



SAN BENITO COUNTY

PUBLIC SAFETY REALIGNMENT PLAN

&

POST RELEASE COMMUNITY SUPERVISION

FY 2020 – 2021 Community Corrections Partnership

**Executive Committee of the Community
Corrections Partnership**

Honorable Steven R. Sanders, Presiding Judge

Candice Hooper, District Attorney

Darren Thompson, Sheriff

Carlos Reynoso, Interim Chief, Hollister Police Department

Greg LaForge, Public Defender

Alan Yamamoto, Director, Behavioral Health

Joseph A. Frontella, Chief Probation Officer (Chair)

400 Monterey Street
Hollister, CA 95023
(831) 636-4070

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SUMMARY OF RECOMMENDATION

The San Benito County Community Corrections Partnership's (CCP) mission is to assist clients in changing criminal behavior through collaborative partnerships, targeted services and linkage to community resources. The CCP Plan is to use and devote all revenues through programs to assist in changing criminal behavior. As programs are established, the CCP will be (economically) conscious to prepare for future cost.

Post-Release Community Supervision Authority: The San Benito County Probation Department is designated as the County Agency responsible for post-release community supervision. This consists of offenders who are released back to the community after serving a term in State Prison. Supervision of this population is now the responsibility of local probation departments. Two probation officers will supervise approximately 80-100 offenders using Evidence-Based Practices.

Treatment: The San Benito County Probation Department will have responsibility following treatment, educational and vocational efforts. Behavioral Health will provide cognitive therapy and alcohol/drug treatment to AB109 offenders.

Electronic Monitoring in lieu of bail: The San Benito County Probation Department will operate the Electronic Monitoring Program (EMP) for all inmates being held in lieu of bail in the county jail. Probation will increase EMP units anywhere from 50-60 units.

Work Alternative Program: The Sheriff's Office operates this program utilizing inmates to perform work at various work sites in San Benito County such as Bolado Park, Hollister Hills and the City of Hollister.

Reentry Services: The San Benito County Probation Department provides transitional planning to San Benito County Jail inmates and PRCS clients released from the California Department of Corrections and Rehabilitation.

Jail Programming: The San Benito County Sheriff's Office and Probation Department work collaboratively to provide targeted programs and services to inmates to reduce recidivism and prepare them for successful transition into the community.

OVERVIEW OF 2011 PUBLIC SAFETY REALIGNMENT ACT (AB109)

On April 4, 2011, Governor Brown signed a major piece of legislation, Assembly Bill (AB) 109, designed to create a substantial change in the criminal justice system. AB109 transfers responsibility for supervising specified lower risk inmates and parolees from the California Department of Corrections and Rehabilitation to counties. The implementation of the Public Safety Realignment Act originally started October 1, 2011.

The change was primarily linked to various California Prison legal proceedings and a month-long trial in 2008. On August 4, 2009, a three-judge panel ordered that California cap its in-state prison population in adult institutions at 137.5 percent of bed design capacity within two years. The California Community Corrections Performance Incentive Act of 2009 or Senate Bill 678 was signed by Governor Schwarzenegger on October 11, 2009. This bill recognized the historic underfunding of adult probation; therefore, sustainable funding was established based on improved probation outcomes as measured by a reduction in probation revocations committed to prison. The bill also created a Community Corrections Partnership Committee (CCP) and its members as an advisory group for Probation's adult services program.

In addition, Section 1230 of the California Penal Code is amended to read:

- a. "Each county's 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 Penal Code 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 four out of five, 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 monitoring programs, victim restitution programs, counseling programs, community service programs, educational programs, and work training programs."

KEY ELEMENTS OF AB109 INCLUDE:

Target Population: As of October 1, 2011, inmates released from the California Department of Corrections and Rehabilitation, after serving a commitment for non-serious, non-violent, or non-high-risk sex offenses (regardless of prior convictions), are supervised by county probation departments. This population, under Post-Release Community Supervision (PRCS), was formerly supervised by state parole. There is also a population of offenders, which under Section 1170(h) of the Penal Code are not eligible for incarceration in prison but rather can serve a sentence in county jail. This group can either be ordered by the Court to serve their sentence in jail or to “split” the sentence between jail custody and a separate period of Mandatory Supervision (MS).

- On July 26, 2011, the San Benito County Board of Supervisors designated the Probation Department as the agency responsible for community supervision.

Additional Key Elements of AB109 include:

- Redefining Felonies: Revises the definition of a felony to include certain crimes that are punishable in jail for 16 months, two years and three years or more. Some offenses, including serious, violent, and sex offenses, are excluded. Sentences for those offenses will continue to be served in state prison.
- Local Post-Release Community Supervision: Offenders released from state prison on or after October 1, 2011, after serving a sentence for an eligible offense, shall be subject to, for a period not to exceed three years, post-release community supervision provided by the San Benito County Probation Department. An offender may be terminated from supervision after six months of supervision. If the defendant has no violations after one year of supervision, the offender must be terminated.
- Revocations Heard and Served Locally: Post-release 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 offenders serving a life sentence and who have a revocation term of greater than 30 days. The local courts will hear revocations of post-release community supervision, while the Board of Parole will conduct parole violation hearings in jail.
- 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 1203.016 has been expanded to authorize electronic monitoring for inmates committed to the county jail allowing them to voluntarily participate or involuntarily be placed in a home detention program during their sentence in lieu of jail confinement.
- Graduated/Intermediate Sanctions: Authorizes counties to use a range of community-based punishment and intermediate sanctions other than jail incarceration alone or traditional routine probation supervision.

LOCAL PLANNING AND OVERSIGHT

A. COMMUNITY CORRECTIONS PARTNERSHIP (CCP)

The CCP Executive Committee oversees the realignment process and advises the Board of Supervisors in determining funding and programming for the various components of the plan. Voting members of the Executive Committee include: a Judge (appointed by the Presiding Judge); Chief Adult Probation Officer; County Sheriff; District Attorney; Chief of Police; Public Defender; and Director of Behavioral Health.

This plan was developed by the CCP Executive Committee members, their designees and other key partners. Meeting attendees included:

Hon. Steven R. Sanders, Presiding Judge, Superior Court
Candice Hooper, District Attorney
Darren Thompson, Sheriff
Carlos Reynoso, Interim Chief, Hollister Police Department
Greg LaForge, Public Defender
Alan Yamamoto, Director, Behavioral Health
Joseph A. Frontella Jr., Chief Probation Officer (Chair)
Peter Hernandez, San Benito County Board of Supervisors
Ray Espinosa, County Administrative Officer
Tracey Belton, Director, San Benito Co. Human Services Agency
Tony Lamonica, Captain Jail Commander
Renée Hankla, Reentry Services Program Manager
Krystal Lomanto, Superintendent, San Benito County Office of Education
Diane Ortiz, Hollister Youth Alliance

B. PUBLIC SAFETY REALIGNMENT FUNDING

The formula establishing statewide funding for Public Safety Realignment (AB109) implementation was developed by the California Department of Finance and agreed to by the County Administrative Officers Association of California (CAOAC) and the California State Association of Counties (CSAC). Fiscal year funding available through AB109 is based on a weighted formula containing three elements:

- 60% based on the 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 ages 18 through 64 in the County as a percentage of the statewide population; and
- 10% based on the SB678 distribution formula.

San Benito County Public Safety Realignment funding will serve approximately 100 offenders.

C. ADDITIONAL FUNDING FOR 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 post-release community supervision or parole. The Court will be greatly impacted and will assume responsibility for post-release community supervision revocation

hearings. AB117 also delays the Court's role in revocation proceedings for persons under State parole supervision and serious and violent parole violations.

District Attorney/Public Defender: Funding is intended to cover costs associated with the revocation hearings for those on post-release community supervision during each fiscal year. Per statute, these funds are to be divided equally between the District Attorney and Public Defender's offices. Realignment has increased the workload of the District Attorney's office. Specifically, prosecutors are responsible for reviewing and prosecuting violations of post-release community supervision and mandatory supervision offenders as well as any new criminal cases arising out of conduct that may be the basis for these violations. This increased workload requires prosecutors to spend additional time reading investigation reports and reviewing evidence as well as making more court appearances for arraignments, settlement discussions, and evidentiary hearings.

EVIDENCE-BASED PRACTICES (EBP)

San Benito County Probation applies Evidence-Based Practices (EBP) to client assessment, supervision and intervention. EBP is the objective, balanced and responsible use of current research and the best available data to guide policy and practice decisions, to improve outcomes for offenders, victims, communities, and key stakeholders.

Principles of Evidence-Based Practice:

1. **Assess Actuarial Risk/Needs:** A risk/needs assessment will be conducted utilizing a validated tool to identify risk to reoffend and criminogenic needs.
2. **Enhance Intrinsic Motivation to Change:** Utilizing the Motivational Interviewing (MI) counseling approach to elicit behavior change by helping clients explore and resolve ambivalence.
3. **Target Interventions:** Develop a case plan using the risk-need-responsivity model with specific and targeted interventions to advance client goals and reduce risk to society.
4. **Skill Train with Directed Practice:** Skills are taught to the offender and are practiced and/or role-played. Cognitive behavioral treatment methods are used to promote pro-social behavior.
5. **Increase Positive Reinforcements:** Positive reinforcement is the key to influencing successful behavior change—delivering rewards, affirmations, and incentives for accomplishments encourages offenders to adopt prosocial attitudes.
6. **Engage Ongoing Support in Natural Communities:** In order for offenders to maintain positive behavior change, a strong support system and meaningful connections within their natural communities (significant others, family members, mentors, employers, teachers, spiritual leaders, etc.) can help reinforce prosocial attitudes and enhance motivation to change.
7. **Measure Relevant Processes/Practices:** Using accurate and detailed case documentation, establish a formal and valid mechanism to measure outcomes on a routine basis to assess offender change and cognitive skill development.

8. Provide Measurement Feedback: Providing feedback to offenders regarding their progress encourages accountability and is associated with enhanced motivation for change, lower treatment attrition, and improved outcomes.

Probation Department – Implementation Plan

San Benito County Probation Department has developed a plan to target the realigned population. Two probation officers will supervise the PRCS and Mandatory Supervised targeted population of approximately 100 offenders.

This will include:

- a. Collaboration with the California Department of Corrections and Rehabilitation. (CDCR), San Benito County Jail and San Benito County Superior Court.
- b. Assessments and supervision planning prior to release from custody.
- c. Reviewing case files.
- d. Verifying residency.
- e. Creating a case plan (with procedures designed to incorporate Evidence-Based Practices (EBP) principles for effective, targeted interventions).
- f. Conducting Risk/Needs Assessments.
- g. Reentry Services (referrals to education, vocational training/employment services, and housing resources).

This includes the full range of options for community supervision; intensive supervision with routine home visits, office visits, urinalysis and referrals for counseling and treatment as needed.

STRATEGIES FOR POST-RELEASE/MANDATORY SUPERVISION OFFENDERS

Probation has been designated as the county agency responsible for administering programs directed to post-release community supervision population. A full range of options for community supervision including:

1. Intensive community supervision (with routine home visits).
2. Electronic monitoring.
3. Substance abuse treatment (inpatient and outpatient).
4. Mental Health treatment.
5. Batterer's intervention services.
6. Drug & alcohol testing.
7. Cognitive behavioral interventions.
8. Community service.
9. Reentry planning/case management.

Graduated/Intermediate sanction strategies for violating supervision conditions will include:

1. Imposition of up to 10 days jail (flash incarceration).
2. Increased supervision and reporting requirements.
3. Increased drug and alcohol testing.

4. Referrals to other services such as:
 - a. Community service
 - b. Self-help alcohol/drug groups
 - c. Education
 - d. Employment training and preparation
5. Curfew
6. EMP GPS Monitoring
7. Cognitive interactive journals

The term “post-release community supervision” implemented for offenders released from state prison will not exceed three years. These offenders may be discharged following the mandatory term of six months to one year of successful community supervision with no violations. Offenders may be revoked for up to 180 days; however, all revocations will be served in county jail. Post-release community supervision will be consistent with evidence-based practices demonstrated to reduce recidivism. Probation will utilize the Static Risk/Offender Needs Assessments (SRA/ONA) to determine appropriate case planning strategies.

Probation has invested in establishing evidence-based supervision and intervention practices proven effective in reducing recidivism and improving outcomes. Probation staff have been trained in the EBP principles and is actively practicing the concepts. At the forefront, EBP probation supervision are concepts of risk, need and responsivity (the practice of assessing and identifying criminogenic risk factors contributing to ongoing criminal behavior).

STRATEGIES TO MEET QUANTIFIABLE OBJECTIVES FOR AB109 GOALS

Funding allows Probation to continue to utilize intervention and treatment services to ensure services meet the needs of each client, utilizing multi-agencies, and a coordinated approach to services.

After the SRA/ONA are completed, the Probation Officer and/or Reentry Case Manager will complete a case plan. With the client's input, case plan goals are selected that best address the top identified criminogenic needs. The Probation Officer and/or Reentry Case Manager will then refer to community resources/services, provide case management and supervision, and determine appropriate incentives and sanctions key in behavior modification.

JAIL SERVICES

It is vital and beneficial to begin treatment and services prior to offenders being released to enable consistency in services and helps individuals be better prepared for their transition to the community. By assessing offender needs and initiating programming while in-custody, the transition to a community-based program is seamless and behavior change is expedited. AB109 funding provided the opportunity to ensure in-custody program and continuation of services occur through the hiring of a Reentry Program Manager and Reentry Case Manager.

A wide array of programs is available for inmates at the San Benito County Jail. They have been designed not only to enhance the safety and order of the jail, but also to improve public safety by preparing inmates to be more productive and successful upon release.

Inmates can participate in program opportunities that target the issues most likely to result in ongoing criminal behavior, including anti-social attitudes, impulsive behavior, education, vocational training, drug and alcohol abuse, and skill deficits. Inmates who are coping with chronic mental illness or developmental disorders can participate in treatment activities if deemed appropriate by the jail's medical health care provider.

REENTRY SERVICES

The San Benito County Probation Department's G.A.T.E. (Gaining Assistance to Transition Effectively) Reentry Services Program is designed to reduce recidivism by focusing on higher-risk offenders and targeting risk factors that contribute to criminal behavior before and after release from custody.

Transition planning begins with inmates who have been in custody a minimum of 30 days. The Reentry Case Manager facilitates a reentry class (both in and out of custody) and meets individually with inmates to assess and plan for successful release including housing, employment, education, substance use/mental health treatment, benefits and transportation. Case management support is available for 30 days post release for those not on probation supervision.

In collaboration with the Probation Officer and client, the Reentry Case Manager also develops a case plan and delivers targeted case management to clients on Mandatory Supervision, Drug Treatment Court and PRCS to increase access and utilization of services.

BEHAVIORAL HEALTH SERVICES

San Benito County Behavioral Health (SBCBH) is a consolidated behavioral health department offering substance use disorder (SUD) and mental health services to county residents. The AB109 project builds and expands upon existing collaboration and coordinated service delivery between Behavioral Health and Probation. This collaboration supports improvement of treatment strategies to meet objectives and help clients achieve positive outcomes. Timely client treatment plans, along with probation review and monitoring, will guide services and provide a roadmap for designing effective treatment plans and services to meet individual needs.

The SUD program offers a range of services including prevention, outpatient individual and group services, and a network of contracted services that include detox, Medication Assisted Treatment (MAT), Intensive Outpatient Program (IOP), Sober Living Environments (SLE), licensed residential treatment services, and aftercare support. Mental Health services include an adult and Transitional Age Youth (TAY) drop-in center, individual, family, or group counseling, crisis intervention, medication evaluation, and case management.

ACHIEVEMENTS

San Benito County Behavioral Health

The San Benito County Behavioral Health (SBCBH) Department has been able to increase services with AB109 funds for clients who have substance use disorders and pose high risks for involvement with the judicial system through the funding of a full-time position of a SUD Counselor. AB109 has also assisted in the funding of two (2) Sober Living Environments, residential treatment and in-custody services at the San Benito County Jail.

During FY 2019-20 alone, the SBCBH assisted a total of 182 (unduplicated count) individuals for substance use disorder treatment. Almost all those individuals were referred to treatment through the court and probation systems and could be eligible for AB109 funded services.

The AB109 funds that SBCBH has received have been used prudently with Medi-Cal and Behavioral Health realignment funds to maximize the utilization of public safety realignment funds.

San Benito County Sheriff's Office

Since the implementation of AB109 (Realignment) in 2011, the Community Corrections Partnership (CCP) has provided ongoing funding for two AB109 Deputy Correctional Officers. These two AB109 officers coordinate visiting, assist with coordination of and supports correctional rehabilitate programing for inmates using a risk assessment tool, interview persons arrested for criminal offenses and use a combination of established criteria, background data, and judgment to formulate recommendations for pre-trial release assignment, to electronic monitoring, work furlough program, process District Attorney book and release bookings, will provide positive role models for inmates, engage with inmates regarding rehabilitative programing, and reinforce positive choices and changes in inmate behavior.

In 2017, the county broke ground on its long-awaited jail expansion project (AB 900). With the new expansion and upgrades needed for the existing jail, CCP provided funding for improvements, additional safety equipment, inmate software, and educational material for inmates. The following are areas that CCP has funded for the Sheriff's Office existing jail and new rehabilitation facility:

- Body Worn Cameras.
- In-car video system in patrol vehicles.
- TracNet Jail Management System: Tracks booking process, warrants and charges, court appearances, housing assignments, work release, discipline, movement and medical intake. Data from TracNet can also be shared easily between Probation and local Law Enforcement agencies.
- Equivant Northpointe Suite Classification Management: The classification system holds the Inmate Decision Tree to help inform critical decisions and mitigate the risk to the jail facility, staff and inmates. This tool provides critical inmate insights, helping manage inmate behavior, misconducts and housing assignments. It also will assist officers in determining program eligibility, reentry management and PREA compliancy.
- Jail Kitchen Repair: Repaired kitchen facility in order to cook fresh food for inmates.
- Upgrading and replacing existing jail security electronics.
- Purchasing laptop computers for educational classes and vocational training.
- Funding for a full-time Licensed Marriage and Family Therapist (LMFT) to provide Mental Health support services.

Probation Department

The AB109 funds have allowed the Probation Department to hire two (2) Deputy Probation Officers, one (1) Reentry Program Manager, one (1) Reentry Case Manager, and two (2) Probation Aides, specifically assigned to Adult Divisions. These positions support the

increased work associated with PRCS, Mandatory Supervision, and felony probation offenders. These additional staff members play a vital role in the Department's success in meeting mission critical goals and in the implementation of programs.

Regardless of the supervision status, certain supervision principles are universal. This includes managing caseload sizes with the goal of continuing to improve the officer-to-offender ratio. The smaller this ratio with high risk offenders, the more capable officers can be in maximizing the effectiveness of evidence-based practices.

Moving Forward

The CCP is committed to the success of the Realignment by taking actions supported by EBP and best practices. Every entity involved in the implementation has been engaged and worked together to make the Realignment transition as successful as possible. Making Realignment successful includes collection of data, communication between community partners and the collaboration to find solutions which best benefits San Benito County.

Table 1 – PRCS and Mandatory Supervision Offenders (Sentenced under 1170-h)

| Time period | PRCS Packets Received | PRCS population* (as of October, 2020) | Offenders Sentenced to MS | MS Population* (as of October 2020) |
|----------------------------|-----------------------|--|---------------------------|-------------------------------------|
| October 2011 -October 2020 | 218 | 78 | 209 | 33 |

Table 2 - AB109 Population impacts to San Benito County Sherriff's Office (SBC Jail)

| Time Period | Parole Violators Received | Probation PRCS Violators PC 3455(A) | Probation Flash Violators PC 3454(c) | Total AB109 Population Impact to SBCSO |
|----------------------------|---------------------------|-------------------------------------|--------------------------------------|--|
| October 2011 -October 2020 | 260 | 234 | 35 | 529 |

AB109 PUBLIC SAFETY REALIGNMENT - BUDGET FOR FY 2020-2021

Salaries & Benefits:

| | |
|---------------------------------------|---------------------|
| Probation Department | \$ 729,740 |
| Behavioral Health | \$ 80,000 |
| District Attorney | \$ 71,585 |
| Sheriff's Office | \$ 200,000 |
| Hollister Police Department | \$ 155,000 |
| Total Salaries & Benefits: | \$ 1,236,325 |

Services & Supplies:

| | |
|---|---------------------|
| Community Service Programs | \$ 854,050 |
| Supplies | \$ 369,519 |
| Electronic Monitoring Program (EMP) - GPS Monitoring and Services | \$ 20,000 |
| Jail Expansion | \$ 250,000 |
| Total Services & Supplies: | \$ 1,493,569 |

| | |
|--|---------------------|
| Total AB109 Proposed Expenditures | \$ 2,729,894 |
| FY 19/20 Carry-Over | \$ (506,976) |
| Actual FY 20/21 Budget | \$ 2,222,918 |