying clients who are eligible for programs under AB 109.

Third, YCDA will now be responsible for reviewing and prosecuting violations of both felony hybrid sentence supervision under PC 1170(h)(5) and postrelease community supervision. For PRCS cases jurisdiction of the Board of Parole Hearings (BPH) is being transferred to the Yuba County Superior Court and those postrelease community supervision violation hearings will be handled by YCDA. Representation will be provided by the Public Defender's office.

### **III. SUPERIOR COURT – PAROLE AND POSTRELEASE COMMUNITY SUPERVISION VIOLATIONS**

#### *PROJECTED ADDITIONAL NUMBER OF REVOCATION CASES*

Under AB117, a budget trailer bill accompanying the 2011 Budget Act, the Superior Court's role in criminal realignment previously outlined under AB109 has been substantially narrowed to handle only the final revocation process for offenders who violate their terms or conditions of postrelease community supervision or parole. The Court will assume responsibility for postrelease community supervision revocation hearings beginning in October 1, 2011. AB117 also delays the Court's role in revocation proceedings for persons under state parole supervision and serious and violent parole violations until July 1, 2013. According to state estimates, the total parole and post-release supervision population expected to be serving revocations sentences in local custody is estimated to be 19 on any given day by year four of realignment. The state budget appropriated funds for the Judicial Branch to undertake this new function and Yuba County's allocation will be \$88, 413. The Judicial Branch is also

developing the implementation plan and final revocation procedures which will be completed by September 4, 2011.

#### **IV. PROBATION**

##### *PROJECTED ADDITIONAL NUMBER OF OFFENDERS ON POSTRELEASE COMMUNITY SUPERVISION*

The Probation Department estimates there will be 106 offenders during the initial phase of realignment each day on county postrelease community supervision. These include inmates released from state prison who would have otherwise been placed on state parole and offenders who have served their prison sentences locally in jail. This number on postrelease community supervision is projected to grow to an estimated 106 during the coming fiscal year.

##### *PROPOSED STRATEGIES FOR POSTRELEASE SUPERVISEES*

Probation has been designated as the county agency responsible for administering programs directed to the postrelease community supervision population. This includes the full range of options for community supervision spanning intensive community supervision (with routine home visits), home detention with electronic monitoring, day reporting, outpatient behavioral health treatment (e.g., substance abuse, mental health, sex offender, batterer's intervention), urinalysis testing, cognitive behavioral interventions, community service, family strengthening strategies, pre-trial 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.

##### **Postrelease Community Supervision**

The term of postrelease 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. Postrelease community supervision shall be consistent with evidence-based practices demonstrated to reduce recidivism, and Probation 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).

Probation will create specialized supervision with responsibility for intensive supervision of the postrelease community supervision population. These staff will administer the STRONG risk/needs assessment tool to every postrelease community supervisee – consistent with the above referenced principles – and ultimately develop an individual case plan. This action will guide supervision intensity, treatment/program referrals, case management efforts and offender activities. The STRONG assessment was chosen because of its long history of utilization and rigorous evaluation/validation with adult offender populations.

Additionally, a system of rewards and responses is being developed for use with the postrelease community supervision population, and ultimately will drive intervention decisions with all offenders under supervision. The use of the rewards 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 a provision in AB109 allows discharge of postrelease community supervision following six months of violation-free supervision. Use of this program by Probation reaffirms the agency's commitment to evidence-based practices and public safety.

Given the anticipated high-risk level of postrelease community supervision offenders, Probation projects additional Deputy Probation Officers are needed to provide more intensive supervision of this offender cohort, proposed at a ratio of 50:1. The proposed ratio recognizes the reality of fiscal constraints; American Probation and Parole Association (APPA) standards recommend a 20:1 caseload ratio given the assessed risk level of the supervised population.

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 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. Probation has pioneered a "victim impact statement" to inform sentencing recommendations in presentence reports, and case management activities. Family strengthening and cognitive skill building programs will be utilized to enhance supervision. Additionally, Probation will partner more extensively with Health and Human Services 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 the Department of Health and the Human Services, along with the Marysville Joint Unified School District (MJUSD), other school districts and the County Office of Education as well as appropriate community and faith based agencies to address service needs. As well, Probation will be partnering with Child Support Services to assist offenders with child support obligations in obtaining employment and negotiating reasonable support payments that 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.

Additionally, educational deficits will be addressed through assessment of offender needs. A GED program is provided when appropriate. Offenders transitioning out of local incarceration can continue educational programming initiated while in the Sheriff's custody when they are released to community supervision.

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 postrelease community supervision population and responding to violations. 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.

## **V. HEALTH AND HUMAN SERVICES**

Central to the success of individuals and their families are individualized support services provided by the Health and Human Services Department (HHSD). HHSD will provide services and access to benefits and programs to some of these 106 people who will be out of custody on post-release community supervision. Further, the HHSD will provide care coordination, individualized client-based services and referrals to treatment to some of the anticipated 200 individuals who will be out-of-custody and under post-release community supervision.

## PROPOSED STRATEGIES FOR HUMAN SERVICES

- *CalWORKs* - Cash assistance and welfare-to-work services for low-income adults with dependent children.
- *CalFresh* (formerly Food Stamps) - A monthly benefit that can be used to purchase food.
- *MediCal* - Health coverage for low-income children, pregnant women, seniors and persons with disabilities. Individuals who are screened for Medi-Cal and determined to be ineligible are referred to other state and local subsidized health care programs, primarily the County Medical Services Program (CMSP).
- *Services for seniors and persons with disabilities* - A range of community-based services including in-home supportive services, adult protective services, and linkages to transportation, legal services, food resources, and socialization programs.
- Most of these services and benefits are mandated by federal, state or local law, meaning that anyone who meets the program eligibility criteria is entitled to be served. Applications are accepted in person, by mail, fax, phone and/or online, depending on the program. The online application at [www.C4yourself.com](http://www.C4yourself.com) can be used to apply for CalWORKs, CalFresh, and Medi-Cal and the C4Yourself website can be accessed from any computer that is connected to the Internet. The AB109 population will have access to all services for which they are eligible.

## PROPOSED STRATEGIES FOR TREATMENT AND HEALTH SERVICES

CMSP's Low Income Health Program is evolving to become the reformed, integrated system outlined in the federal Affordable Health Care Act. The client's "Health Home," will act as a portal of entry into the larger system of care and will guide the client through their identified treatment plan. If a probationer has a primary care medical concern they will be enrolled in the county's program to provide medical care to uninsured and underinsured residents.

HHSD does not anticipate the need for new resources to serve this population through its regular processes. HHSD is willing to arrange a one-time training for community-based organizations designated to work with the AB109 population on how to utilize the C4Yourself application portal. However, new resources may be needed if any sort of special access to services is required for the AB109 population, (e.g., pre-release eligibility determinations or scheduled intake appointments).

## 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.

## OUTCOMES MEASURES

The Realignment Plan seeks to achieve the following three outcomes:

- Implementation of a streamlined and efficient system in the County of Yuba to manage our additional responsibilities under realignment. .
- Implementation of a system that protects public safety and utilizes best practices in recidivism reduction.
- Implementation of a system that effectively utilizes alternatives to pre-trial and post-conviction incarceration where appropriate.
- To achieve these outcomes, Yuba County partners will develop and track several outcome measures.

Examples of potential outcome measures include:

- Yuba County 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 now under Yuba County jurisdiction
- Number and type of offenders sentenced to county jail and prison
- Number and type of offenders sentenced to probation or alternative programs

Potential measures will be discussed and developed among the Yuba County partners before the October 1, 2011 beginning of realignment, (or be developed by an outside source).

## **PROPOSED BUDGET SUMMARY**

This budget summary is simplistic by design and is not intended to exclude any of the partners in the Community Corrections Partnership; however, dividing the allocation into a number pots by percentage of the whole is imprudent. The impact of AB 109, the services that will be needed and the extent those services will be needed is unknown at this time. Instead, the Sheriff and Probation Departments will split

the total allocation 50/50<sup>3</sup>. The County Local Revenue Fund 2011 and required subaccounts, as required by Section 30025 et seq of the California Government Code, will be established pursuant to statute.

Costs for the Day Reporting Center and the services provided there will be shared costs by both departments as will the costs of data collection and evaluation. The Sheriff's Department will need funding to cover the costs associated with the expanded Sheriff's Work Alternative Program, the costs of increased incarcerations for the new inmates that would have previously been sentenced to state prison, parole violators, and flash incarceration, and for electronic monitoring. Probation will need funding to supervise and provide services to the postrelease community supervision clients. This includes assessments, case management, electronic monitoring and a myriad of services.

Both departments recognize that services beyond their capabilities will be needed from the County Office of Education, Mental and Public Health Departments, the Auditor and Personnel Departments among others, but intend to contract for those services or pay a fee for services received as opposed to dividing the funding before the extent of the impact is known. This method should serve to protect the Sheriff and Probation Departments as well as the service providers from an inequitable percentage allocation.

A quarterly report of expenditures will be provided to the County Administrator and adjustments, if necessary, will be made as funding need is identified.

## **IMPLEMENTATION GOALS**

### Overall implementation goals include:

- ▶ Proceed with a phased, incremental approach
- ▶ Be fiscally conservative
- ▶ Sheriff and Probation should partner where possible
- ▶ Maintain a certain number of jail beds dedicated to ICE for revenue purposes

### Immediate needs for first 90 days:

- ▶ Transfer and expand the work release program (PC 4024.2)
- ▶ Prepare for Postrelease Community Supervision population
  - Bring back laid off (1) DPO on October 3rd and hire (1) Probation Aide
- ▶ Seek electronic monitoring authority and capability
  - PC 1203.016, 1203.017, 1203.018, PRCS, Evidence Based Practices

---

<sup>3</sup> It should be noted that the District Attorney, Public Defender and the Courts have received separate allocations meant to cover their costs of AB 109 Implementation.

- ▶ Identify site for day reporting center, electronic monitoring and work release
- ▶ Expand existing electronic monitoring contract or establish new contract
- ▶ Identify existing Sheriff's Office staff to dedicate to AB 109 programs
  - No new staff at this time
- ▶ Determine equipment costs
- ▶ Develop the data collection and evaluation process/capability

Beyond the first 90 days:

- ▶ Day Reporting Center (DRC)
  - Combined Purpose of PRCS, SB678 and work release
    - Classes (GED, Life Skills, DV, Anger Mgt., Substance Abuse, Family Dynamics/Parenting, Job Readiness, etc)
    - Assessments; assist with birth certificate acquisition, SSN, employment, housing, benefits, health
- ▶ Hire (1) Deputy Probation Officer
- ▶ Pre-Trial Release
  - Home detention on EM
  - Possible assessment to aid court in Pre-Trial Releases
- ▶ County Parole
  - Develop County Parole Board pursuant to PC 3074

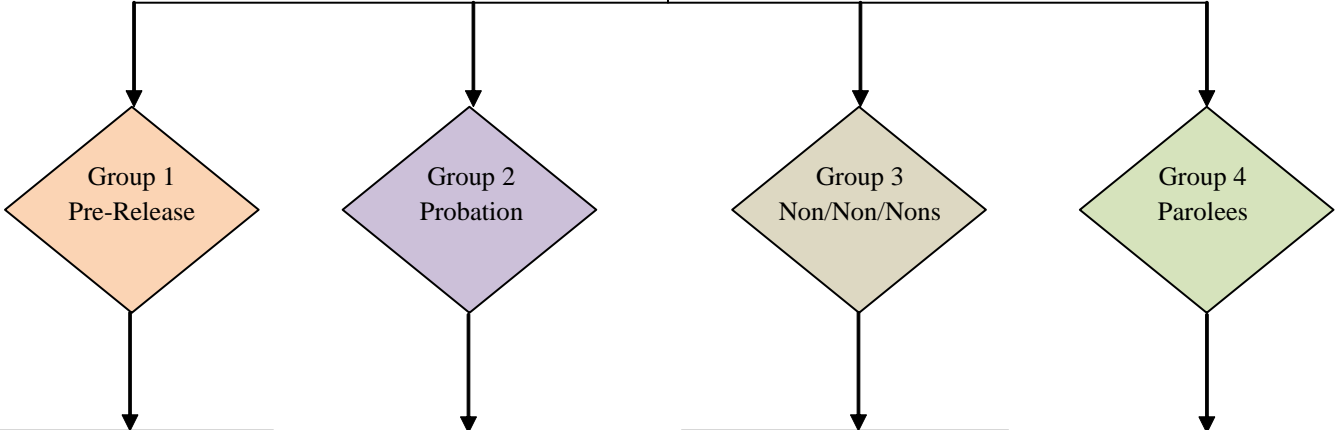
**REVIEW PROCESS**

Development of the goals, objectives and strategies is only the first step in this Implementation Plan. Reviewing the effectiveness of strategies and monitoring the progress toward attaining the goals requires an ongoing process. As implementation advances, outcome measurements will be assessed and future meetings of the Community Corrections Partnership (CCP) and Executive Committee will examine the need to make adjustments to this plan. Additionally, reacting to future funding changes will require adjustments. It is the intent of the CCP and Executive Committee that the plan be reviewed and updated as needed; moreover, at least annually, prior to the beginning of the new fiscal year.

## GLOSSARY OF TERMS

AB109	Public Safety Realignment Act of 2011
APPA	American Probation and Parole Association
AOWP	Adult Offender Work Program
BPH	Board of Parole Hearings
CalWORKs	Cash assistance and welfare-to-work services for low-income adults with dependent children
CalFresh	(formerly Food Stamps) - a monthly benefit that can be used to purchase food.
CAO	County Administrative Officers
CCP	Community Corrections Partnership
CCPIF	Community Corrections Performance Incentive Fund
CSAC	California State Association of Counties
DRC	Day Reporting Center
EBP	Evidence Based Programming
EM	Electronic Monitoring
FTE	Full-Time Equivalent
GPS	Global Positioning System
HD	Home Detention
HHSD	Health and Human Services Department
Medi-Cal	Health Coverage for low-income children, pregnant women, seniors and persons with disabilities
PC	California Penal Code
PCS or PRCS	Postrelease Community Supervision
PD	Yuba County Public Defender
PV	Probation or Postrelease Community Supervision Violation
STRONG	Static Risk and Needs Guide
SWAP	Sheriff's Work Alternative Program
UA	Urinalysis sample
YCHD	Yuba County Health Department
YCDA	Yuba County District Attorney
YCSD	Yuba County Sheriff's Department

**AB 109 Affects Four Incarceration Groups**  
*Permanently*



- Permits correctional authority to release defendants on home detention instead of being held on bail.
- Board of Supervisors to create rules with the assistance of the Sheriff and the District Attorney

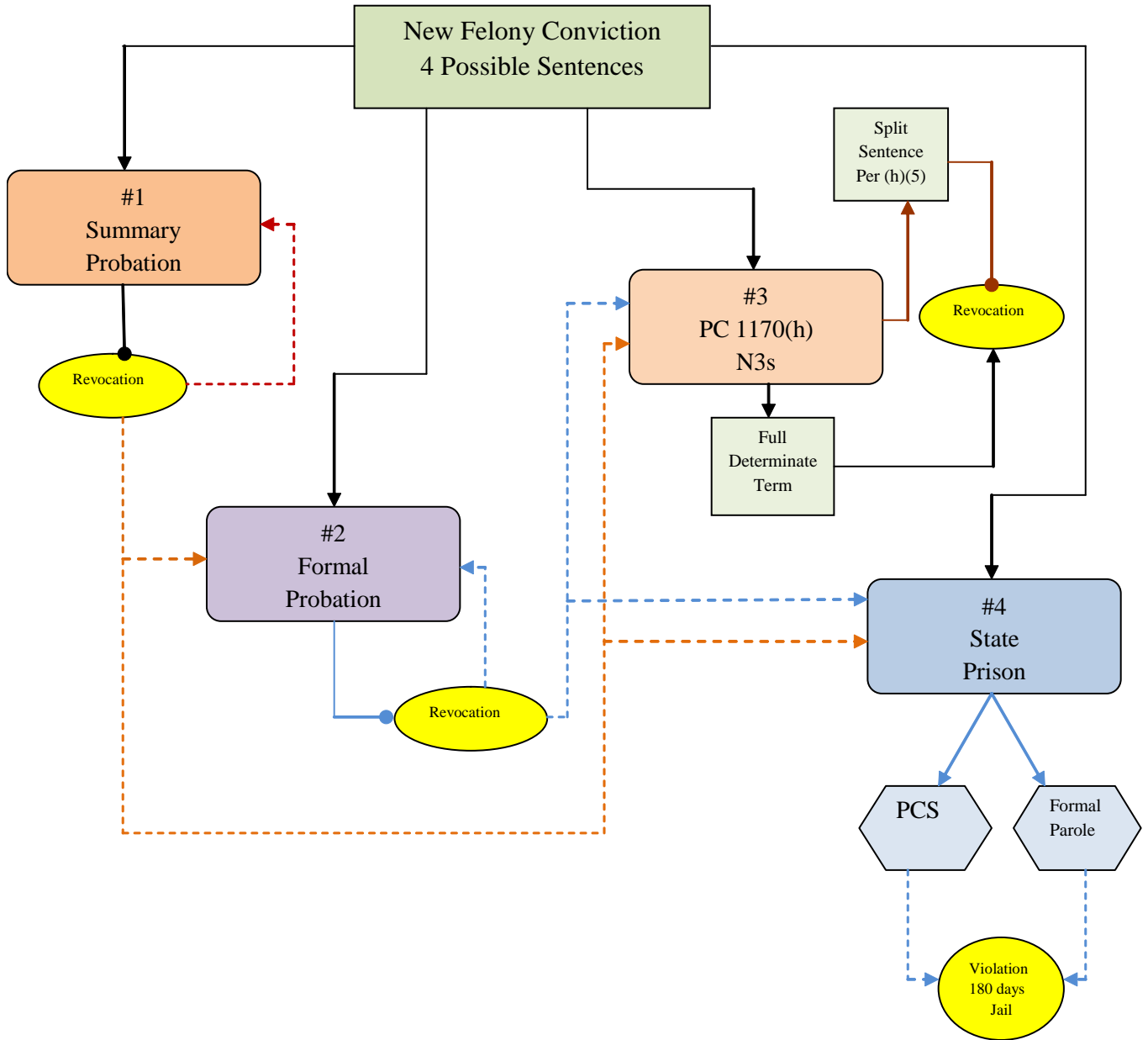
Alternatives to Custody

- Home Detention
- Work Release
- Sheriff’s Parole
- Work Furlough
- Day Reporting Center
- Residential Treatment

- Sentences for over 500 crimes that used to be served in State Prison will now be served in County Jail
- Terms of sentences are unlimited.
- Estimated 94 inmates/yr

- Prison inmates that were supervised by Parole will now be supervised by Probation upon release from prison – estimated to be 106 next year.
- Parole revocations, which were served in prison, will now be served in county jail.
- Parole revocation hearings previously heard by Board of Parole Hearings will now be heard by the Courts with the participation of the District Attorney’s Office and the Public Defender.

AB 109  
FELONY CONVICTION SENTENCING OPTIONS





**REALIGNMENT**

(updated 9/17/11)

Offense Type	Prison term done at		Supervised by	VOParole time	
	CDCR	Jail		CDCR	Jail
Three Strikes or other life Sentence	X		CDCR	X	
Two Strikes Sentence	X		CDCR		X
“High Risk Sex Offenders”	X		CDCR		X
Fresh violent Felony	X		CDCR		X
Prior violent Felony*	X		Probation*		X
Fresh serious Felony	X		CDCR		X
Prior serious Felony*	X		Probation*		X
290 registrant (fresh/prior)	X		Probation		X
Fresh felony on Exceptions List	X		Probation		X
All other felonies		X	Probation		X

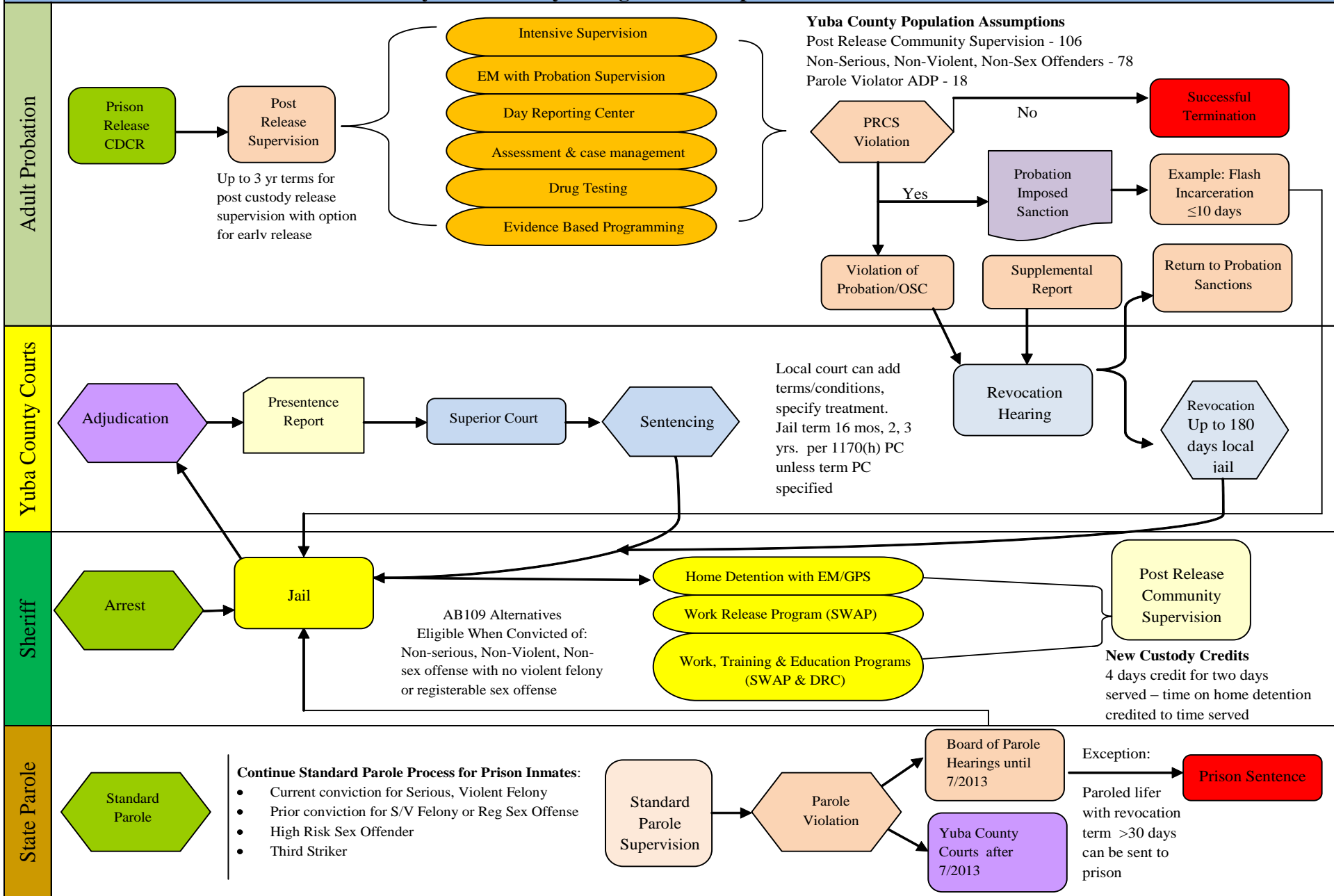
\* = But not if def sentenced under three strikes law

The courts will eventually be taking over parole violation hearings – but not Until July 2013.

**Exceptions List:**

67, 68, 85, 86, 92 & 93, 165	PC	Bribing / Accepting Bribes – Legislature, local, judicial
113 & 114	PC	False documents for citizenship
141(b)	PC	Plant Evidence
186.11 / 186 .22, .26, .33	PC	White collar enhancement / Street gang enhancements
191.5(c)(1)	PC	Vehicular Manslaughter While Intoxicated
222	PC	Using drugs to commit felony
243.7, 243.9, 245(d)	PC	Assaults on Jurors, peace officers
266a, e, f, h, i, j,	PC	Various types of abduction, pimping, etc
272(b)	PC	Luring, etc., minor away from home
273a & 273ab	PC	Felony child abuse
273.5	PC	Domestic violence
298.2, 299.5	PC	Submitting false DNA specimens
347	PC	Poisoning food
368b	PC	Elder Abuse
417(c) & 417.8	PC	Brandishing a firearm at peace officer
424 & 504/514	PC	Misappropriate/embezzle public funds
452	PC	Arson of inhabited structure/property
598c & d	PC	Horse meat crimes
646.9	PC	Stalking
653f(b)	PC	Solicitation for murder
4532	PC	Escape
12021/12021.1	PC	Firearm by prohibited person
12303.2	PC	Explosive devices
11353,11354, 11361, 11380(a)	HS	Inducing drug use by minor / giving, selling drugs to minor
11370.1	HS	Drugs & firearms
120291	HS	Knowingly expose someone to HIV
20001, 23153	VC	Hit & run, DUI w/ injury
2800.2, 2800.3	VC	Evading a peace officer
1090/1097	GC	Conflict of interest
1195	GC	Taking Subordinate Pay
1855	GC	Destruction of Documents
18501	EC	Public Official Who Aids and Abets Voter Fraud

## Yuba County Public Safety Realignment – Implementation Process Overview



# REALIGNMENT SERVICE OPTIONS

