

County of Amador



2011 Public Safety Realignment Initial Implementation Plan

Produced by the Amador County
Community Corrections Partnership
Executive Committee

February 23, 2012

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SUMMARY OF AB 109

On April 4, 2011, Governor Edmund G. Brown signed Assembly Bill 109 (AB 109), The Public Safety Realignment Act, which created a significant change to the California correctional system. The focus of AB 109 is on the California Department of Corrections and Rehabilitation (CDCR) parolees, who have been classified as “low-level” offenders. The bill also created a provision for the adjudication of parole violations at the local level rather than returning these offenders to the prison system. Essentially, realignment displaces responsibility for the supervision of these offenders from the state to the local level. This is accomplished by the release of those deemed to be low risk offenders by CDCR. Parolees categorized as low risk offenders are titled “Post Release Community Supervision” or PRCS offenders, after their current offense is determined to be non-serious, non-violent, and non-sex related. Realignment dictates they be released for supervision to the local county where they were originally sentenced. Additionally, the Penal Code has been modified to prevent PRCS offenders from being sent to state prison for violation of their terms and conditions of their supervised release. Furthermore, the legislation requires best practices be utilized for treatment and rehabilitation.

Additionally, AB 109 changes the law to realign certain other responsibilities for the less serious adult offender from state jurisdiction to local jurisdiction. Funding for the realignment has been appropriated through the state budget process for Fiscal Year 2011-2012. However, the ultimate goal is to have a guaranteed dedicated funding stream for realignment costs beyond the current year.

Key Provisions of the 2011 Public Safety Realignment

AB 109 mandates the state’s thirty three (33) prisons reduce the number of inmates to 137.5% percent of intended capacity by May 24, 2013, as ordered by the United States Supreme Court. Provisions of the 2011 Realignment are funded by a dedicated portion of sales tax revenue and Vehicle License Fees (VLF) as outlined in the trailer Assembly Bill 118 and Senate Bill 89. All provisions in Assembly Bill 109 are to take effect on October 1, 2011.

Local Planning Process

AB 109 expands the role and purpose of the Community Corrections Partnership (CCP), which was previously established in Penal Code 1230. It requires the CCP to develop and recommend to their County Board of Supervisors an implementation plan for the 2011 Public Safety Realignment and create an Executive Committee from the CCP members comprised of the following:

- Chief Probation Officer (Chairperson), **Mark J. Bonini**
- Chief of Police, **Scott Morrison**, Jackson Police Department
- Sheriff, **Martin A. Ryan**
- District Attorney, **Todd Riebe**
- Public Defender, **Randall Shrout**
- Presiding Judge of the Superior Court or their designee, **Barbara Cockerham**, CEO, Amador Superior Court
- A representative from either the County Department of Social Services, Mental Health, or Alcohol and Substance Abuse Programs, as appointed by the County Board of Supervisors. (In Amador County, the Director of Health Services is on the Executive Committee), **Kristin Bengyel**

Post Release Community Supervision (PRCS) Population

During the first year following implementation of the realignment provisions, from October 1, 2011 through June 30, 2012, the Amador County Probation Department anticipates, based on CDCR projections, receiving 28 PRCS offenders for supervision. During the second and third years following implementation, it is expected this number will increase to between 40 and 60 PRCS offenders. From October 2011 – December 2011, Probation has received 19 realigned offenders assigned to the PRCS caseload. It is critical to recognize although these PRCS offenders are deemed “low risk” due to their committing offense, CDCR classification gives no consideration to gang involvement, prior criminal history, prior violence, etc. It is expected some PRCS offenders will present a high risk for violence and reoffending and will represent a risk to public safety that cannot be immediately observed by only their status of classification as a PRCS offender.

Mandatory Supervision (MS) Population

At full implementation, which could take up to 2 years, the Amador County Probation Department and the Amador County Sheriff anticipate, based on CDCR projections, receiving 53 offenders that would have been sentenced to CDCR and now will need to be housed in the county jail. This same group may be released on MS. From October 2011 – December 2011, there have been 2 offenders sentenced under this sentencing structure. Pursuant to Penal Code section 1170(h), the Court, in its discretion, may sentence an offender to custody and suspend execution of a concluding portion of the sentence and place the offender MS. MS means the offender shall be supervised by the Probation Department in accordance with the terms, conditions and procedures generally applicable to persons placed on probation.

Local Custody

In addition to the release of prisoners to local communities for supervision, AB 109 mandates non-violent, non-serious and non-sex offenders to serve their sentence in a county jail facility instead of the state prison system. No inmates currently in prison will be transferred to county jails. However, newly sentenced offenders who will serve time in jail are:

- Non-violent offenders
- Non-serious offenders
- Non sex offenders

To house this new classification of offenders in local jails without disruption to jail operations or release of those normally held in the jail population, local custody and supervision efforts must include:

- Alternative custody options for county jails
 - Pre-Trial
 - Alternative Sentencing

Felons convicted of serious, violent or sexual crimes against children, will continue, if sentenced to prison, to be housed in state prison. Any offender required to register as a sex offender pursuant to Penal Code 290, if sentenced to state prison, will serve their sentence in state prison.

Additionally, other specified crimes [contained in approximately sixty (60) additional exclusions from the “low-level” definition] will still require, if sentenced to prison, to be housed in state prison.

From October 2011 – December 2011 there have been 8 offenders sentenced to local custody (county prison) with no period of Mandatory Supervision (MS) upon completion of custody.

Contracting Back

AB 109 provides that counties may “contract back” with the state to house local offenders in state prison as an incarceration option. However, the cost is extremely high and would exceed available funding. Contracting back does not extend to parole revocations.

PRCS – County Level vs. State Level

CDCR will continue to have jurisdiction over offenders placed on state parole prior to the October 1, 2011 implementation date. The local jurisdictions will supervise the PRCS offenders (non-violent, non-serious and non-sex offenders) released from prison after October 1, 2011.

PRCS offenders released from prison and supervised by the local counties will include:

- Current non-violent offenders (irrespective of priors)
- Current non-serious offender (irrespective of priors)

Inmates released after serving a life term (i.e., murderers, violent sex offenders and third strikers) will be housed/returned to state prison on revocations if ordered by the Board of Prisons. State Parole will continue to supervise the following offenders:

- “Third Strikers” - individuals who were committed to state prison and whose third strike was for a non-violent offense.
- Offenders convicted of a serious or violent felony as described in Penal Codes 1192.7(c) or 667.5(c)
- High risk sex offenders as defined by CDCR
- Offenders classified as Mentally Disordered Offenders (MDO)
- Offenders on parole prior to October 1, 2011

Parole Revocations

The parole revocation process will continue under the Board of Parole Hearings until July 13, 2013. However, parole revocations will be served in county jails, not to exceed one hundred and eighty (180) days. From October 2011 – December 2011 the jail has housed 8 parolees under this sentence structure.

Contracting back to the state for revocations is **not** an option. Only persons previously sentenced to a term of life can be revoked and returned to state prison.

For the remaining low-level offenders on parole after implementation of realignment, parole has the authority to discharge the parolee if no violations have occurred.

PRCS Revocations

AB 109 provides the following for PRCS revocations:

- Authorizes offenders to be incarcerated in the county jail for revocations for up to one hundred and eighty (180) days.

From October 2011 – December 2011, the jail has housed 1 PRCS revocation.

AMADOR COUNTY PROBATION DEPARTMENT

Presently, the Amador County Probation Department supervises approximately seventeen hundred (1700) adult offenders. Probation Officers are trained to have a broad knowledge of the criminal justice system, their roles, relationships and responsibilities to the courts, community and the offenders under their supervision.

The Probation Department has a close working relationship with local law enforcement agencies and works with community organizations that provide a variety of programs to probationers.

Currently 90% of Amador County Probation Officers are armed and are trained in a continuum of use of force, arrest techniques, searches and seizure and legal requirements.

Under this plan, the probation department will supervise the PRCS/MS populations and propose using an offender to officer ratio for workload of 50:1.

Systematic Interventions

Research supports when Evidence-Based practices are firmly embraced, implemented and properly monitored by a correctional agency and combined with systematic interventions, the results are a reduction in recidivism. The Amador County Probation Department will establish AB 109 objectives for systematic interventions with the PRCS/MS offenders. The basis for this model will be to effectively assess the risks and needs of each offender and supervise them accordingly. An offender who is likely to recidivate or commits a violent offense would be classified high risk and placed in an enhanced level of supervision or on a specialized caseload. The department will collaborate with municipal law enforcement agencies and the Sheriff's Department to provide enhanced levels of supervision, searches, etc. for this high risk population.

The National Council on Crime and Delinquency "Correctional Assessment and Intervention System (CAIS) assessment is an evidence-based, web-based tool that identifies the needs and risk level of the offender and will be part of the overall classification and supervision plan. This assessment instrument allows for effective identification of those at the greatest risk to reoffend or commit violent offenses and will facilitate appropriate classifications for supervision. The CAIS assessment is integrated into the current case management system, AutoMon, used by the Probation Department. This will allow Deputy Probation Officers to minimize duplicate entry of case information and maximize their time to provide direct services to the adult population they serve.

Graduate Sanctions

The most commonly used graduated sanctions in the field of corrections are classified into three (3) strategies: incarceration, community corrections and intermediate sanction. Incarceration refers to time an offender spends incarcerated in a county jail or prison. Community corrections are defined as a variety of programs offenders attend and are completed outside of jail or prison. Intermediate sanctions are based on reaction to offender behavior and are utilized in an attempt to regain control of an offender prior to returning the offender to custody. The use of an intermediate sanction is to hold an offender accountable increasing the probability of correcting their behavior short of filing a formal violation and ultimately reducing recidivism.

Intermediate Sanctions include a variety of responses to behavior options between PRCS/Probation and imprisonment and include but are not limited to:

- Assignment to intensive supervision programs
- Home confinement with or without Global Positioning System (GPS)
- Compulsory labor in the form of community service

The Amador County Probation Department will have available the following intermediate sanctions that include but are not limited to:

Flash Incarceration

AB 109 allows the Probation Officer to incarcerate a PRCS for violations of their terms and conditions for a maximum of ten (10) days, without a revocation hearing.

Home Confinement and House Arrest

Offenders may be required to remain under curfew in their homes for a specified number of hours per day or week. Offenders will usually be permitted to leave their home(s) for employment or other activities approved by the Probation Officer.

Global Positioning System (GPS) Offender Monitoring

PRCS and MS offenders may be required to be monitored by GPS. It is usually used in combination with home confinement, to ensure compliance. Offenders will usually be permitted to leave their home(s) for employment or other activities approved by the Probation Officer.

Community Service

PRCS and MS offenders may be assigned community service. Community service is involuntary labor on the part of the offender, in lieu of incarceration or the filing of a violation. An offender will perform labor for a certain length of time at charitable agencies or other designated locations. Compliance will be monitored by the Probation Officer.

Revocation Process

The revocation process, presently being utilized by the Amador County Probation Department for probationers, will remain the same when dealing with PRCS/MS violations. The Judicial Council of California (Administrative Office of the Courts) has developed the process of developing a standard “Criminal Realignment Post Release Supervision Revocation” procedure. This procedure will be followed by the Probation Department.

Probation Apprehension Team (PAT)

According to the information provided by the CDCR Parole Department, a number of parolees abscond from supervision and can pose a threat to public safety. To ensure the accountability of the offender, the PAT unit will track and apprehend those offenders that have absconded from PRCS supervision.

Alternative Sentencing Program

Global Position System (GPS) Monitoring is available to defendants/inmates that qualify as a low security risk. The defendant's/inmate's current arrest/charges, past criminal history, drug and alcohol use, work history and mental health history are some of the areas that are evaluated to determine if they qualify.

Under this program, defendants/inmates are allowed to serve their sentence at home and continue to go to work, attend school and reside with their families.

Defendants/inmates on the GPS program legally remain under the custody of the Sheriff or other official in charge of correctional facilities (Chief Probation Officer) and may be returned to jail for any violation of the conditions of their release.

Realignment will greatly increase the number of GPS devices needed for Probation staff to monitor those placed on this program and will create the need for additional staff to supervise the increased number of inmates on this program.

Additionally, as part of alternative sentencing programs, the Probation Department has and will continue to sign up and monitor those eligible to participate in constructive custody.

Constructive custody allows defendants to complete their jail sentence outside the walls of the jail in that they are assigned a work site for a non-profit organization and must complete their sentence at that location. Defendants/inmates in this program legally remain under the custody of the Sheriff or other official in charge of correctional facilities (Chief Probation Officer) and may be returned to jail for any violation of the conditions of their release.

Release Programs

All inmates are eligible to be released up to five (5) days early under Penal Code Section 4024.1. To alleviate jail overcrowding, the Sheriff's Office applies to the Superior Court monthly for authority to release inmates early.

Inmate workers are eligible to be released an additional three (3) days early under Penal Code Section 4018.6. Inmate workers do a variety of jobs within the jail (laundry, painting, minor repairs, gardening) and this additional early release is an incentive to be a productive worker.

Inmates are eligible for Sheriff's Parole, with a few exceptions (more than one DUI; sex registrant under 290PC). Applying inmates must have served $\frac{1}{2}$ of their sentence, less any credit for time served. The Sheriff's Parole Board meets once per month and consists of a probation officer, sheriff's sergeant and a civilian member appointed by the presiding judge of the Superior Court. The Board reviews the inmates past criminal history, in-custody behavior and then interviews the inmate to discuss their reasons for requesting parole. If an inmate is approved by the Board for parole, the Sheriff will make the final decision to grant Sheriff's Parole or not.

An additional release program under consideration is a pre-trial release program (PTRP) which would deal with those inmates awaiting trial. The pre-trial inmate population in the jail stands at 80% of the total inmate population. Some of these inmates may be eligible for release if specific conditions are met. This program would require the development of criteria for and conditions of, release for pre-trial detainees. Staff and GPS devices will be required to implement this program.

Service Providers

The Amador County Probation Department will be utilizing services provided by Amador County Health and Human Services and a variety of community based treatment providers for needed services for the PRCS. Services provided will have an emphasis in mental health, public health, substance abuse, referral for education, job preparedness, job placement and vocational training.

The Probation Department will encourage service providers to use evidence-based treatment practices that have been successful in reducing recidivism.

In an effort to improve the delivery of services and programming, Probation staff will evaluate whether the services are meeting the needs of the offender.

AMADOR COUNTY SHERIFF'S DEPARTMENT

Jail Inmate Population

The Amador County Jail was built in 1984 with a projected capacity lifespan of 20 years. Currently, the jail's inmate capacity is rated by the State of California Corrections and Standards Authority for 76 inmate beds (65 male and 11 female). Historically, the inmate population has averaged between 10% and 15% over this rated capacity and has been reflected in Grand Jury reports each of the past several years.

The California Department of Corrections and Rehabilitation (CDCR) projects based upon prior Amador County state prison commitment history, the Amador County Jail will be impacted by 12 new local jail commitments and 1 new parole violator commitment with a new local term during the first 9 months of realignment (October 2011- June 2012).

CDCR projections for the period of October 2011 - September 2013 total 84 new local jail commitments and 5 parole violators with a new local jail term, for a total jail impact of 89 new inmates that would have previously been sentenced to state prison.

CDCR estimates these 89 inmates will occupy a daily total of 53 of the existing 76 beds over the next two years. This estimate is based on the assumption by CDCR some new jail inmates will serve less than a year in custody thereby freeing bed space for new commitments.

Of the 53 beds noted above, CDCR projects 35 local jail beds will be occupied by inmates serving less than 3 years and the remaining 18 beds occupied by inmates serving more than 3 years in the county jail. This means just 23 jail beds will remain for traditional local commitments by September 2013.

It is necessary to state the above impacts to the Amador County Jail inmate population are only “estimates” and “projections” by the CDCR based on historical data and the actual impacts could be substantially more than projected.

With the realignment of former state prison commitments to the Amador County Jail and the displacement of those traditionally sentenced to local incarceration, there will be a need to greatly enhance the current alternative sentencing and release programs for those inmates that qualify, to ensure those that violate the law and earn a county jail sentence will not escape punishment for their crimes. Many of those displaced inmates will need to be placed on some form of alternative sentencing as they are programmed back into our community. The jail simply does not have the capacity to house them.

Inmate Support Programs

The Amador County Sheriff’s Office provides support programs for inmates currently incarcerated in the jail in an effort to provide them with skills to help prevent them from re-offending once released from custody. These support programs are as follows:

Bible Study is offered to all inmates. Two different faith groups come to the jail weekly for group study. Inmates may also request to meet privately with their own religious adviser.

Alcohol and drug counseling is offered to all inmates. Weekly sessions are facilitated by employees of the County Behavioral Health Department.

Alcoholics Anonymous is offered to all inmates. Weekly meetings are facilitated by volunteers from the community.

Positive Parenting Life Skills is offered to sentenced inmates. This weekly class is taught by an employee of Amador Tuolumne Community Action Agency. The cost of the program is paid for out of the Inmate Welfare Fund. Participants earn contact visits with their children (10 and under) for attending the class. Inmates that complete the class are given a certificate and can continue to attend the class after they are released from custody.

Library Life Skills is offered to all inmates. This weekly class is facilitated by an employee of the County Library as well as volunteers from the community. This class provides inmates the opportunity to learn to read or to read better, computer training, typing, resume writing, etc. This is a relatively new program (August, 2008) and has been well received by the inmates. Many continue their learning at the library after release.

High School Diplomas can be earned by inmates while incarcerated in the jail. This program is facilitated through Independence High School.

Sheriff's Office AB109 Concerns

As previously stated, the actual number of inmates that will impact the Amador County jail cannot yet be determined. The numbers provided by CDCR are readily identified as either "estimates" or "projections" based upon previous state prison commitments from Amador County. As such, the problem presented may in fact be much worse than anticipated resulting in an increasing demand for additional staff and other resources. Without a State of California Constitutional guarantee for adequate and permanent funding, the Sheriff's Office will be faced with a huge burden without the financial ability to deal with it properly.

The realigned inmates may be more serious and sophisticated offenders, based upon their criminal histories and prior state prison incarceration, than the inmate population currently housed in our jail. Eventually, such inmates will be the only occupants of our jail thereby increasing the threat level to correctional staff and bringing increased frivolous grievances and law suits which will need to be addressed. It is unknown at this time if additional correctional staff will be required to address these issues.

It is unknown what the actual length of sentences will be for the non-non-non offenders sent to county jail after October 1, 2011. Prior to AB 109, persons were sentenced up to one year in the

county jail. Sentences greater than one year were served in state prison. These new offenders will be sentenced to whatever term their crime calls for in the law. Already counties have reported non-non-non's being sentenced to 21 years in county jail. Even with the new day for day good time credits for these inmates, they will serve 10 ½ years in a local jail designed for short term incarceration and programming.

It is anticipated an unknown number of inmates serve their sentence under alternative sentencing or release programs will re-offend. These inmates, while causing additional harm to our community and our citizens, will also be returning to custody thereby exacerbating the existing jail overcrowding issue. Additional law enforcement resources will be needed to track the activities of these persons and monitor their activities in an effort to minimize their negative impacts to our community.

Additional Sheriff's Resources Required

Realignment under AB 109 is perhaps the greatest shift in responsibility for the monitoring and incarceration of offenders from state to local governments in the history of law enforcement. While motivated at the state level by the recent U.S. Supreme Court decisions on prison overcrowding and its impact on the civil rights of those inmates seeking medical and mental health treatment, the burden falls on local law enforcement, already facing unprecedented financial burdens and jail overcrowding, to deal with this new influx of felons.

As stated earlier, the exact extent and magnitude of realignment will not be known until it fully plays out. There is a critical need for immediate planning coupled with the flexibility to make changes to programs and staffing as the landscape changes.

AMADOR COUNTY HEALTH AND HUMAN SERVICES

The Amador County Health and Human Services Department estimates (ACHHS) 75% of the Post Release Community Supervision (PRCS) offenders will need behavioral health services supervised by ACHHS. Many of these offenders will be homeless and unemployed. It is anticipated that 80% will have substance abuse issues and/or mild to moderate mental health issues and 25% will have serious mental health issues. Many will be dually diagnosed with both mental illness and substance use issues.

ACHHS will need to provide an initial assessment upon validated referral by the Probation Department. Historically, many of the mentally ill offenders released from prison enter ACHHS through the hospital emergency room. With the PRCS population, individualized care will be necessary. This will reduce unnecessary visits to emergency departments and psychiatric hospitalizations which will in turn reduce impacts on crisis services and control costs upon entry into Amador County.

Offenders screened as needing ACHHS services will require outpatient or inpatient mental health services, assistance with obtaining Medi-Cal, housing, and substance abuse treatment. Some may require enhanced board and care homes. Others may require higher levels of service, including residential care for the elderly.

Research indicates minimum family support will be offered to this population. This will be evidenced by a need for housing, employment, training and health services as well.

It has been proven cognitive behavioral therapy has been very effective with offender populations. This curriculum will be offered in an environment that provides direct oversight and control. PRCS offenders will not be combined with other clients in a group setting in order to address their unique needs and promote success.

Proposed Strategies

Communication between the Amador County Probation Department and ACHHS will be critical. Departments will need to have real-time information sharing regarding both the PRCS and MS populations. Referrals for/to services with treatment being provided without delay will be paramount if offenders are to succeed. To this end, the Probation Department will share pertinent information regarding offender behavior needs as well as the pre-release packet information from CDCR. The Probation Department will secure offender signatures on appropriate documents to ensure information exchange occurs.

Strategies for managing the PRCS and MS offender populations are but not limited to:

ACHHS plans to develop a county-wide intensive case management process that would focus specifically on the offenders. This plan would operate to provide recovery oriented, individually

tailored and consumer driven support in order to engage consumers in treatment. Housing, employment, mental health, substance abuse treatment and referral to other services within the community will be offered within a structured format.

ACHHS plans to increase staffing with the existing outpatient substance abuse treatment system to insure rapid assessment and referral to appropriate level of care.

Additionally, ACHHS plans to increase available residential treatment bed days, alcohol and drug-free housing and emergency housing services.

The overall issues the department will face:

- Unfamiliarity with a new process.
- Elevated level of services for a unique type of client.
- A specialist to provide care services.
- Tracking challenges for participation for performance outcomes.
- Attendance controls
- Level of participation
- Evaluations
- Transportation
- Uncertain revenue base

AMADOR COUNTY DISTRICT ATTORNEY'S OFFICE

The implementation of realignment will have a significant impact on the workload of the Amador District Attorney's Office (ADA) in four major ways.

First, the ADA will now be responsible for reviewing, charging, and prosecuting all violations of PRCS. For these cases, jurisdiction of the Board of Parole Hearings (BPH) is being transferred to the Amador Superior Court and those PRCS violation hearings will be handled by the ADA.

Second, ADA anticipates prosecutors will need to make more court appearances and engage with cases for longer periods of time. Because the sentencing options have increased and some offenses/allegations mandate state prison, it is anticipated the number of appearances will increase while defense attorneys attempt to secure a plea agreement most beneficial to the client. Additionally, because some offenses/allegations mandate state prison, more cases may go to

trial. As outlined above, these additional court appearances and trials could greatly increase attorney workload.

Because realignment has no cap on the length of sentence an inmate may serve as a local prison sentence, a career criminal may end up serving a lengthy prison sentence locally thereby increasing the criminal sophistication of the local population. Thus, there may be an increase of offenses committed within the local facility. This too would create an increase in criminal cases to review and prosecute.

If realignment had been in effect last year, more than half of the defendants sentenced to state prison would have gone to county jail. Because we have virtually no open jail beds and assuming similar sentencing practices, inmate management will result in that previously incarcerated population of charged or convicted felons being released from jail and serving their sentences in an alternative manner. While the expectations of this plan are to substantially improve on the state recidivism rate of 70%, even the most effective rehabilitation plan cannot eliminate recidivism. The criminal cases generated by a new population of felons who are now out of custody could have an immediate impact. This could continue for years at a time per case. The District Attorney's Office has lost staffing in each of the last three fiscal years and has no current capacity to handle these additional cases.

Third, ADA must now develop expertise in alternative sentences and work closely with criminal justice partners to ensure effective sentencing without reliance on incarceration. To hold these offenders accountable and protect the public, ADA will need to develop creative and effective sentencing approaches based on the risk and needs assessments of the offender. All attorney staff will require training to adapt to what is the most massive paradigm switch in the criminal justice system in the last 40 years.

Fourth, the Victim-Witness Office may have additional Marsy's Law notification responsibilities placed upon it due to realignment with no corresponding increase in funds or staffing to accomplish the new duties.

POLICE DEPARTMENTS

The three City Police Departments have identified four (4) major concerns that may directly impact our police departments and respective personnel as a result of Public Safety Realignment:

- Overtime expenditures
- PRCS – Re-offending
- Tracking (via RiMS) PRCS population activity
- Mental Health issues of PRCS population

The three Amador County Police Departments; Jackson, Sutter Creek and Ione, may feel the direct fiscal impacts of realignment by way of overtime spent on dealing with the PRCS population. Each of the Police Departments will track (via RiMS) time spent and/or other impacts directly related to the PRCS population within our respective communities and report such findings to the Amador County Corrections Partnership Executive Committee.

The City Police Chiefs have instructed respective police personnel to thoroughly investigate all calls for service to determine if those calls involve those released to PRCS. Police patrol personnel will determine whether or not fresh criminal charges apply to any given situation.

As indicated within this Implementation Plan, there may be a significant number of the PRCS population in need of Mental Health services. The Police Departments fear greater impacts of emergency mental health calls for service. These calls could potentially tie up already seriously impacted law enforcement resources of the City Police Departments. As a result, the Police Departments may have to hire on-call security and transport personnel to handle these impacts respectively.

STAFFING AND COST OF AB 109

Amador County is scheduled to receive an allocation of \$543,592.00 for the Fiscal Year 2011-2012 that begins on October 1, 2011 (nine months of funding). In addition, there is one time funding for startup costs in the amount of \$38,350.00 and one time grant funds in the amount of \$100,000.00.

In an effort to mitigate impacts on the county general fund, the CCP Executive Committee has taken a conservative and cautioned approach in appropriating staff and funds to deal with the realigned populations. With that said, the CCP recommends hiring the staff outlined below and plans to have any additional funds left over from fiscal year 2011/2012 not allocated placed in a budgeted line item as contingency and future program costs and if need be, rolled over to the following fiscal year to help pay for operational costs.

The Probation Department will hire 1 Unit Supervisor and 3 Deputy Probation Officers to run the PRCS, MS and alternative custodial programs as outlined in this report.

The Sheriff's Office will hire 1 Deputy Sheriff assigned to the Investigations Bureau to investigate new crimes committed by this offender population and process returns to jail. Additionally, the Sheriff's Office will hire 1 Sheriff's Services Assistant to assist with collecting statistical data, process paperwork and support staff.

The Health and Human Services Department will hire 1 Behavioral Health Care Rehabilitation Specialist.

CONCLUSION

The Public Safety Realignment Act, AB 109, mandates the most sweeping change to the state's correctional system in a generation. It presents significant challenges to local jurisdictions that can only be resolved through a dynamic expansion of services. We need to be clear realignment dramatically shifts supervisory and custodial responsibilities for a criminal population that would have been, in the past, committed to state prison.

There is some solace in the concept the offenders being directed to our local jurisdictions are "nons"- non-violent, non-serious, and non-sex offenders. However, CDCR's classification of these offenders is based solely upon current convictions and offenses. It is common for persons committed to state prison for a less serious offense to have significant, lengthy criminal histories that may encompass more serious or violent crimes. These offenders may also have a history of habitual non-compliant conduct and be resistive to community corrections interventions. The Amador County criminal justice system should remain vigilant to potential increases in crime

rates or incidents of criminal conduct that are the corollary of the re-introduction of these offenders to our communities.

The Probation Department supervision systems, the Sheriff's Department Custody Division and the Health and Human Services rehabilitative programming simply need to be expanded and modified for this new, unique population of offender.

Implementation of this new system of programs will not be without its challenges. In the event of on-going significant compliance problems, absent re-offense, there are scant resources for consequences and prison housing is not an option. Moreover, supervision and custody responsibilities will come at a significant cost. Realignment funds are provided for one year, and the commitment for continued state funding is speculative. Pursuit of a reliable and ongoing funding stream must be a priority goal.

Lastly, Probation and the Sheriff's Department believe in our ability to effectively monitor this criminal population and Health and Humans Services believe in their ability to provide services, but that is predicated on the accuracy of those statistics. It may be necessary to make changes or re-tool the program should offender numbers or criminal propensities differ from those anticipated in this plan.

The CCP Executive Committee is cautious about speculating the outcome of the realignment due to the significant concerns regarding the types of offenders, the number of offenders, budgetary issues affecting county departments and the potential for an increased crime rate. Despite these concerns, the CCP Executive Committee has developed the best possible realignment plan for Amador County.