



# County of Alpine

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## Public Safety Realignment Plan 2023-2024

**Presented by Alpine County Community Corrections Partnership**

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# **Public Safety Realignment**

## **Alpine County Plan**

### **BACKGROUND**

On April 4, 2011, Governor Jerry Brown signed into law Assembly Bill (AB) 109, referred to as 2011 Public Safety Realignment. AB 109 was later modified by AB 117. Both bills taken together create extensive changes to previous law intended to reduce the number of offenders incarcerated in state prison and to “realign” these offenders to local entities, who are now responsible to manage the specified offenders. This realignment and change in law was intended as a response and partial solution to the state’s budget crisis and a U.S. Supreme Court order requiring the state to reduce prison overcrowding. Public Safety Realignment was proposed as a method to lower state prison inmate population in the safest possible way by allowing for county-level management and supervision of certain offenders, as opposed to the alternative option of massive releases of state prison inmates to communities with no further supervision or accountability.

The intent of Realignment was to allow maximum local flexibility within the statutory framework set forth in these two pieces of legislation. The legislation requires a local collaborative planning and implementation process which emphasizes community-based corrections and punishment, use of evidence-based practices, and improved supervision strategies. Further, the legislation states “the purpose of justice reinvestment is to manage and allocate criminal justice populations more cost effectively, generating savings that can be reinvested in evidence base strategies that increase public safety while holding offenders accountable.

The provisions of the public safety realignment were operative on October 1, 2011 and were prospective. Therefore, as offenders are sentenced on or after October 1, 2011 or released to community supervision on or after October 1, 2011, they will be the responsibility of the county, if they meet the criteria for the realigned population. No one in prison on October 1 was transferred to county jails and no one currently on state parole supervision was transferred to the local jurisdiction.

## SUMMARY OF LEGISLATIVE CHANGES

The provisions of 2011 Public Safety Realignment change the jurisdiction of specified populations from state to local control to complete their sentences:

### **Local Sentence**

Revised the definition of a felony to specify certain non-violent, non-serious, non-sex offenses will be punishable for more than one year in county jail or other local alternative sentencing options, but cannot be sentenced to state prison.

Did not change length of sentences; entire sentence imposed will be served locally and can exceed three (3) years in some instances.

Options at sentencing for specified felony offenses: Jail instead of prison for the entire sentence; felony probation; jail with early release to alternative custody; or split sentence (sentence of jail custody combined with mandatory probation which cannot exceed the maximum sentence allowed by law).

Options in custody: The Sheriff retained all existing tools to manage this population. In addition, counties may use new alternative custody options and electronic monitoring and home detention (1203.018 PC), and/or contract back with the state to house some inmates.

### **Post-Release Community Supervision (PRCS)**

Any offender convicted of a non-serious, non-violent felony and is not deemed a high-risk sex offender who is released from prison after October 1 will be supervised in the community by the Probation Department as previously designated by the Board of Supervisors.

All others will remain subject to state parole supervision provided by the California Department of Corrections and Rehabilitation (CDCR).

CDCR must notify the county who the offender is being release to PRCS thirty days prior to release and is required to provide relevant background and assessment information concerning the offender.

Level of supervision and case plan is determined by the local supervision agency (Probation Department).

General conditions of supervision established by law and supervision agency can add addition relevant conditions.

PRCS terminates by operation of law at the end of 3 years. PRCS may discharge after 6 months of no violations and shall discharge after a continuous year of no violations.

Supervision agency can impose intermediate sanctions for violations of PRCS without Court involvement.

Intermediate sanctions include: Short term “flash incarceration” in jail for up to 10 days; intensive community supervision; home detention with electronic or GPS monitoring; community service work; education and vocational programs; work release program; day reporting programs; substance abuse treatment programs; drug testing; community-based residential programs; and other appropriate counseling and treatment programs.

The Court is responsible for any final revocation hearings for violations. Maximum sentence for PRCS revocation is 6 months confinement in county jail. Cannot be returned to prison for violation of PRCS.

### **Parole Revocations**

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.

County cannot “contract back” with CDCR to house parole violators in state prison.

After parolee completes jail sentence for a parole violation, they return to state parole jurisdiction for supervision in the community.

Parole revocation hearings for state parolees will continue to be done by the Board of Parole Hearings (BPH) until July 2013 when this responsibility transfers to local courts.

### **Community Corrections Partnership (CCP) Executive Committee**

The 2011 Public Safety Realignment legislation expanded the role of the CCP in each county to now act as a planning body for 2011 Public Safety Realignment. As established in Penal Code §1230.1 and as modified by subsequent committee action, membership of the executive committee of the Alpine County CCP currently consists of:

Chief Probation Officer (Chair)

Sheriff

District Attorney

Public Defender

Director of Health and Human Services

Board of Supervisors Designee

Director of Behavioral Health Services

## **Other Possible CCP Members**

Undersheriff and Coroner

Bear Valley Public Safety Supervisor

Mental Health Services Coordinator

Behavioral Health Services, Drug & Alcohol Counselor

Public Health Officer

Social Worker III, Health & Human Services

Social Worker III, Health & Human Services

County Counsel

These members are all designated by the county Board of Supervisors “for purposes related to the development and presentation of the plan.”

### PLAN ADMINISTRATION

Pursuant to Penal Code §1230.1(c), “The plan shall be deemed accepted by the county Board of Supervisors unless the board rejects the plan by a vote of four-fifths of the board, in which case the plan goes back to the Community Corrections Partnership for further consideration.”

Additionally, the legislation established Penal Code §1230.1(d), which states, “Consistent with local needs and resources, the 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 center, drug courts, residential multi-service center, mental health treatment programs, electronic and the Global Positioning System (GPS) monitoring programs, victim restitution programs, counseling programs, community service programs, educational programs, and work training programs.”

Realignment, under AB 109, shifts a number of offenders from State supervision to local supervision. This includes both PRCS offenders being released from state prison and additional offenders no longer eligible to sentence to state prison. Intense supervision of offenders is a key component to public safety and the Probation Department will be a significant partner with all law enforcement agencies throughout Alpine County.

### FUNDING

AB 118, the budget trailer bill that creates the funding framework for 2011 Public Safety Realignment, requires the county to create the County Local Revenue Fund 2011

(Government Code §30025(f)(1). Within the County Local Revenue Fund 2011, each county has been required to also establish a:

Local Community Corrections Account

Trial Court Security Account

District Attorney and Public Defender Account

Juvenile Justice Account

Health and Human Services Account

Supplemental Law Enforcement Account

The allocations for each county for Fiscal Year 2011/2012 were determined by the California Department of Finance and were divided into four distinct aspects of 2011 Public Safety Realignment:

AB 109 Adult Population Shifts

District Attorney & Public Defender Revocation Costs

One-time grant CCP Planning

#### PROJECTED IMPACTS FOR ALPINE COUNTY

With these changes comes an increase of County responsibilities. Additional jail inmates include offenders convicted of non-violent, non-serious, non-sex-related offenses (non-non-non) and parole violators. The California Department of Finance has projected the AB 109 population impacts for each county in the state upon full implementation. These AB 109 projected population figures are expressed as an Average Daily Population (ADP), which reflect one inmate in one bed for one year. ADP does not represent the number of discrete individuals moving in and out of the system, but instead captures annual bed/slot numbers, given that a single bed/slot can be occupied by more than one person over the period of a year.

For Alpine County, the projected ADP for Total Jail Inmates is 2. The projected ADP for the Post-Release Community Supervision population is 2. Based on these figures the impact to the county is small; however this does not reflect any new felony convictions that might be sent for prison commitments or prison returns for revocations of PRCS. In addition, Alpine County Probation continues to be responsible for supervising convicted felons who are placed on probation under local supervision.

In terms of procedural notification, approximately 30 to 60 days prior to release, the Probation Department will receive notification from the CDCR regarding which offenders are to be released on PRCS. The Chief Probation Officer (CPO) will review the material provided by CDCR and complete a Risk assessment.

This information will assist in the development of any special conditions that may need to be added to the PRCS offender's program. Once identified, any special conditions will be forwarded to CDCR for inclusion in the offender's Terms of Release.

Prior to the offender's release from prison custody, CDCR will review the general and special terms and conditions of PRCS with the offender and the offender will sign the Terms of Release. Each offender will be ordered to report to the Probation Department within two working days of his or her release. CDCR will forward the signed Terms of Release form to the Probation Department.

#### SUPERVISION PLAN FOR PRCS RELEASES

Each offender will be assigned one of the following risk classifications:

- Low-One office visits every 45 days and field visits and testing will be conducted randomly.
- Moderate-One office visit every 45 days, one field visit every three months, and random urinalysis.
- High Priority-One office visit per month, one field visit every 45 days, and random urinalysis.

Within 14 days of release, the Probation Department will conduct one home visit and one office visit with the offender.

Pursuant to AB 109, any offender who has been on PRCS for a period of six consecutive months with no violations of his or her conditions may be considered for successful discharge from PRCS by the Chief Probation Officer. Additionally, as mandated by AB 109, an offender who has been on PRCS continuously for 12 months with no violations of his or her conditions must be discharged from supervision within 30 days. Upon serving a three-year term on PRCS, the offender shall be discharged immediately from community supervision.

Many California counties are using AB109 funds to strengthen law enforcement. Many report they believe California realignment of former state prisoners and parolees to local incarceration and local supervision will have a negative impact on local crime patterns. They believe property crimes will increase and the rise in crime rates justifies increasing more financial resources towards law enforcement or jails. In Alpine County, we have limited resources to dedicate to local law enforcement to manage these kinds of problems. State realignment is expected to have the unintended consequence of increasing local crime rates, which will impact enforcement activity by our Sheriff's Department. This means we need to invest more resources in local control and enforcement activities because many of these offenders will be supervised locally under realignment instead of at the state level.



## GOALS OF REALIGNMENT

- Maintain offender accountability and public safety
- Responsibly manage impact on jail population capacity
- Provide successful alternative sentencing options
- Inspire public confidence
- Offender rehabilitation

## CURRENT RESOURCES

### **Jail Capacity**

As Alpine County does not have its own jail facility a contract has been established for jail services at the Jail facilities operated by the El Dorado County Sheriff's Office in South Lake Tahoe and Placerville California. Although the El Dorado County Jail is expecting some increases in daily population, trends for the jail facilities have been trending downward 2.3% for the past three years and total bookings have dropped 8.8%. Therefore, jail bed space should be available to manage our response to the shift of this offender population from the State to the County.

### **Jail Programs**

Currently the El Dorado County Jail in South Lake Tahoe has the following programs available to inmates:

- Alcoholics Anonymous
- Church
- GED/School
- Parenting
- Jehovah's Witnesses

### **Probation Department**

The Probation Department has in place policies, procedures, training and Evidenced-Based Practices (EBP) to effectively address this realignment-population. A key component of correctional EBP is the use of a validated assessment tool and case management program to establish the risk an offender presents and to identify the needs of an offender. The Probation Department implemented the Tyler Odyssey System in 2018-2020. The implementation has added to the compliance level in the department. The system also includes the ability to add a risk assessment tool which was implemented in 2021. However, the tool upgrade did not use funds from AB 109.

## **Behavioral Health Services Department**

The Alpine County Behavioral Health Services Department's alcohol, drug and mental health programs have expertise in providing assessments, treatment matching, and case management and outpatient treatment services. The Implementation Plan currently includes funding for a contract .4 FTE counselors to provide these services to locally supervised felony offenders.

### UPDATE

Public Safety Realignment was effective October 1, 2011, the Alpine County CCP created an initial implementation plan to address immediate issues presented by population shift, and has updated this plan to create a longer-range plan.

Since the implementation of the initial CCP Plan in 2011 there have been many additions to the plan. The most recent changes were to staffing. With the Chief Probation Officer position upgraded to 100% and the addition of a new position, Senior Deputy Probation Officer at 100%, the department became fully staffed in 2022 with three employees.

In the August 26, 2021 Community Corrections Partnership meeting the Committee voted in the purchase of a 2<sup>nd</sup> vehicle, equipped for department use in the field. The vehicle was ordered in May, 2022, but due to the pandemic there were delays in inventory and shipping. The Tahoe is expected to arrive at the dealership for purchase in late June, early July of 2023.

At the August 3, 2022 meeting of the Community Corrections Partnership an annual allotment was voted on to be added to the 2022/2023 AB 109 budget for emergency housing and other emergency needs. This money was used for emergency housing during the extreme winter of 2022/2023.

In 2023 the MOU with the Sheriff's Office was amended to include some training components, such as taser and firearms certification for probation along with a \$10,000.00 increase to the allotment increasing it to \$50,000.00 annually. Also, \$20,000.00 was requested and voted on to upgrade the furnishings in the Probation Department, including office furniture , filing cabinets, and a computer for the lobby.

All Realignment Plan budget changes have been adopted and approved by the Community Corrections Partnership and the Board of Supervisors.

### REALIGNMENT PLAN BUDGET

At the initial funding level and in order to achieve the proposed plan, the allocations for a full fiscal year based on assumed State funding total of \$76,883.00, was as follows.

<b>Implementation Plan Component</b>	<b>Initial Funding Level</b>
In-Custody Supervision (Alpine County Sheriff)	\$38,883
Community-Based Supervision (Probation)	\$15,000
Community-Based Services and Supports	\$23,000
<b>Total County Allocation</b>	<b>\$76,883</b>

The Realignment legislation also provides two sums of one time “startup” funding in the amounts of \$100,000 and \$5,425 for a total of 105,425. The proposed allocations of these funds are as follows.

<b>Department/Entity</b>	<b>One Time “Startup Funding”</b>
Sheriff’s Office	\$41,212.50
Probation Department	\$41,212.50
Health Services Department	\$23,000
<b>Total Allocated</b>	<b>\$105,425</b>

<b>Department/Entity</b>	<b>Additional funding 2011-2015</b>
Probation Department allocation	\$15000.00 – professional services, radios, equipment, and training – Approved - 2012 - 2013
Probation Department improvements	\$78,000.00 – building improvements Approved - 2014
Sheriff’s Department improvements	\$20,000.00 – new server

	Approved - 2014
Probation Department	\$17,181.50 – Supplement new fulltime position Approved - 2014
Sheriff's Department	\$40,000.00 – Annually - Deputy position Approved - 2015
<b>Department / Entity</b>	<b>Additional funding 2015-2018</b>
Probation Department	Designate 50% of full time Chief Probation Officer Salary from budget. Approved - 2017
Probation Department and Catastrophic inmate coverage	\$39,000.00 for car + outfitting = \$55,000.00 insurance = \$12,000.00 Approved - 2018
<b>Department / Entity</b>	<b>Additional Funding 2019-2020</b>
Probation Department, District Attorney, and Public Defender Tyler Odyssey Case Management System	\$160,000.00 – Tyler Odyssey Case Management System \$40,000.00 – Infrastructure Approved - 2019
<b>Department / Entity</b>	<b>Additional Funding 2021-2022</b>
Probation	Upgrade to 55% Chief Probation Officer Salary  50% Sworn Officer Salary  25% Computer supplies, small tools& miscellaneous equipment, office supplies, and clothing for new position

	50% Vehicle Approved -2021
<b>Department / Entity</b>	<b>Additional Funding 2022-2023</b>
Probation	\$50,000.00 for Emergency Funding
<b>Department / Entity</b>	<b>Additional Funding 2023-2024</b>
Probation	Increase appropriation to the Sheriff's Office to \$50,000.00
Probation	\$20,000.00 for Office furniture, filing cabinets, and a computer for the lobby.