

**YUBA COUNTY CCP PLAN**

**2023/2024**

**SUBMITTED December 13, 2024**

## History 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 became effective on October 1, 2011.

Additionally, Section 1230.1 of the California Penal Code is amended to "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, include, 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 Country Probation Department's request to designate them as the county agency responsible for implementing post-release community supervision as specified in Section 3451 of the California Penal Code as added be the Post-release Community Supervision Act of 2011.

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

Key elements of AB109 include:

Target Population: AB109 addresses three distinct target populations. The first is the Post-release Community Supervision (PRCS) population. This consists of offenders who are released back to the community after serving a term in State Prison. This population was previously placed on a grant of state parole which was supervised by the parole division of the Department of Corrections. Supervision of this population is now the responsibility of local probation department and is inclusive of offenders with a current commitment for a non-violent, non-serious, non-registerable sex offense regardless of any prior convictions. A violent felony is defined in Section 667.5(c) of the Penal Code. A serious felony is defined in Section 1192.7(c) of the Penal Code. Registerable sex offenses are defined in Section 290 of the Penal Code. The second largest population is offenders who will serve their felony prison commitments locally in county jail rather than in state prison. Pursuant to Section 1170(h) of the Penal Code, this population

will serve their sentences in the local county jail, having been convicted of a non-violent, non-serious, or non-registerable sex offense. These offenders are comprised of two groups; those sentenced under Section 1170(h)(5)(A) of the Penal Code who will serve their entire sentence within the county jail and those sentenced under Section 1170(h)(5)(B) of the Penal Code who serve a portion of their sentence in the county jail with the remaining portion under mandatory supervision to be supervised by the probation department. These are colloquially referred to as “split sentences.” Since the implementation of sentencing pursuant to Section 1170(h) of the Penal Code, there has been a statewide push for courts to sentence pursuant to Section 1170(h)(5)(B) of the Penal Code to include grants of mandatory supervision. Yuba County is in accordance with this mandate and has, over time, increased its recommendations to the court for sentencing pursuant to Section 1170(h)(5)(B) of the Penal Code. In Fiscal Year 2023/24, Yuba County’s rate of split sentences was 86.9 % which is an increase from previous years.

The third target population is released offenders who will remain under the jurisdiction of 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 prison custody, rather these offenders will serve their violations of parole in the county jail (See attachments #1).

A snapshot of each population as of June 30, 2024, for Yuba County is noted below:

168 Post-release community offenders

22 parole and post-release offenders in custody serving a sentence for revocation

20 on mandatory supervision following sentencing pursuant to Section 1170(h)(5)(B) of the Penal Code.

The post-release population has significantly greater criminal histories and are more resistant to change compared to the probation or mandatory supervision population. Consequently, compiled rates of non-compliance demonstrate PRCS offenders have their supervision revoked at a rate more than twice as often as other types of offenders (probation and mandatory supervision, see attachment #2).

Additional key element 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 prescribed in the Penal Code. Offenders convicted of committing serious or violent felonies, and those who must register as sex offenders will continue to serve their terms in State Prison. In addition, approximately 60 felonies have been specifically designated for commitment to state prison. (see attachment #3)

Local Post-Release Community Supervision: Offenders released from state prison after serving a sentence for an eligible offense are subject to, for a period not to exceed three years, post-release community supervision provided by the probation department.

Revocations Heard & Served Locally: Post-release community supervision and parole revocation are 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 hear revocations of post-release community supervision.

Changes in Custody Credits: Jail inmates 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: Section 1203.018 of the Penal Code 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 misdemeanors.

Community-Based Punishment: Authorizes counties to use a range of community-based punishment and intermediate sanctions other than jail incarceration alone or traditional probation supervision.

#### Probation Department’s Implementation Strategies:

AB109 funding has allowed the probation department to concentrate its resources to service the AB109 population utilizing evidence based practices. Probation was able to hire more officers and divide the existing caseloads by risk level, with the highest risk offenders garnering more attention and exposing them to more treatment options. The creation of a Day Reporting Center (DRC) was crucial to extending services to the AB109 population. The DRC, a temporary structure, was staffed by a full-time probation officer who administered programming, an intervention counselor who assists the probation officer and two substance abuse counselors who provide free out-patient treatment for this population. Among the evidence-based programming available at the DRC, clients can receive Cognitive Behavioral Therapy, a 52 week Batterer’s Treatment Program, Anger Replacement Therapy, Peer Relationships, Theft Awareness, drug counseling, and educational assistance to obtain their GED or diploma.

In 2019, probation transitioned from the Day Reporting Center to our new TEAM (Together Everyone Achieves More) Center. The TEAM Center allowed probation to expand the services offered in a far more welcoming environment. The TEAM Center is staffed with a Supervising Deputy Probation Officer responsible for running the Center and directing staff. A full-time Probation Officer stationed at the TEAM Center carries a full caseload of service eligible clients. Two Substance Abuse Counselors provide clients with free treatment services via both group and individual sessions. A Mental Health Therapist, contracted from Peachtree Clinic, is also stationed at the TEAM Center providing mental health services to all clients as referred by the probation officers. This therapist also performs evaluations for those being considered for placement on Behavioral Health Court (BHC). BHC is a collaborative effort, similar in design to Drug Court, to provide intensive treatment and supervision to our population who’ve been identified with mental health issues. In Fiscal Year 2023/24 Mental Health Therapists provided services for 168 clients ranging from a one-time screening to regular one-on-one therapy. 168 clients represent 21.6% of our supervised population (see attachment #4). This is a 4.3% increase from FY 22/23. The TEAM Center also contracts with the Yuba County Office of Education to provide an instructor for those seeking a GED

or high school diploma. The Sacramento Office of Education has a staff member placed at our TEAM Center delivering courses in Life Skills and Courage to Change available to both probation and parole's population. Finally, the TEAM Center also houses two Intervention Counselors, whose main function is to deliver programming to all clients referred to the Center. Probation also has three Probation Aides stationed at the main office whose main task is assisting the probation officers working with AB109 clients. These positions assume the non-sworn type duties associated with supervising a caseload, thus freeing up the probation officers to concentrate more on the core functions of supervision.

#### Victim Witness Services:

With the passage of AB109 the multitude of changes brought on by realignment has caused confusion and frustration among the victims of crime. AB109 crime victims have experienced an overwhelming sense of injustice, lack of hope and frustration from feeling as though they have been victimized by the system. Local media has reported the majority of Yuba-Sutter residents surveyed feel as though crime is worse today than a few years ago. In Fiscal Year 23/24, Yuba County Statistics showed a 3% increase in property crime, particularly vehicle thefts. Our victims receiving services through this office have expressed a huge sense of injustice and feeling unsafe in their own community.

The Yuba County Victim Services unit has one full time advocate (Intervention Counselor II) assigned to AB109 related cases. The Intervention Counselor served 519 victims in FY 23/24 whose offenders fall under 1170(h) of the Penal Code. The overwhelming sentiment from those victims continues to be experiencing a lack of safety and security in their own community, given the offender spends prison time in county jail, or released with no probation (supervision). Since the passage of AB-109 all advocates/staff in the Probation Department's Victim Service Unit have dedicated many hours explaining to victims the new rules under AB109. They must regularly reassure victims who perceive a lack of punishment for offenders. Victim advocates have had to creatively seek alternative options for victims to begin to rebuild a sense of safety in within their community and reassure them that justice is being served even though far fewer offenders are being committed to state prison.

#### AB109 Budget:

In Fiscal year 2023/24, Yuba County was awarded \$4,578,526 in AB-109 money. Of that, the probation department received \$2,289,263, with the remainder awarded to the Yuba County Sheriff's Department. In all, 17 positions were either fully or partially funded through AB-109 monies. The breakdown of funds spent is outlined below:

**Total allotted = \$2,289,263.00**

<b>Salaries, Benefits &amp; Training</b>	<b>\$1,481,666</b>
<b>Mental Health Counselors</b>	<b>\$36,000</b>
<b>TEAM Center</b>	<b>\$303,517</b>
<b>(Rent/Utilities/Programing/Janitorial, I.T. Fees)</b>	
<b>Community Based Organizations</b>	<b>\$32,000</b>
<b>Victim Witness</b>	<b>\$97,052</b>
<b>Mobile Probation Vehicle Purchase</b>	<b>\$66,459</b>
<b>Monies spent</b>	<b>\$2,016,694</b>

#### Sheriff's Department:

The jail population has been affected since the implementation of AB109. The jail now houses state parole violators, post-release community supervision (PRCS) violators and prison commitments pursuant to Section 1170(h) of the Penal Code. These are all populations not experienced by the sheriff's department prior to AB109. The Covid-19 pandemic has dramatically affected the jail population, with every effort being made to release all but the most serious offenders. A Fiscal Year 2023/24 breakdown of incarcerated AB 109 populations shows an average of 13 parole violators, 9 PRCS violators and 9 offenders sentenced under Section 1170(h) of the Penal Code for a total monthly average of 23 offenders. This represents about the same number as the previous year.

#### Strategies for County inmates:

The Yuba County Sheriff's Department will maximize county jail capacity and utilize alternatives to incarceration. By expanding the Sheriff's authority to the use of home detention, electronic monitoring and work release, the Board of Supervisors has provided 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. PRCS and parole violation sentences can be up to 180 days. Sentences pursuant to Section 1170(h) of the Penal Code normally cap at three years, although there are notable exceptions due to consecutive sentencing and enhancements that result in a far longer periods of incarceration. AB109 changed the credit calculation for serving sentences, allowing one day each for good time and work time credit for every four days served. Prior to AB109, six days were required to receive good or work time credit. The net effect is now inmates are eligible for release after serving 50% of their sentences. AB109 encourages the use of flash incarceration, a mechanism officers can utilize to incarcerate offenders for a maximum of 10 actual days, in lieu of filing revocations of parole or PRCS. Revocation of supervision exposes the inmate to lengthy periods of incarceration during the court resolution process and longer potential punishments.

#### Alternatives to Incarceration:

An inmate may be provided multiple services as determined by their individual needs. All jail programming and alternatives to incarceration managed by the Sheriff are 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 reviews the programs and services available and appropriate for the offender and develop a timeline and plan for the prisoner, if eligible, to transition from the county jail to an appropriate alternative in incarceration. Decisions regarding this plan consider in-custody behavior, participation and progress in jail programs and services, the pre-sentence report, available risk assessment reports, the court commitment, eligibility based on current charges and prior convictions, and availability of the alternatives to incarceration best suited for the prisoner. YCSO supervises people in alternative to incarceration programs through a highly visible community presence and random site checks. YCSO provides 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.

The Yuba County Sheriff's Department has increased its reliance on alternatives to incarceration in order to manage increases under AB109. The sheriff's department administrates programs such as the Adult Offender Work Program (AWOP), the Sheriff's Community Improvement Program (SCIP)(previously known as Sheriff's Work Alternative Program, SWAP) and work release as sentencing options in lieu of incarceration. In Fiscal Year 2023/24, 383 offenders participated in these combined programs as alternatives to incarceration.

#### Probation Department - Future Goals:

A central theme of AB109 legislation has been an effort to shift away from the traditional supervision model of zero tolerance/incarceration toward a model that incentivizes compliance by providing increased services to offenders out of custody. Yuba County Probation has made great strides in this area and continues to innovate in providing alternatives to revocation and incarceration. Since the passage of AB109, probation has organized the great majority of offenders and assigned their supervision based on their risk to reoffend. The highest risk offenders receive the highest levels of contact with their assigned officer and get priority for counseling programs. Probation is increasing its use of case planning, an individualized approach to address each offenders' specific needs. Since opening the TEAM Center probation has expanded its service level, offering free programming to address a wide array of offender needs. We have expanded our contracted GED program to include the ability for an offender to complete high school and receive their diploma. Probation also recognizes completions of their diploma by offering a graduation ceremony for family and friends to attend. Probation has developed an incentive based program to reward offenders for compliance. An example of this is our reward coins. Clients who achieve supervision milestones without violation receive coins to acknowledge their accomplishment. In Fiscal Year 2023/24, probation awarded coins far more often than imposing flash incarceration. In fact, that ratio was 4.9:1 (see attachment #5). By doing so, the probation department believes we will achieve a higher degree of offender buy-in leading them to contribute more to their own success. This is a multi-tiered approach to gradually increase the incentives as the offender progresses and completes programming. Incentives range from a simple verbal acknowledgment all the way to reducing their time under supervision.

Since Fiscal Year 2021/22, probation has maintained a collaborative effort with the Sacramento County Office of Education who provide a Transition Specialist now embedded at our TEAM Center. This person

brings with him a relationship with the Parole Division of the California Department of Corrections and Rehabilitation to expand the spectrum of TEAM Center services to the county's parole population. The Transition Specialist provides programming to this population in conjunction with the traditional population already served by probation.

In 2022, Probation terminated its relationship with Sutter-Yuba Behavioral Health due to their inability to provide staff. Probation initiated a partnership with Peachtree Clinic who now provides a Mental Health Counselor embedded within our TEAM Center. Working with Peachtree allows our population access to additional services beyond mental health therapy, to include eligibility benefits, medical and dental services.

Probation is in the process of acquiring a custom-built Mobile Services and Community Outreach vehicle. Once delivered, probation will be able to access remote areas of the county providing services to clients who have trouble traveling. Such services will include counseling, internet access, and touching base with their supervision officer. This vehicle will also be utilized as a community resource vehicle to strengthen the bond probation has forged with the community it serves. Secondly, this vehicle will be pressed into service as a mobile command center when probation responds to local emergencies such as floods or fires. Probation is also in the planning stages of including an on-site trainer to teach job skills to our population. In the future, we seek to provide the means for our population to learn trade skills such as automotive repair, welding, construction, etc.