



County of San Diego
Public Safety Realignment
&
Post-Release Community Supervision

Preliminary
2011 Implementation Plan

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Executive Summary

Background and Impact

The California criminal justice system will fundamentally shift on October 1, 2011 as the result of AB 109, the Public Safety Realignment Act. This 652 page law changes the definition of a felony, shifts housing for lower level offenders from prison to local jail, and transfers supervision of designated parolees from the California Department of Corrections and Rehabilitation (CDCR) to Probation.

Felons who have committed non-violent, non-serious and non-sex offenses (N3) will be housed in local jail. Those released from state prison, Post Release Offenders (PRO), will be supervised by Probation. Four thousand offenders in these two groups will utilize county funded substance abuse, mental health and other services in the community.

This shift requires San Diego County to more effectively and efficiently manage offenders while maintaining high standards of public safety. The outline below provides the five components of the plan.

Implementation Plan

Enhance Pre-Trial Processes to More Effectively Utilize Current Jail Capacity

Objective: Increase jail capacity for new populations by reducing the number of low risk offenders who await trial in jail

- Court to consider modifying bail schedules
- Consider reducing bail for low risk offenders
- Expedite resolution of drug diversion and deferred entry of judgment cases
- Use of home detention, electronic monitoring, alcohol monitoring, GPS, work furlough and residential drug treatment

Improve and Streamline Felony Settlement

Objective: Maximize efficient use of jail capacity and minimize number of court hearings

- Reduce number of hearings using early settlements and immediate sentencing
- Expand the use of collaborative courts

Encourage the Use of Evidence-Based Practices in Sentencing for Felony Offenders

Objective: Increase efficiency and effectiveness of felony sentencing

- Provide results of risk and need assessments to all sentencing parties
- Train all parties on alternative sentencing and best practices for recidivism reduction

Employ Alternative Custody Options and In Custody Programming

Objective: Increase jail capacity for new populations by reducing the number of low risk offenders in jail and reducing recidivism by utilizing in custody treatment services

- Maximize use of alternatives to custody for eligible offenders
- Work release / Work projects / Work furlough
- Home confinement / Electronic monitoring
- GPS supervision

- Exploration of work and fire camps
- Maximize the use of in-custody re-entry treatment services

Provide Evidence-Based Supervision and Intervention Services for Post Release Offenders

Objective: Utilize the balanced approach to hold post release and N3 offenders accountable and reduce recidivism

- Employ risk based supervision – more intense supervision for higher risk offenders
- Employ swift and sure sanctions for non compliant behavior
- Provide incentives for compliant behavior
- Refer to and monitor use of community based treatment services

Funding Strategy

Based on the statutory formula, San Diego County is projected to receive \$25.1 million in Fiscal Year 2011-12. Funding for the second is projected to be \$60-65 million depending on State revenue and allocation formulas. This funding strategy is designed to meet the immediate needs of supervision, treatment services and custody for the first six months of the realignment strategy; \$5 million will be allocated for probation supervision services; \$3 million for healthcare, food service and Sheriff's department staff; and \$3 million will be spent to procure intervention and treatment services. It is estimated that these funds will serve approximately 960 N3s and 1,400 PROs.

The executive committee of the Community Corrections partnership will monitor the initial implementation of the proposed strategies for actual costs to determine subsequent year allocations.,

Outcome Measures

AB 109 is based on the justice reinvestment model that requires that criminal justice systems manage their resources so that cost savings can be reinvested in evidence based strategies that increase public safety while holding offenders accountable. The following outcome measures and their relationship to recidivism will be monitored to ensure adherence to the model.

- Use of jail space
 - Length of stay for various populations
- Amount and type of in custody programming
- Use of risk / need assessment in sentencing, supervision and case management

Overview of 2011 Public Safety Realignment Act (AB109)

On April 4, 2011, Governor Brown signed AB 109, the Public Safety Realignment Act. This 652 page law, fundamentally alters the criminal justice system by changing the definition of a felony, shifting housing for low level offenders from prison to local county jail, and transferring the supervision of designated parolees from the California Department of Corrections and Rehabilitation (CDCR) to local county agencies.

Several companion bills (AB 117, AB 118 and AB 116) followed to clarify the legislative intent, correct drafting errors and provide funding. This Act will become operative on October 1, 2011. Legislation will provide funding in nine monthly installments from the State to the County.

This document serves as a blueprint of the San Diego County Public Safety Realignment Implementation Plan. To understand the Implementation Plan, a review of the background of AB 109 and the framework of the legislation follows.

Background

As of July 1, 2011, California's 33 prisons held 142,000 inmates in a system designed to house 88,800. More than 40% of incoming inmates were probation failures. In addition, over two-thirds of parolees released from the CDCR return within three years.

Earlier this year, the United States Supreme Court, in response to a law suit citing overcrowding and poor medical and mental healthcare, upheld a Federal District Court ruling ordering CDCR to reduce its population by approximately 30,000 inmates by 2013.

This year, CDCR spent more than \$10 billion to operate this failing system while California faced a budget deficit of more than \$28 billion.

In view of the California budget crisis, the Supreme Court ruling, and the high rate of recidivism, Governor Brown and the Legislature enacted the Public Safety Realignment Act. The intention of the law is to address both state budget shortfalls and overcrowded conditions.

The Realignment Act mandates that felons convicted of non-violent, non-serious and non-sex offenses serve their prison sentence in county jail instead of state prison. Offenders sentenced to serve determinate terms, whether it is in state prison or local custody as the new law requires, will serve a term directed by the Court. However, for offenders sentenced to a term in local custody, the new law permits a judge to split a determinate sentence between custody and "mandatory supervision."

Additionally, the law creates a new status called "Post-Release Community Supervision." The law requires that a County agency supervise any felon released from state prison with a committing offense that was non-violent, non-serious, and not a high risk sex offense, or inmates committed after admitting one serious or violent prior. These offenders may have been serving a

term that was enhanced with a prior serious or violent felony (strike prior). Sanctions for violations of Post-Release Community Supervision will be served in county jail for offenders, as well as for most on formal parole, and will be limited to 180 days.

The shifting of supervision and housing from CDCR to San Diego County requires a comprehensive plan to effectively implement these modifications to the criminal justice system without compromising public safety. The state has suggested that realignment plans maximize the investment of criminal justice resources in evidence-based correctional sanctions and programs.

The Legislative Framework

Public Safety Realignment expanded the role and purpose of the Community Corrections Partnership (CCP), which was previously established in Penal Code §1230 (SB 678). Pursuant to AB 117, an Executive Committee of the CCP is required to prepare an AB 109 implementation plan that will enable the County to meet the goals of public safety realignment.

The Executive Committee is comprised of the Chief Probation Officer (the Chair of the CCP), the Presiding Judge of the Superior Court; the District Attorney; the Public Defender; the Sheriff; a Police Chief; and the Chief of Health and Human Services.

AB 109 and its' companion bills address four areas of the criminal justice system: felony sentencing, supervision of felons post-release, alternatives to custody, and parole revocation.

Felony Sentencing. Prior to AB 109, the definition of a felony was a crime punishable by death or imprisonment in the state prison. AB 109 redefined a felony as a crime punishable by death or imprisonment in the state prison, or *imprisonment in a county jail for more than one year*.

The most far-reaching substantive change to the Penal Code was the amendment of the determinate sentencing law to provide terms of imprisonment in county jail rather than state prison for over 500 specified felonies. Terms of imprisonment will only be served in state prison if the crime is a serious or violent felony, or if the defendant has a prior serious or violent felony conviction, is required to register as a sex offender pursuant to Penal Code section 290, or admits an allegation of stealing more than one million dollars, or if it is one of a list of approximately 70 felonies for which incarceration in state prison is mandated. Offenders ineligible to serve their term of imprisonment in state prison who will serve their term in county jail are known as “non-non-non’s;” non-serious, non-violent, non-sex offenders (N3).

Under AB 116, a sentencing judge will have the option of splitting the sentence of an N3 between a term of imprisonment in county jail and mandatory supervision. If the Court sentences N3s to serve their full term of imprisonment in County jail, the offender will not be supervised upon release.

Supervision of Felons Post-Release. Realignment shifts the supervision of two populations, PRO and N3, from CDCR's Department of Adult Parole to each county. To reduce recidivism, county agencies must adopt alternatives to incarceration, intermediate sanctions, as well as, new supervision techniques for both populations.

Post Release Offenders (PRO). Most felons released from state prison on or after October 1, 2011, will be subject to county post-release community supervision. This includes felons serving a term after admitting one strike prior, low to mid risk sex offenders, N3s currently serving a prison sentence, and eligible parolees who are released after serving a term for parole violation. Offenders will be returned to the county of last legal residence, not necessarily the county where the crime was committed. The maximum term of post-release supervision is three years; however, offenders without violations may be discharged after six months, and those who remain violation free for twelve months must be discharged. CDCR will have no jurisdiction over any offender placed on Post Release Community Supervision.

Non-violent, non-serious, non sex offenders sentenced to serve a term in state prison followed by mandatory probation. Felons sentenced to a term of imprisonment in county jail pursuant to Penal Code section 1170(h) may be supervised by the Probation Department if the Court opts to split the term of imprisonment between custody and "mandatory supervision."

Alternatives to Custody.

Credits. Inmates housed in county jail will earn four days of credit for every two days served (two days earned credit for every two actual days served for a total of four days), unless sentenced to state prison.

Home Detention Program. The Sheriff, if authorized by the Board of Supervisors, may conduct a home detention program, as specified in Section 1203.016 of the California Penal Code. Inmates committed to the county jail may voluntarily participate or involuntarily be placed in a home detention program during their sentence in lieu of confinement in the county jail. The Sheriff may contract with the Probation Department or a private agency to provide this service. Offenders placed on home detention will earn only actual custody credits.

Electronic Monitoring Program in Lieu of Bail. The Sheriff, if authorized by the Board of Supervisors, may conduct an electronic monitoring program, as specified in Section 1203.018 of the California Penal Code for eligible inmates being held in lieu of bail in the County Jail or other County correctional facility. The Sheriff may contract with the Probation Department or a private agency to oversee this program. Offenders placed on electronic surveillance pursuant to PC 1203.018 will earn only actual custody credits.

Electronic Monitoring and Home Detention. The Chief Probation Officer, if authorized by the Board of Supervisors, may offer an electronic monitoring and/or home detention program to individuals who are granted probation or are under Post Release Community

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

Custodial Sanctions for Parole Revocations. CDCR will continue to supervise parolees released from prison after serving a term for a serious or violent felony, murder, life, or certain sex offenses, as well as high risk sex and mentally disordered offenders. With the exception of offenders who have served life terms, all other parolees who violate the terms of their parole, cannot be returned to prison, but can serve a maximum sanction of 180 days in county jail.

Custodial Sanctions for Violations of Post Release Community Supervision. Offenders placed on Post Release Community Supervision will be subject to flash incarceration of up to 10 days for violations of Post Release Community Supervision conditions. For more serious violations, after a hearing before the Court, an offender may be sanctioned by up to 180 days in county jail.

Revocations of Formal Parole. Currently, the Board of Prison Hearings (BPH) adjudicates all formal parole violations. Effective October 1, 2011, the Court will assume this responsibility for offenders placed on Post Release Community Supervision. Effective July 1, 2013, the Court will hear all parole violations, with the exception of those who have served an indeterminate sentence (murder and specified sex offenders).

Anticipated Impacts to San Diego County

Last year, the San Diego County District Attorney's Office (DA) filed 15,283 felony cases against 17,455 defendants. Of these defendants, 3,945 were sentenced to state prison and 2,100 would be classified as N3. The DA and San Diego City Attorney (CA) issue approximately 50,000 misdemeanor cases annually. The San Diego County Public Defender's Office (PD) represented the majority of those felony and misdemeanor offenders.

The San Diego County Sheriff Office (SDSO) operates seven detention facilities throughout the County with housing for up to 5,500 inmates. Currently, there are approximately 4,500 inmates (62-65% of whom are pre-trial inmates) in custody. With AB 109, the Sheriff may be responsible for an estimated 2,000 N3s sentenced to local custody. SDSO believes the jail population will increase by at least 160 inmates per month initially. Many of these inmates will be sentenced to longer terms in custody than the pre-realignment population with higher classification levels and different needs than the current population. It is anticipated that the detention facilities will reach capacity within eight months of implementation of AB109, absent the utilization of alternatives to custody.

The San Diego County Probation Department currently supervises approximately 14,500 adult probationers with a workforce of approximately 100 probation officers. Of the current probationers under supervision, 22% are at high risk to reoffend. The recidivism rate of probationers in fiscal year 2009-2010 was 31%. The State has estimated that San Diego County

will assume responsibility for at least 2,000 PROs and an unknown portion of N3 offenders sentenced to mandatory probation. Additional probation officers will be required to manage these populations.

The San Diego County Health and Human Services Agency (HHS) currently contracts for 358 residential substance-abuse treatment beds, in programs that would be appropriate for this population, with an existing waiting list. About 85% of the N3 and PRO populations are expected to have substance abuse issues and 20% mental health problems. The new population will create the need for additional treatment capacity.

According to the State, 10% of the PROs will require Court revocation proceedings for violations. Offenders on mandatory supervision, who violate their conditions, will also require further court proceedings. Every court revocation proceeding will impact the workload of the DA, the Court, the Sheriff, the Probation Department and the PD. Probation will need to provide reports to substantiate the violations. The DA will be responsible for reviewing, charging, and prosecuting many violations of PRO and N3 offenders. The PD will be responsible for representing the majority of these offenders on violations. The Sheriff may house and transfer the offenders to and from court.

San Diego County Realignment Vision Statement

Under the direction of the Community Corrections Partnership (CCP), the San Diego Public Safety Agencies, including the Probation Department, Sheriff's Department, District Attorney's Office, Public Defender's Office, came together with the San Diego Superior Court and other key partners, including the Health and Human Services Agency, to develop an AB 109 Implementation Plan focused on maintaining the highest level of public safety and ultimately, striving to reduce recidivism.

Accepting the mandate of the public safety realignment, the CCP developed the following San Diego County realignment vision.

“San Diego County Public Safety Partners, and county community partners, including those from healthcare, housing, human services, and faith based organizations, working through the public safety realignment mandate, are committed to keeping our communities safe by ensuring efficient use of our county jail system by leveraging resources and rearranging current populations, to provide treatment for those in need and explore proven methodologies to reduce recidivism with the goal of transitioning offenders back into our communities as productive members.”

San Diego County Realignment Goals

The following goals were identified by the CCP to achieve the vision.

1. **Efficiently Use Jail Capacity.** Minimize the impact of the increased jail population. The CCP plan will employ techniques to increase efficient use of current jail bed capacity.
2. **Incorporate Reentry Principles into In Custody Programming.** Reduce recidivism through the development and improvement of an offender's life skills that are necessary for successful reintegration into society by expanding the in-custody programming using evidence-based practices.
3. **Incorporate Evidence-Based Practices into Supervision and Case Management of Post Release Offenders; Encourage the Use of Evidence-Based Practices in Sentencing for Felony Offenders.** Utilize principles and practices proven to reduce recidivism through more effective sentencing, supervision and intervention services for offenders sentenced to local terms of imprisonment, as well as offenders returning from prison to post-community release supervision.

Implementation Plan

The following implementation plan outlines specific strategies and policies to modify, amend, and improve current systems. This plan also contains a recommended formula to allocate the State funding. In developing the plan, the CCP looked for opportunities to leverage County resources.

The first four components below are designed to re-engineer and improve current criminal justice practices in order to mitigate the impact of public safety realignment. Component five encompasses an entirely new population and requires development of new processes.

To achieve the three realignment goals, the CCP identified five components that form the framework of the implementation plan.

- 1) Enhance Pre-Trial Processes to More Effectively Utilize Current Jail Capacity
- 2) Improve and Streamline Felony Settlement
- 3) Encourage the Use of Evidence-Based Practices in Sentencing for Felony Offenders
- 4) Employ Alternative Custody Options and In Custody Programming
- 5) Provide Evidence-Based Supervision and Intervention Services for Post Release Offenders

1. Enhance Pre-Trial Processes to More Effectively Utilize Current Jail Capacity.

In this component, the objective is to maximize jail capacity through the use of cost effective alternatives. Identifying offenders through the use of an actuarial risk assessment tool to determine both the recidivism and flight risks is critical for each of the recommended strategies listed below. As stated earlier, the jail has a fixed capacity of 5,500 beds. Currently, between 62-65% of those beds are filled by pre-trial inmates. With full implementation of public safety realignment, it is anticipated that the the majority of those beds will be taken by long-term sentenced offenders and post-release violators. The County will use the following strategies to reduce the number of pre-trial offenders in custody.

- Request that the Court consider modifying bail schedules for offenders awaiting trial through the established Court process for modifying bail schedules, which should be completed by January 2012. This will require the input of the DA, CA, and representatives of the Defense Bar.
- Provide risk assessment information at the bail review hearing to allow the Court to consider reducing bail for low risk offenders.
- Use home detention, electronic monitoring, alcohol monitoring, and GPS for pre-trial offenders in lieu of jail, pursuant to the newly enacted Penal Code section 1203.018 and with authorization of the Board of Supervisors. The Sheriff and the DA, along with the Court, will establish reasonable rules and regulations under which such a program will operate. Specific eligibility criteria will limit the number and type of pre-trial inmates eligible for this program. If an inmate is eligible, this will be addressed at arraignment or bail review so victims have an opportunity to be heard and Marsy's Rights will be protected. In addition, mental health and substance abuse treatment may be combined with any one of these options. The Sheriff may contract with either Probation or a private vendor for these services. The potentially eligible population is between 1,000-3,000 low and medium risk offenders annually.
- Use Work Furlough (WF) as a new potential custody option for eligible pre-trial inmates. The additional potential capacity is 170 beds and 62,050 annual bed days.
- Increase the use of residential treatment beds in lieu of pre-trial custody for those offenders with significant substance abuse issues. The cost to house an inmate in jail is more than twice as much as a residential treatment bed.

2. Improve and Streamline Felony Settlement

In this component, the objective is to maximize the efficient use of jail capacity and minimize the number of court hearings by using actuarial assessments to identify low risk offenders to facilitate early disposition. The following strategies are recommended to achieve this objective.

- Probation officers will conduct assessments to identify low risk offenders for early disposition of cases. The Court, DA, and defense attorneys will now encourage the judge to use the risk level to achieve early settlement and immediate sentencing. Low risk offenders will be targeted for immediate sentencing and felony summary probation supervision by the Court.
- Reduce the number of hearings for low-risk offenders by providing additional resources on the front end of the adjudication process. Immediate sentencing will eliminate additional hearings required for the standard sentencing process.
- Expedite resolution of Proposition 36 Diversion (Penal Code section 1210) and Deferred Entry of Judgment (Penal Code section 1000) cases by setting earlier settlement conference dates. To facilitate early settlement, the DA will provide expedited discovery to defense counsel. Since these offenders are released from custody upon settlement of their case, a minimum of four custody days per case may be avoided for an estimated annual population of 3,000 potentially eligible offenders.
- Expanding the use of existing collaborative courts is viewed as an important component of our realignment strategy. San Diego County has several collaborative courts including: Drug Court, Reentry Court, Veteran's Court and the Behavioral Health Court. The DA and PD will partner with other criminal justice agencies to strengthen guidelines for the Reentry Court and other collaborative court programs and educate line staff on the existence of the programs and the eligibility requirements. Collectively, the DA, the PD and Probation will organize staff trainings on the use of evidence-based risk assessments.

3. Encourage the Use of Evidence-Based Practices in Sentencing for Felony Offenders

In this component, the objectives are to enhance the impact of sentencing and reduce reliance on custodial sanctions by utilizing the offender's risk and need information. The following strategies are recommended to achieve this objective.

- Probation will provide the results of risk and need assessments to all sentencing judges and to the parties. These assessments will incorporate criminogenic risks and needs to inform the judge regarding possible choices for sentencing terms, custodial sanctions, appropriate levels of supervision and conditions of probation.

- Collectively, the DA, Defense Bar and Probation will organize staff trainings on alternative sentencing options and best practices in recidivism reduction.
- Sentencing parties would advocate to judges to use actuarial assessments, existing Court Rules, the new legislative provisions, and the aforementioned trainings. The following options would be available to the Judge.

Felony Probation to the Court. At the sentencing hearing, use the assessment results to identify any remaining candidates for Probation to the Court.

Formal Probation. Identify offenders who are both eligible and suitable for supervision by the Probation Department.

Split Sentencing and Mandatory Probation. Encourage judges to utilize assessment information to identify candidates with high criminogenic needs who will benefit from case management and supervision in the community upon release from serving their custodial sanctions. This sentencing option will be considered for offenders who demonstrate a desire and a potential for change while remaining in the community under supervision after having served a prison term, or for those who require a period of supervision to re-assimilate safely back into the community without treatment intervention.

Full Sentencing. Judges will be urged to use this sentencing option for N3 offenders who do not appear to be amenable to supervision and treatment in the community based on actuarial assessments.

Contract For Custody (State Fire Camps). A possible option for both split and full sentencing under local prison would be to contract with the State for housing, specifically State Fire Camps. While the costs to the County remain undetermined at this time, it is anticipated that the State Fire Camp option will be financially beneficial.

State Prison. This sentencing option will be considered for offenders who are either ineligible or unsuitable for probation and are not statutorily eligible for housing in County jail.

4. Employ Alternative Custody Options and In Custody Programming

In this component, the objectives are to maximize the efficient use of jail capacity to accommodate the new populations by reducing the number of lower risk offenders in jail through the use of jail alternatives to and programming services while in custody. The following strategies are recommended to achieve this objective.

- Maximize the use of alternatives to custody for eligible offenders in lieu of jail custody. There is a potential pool of 1,000 to 3,000 low and medium risk offenders for whom these options may be appropriate in lieu of or in combination with jail time.
 - Work Release / Work Projects / Work Furlough
 - Home Confinement / Electronic Monitoring
 - GPS Supervision
 - Work and Fire Camp

Upon determination that an inmate is eligible, the inmate will transition from the County jail to an appropriate alternative to incarceration. Decisions regarding eligibility will consider in-custody behavior, participation and progress in jail programs and services, current charges and prior convictions, and availability of the alternatives to incarceration best suited for the inmate. Any step-downs to alternative sentencing must involve notification to any victim(s) pursuant to Marsy's Law.

Expand in-custody programming to address criminogenic risks and programming needs of offenders while in jail custody. Research has shown that participation in prison-based therapeutic treatment followed by community-based treatment after release can reduce the risk of recidivism to criminal behavior as well as relapse to drug use. Early phases of treatment in custody help the participant stop using drugs and begin a therapeutic process of change. Later stages address other problems related to drug abuse and, importantly, help the individual learn how to self-manage the drug problem upon release from custody.

- The current Local Reentry Program (LRP) is an example of a pre-release strategy to address programming needs prior to release. LRP currently provides substance abuse services, educational/vocational programming, counseling services, and cognitive behavioral programming.

5. Provide Evidence-Based Supervision and Intervention Services for Post Release Offenders

In this component, the objectives are to hold offenders accountable and provide services for PRO and any N3s supervised in the community in an effort to reduce recidivism. The following strategies are recommended to achieve this objective.

Probation will expand the implementation of evidenced-based practices (EBP) currently utilized with high risk felony probationers to these new populations. The implementation of EBP in probation supervision involves employing risk based supervision according to the offender's assessed risk of committing a new crime. An individual case plan will be developed to target the offender's highest criminogenic needs, and match the offender to intervention services designed to address the

criminogenic needs and facilitate behavior change. To implement risk based supervision, every PRO will be given a risks/needs assessment. Based on the results of the assessment the offender will be assigned to a supervision level. Those assessed at the highest risk will be supervised on the most intensive caseloads. The proposed caseload ratio for the highest risk PROs will be 50 to 1. Those assessed as medium risk will be supervised at a ratio of 100-1. The supervision strategy for the high risk PROs will involve regular office visits, announced and unannounced home visits, periodic searches and regular drug testing. Post Release probation officers will employ the department's philosophy of "balanced approach" supervision. The balanced approach model combines an enforcement focus where offenders are held accountable to the terms of their supervision with case management services to facilitate their rehabilitation. The case plan will determine the level of supervision for the PRO, and the treatment services to which they are linked, to achieve the dual goals of reducing the risk of re-offense and increasing pro-social functioning. The supervision approach with the PROs will be incentive based. Offenders will receive positive reinforcement (i.e. early discharge) for achieving benchmarks (i.e. the completion of substance abuse treatment, compliance with mental health medications, and clean drug tests) during their term of supervision.

- PROs are not eligible to be returned to state prison, unless they commit a new felony offense. For violations of the terms of their release, PROs are subject to revocation proceedings and can be revoked to jail for up to 180 days. To hold PROs accountable to the terms of supervision, probation officers will employ a range of intermediate sanctions, short of revocation, to respond to violation behavior. The intermediate sanctions may include: Community services; work projects; home detention; Electronic or GPS monitoring; referral to Reentry Court; referral to Drug Court (if PROs are deemed eligible); and up to 10 days of flash incarceration. The intermediate sanctions will be considered by the probation officer before pursuing revocation proceedings.
- It is anticipated that a significant number of locally supervised offenders (PROs and N3s) will present with substance abuse and/or mental health needs which will be addressed as part of the case plan in an effort to reintegrate them into the community. Additional needs may include employment, vocational training and transitional housing.

To address these needs, the strategy will involve procuring mental health and substance abuse treatment services. Existing County contracts will be amended to expand capacity and types of treatment services. Potential new substance abuse treatment contractors will need to be currently licensed and certified by the California Department of Alcohol and Drug Abuse Services.

As the agency charged with managing the realigned population, Probation will also engage community providers to obtain reentry services including, job preparation,

and vocational training/employment services, cognitive behavioral treatment, family strengthening strategies, restorative justice programs, and housing resources.

- Also playing a key role in the success of the post release population will be support services provided by HHSA, which will facilitate access to services and benefits mandated by federal, state and local law. Probation will continue to collaborate with law enforcement. Working closely with the San Diego Chief's and Sheriff's Association, it is anticipated Probation will co-locate Post Release Probation Officers within various law enforcement agency offices throughout the County (e.g. Sheriff, La Mesa, Oceanside, Chula Vista, and National City). The collaboration with law enforcement will involve the expansion of some of the practices of the successful Probation/Sheriff "Tracking Known Offender" (TKO) pilot program. The TKO program features enhanced information sharing between Probation and Sheriff, and utilizes Sheriff's deputies in the monitoring of offenders on probation supervision. Probation officers and police officers in the various agencies will share information, may conduct joint home visits and collaboratively monitor locally supervised offenders.

Funding Strategy

State Funding for Public Safety Realignment. AB118 outlines an initial financial structure for funding public safety realignment and establishes the Local Revenue Fund 2011 to receive revenue associated with a 1.0625 percent allocation of state sales tax, and allocates certain amounts to the Local Community Corrections account. The level of local funding available through AB109 is based on a weighted formula containing these three elements.

- 60% based on estimated average daily population (ADP) of offenders meeting AB109 eligibility criteria
- 30% based on U.S. Census Data pertaining to the total population of adults (18-64) in the County as a percentage of the statewide population
- 10% based on the SB678 distribution formula

The allocation formula may be reevaluated in future years. Legislation enacted to date does not afford sufficient protections to provide ongoing funding and mandated protection should the revenues fall short of initial projections.

Based on this formula and State revenue projections, San Diego County is projected to receive the following funding for realigned offenders in the first year of implementation.

- Local Custody, Supervision and Treatment Services: \$25.1 million
- AB109 Planning Grant: \$0.2 million (one time funds)
- AB109 Training and Implementation Activities: \$1.7 million (one time funds)
- Revocation Activities: \$0.9 million (annually)

Initial Allocations of State Funding to Support the Preliminary Implementation Plan. PC 3450(b)(7), as added by AB 109, states that “fiscal policy and correctional practices should align to promote a justice reinvestment strategy that fits each county. Justice reinvestment is a data driven approach to reduce corrections and related criminal justice spending and reinvest savings in strategies designed to increase public safety. The purpose of justice reinvestment is to manage and allocate criminal justice populations more cost effectively, generating savings that can be reinvested in evidence-based strategies that increase public safety while holding offenders accountable.”

In consideration of the above and the importance of fiscal policies that focus on maintaining public safety and investment in practices that are cost effective and produce positive outcomes, the CCP utilized the planned implementation strategies as the basis for the funding strategy and the initial allocation of resources to effectively manage the new populations. The funding strategy takes into account existing resources and the leveraging of these resources to maximize what is available to maintain public safety. Because of the number of unknown variables in implementing public safety realignment, the CCP found it prudent to develop an initial allocation of projected state funds focused on the incremental influx of these new populations into the local criminal justice system. This allows the CCP to monitor the implementation of the public safety realignment plan and adjust the funding accordingly. The CCP believes the most immediate needs will be supervision, treatment services and then custody due to existing available jail bed capacity. Initial funding allocations are shown in Table 1 below. The funding strategy prioritizes the use of resources for the hiring of required staff and intervention services needed to implement public safety realignment.

Table 1: Initial Allocations

Service	Initial Allocation
Supervision	\$5 million
Custody	\$3 million
Intervention Services	\$3 million
TOTAL	\$11 million

The initial allocation for supervision provides funds for Probation to hire up to 75 staff at a cost of approximately \$5 million, including services and supplies, for the remainder of this fiscal year. Those same 75 staff will cost approximately \$10 million dollars in the next full fiscal year.

The initial allocation for custody, provides funds to the Sheriff's Department for healthcare services, food and a minimal number of staff for the new populations in their custody.

The initial allocation of \$3 million for intervention services (i.e. substance abuse, mental health, and housing) provides funds to Probation to obtain services based on the needs of the offender populations.

Each department will be required to track their actual costs against the initial allocation. The CCP intends to use this information to develop the public safety realignment allocation for the balance of the 2011-2012 fiscal year, as well as the 2012-2013 fiscal year.

Based on the information from the State, the CCP anticipates that in the first six months, approximately 960 N3s and 1,400 PROs will be in custody or under supervision in San Diego County. The estimated cost associated with serving these new populations is approximately \$11 million.

The CCP recognizes there will be additional costs, and has not yet allocated the remaining \$14 million in projected funds available for fiscal year 2011-2012. The balance of actual available revenues will be allocated according to the need for additional resources to implement public safety realignment or will be carried over into the 2012-2013 realignment budget. The CCP will return to the Board of Supervisors should additional allocations be required in the remaining 2011-2012 fiscal year.

The CCP will continue to monitor actual costs and outcomes during the first year to forecast costs and needs in future years.

Performance Measures and Outcomes

Performance measures and a mechanism for the reporting of outcomes will be developed based on the vision and goals stated above for public safety realignment. The outcome measures will include process analyses, implementation and change analyses, and cost/benefit analyses. As noted throughout this implementation plan, the shifting of responsibility for supervising and housing offenders from the state to the county mandates a re-tooling of the county's criminal justice system to effectively leverage available resources for all criminal offenders. The county will measure the effects of AB109 implementation on six populations: misdemeanants, felony probationers, felons sentenced pursuant to full 1170(h) terms of imprisonment, felons sentenced to split sentences pursuant to 1170(h), felons sentenced to state prison, and PROs.

The CCP will explore the development and implementation of an information technology framework to facilitate information sharing and the evaluation of offender outcomes and the overall success of the implementation plan.

Examples of potential outcome measures for realignment plan include recidivism rate, revocation rate and arrest rates.

Efficiently Use Jail Capacity. For each group, the County will measure the use of custody, including length of stay to determine how effectively we are using custody and for what purpose. Alternatives to custody will also be studied. In this manner, the County can capture the percentage of jail space that is utilized for pre-trial detention, long term sentences, and revocations. This measure will assist the county in determining if additional jail space will become necessary in the future. Moreover, capturing information about use of custody and alternatives to custody and their effects on recidivism will help the County determine what works and what doesn't work to improve processes in the future.

Incorporate reentry principles into in custody programming. The County will measure the use of in custody programming to determine its effects on recidivism. The types of programming offered to each of the groups will be documented, as well as, the transitions to community treatment, and the effects on recidivism. The County will use this information to ensure funding remains available for programming showing positive results, and to modify or cut programs that are not having positive outcomes, which will result in more effective use of limited resources.

Incorporate evidence-based practices into sentencing, supervision and case management. The County will measure the use of risk and needs assessments in sentencing, supervision and case management. The County will measure the types and lengths of services, use of collaborative courts, alternative sanctions, custodial sanctions, level of supervision and the effects on recidivism. The County will measure the number of court hearings for all populations and whether this is increased or decreased based on strategies implemented for each population. This will help to determine whether these strategies are cost-effective and how resources should be allocated in the future.

Glossary of Terms

AB109- Public Safety Realignment Act of 2011	PC- California Penal Code
BPH- Board of Parole Hearings- entity responsible for adjudicating violations of parole.	PC 290 Registrant – A person required to register as a sex offender pursuant to Penal Code 290.
CA- San Diego City Attorney	PD- Defense counsel, primarily San Diego Public Defender
CCP- Community Corrections Partnership – A collaborative group created under Senate Bill 678 for overseeing implementation of evidence based practices in probation services to increase successful completion of Probation.	PRO- Post Release Offenders – Offenders released to counties for supervision after completing their state prison sentence.
Cognitive Behavioral Treatment – A type of programming that focuses on an offender’s criminal thinking patterns with the intent of changing them to bring about changes in their behavior.	Probation Department – A County agency responsible for the supervision of offenders under the jurisdiction of the court.
Criminogenic Needs- attributes of offenders that are directly linked to criminal behavior.	Probation to the Court – Unsupervised form of probation where the court retains sentencing jurisdiction over the offender should they violate the law again.
DA- San Diego District Attorney	Recidivism- new law conviction
Disposition – Criminal sentence	Residential Treatment Facility – A location where an individual receives intensive, structured alcohol and drug treatment services in a residential environment.
EM- Electronic Monitoring – Use of a device to determine a person’s whereabouts or ensure they are within a certain distance (< 50 yards) of the monitor. Typically used in Home Detention.	Risk – An actuarially assessed level of potential for recidivism.
Evidence Based Practices – Intervention techniques determined through research and meta-analysis to be effective in achieving measurable behavior change and recidivism reduction.	SDSO- San Diego Sheriff’s Office
GPS- Global Positioning System	Serious Felony – A crime which falls within the definition of Penal Code 1192.7 (c).
HHSA/The Agency - Health and Human Service Agency	Settlement – The point in the court process where a settlement is reached between the DA or City Attorney and defense counsel for a guilty plea.
Home Detention – Use of a person’s home (with certain restrictions) as a location where custody is served as opposed to jail. Typically combined with Electronic Monitoring.	Violent Felony – A crime which falls within the definition of Penal Code 667.5 (c).
N3 – Offender without a current or prior violent, serious or sex offense.	Work Projects and Work Release – A criminal sanction where offenders are required to complete a specific number of days on a work crew in lieu of custody.
Parole – The state agency previously responsible for supervising all offenders released from state prison.	Work Furlough – A facility within the county that serves as a custodial location for inmates who are allowed to travel to and from their work site.

Appendix A

STRATEGIC PLAN FOR THE IMPLEMENTATION OF EVIDENCE BASED PROGRAMS: SAN DIEGO COUNTY PROBATION

Protect community safety, reduce crime and assist victims, through offender accountability and rehabilitation

Goal	Objectives
Ensure availability of appropriate tools enabling staff to accurately assess offenders for risk and needs at each stage of the probation process	<ol style="list-style-type: none"> 1. Conduct gap analysis of general assessment tools in Adult Field Services (AFS) /Juvenile Field Services (JFS) /Institutional Services (IS) in order to identify strengths and weaknesses of tools 2. Evaluate specialty tools 3. Provide Information and recommendations to all services regarding use of assessment tools 4. Disseminate Information in easy to read format
Assign offenders to the appropriate level of supervision based on their risk and need factors	<ol style="list-style-type: none"> 1. Develop clear and concise standards for re-assignment to other levels of supervision 2. Design, develop and implement an organizational infrastructure and corresponding framework of practices, protocols, and policies that support Quality Assurance
Develop case plan standards based upon the risk / need assessment and level of supervision	<ol style="list-style-type: none"> 1. Identify the case planning tool to be used by JFS, AFS and IS 2. Ensure that there is a seamless continuum between IS and JFS assessments and case planning 3. Create Needs domains / referral matrices for JFS and AFS 4. Integrate community resource directory with case planning tool 5. Ensure that all staff have the training needed to use case planning component of assessment tool and community resource directory appropriately
In support of the “balanced approach”, establish guidelines for incentives and sanctions throughout juvenile, adult and institutions to provide effective responses to offender behavior, in order to reduce recidivism	<ol style="list-style-type: none"> 1. Develop subject matter experts on EBP incentives / sanctions 2. Develop incentive and sanctions models for adult, juvenile and institutions 3. Train Probation staff on incentive/sanctions model
Improve the ability of information technology (IT) to support the department for the purpose of holding offenders accountable, providing rehabilitative services, and supporting evidence based practice	<ol style="list-style-type: none"> 1. Create a governance committee 2. Create committee charter 3. Commence committee meetings
<ul style="list-style-type: none"> • Develop procedures / practices that incorporate staff competencies into the appraisal process • Improve the quality and consistency of programs 	

Appendix B

SAN DIEGO COUNTY PROBATION SUPERVISION MODEL

Evidence-Based Practice Strategic Initiatives

- | | | |
|--|---|--|
| <ul style="list-style-type: none"> • Use Assessment Tools • Match Supervision to Risk Level • Create Individualized Case Plans • Incorporate into Sentencing Recommendations | <ul style="list-style-type: none"> • Employ Incentives and Sanctions Continuum • Educate Stakeholders • Improve Officer Skills | <ul style="list-style-type: none"> • Manage/Reduce Detention Population • Use Screening Tools for Diversion Strategies • Explore Detention Alternatives |
|--|---|--|

Supervise Probationers to Reduce Recidivism using Integrated Behavioral Intervention Strategies (IBIS) and Case Management

- ### Motivational Interviewing
- Collaborative style of conversation to strengthen a person’s own motivation to change
 - Brief Interaction
 - Complementary with other tools

- ### Cognitive Behavioral
- Thinking affects behavior
 - Antisocial and unproductive thinking causes antisocial and unproductive behavior
 - Thinking can be influenced
 - We can change how we feel and behave by changing how we think

- ### Incentives and Sanctions
- Swift, certain and consistent
 - Administrative, not adversarial
 - Proportionate to behavior and risk level

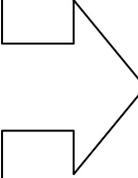
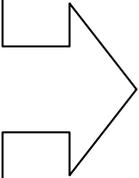
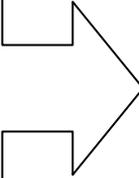
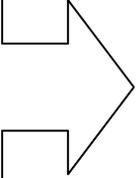
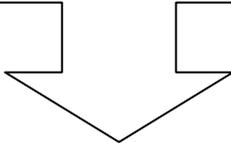
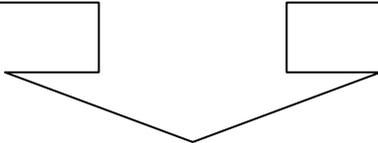
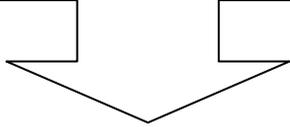
- ### ASSESSMENT
- Use empirical assessment tool
 - Assign to a supervision level by risk
 - Understand criminogenic needs

- ### PLANNING
- Ensure plan is comprehensive, ongoing and dynamic
 - Include probationer
 - Pay attention to stage of change

- ### LINKING
- Make appropriate referrals
 - Use Community Resource Directory
 - Engage community supports

- ### MONITORING
- Provide incentives
 - Apply swift and certain sanctions
 - Acknowledge relapse triggers
 - Revise case plan as needed

- ### ADVOCACY
- Working with and on behalf of probationers to obtain services and resources
 - Increase probationer’s belief in the ability to succeed



Appendix C



Watchful Eye/Tracking Known Offenders (TKO)

OBJECTIVE

Watchful Eye, now known as Tracking Known Offenders (TKO), implemented by the Probation and Sheriff's Departments was developed to more effectively share criminal intelligence information and monitor adult probationers in the community. Using a balanced approach of holding offenders accountable, while assisting them with rehabilitation, assists us in meeting our objective to make San Diego the safest urban county in the nation.

PHASE I IMPLEMENTATION

In July 2010, Probation along with the Encinitas Sheriff's station, developed protocols to share criminal intelligence information to assist the Sheriff in solving crimes and the Sheriff began assisting probation officers by monitoring high and medium risk probationers in the community. Between July 2010 and January 2011, our agencies collectively participated in sharing information, such as field interviews and criminal intelligence information.

PHASE II IMPLEMENTATION

Effective January 2011, Phase II of TKO commenced. The target population shifted from offenders assessed to high and medium risk supervision, to focus on offenders assessed to medium risk only. Probation officers monitoring medium risk caseloads, unlike their peers assigned to high risk, are not armed and do not engage in field activities.

CRITICAL COMPONENTS OF TKO

1. Evidence-Based Practice (EBP)/Frontloading Services

Sheriff's Correctional Counselors meet with offenders in jail, and then deputies conduct compliance checks at offenders' residences within 72 hours of the offender's release from custody. Additionally, offenders are required to report to the Probation Department w/in 72 hours of their release from custody.

Appendix C

Watchful Eye/Tracking Known Offenders (TKO)

2. Community Field Component

Sheriff's deputies conduct compliance checks and 4th waiver searches at offenders' residences on their own without a probation officer present, report information to probation.

3. Information Technology & Criminal Information Sharing

Probation Officers share information with the Sheriff to assist in solving crimes. Sheriff's deputies have access to the Probation Case Management System (PCMS) to review probation conditions and contact notes regarding the case. Sheriff's deputies can input data into PCMS contact logs.

PERFORMANCE OUTCOME MEASURES

- The number of probationers arrested for a new offense during the time frame
- The number of probationers arrested for a technical violation during the time frame
- The number of field contacts made by SDSO deputies
- The total number of 4th waiver home searches made by SDSO deputies
- Overall workload impact due to increased detection of additional violations / crimes

NEXT STEPS

1. Sheriff's deputies obtain access to PCMS from car laptops and other mobile devices.
2. Explore Probation Officer's access to the Sheriff's IT system (netRMS) and other information-led policing and probation options, e.g., ARJIS, Coplink.
3. Expansion of TKO to the Sheriff's Vista substation - critical components include training, tracking and obtaining access to PCMS.
4. Monitor and control by ongoing review of statistics from PCMS to ensure success according to performance measures.

Appendix D

List of 70 Crimes Requiring Commitment to State Prison

Penal Code

67	Bribing an executive officer
68	Executive or ministerial officer accepting a bribe
85	Bribing a legislator
86	Legislator accepting a bribe
92/93	Judicial bribery
141(b)	Peace officer intentionally planting evidence
165	Local official accepting a bribe
186.11	Felony conviction with aggravated theft enhancement
186.22	Criminal street gangs
186.26	Street gang activity
186.33	Gang registration violation
191.5(c)(1)	Vehicular manslaughter while intoxicated
222	Administering stupefying drugs to assist in commission of a felony
424	Misappropriation of public funds
243.7	Battery against a juror
243.9	Gassing a peace officer or local detention facility employee
245	Assault with a deadly weapon of force likely to inflict GBI
245(d)	Assault on peace officer
266a	Abduction or procurement by fraudulent inducement for prostitution
266e	Purchasing a person for the purpose of prostitution or placing a person for immoral purposes
266f	Sale of a person for immoral purposes
266h	Pimping and pimping a minor
266i	pandering and pandering with a minor
266j	Procuring a child under 16 for lewd or lascivious acts
273a	Felony child abuse likely to cause GBI or death
273ab	Assault resulting in death of a child under age 8
273.4	Female genital mutilation
273.5	Felony domestic violence
290.018	Sex offender registration violations
298.2	Knowingly facilitating the collection of wrongfully attributed DNA Specimens.
299.5	Wrongful use of DNA specimens
347	Poisoning or adulterating food, medicine, drink, etc.
368b	Felony physical abuse of elder or dependent adult
417(c)	Brandishing firearm in presence of peace officer
417.8	Felony brandishing firearm or deadly weapon to avoid arrest
422	Criminal threats
424	Misappropriation of public funds
452	Arson of inhabited structure or property

Appendix D

List of 70 Crimes Requiring Commitment to State Prison

Penal Code

455	Burning forest land or property
504/514	Embezzlement of public funds
598c	Possession or importation of horse meat
598d	Offering horse meat for human consumption
600(d)	Harming or interfering with police dog or horse causing GBI
646.9	Felony stalking
653f(b)	Solicitation for murder
666(b)	Petty theft with specified prior convictions
4532	Escape
11418	Use of weapon of mass destruction
12021/12021.1	Possession of a firearm by prohibited person
12021.5(b)	Carrying firearm with detachable magazine
12022(b)	Using a deadly weapon in commission of felony
12022.5	Using a firearm in commission of felony
12022.9	Infliction of injury causing termination of pregnancy
12025(b)(3)	Carrying concealed firearm by gang member
12303.1/12303.2	Possession of an explosive or destructive device

Elections Code

18501	Public official who aids and abets voter fraud
-------	--

Government Code

1090/1097	Conflict of interest by public officer or employee
1195	Taking subordinate pay
1855	Destruction of documents

Health and Safety Code

11353	Employment of minor to sell controlled substance
11354	Employment of minor to sell controlled substance
11361(a) & (b)	Employment of minor to sell marijuana
11370.1	Possession of a controlled substance while armed with firearm
11380(a)	Use of minor to transport/possess/possess for sale
120291	Knowingly exposure of person to HIV

Vehicle

2800.2	Reckless evading a police officer
2800.3	Evading a peace officer causing death or serious bodily injury
20001	Hit and run driving causing death or injury
23109(f)(3)	Causing serious bodily injury during speed contest
23110(b)	Throwing object at motor vehicle with intent to cause GBI
23153	Driving under the influence causing injury

Appendix E AB109 Prison Eligible Offenses

Administering stupefying drugs to assist in commission of a felony	PC	222
Battery against a juror	PC	243.7
Gassing of a peace officer or local detention facility employee	PC	243.9
Abduction or procurement by fraudulent inducement for prostitution	PC	266a
Purchasing a person for purposes of prostitution or placing a person for immoral purposes	PC	266e
Sale of a person for immoral purposes	PC	266f
Pimping and pimping a minor	PC	266h
Pandering and pandering with a minor	PC	266i
Procurement of a child under age 16 for lewd or lascivious acts	PC	266j
Felony child abuse likely to produce great bodily injury or death	PC	273a
Assault resulting in death of a child under age 8	PC	273ab
Felony domestic violence	PC	273.5
Poisoning or adulterating food, drink, medicine, pharmaceutical product, spring, well, reservoir, or public water supply	PC	347
Felony physical abuse of an elder or dependent adult	PC	368b
Brandishing firearm or deadly weapon to avoid arrest	PC	417.8
Unlawfully causing a fire that causes an inhabited structure or inhabited property to burn	PC	452
Felony stalking	PC	646.9
Solicitation for murder	PC	653f(b)
Possession of a firearm by a prohibited person	PC	12021/12021.1
Possession of an explosive or destructive device	PC	12303.2
Escape	PC	4532
Possession of a controlled substance while armed with a firearm	HS	11370.1
Evading a peace officer by driving in a willful or wanton disregard for safety of persons or property	VC	2800.2
Evading a peace officer causing death or serious bodily injury	VC	2800.3
Hit and run driving causing death or injury	VC	20001
Felony driving under the influence causing injury	VC	23153
Felony convictions with a Penal Code Section 186 11 enhancement	PC	186 11

AB109 Prison Eligible Offenses

Felony convictions with a Penal Code Section 186.11 enhancement	PC	186.11
Bribing an Executive Officer	PC	67
Executive or Ministerial Officer Accepting a Bribe	PC	68
Bribing a Legislator	PC	85
Legislator Excepting a Bribe	PC	86
Judicial Bribery	PC	92/93
Peace Officer Intentionally Planting Evidence	PC	141
Local Official Accepting a Bribe	PC	165
Misappropriation of Public Funds	PC	424
Embezzlement of Public Funds	PC	504/514
Conflict of Interest by Public Officer or Employee	GC	1090/1097
Taking Subordinate Pay	GC	1195
Destruction of Documents	GC	1855
Public Official Who Aids and Abets Voter Fraud	EC	18501
Assault on a Peace Officer	PC	245(d)
Persuading, Luring, or Transporting a Minor Under 13	PC	272(b)
Employment of Minor to Sell Controlled Substance	HS	11353
Employment of Minor to Sell Controlled Substance	HS	11354
Use of Minor to Transport/Possess/Possess for Sale	HS	11380(a)
Employment of Minor to Sell Marijuana	HS	11361(a)(b)
Brandishing Firearm in Presence of Peace Officer	PC	417(c)
Brandishing Firearm or Deadly Weapon to Resist Arrest	PC	417.8
Vehicular Manslaughter While Intoxicated	PC	191.5 (c)
Knowingly Exposes Someone to HIV	HS	120291
Knowingly Facilitates the Collection of Wrongfully Attributed DNA Specimens	PC	298.2
Wrongful Use of DNA Specimens	PC	299.5
Criminal Gang Activity	PC	186.22
Street Gang Activity	PC	186.26
Gang Registration Violation	PC	186.33
Possession or Importation of Horse Meat	PC	598c
Sale of Horse Meat	PC	598d
Manufacture/Distribution of False Documents for Citizenship Purposes	PC	113
Use of False Documents for Citizenship Purposes	PC	1142011 realignment.

Appendix F



San Diego County SB678 Plan Fact Sheet

San Diego County's SB678 implementation plan is designed to improve outcomes for felony probationer's and reduce revocations to state prison. The plan has three components: (1) The implementation of the Probation Leadership Academy for Adult Field Services Directors and Supervisors; (2) Enhancing probationer supervision and accountability of high risk probationers; (3) Enhancing the delivery of services to address the criminogenic needs of probationers. These areas are further explained as follows:

- **San Diego County Probation Leadership Academy**
 - In depth training for Probation Adult Field Services supervisors and directors to enhance leadership skills to integrate Evidence Based Practices into adult probation

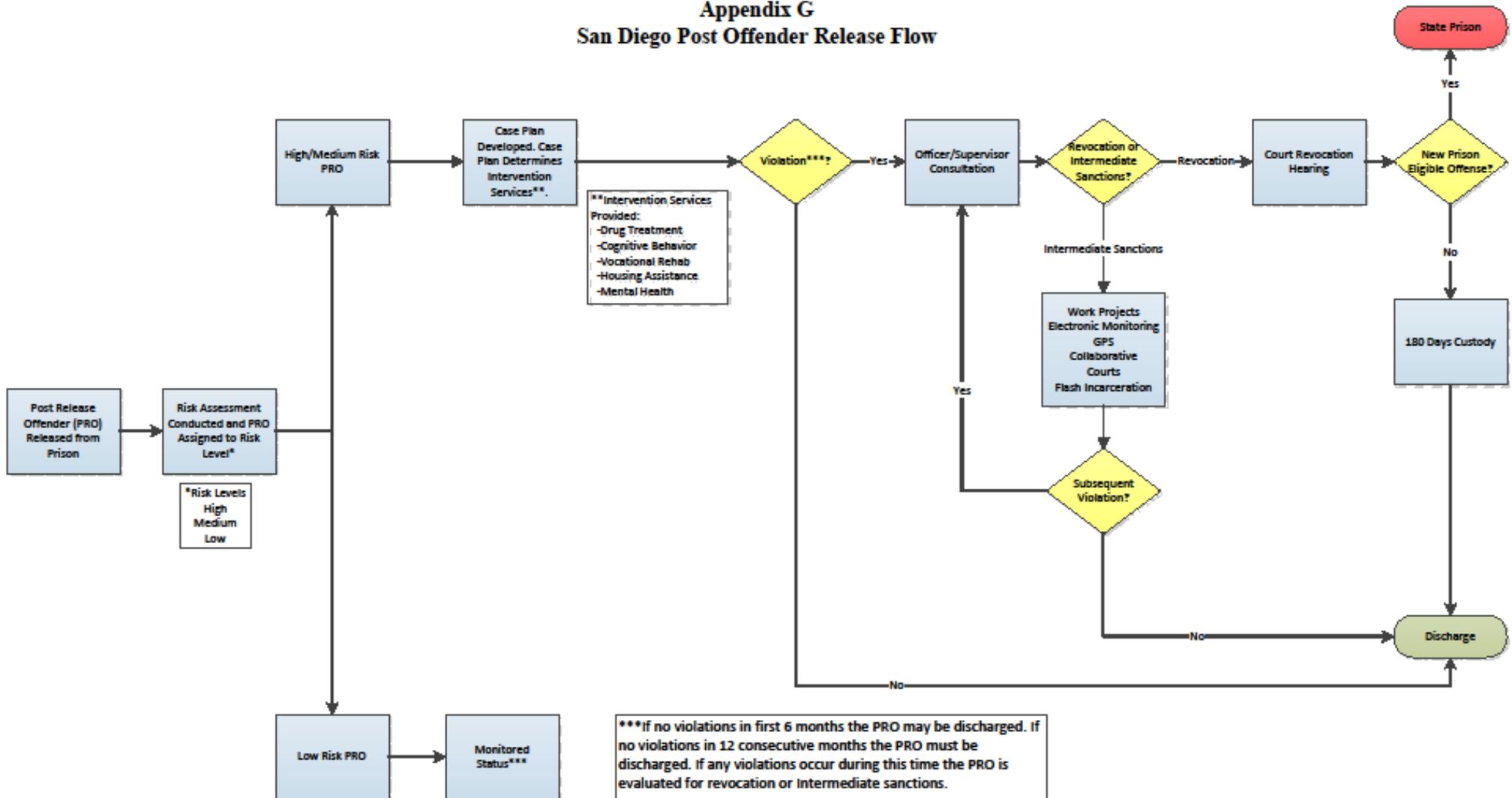
- **Enhance Comprehensive Services**
 - Regional Targeted Services For High Risk Caseloads
 - Substance Abuse Treatment
 - Cognitive Behavioral Treatment
 - Vocational/Educational
 - Health/Mental Health Services
 - June 2011 Implement Services to High Risk Caseloads South Bay and East County Regions
 - Fall 2011 Expand Services to High Risk Caseloads North County and Central Regions

- **Enhance Supervision and Accountability of High Risk Offenders**
 - Administrative Sanctions Continuum
 - IBIS (Integrated Behavior and Intervention Services) Training for all Adult Field Services Staff – Fall 2011
 - Motivational Interviewing
 - Cognitive Behavioral Interventions
 - Community Re-Entry Supervision Model
 - Probation to review conditions of probation with probationer two weeks before jail release
 - Probation officer to create case plan to address top three criminogenic needs with 30 days of release

- **Evaluating the Impact of the SB678 Plan/Performance/Outcome Measures**
 - Understanding the use of high risk supervision
 - Who is supervised?
 - Contacts between probation officer and probationer
 - ✓ Number of contacts
 - ✓ Type of contact (i.e. office, phone etc.)
 - ✓ Content of the contact
 - What criminogenic needs were identified?
 - What services were provided?
 - What sanctions and incentives were used?

 - Understanding the Impact of High Risk Supervision
 - Number of offenders convicted of a new offense while under supervision
 - Number of violations while under supervision
 - Number of offenders revoked to prison
 - Factors that predict a conviction or revocation
 - Number of probationer who successfully complete probation
 - Do needs change over time?
 - Did SB678 plan reduce criminal justice costs?

Appendix G San Diego Post Offender Release Flow





County of San Diego

Mack Jenkins
CHIEF PROBATION OFFICER

DEPARTMENT OF PROBATION
POST OFFICE BOX 23597, SAN DIEGO, CALIFORNIA, 92193-3597

Yvette D. Klepin
ASSISTANT CHIEF PROBATION OFFICER

September 5, 2012

To: Kim Bushard, Board of State and Community Corrections

Subject: AB1464 & CCP Plan Submission

Board of State and Community Corrections (BSCC),

San Diego County received notification of the BSCC's intent to distribute funds to our local Community Corrections Partnership (CCP) for the purpose of assisting the Partnership in its continued efforts to implement AB109. This letter serves as a response to AB1464, the 2012-2013 Budget Act, which authorized these grants and also directed counties to provide BSCC a copy of their respective final plan.

Attached please find the County of San Diego's current Implementation Plan and its two amendments.

If you have any questions about the Implementation Plan please do not hesitate to contact me. I can be reached at 858-514-3173, or Ken.Worthington@sdcounty.ca.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Ken Worthington", written over a white background.

Ken Worthington
Deputy Chief, Adult Field Services

CC
Mack Jenkins, Chief Probation Officer
Yvette Klepin, Assistant Chief Probation Officer
Debbie Patag, Chief, Administrative Services



County of San Diego
Public Safety Realignment
&
Post-Release Community Supervision

Preliminary
2011 Implementation Plan

Executive Committee of the Community Corrections Partnership:

Mack Jenkins, Chief Probation Officer, Chair

Honorable David Danielsen, San Diego Superior Court

Bonnie Dumanis, District Attorney

Henry Coker, Public Defender

William Gore, Sheriff

Nick Macchione, Director, Health and Human Services Agency

Frank McCoy, Chief, Oceanside Police Department

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Executive Summary

Background and Impact

The California criminal justice system will fundamentally shift on October 1, 2011 as the result of AB 109, the Public Safety Realignment Act. This 652 page law changes the definition of a felony, shifts housing for lower level offenders from prison to local jail, and transfers supervision of designated parolees from the California Department of Corrections and Rehabilitation (CDCR) to Probation.

Felons who have committed non-violent, non-serious and non-sex offenses (N3) will be housed in local jail. Those released from state prison, Post Release Offenders (PRO), will be supervised by Probation. Four thousand offenders in these two groups will utilize county funded substance abuse, mental health and other services in the community.

This shift requires San Diego County to more effectively and efficiently manage offenders while maintaining high standards of public safety. The outline below provides the five components of the plan.

Implementation Plan

Enhance Pre-Trial Processes to More Effectively Utilize Current Jail Capacity

Objective: Increase jail capacity for new populations by reducing the number of low risk offenders who await trial in jail

- Court to consider modifying bail schedules
- Consider reducing bail for low risk offenders
- Expedite resolution of drug diversion and deferred entry of judgment cases
- Use of home detention, electronic monitoring, alcohol monitoring, GPS, work furlough and residential drug treatment

Improve and Streamline Felony Settlement

Objective: Maximize efficient use of jail capacity and minimize number of court hearings

- Reduce number of hearings using early settlements and immediate sentencing
- Expand the use of collaborative courts

Encourage the Use of Evidence-Based Practices in Sentencing for Felony Offenders

Objective: Increase efficiency and effectiveness of felony sentencing

- Provide results of risk and need assessments to all sentencing parties
- Train all parties on alternative sentencing and best practices for recidivism reduction

Employ Alternative Custody Options and In Custody Programming

Objective: Increase jail capacity for new populations by reducing the number of low risk offenders in jail and reducing recidivism by utilizing in custody treatment services

- Maximize use of alternatives to custody for eligible offenders
- Work release / Work projects / Work furlough
- Home confinement / Electronic monitoring
- GPS supervision

- Exploration of work and fire camps
- Maximize the use of in-custody re-entry treatment services

Provide Evidence-Based Supervision and Intervention Services for Post Release Offenders

Objective: Utilize the balanced approach to hold post release and N3 offenders accountable and reduce recidivism

- Employ risk based supervision – more intense supervision for higher risk offenders
- Employ swift and sure sanctions for non compliant behavior
- Provide incentives for compliant behavior
- Refer to and monitor use of community based treatment services

Funding Strategy

Based on the statutory formula, San Diego County is projected to receive \$25.1 million in Fiscal Year 2011-12. Funding for the second is projected to be \$60-65 million depending on State revenue and allocation formulas. This funding strategy is designed to meet the immediate needs of supervision, treatment services and custody for the first six months of the realignment strategy; \$5 million will be allocated for probation supervision services; \$3 million for healthcare, food service and Sheriff's department staff; and \$3 million will be spent to procure intervention and treatment services. It is estimated that these funds will serve approximately 960 N3s and 1,400 PROs.

The executive committee of the Community Corrections partnership will monitor the initial implementation of the proposed strategies for actual costs to determine subsequent year allocations.,

Outcome Measures

AB 109 is based on the justice reinvestment model that requires that criminal justice systems manage their resources so that cost savings can be reinvested in evidence based strategies that increase public safety while holding offenders accountable. The following outcome measures and their relationship to recidivism will be monitored to ensure adherence to the model.

- Use of jail space
 - Length of stay for various populations
- Amount and type of in custody programming
- Use of risk / need assessment in sentencing, supervision and case management

Overview of 2011 Public Safety Realignment Act (AB109)

On April 4, 2011, Governor Brown signed AB 109, the Public Safety Realignment Act. This 652 page law, fundamentally alters the criminal justice system by changing the definition of a felony, shifting housing for low level offenders from prison to local county jail, and transferring the supervision of designated parolees from the California Department of Corrections and Rehabilitation (CDCR) to local county agencies.

Several companion bills (AB 117, AB 118 and AB 116) followed to clarify the legislative intent, correct drafting errors and provide funding. This Act will become operative on October 1, 2011. Legislation will provide funding in nine monthly installments from the State to the County.

This document serves as a blueprint of the San Diego County Public Safety Realignment Implementation Plan. To understand the Implementation Plan, a review of the background of AB 109 and the framework of the legislation follows.

Background

As of July 1, 2011, California's 33 prisons held 142,000 inmates in a system designed to house 88,800. More than 40% of incoming inmates were probation failures. In addition, over two-thirds of parolees released from the CDCR return within three years.

Earlier this year, the United States Supreme Court, in response to a law suit citing overcrowding and poor medical and mental healthcare, upheld a Federal District Court ruling ordering CDCR to reduce its population by approximately 30,000 inmates by 2013.

This year, CDCR spent more than \$10 billion to operate this failing system while California faced a budget deficit of more than \$28 billion.

In view of the California budget crisis, the Supreme Court ruling, and the high rate of recidivism, Governor Brown and the Legislature enacted the Public Safety Realignment Act. The intention of the law is to address both state budget shortfalls and overcrowded conditions.

The Realignment Act mandates that felons convicted of non-violent, non-serious and non-sex offenses serve their prison sentence in county jail instead of state prison. Offenders sentenced to serve determinate terms, whether it is in state prison or local custody as the new law requires, will serve a term directed by the Court. However, for offenders sentenced to a term in local custody, the new law permits a judge to split a determinate sentence between custody and "mandatory supervision."

Additionally, the law creates a new status called "Post-Release Community Supervision." The law requires that a County agency supervise any felon released from state prison with a committing offense that was non-violent, non-serious, and not a high risk sex offense, or inmates committed after admitting one serious or violent prior. These offenders may have been serving a

term that was enhanced with a prior serious or violent felony (strike prior). Sanctions for violations of Post-Release Community Supervision will be served in county jail for offenders, as well as for most on formal parole, and will be limited to 180 days.

The shifting of supervision and housing from CDCR to San Diego County requires a comprehensive plan to effectively implement these modifications to the criminal justice system without compromising public safety. The state has suggested that realignment plans maximize the investment of criminal justice resources in evidence-based correctional sanctions and programs.

The Legislative Framework

Public Safety Realignment expanded the role and purpose of the Community Corrections Partnership (CCP), which was previously established in Penal Code §1230 (SB 678). Pursuant to AB 117, an Executive Committee of the CCP is required to prepare an AB 109 implementation plan that will enable the County to meet the goals of public safety realignment.

The Executive Committee is comprised of the Chief Probation Officer (the Chair of the CCP), the Presiding Judge of the Superior Court; the District Attorney; the Public Defender; the Sheriff; a Police Chief; and the Chief of Health and Human Services.

AB 109 and its' companion bills address four areas of the criminal justice system: felony sentencing, supervision of felons post-release, alternatives to custody, and parole revocation.

Felony Sentencing. Prior to AB 109, the definition of a felony was a crime punishable by death or imprisonment in the state prison. AB 109 redefined a felony as a crime punishable by death or imprisonment in the state prison, or *imprisonment in a county jail for more than one year.*

The most far-reaching substantive change to the Penal Code was the amendment of the determinate sentencing law to provide terms of imprisonment in county jail rather than state prison for over 500 specified felonies. Terms of imprisonment will only be served in state prison if the crime is a serious or violent felony, or if the defendant has a prior serious or violent felony conviction, is required to register as a sex offender pursuant to Penal Code section 290, or admits an allegation of stealing more than one million dollars, or if it is one of a list of approximately 70 felonies for which incarceration in state prison is mandated. Offenders ineligible to serve their term of imprisonment in state prison who will serve their term in county jail are known as “non-non-non’s;” non-serious, non-violent, non-sex offenders (N3).

Under AB 116, a sentencing judge will have the option of splitting the sentence of an N3 between a term of imprisonment in county jail and mandatory supervision. If the Court sentences N3s to serve their full term of imprisonment in County jail, the offender will not be supervised upon release.

Supervision of Felons Post-Release. Realignment shifts the supervision of two populations, PRO and N3, from CDCR's Department of Adult Parole to each county. To reduce recidivism, county agencies must adopt alternatives to incarceration, intermediate sanctions, as well as, new supervision techniques for both populations.

Post Release Offenders (PRO). Most felons released from state prison on or after October 1, 2011, will be subject to county post-release community supervision. This includes felons serving a term after admitting one strike prior, low to mid risk sex offenders, N3s currently serving a prison sentence, and eligible parolees who are released after serving a term for parole violation. Offenders will be returned to the county of last legal residence, not necessarily the county where the crime was committed. The maximum term of post-release supervision is three years; however, offenders without violations may be discharged after six months, and those who remain violation free for twelve months must be discharged. CDCR will have no jurisdiction over any offender placed on Post Release Community Supervision.

Non-violent, non-serious, non sex offenders sentenced to serve a term in state prison followed by mandatory probation. Felons sentenced to a term of imprisonment in county jail pursuant to Penal Code section 1170(h) may be supervised by the Probation Department if the Court opts to split the term of imprisonment between custody and "mandatory supervision."

Alternatives to Custody.

Credits. Inmates housed in county jail will earn four days of credit for every two days served (two days earned credit for every two actual days served for a total of four days), unless sentenced to state prison.

Home Detention Program. The Sheriff, if authorized by the Board of Supervisors, may conduct a home detention program, as specified in Section 1203.016 of the California Penal Code. Inmates committed to the county jail may voluntarily participate or involuntarily be placed in a home detention program during their sentence in lieu of confinement in the county jail. The Sheriff may contract with the Probation Department or a private agency to provide this service. Offenders placed on home detention will earn only actual custody credits.

Electronic Monitoring Program in Lieu of Bail. The Sheriff, if authorized by the Board of Supervisors, may conduct an electronic monitoring program, as specified in Section 1203.018 of the California Penal Code for eligible inmates being held in lieu of bail in the County Jail or other County correctional facility. The Sheriff may contract with the Probation Department or a private agency to oversee this program. Offenders placed on electronic surveillance pursuant to PC 1203.018 will earn only actual custody credits.

Electronic Monitoring and Home Detention. The Chief Probation Officer, if authorized by the Board of Supervisors, may offer an electronic monitoring and/or home detention program to individuals who are granted probation or are under Post Release Community

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

Custodial Sanctions for Parole Revocations. CDCR will continue to supervise parolees released from prison after serving a term for a serious or violent felony, murder, life, or certain sex offenses, as well as high risk sex and mentally disordered offenders. With the exception of offenders who have served life terms, all other parolees who violate the terms of their parole, cannot be returned to prison, but can serve a maximum sanction of 180 days in county jail.

Custodial Sanctions for Violations of Post Release Community Supervision. Offenders placed on Post Release Community Supervision will be subject to flash incarceration of up to 10 days for violations of Post Release Community Supervision conditions. For more serious violations, after a hearing before the Court, an offender may be sanctioned by up to 180 days in county jail.

Revocations of Formal Parole. Currently, the Board of Prison Hearings (BPH) adjudicates all formal parole violations. Effective October 1, 2011, the Court will assume this responsibility for offenders placed on Post Release Community Supervision. Effective July 1, 2013, the Court will hear all parole violations, with the exception of those who have served an indeterminate sentence (murder and specified sex offenders).

Anticipated Impacts to San Diego County

Last year, the San Diego County District Attorney's Office (DA) filed 15,283 felony cases against 17,455 defendants. Of these defendants, 3,945 were sentenced to state prison and 2,100 would be classified as N3. The DA and San Diego City Attorney (CA) issue approximately 50,000 misdemeanor cases annually. The San Diego County Public Defender's Office (PD) represented the majority of those felony and misdemeanor offenders.

The San Diego County Sheriff Office (SDSO) operates seven detention facilities throughout the County with housing for up to 5,500 inmates. Currently, there are approximately 4,500 inmates (62-65% of whom are pre-trial inmates) in custody. With AB 109, the Sheriff may be responsible for an estimated 2,000 N3s sentenced to local custody. SDSO believes the jail population will increase by at least 160 inmates per month initially. Many of these inmates will be sentenced to longer terms in custody than the pre-realignment population with higher classification levels and different needs than the current population. It is anticipated that the detention facilities will reach capacity within eight months of implementation of AB109, absent the utilization of alternatives to custody.

The San Diego County Probation Department currently supervises approximately 14,500 adult probationers with a workforce of approximately 100 probation officers. Of the current probationers under supervision, 22% are at high risk to reoffend. The recidivism rate of probationers in fiscal year 2009-2010 was 31%. The State has estimated that San Diego County

will assume responsibility for at least 2,000 PROs and an unknown portion of N3 offenders sentenced to mandatory probation. Additional probation officers will be required to manage these populations.

The San Diego County Health and Human Services Agency (HHSA) currently contracts for 358 residential substance-abuse treatment beds, in programs that would be appropriate for this population, with an existing waiting list. About 85% of the N3 and PRO populations are expected to have substance abuse issues and 20% mental health problems. The new population will create the need for additional treatment capacity.

According to the State, 10% of the PROs will require Court revocation proceedings for violations. Offenders on mandatory supervision, who violate their conditions, will also require further court proceedings. Every court revocation proceeding will impact the workload of the DA, the Court, the Sheriff, the Probation Department and the PD. Probation will need to provide reports to substantiate the violations. The DA will be responsible for reviewing, charging, and prosecuting many violations of PRO and N3 offenders. The PD will be responsible for representing the majority of these offenders on violations. The Sheriff may house and transfer the offenders to and from court.

San Diego County Realignment Vision Statement

Under the direction of the Community Corrections Partnership (CCP), the San Diego Public Safety Agencies, including the Probation Department, Sheriff's Department, District Attorney's Office, Public Defender's Office, came together with the San Diego Superior Court and other key partners, including the Health and Human Services Agency, to develop an AB 109 Implementation Plan focused on maintaining the highest level of public safety and ultimately, striving to reduce recidivism.

Accepting the mandate of the public safety realignment, the CCP developed the following San Diego County realignment vision.

“San Diego County Public Safety Partners, and county community partners, including those from healthcare, housing, human services, and faith based organizations, working through the public safety realignment mandate, are committed to keeping our communities safe by ensuring efficient use of our county jail system by leveraging resources and rearranging current populations, to provide treatment for those in need and explore proven methodologies to reduce recidivism with the goal of transitioning offenders back into our communities as productive members.”

San Diego County Realignment Goals

The following goals were identified by the CCP to achieve the vision.

1. **Efficiently Use Jail Capacity.** Minimize the impact of the increased jail population. The CCP plan will employ techniques to increase efficient use of current jail bed capacity.
2. **Incorporate Reentry Principles into In Custody Programming.** Reduce recidivism through the development and improvement of an offender's life skills that are necessary for successful reintegration into society by expanding the in-custody programming using evidence-based practices.
3. **Incorporate Evidence-Based Practices into Supervision and Case Management of Post Release Offenders; Encourage the Use of Evidence-Based Practices in Sentencing for Felony Offenders.** Utilize principles and practices proven to reduce recidivism through more effective sentencing, supervision and intervention services for offenders sentenced to local terms of imprisonment, as well as offenders returning from prison to post-community release supervision.

Implementation Plan

The following implementation plan outlines specific strategies and policies to modify, amend, and improve current systems. This plan also contains a recommended formula to allocate the State funding. In developing the plan, the CCP looked for opportunities to leverage County resources.

The first four components below are designed to re-engineer and improve current criminal justice practices in order to mitigate the impact of public safety realignment. Component five encompasses an entirely new population and requires development of new processes.

To achieve the three realignment goals, the CCP identified five components that form the framework of the implementation plan.

- 1) Enhance Pre-Trial Processes to More Effectively Utilize Current Jail Capacity
- 2) Improve and Streamline Felony Settlement
- 3) Encourage the Use of Evidence-Based Practices in Sentencing for Felony Offenders
- 4) Employ Alternative Custody Options and In Custody Programming
- 5) Provide Evidence-Based Supervision and Intervention Services for Post Release Offenders

1. Enhance Pre-Trial Processes to More Effectively Utilize Current Jail Capacity.

In this component, the objective is to maximize jail capacity through the use of cost effective alternatives. Identifying offenders through the use of an actuarial risk assessment tool to determine both the recidivism and flight risks is critical for each of the recommended strategies listed below. As stated earlier, the jail has a fixed capacity of 5,500 beds. Currently, between 62-65% of those beds are filled by pre-trial inmates. With full implementation of public safety realignment, it is anticipated that the majority of those beds will be taken by long-term sentenced offenders and post-release violators. The County will use the following strategies to reduce the number of pre-trial offenders in custody.

- Request that the Court consider modifying bail schedules for offenders awaiting trial through the established Court process for modifying bail schedules, which should be completed by January 2012. This will require the input of the DA, CA, and representatives of the Defense Bar.
- Provide risk assessment information at the bail review hearing to allow the Court to consider reducing bail for low risk offenders.
- Use home detention, electronic monitoring, alcohol monitoring, and GPS for pre-trial offenders in lieu of jail, pursuant to the newly enacted Penal Code section 1203.018 and with authorization of the Board of Supervisors. The Sheriff and the DA, along with the Court, will establish reasonable rules and regulations under which such a program will operate. Specific eligibility criteria will limit the number and type of pre-trial inmates eligible for this program. If an inmate is eligible, this will be addressed at arraignment or bail review so victims have an opportunity to be heard and Marsy's Rights will be protected. In addition, mental health and substance abuse treatment may be combined with any one of these options. The Sheriff may contract with either Probation or a private vendor for these services. The potentially eligible population is between 1,000-3,000 low and medium risk offenders annually.
- Use Work Furlough (WF) as a new potential custody option for eligible pre-trial inmates. The additional potential capacity is 170 beds and 62,050 annual bed days.
- Increase the use of residential treatment beds in lieu of pre-trial custody for those offenders with significant substance abuse issues. The cost to house an inmate in jail is more than twice as much as a residential treatment bed.

2. Improve and Streamline Felony Settlement

In this component, the objective is to maximize the efficient use of jail capacity and minimize the number of court hearings by using actuarial assessments to identify low risk offenders to facilitate early disposition. The following strategies are recommended to achieve this objective.

- Probation officers will conduct assessments to identify low risk offenders for early disposition of cases. The Court, DA, and defense attorneys will now encourage the judge to use the risk level to achieve early settlement and immediate sentencing. Low risk offenders will be targeted for immediate sentencing and felony summary probation supervision by the Court.
- Reduce the number of hearings for low-risk offenders by providing additional resources on the front end of the adjudication process. Immediate sentencing will eliminate additional hearings required for the standard sentencing process.
- Expedite resolution of Proposition 36 Diversion (Penal Code section 1210) and Deferred Entry of Judgment (Penal Code section 1000) cases by setting earlier settlement conference dates. To facilitate early settlement, the DA will provide expedited discovery to defense counsel. Since these offenders are released from custody upon settlement of their case, a minimum of four custody days per case may be avoided for an estimated annual population of 3,000 potentially eligible offenders.
- Expanding the use of existing collaborative courts is viewed as an important component of our realignment strategy. San Diego County has several collaborative courts including: Drug Court, Reentry Court, Veteran's Court and the Behavioral Health Court. The DA and PD will partner with other criminal justice agencies to strengthen guidelines for the Reentry Court and other collaborative court programs and educate line staff on the existence of the programs and the eligibility requirements. Collectively, the DA, the PD and Probation will organize staff trainings on the use of evidence-based risk assessments.

3. Encourage the Use of Evidence-Based Practices in Sentencing for Felony Offenders

In this component, the objectives are to enhance the impact of sentencing and reduce reliance on custodial sanctions by utilizing the offender's risk and need information. The following strategies are recommended to achieve this objective.

- Probation will provide the results of risk and need assessments to all sentencing judges and to the parties. These assessments will incorporate criminogenic risks and needs to inform the judge regarding possible choices for sentencing terms, custodial sanctions, appropriate levels of supervision and conditions of probation.

- Collectively, the DA, Defense Bar and Probation will organize staff trainings on alternative sentencing options and best practices in recidivism reduction.
- Sentencing parties would advocate to judges to use actuarial assessments, existing Court Rules, the new legislative provisions, and the aforementioned trainings. The following options would be available to the Judge.

Felony Probation to the Court. At the sentencing hearing, use the assessment results to identify any remaining candidates for Probation to the Court.

Formal Probation. Identify offenders who are both eligible and suitable for supervision by the Probation Department.

Split Sentencing and Mandatory Probation. Encourage judges to utilize assessment information to identify candidates with high criminogenic needs who will benefit from case management and supervision in the community upon release from serving their custodial sanctions. This sentencing option will be considered for offenders who demonstrate a desire and a potential for change while remaining in the community under supervision after having served a prison term, or for those who require a period of supervision to re-assimilate safely back into the community without treatment intervention.

Full Sentencing. Judges will be urged to use this sentencing option for N3 offenders who do not appear to be amenable to supervision and treatment in the community based on actuarial assessments.

Contract For Custody (State Fire Camps). A possible option for both split and full sentencing under local prison would be to contract with the State for housing, specifically State Fire Camps. While the costs to the County remain undetermined at this time, it is anticipated that the State Fire Camp option will be financially beneficial.

State Prison. This sentencing option will be considered for offenders who are either ineligible or unsuitable for probation and are not statutorily eligible for housing in County jail.

4. Employ Alternative Custody Options and In Custody Programming

In this component, the objectives are to maximize the efficient use of jail capacity to accommodate the new populations by reducing the number of lower risk offenders in jail through the use of jail alternatives to and programming services while in custody. The following strategies are recommended to achieve this objective.

- Maximize the use of alternatives to custody for eligible offenders in lieu of jail custody. There is a potential pool of 1,000 to 3,000 low and medium risk offenders for whom these options may be appropriate in lieu of or in combination with jail time.
 - Work Release / Work Projects / Work Furlough
 - Home Confinement / Electronic Monitoring
 - GPS Supervision
 - Work and Fire Camp

Upon determination that an inmate is eligible, the inmate will transition from the County jail to an appropriate alternative to incarceration. Decisions regarding eligibility will consider in-custody behavior, participation and progress in jail programs and services, current charges and prior convictions, and availability of the alternatives to incarceration best suited for the inmate. Any step-downs to alternative sentencing must involve notification to any victim(s) pursuant to Marsy's Law.

Expand in-custody programming to address criminogenic risks and programming needs of offenders while in jail custody. Research has shown that participation in prison-based therapeutic treatment followed by community-based treatment after release can reduce the risk of recidivism to criminal behavior as well as relapse to drug use. Early phases of treatment in custody help the participant stop using drugs and begin a therapeutic process of change. Later stages address other problems related to drug abuse and, importantly, help the individual learn how to self-manage the drug problem upon release from custody.

- The current Local Reentry Program (LRP) is an example of a pre-release strategy to address programming needs prior to release. LRP currently provides substance abuse services, educational/vocational programming, counseling services, and cognitive behavioral programming.

5. Provide Evidence-Based Supervision and Intervention Services for Post Release Offenders

In this component, the objectives are to hold offenders accountable and provide services for PRO and any N3s supervised in the community in an effort to reduce recidivism. The following strategies are recommended to achieve this objective.

Probation will expand the implementation of evidenced-based practices (EBP) currently utilized with high risk felony probationers to these new populations. The implementation of EBP in probation supervision involves employing risk based supervision according to the offender's assessed risk of committing a new crime. An individual case plan will be developed to target the offender's highest criminogenic needs, and match the offender to intervention services designed to address the

criminogenic needs and facilitate behavior change. To implement risk based supervision, every PRO will be given a risks/needs assessment. Based on the results of the assessment the offender will be assigned to a supervision level. Those assessed at the highest risk will be supervised on the most intensive caseloads. The proposed caseload ratio for the highest risk PROs will be 50 to 1. Those assessed as medium risk will be supervised at a ratio of 100-1. The supervision strategy for the high risk PROs will involve regular office visits, announced and unannounced home visits, periodic searches and regular drug testing. Post Release probation officers will employ the department's philosophy of "balanced approach" supervision. The balanced approach model combines an enforcement focus where offenders are held accountable to the terms of their supervision with case management services to facilitate their rehabilitation. The case plan will determine the level of supervision for the PRO, and the treatment services to which they are linked, to achieve the dual goals of reducing the risk of re-offense and increasing pro-social functioning. The supervision approach with the PROs will be incentive based. Offenders will receive positive reinforcement (i.e. early discharge) for achieving benchmarks (i.e. the completion of substance abuse treatment, compliance with mental health medications, and clean drug tests) during their term of supervision.

- PROs are not eligible to be returned to state prison, unless they commit a new felony offense. For violations of the terms of their release, PROs are subject to revocation proceedings and can be revoked to jail for up to 180 days. To hold PROs accountable to the terms of supervision, probation officers will employ a range of intermediate sanctions, short of revocation, to respond to violation behavior. The intermediate sanctions may include: Community services; work projects; home detention; Electronic or GPS monitoring; referral to Reentry Court; referral to Drug Court (if PROs are deemed eligible); and up to 10 days of flash incarceration. The intermediate sanctions will be considered by the probation officer before pursuing revocation proceedings.
- It is anticipated that a significant number of locally supervised offenders (PROs and N3s) will present with substance abuse and/or mental health needs which will be addressed as part of the case plan in an effort to reintegrate them into the community. Additional needs may include employment, vocational training and transitional housing.

To address these needs, the strategy will involve procuring mental health and substance abuse treatment services. Existing County contracts will be amended to expand capacity and types of treatment services. Potential new substance abuse treatment contractors will need to be currently licensed and certified by the California Department of Alcohol and Drug Abuse Services.

As the agency charged with managing the realigned population, Probation will also engage community providers to obtain reentry services including, job preparation,

and vocational training/employment services, cognitive behavioral treatment, family strengthening strategies, restorative justice programs, and housing resources.

- Also playing a key role in the success of the post release population will be support services provided by HHSA, which will facilitate access to services and benefits mandated by federal, state and local law. Probation will continue to collaborate with law enforcement. Working closely with the San Diego Chief's and Sheriff's Association, it is anticipated Probation will co-locate Post Release Probation Officers within various law enforcement agency offices throughout the County (e.g. Sheriff, La Mesa, Oceanside, Chula Vista, and National City). The collaboration with law enforcement will involve the expansion of some of the practices of the successful Probation/Sheriff "Tracking Known Offender" (TKO) pilot program. The TKO program features enhanced information sharing between Probation and Sheriff, and utilizes Sheriff's deputies in the monitoring of offenders on probation supervision. Probation officers and police officers in the various agencies will share information, may conduct joint home visits and collaboratively monitor locally supervised offenders.

Funding Strategy

State Funding for Public Safety Realignment. AB118 outlines an initial financial structure for funding public safety realignment and establishes the Local Revenue Fund 2011 to receive revenue associated with a 1.0625 percent allocation of state sales tax, and allocates certain amounts to the Local Community Corrections account. The level of local funding available through AB109 is based on a weighted formula containing these three elements.

- 60% based on estimated average daily population (ADP) of offenders meeting AB109 eligibility criteria
- 30% based on U.S. Census Data pertaining to the total population of adults (18-64) in the County as a percentage of the statewide population
- 10% based on the SB678 distribution formula

The allocation formula may be reevaluated in future years. Legislation enacted to date does not afford sufficient protections to provide ongoing funding and mandated protection should the revenues fall short of initial projections.

Based on this formula and State revenue projections, San Diego County is projected to receive the following funding for realigned offenders in the first year of implementation.

- Local Custody, Supervision and Treatment Services: \$25.1 million
- AB109 Planning Grant: \$0.2 million (one time funds)
- AB109 Training and Implementation Activities: \$1.7 million (one time funds)
- Revocation Activities: \$0.9 million (annually)

Initial Allocations of State Funding to Support the Preliminary Implementation Plan. PC 3450(b)(7), as added by AB 109, states that “fiscal policy and correctional practices should align to promote a justice reinvestment strategy that fits each county. Justice reinvestment is a data driven approach to reduce corrections and related criminal justice spending and reinvest savings in strategies designed to increase public safety. The purpose of justice reinvestment is to manage and allocate criminal justice populations more cost effectively, generating savings that can be reinvested in evidence-based strategies that increase public safety while holding offenders accountable.”

In consideration of the above and the importance of fiscal policies that focus on maintaining public safety and investment in practices that are cost effective and produce positive outcomes, the CCP utilized the planned implementation strategies as the basis for the funding strategy and the initial allocation of resources to effectively manage the new populations. The funding strategy takes into account existing resources and the leveraging of these resources to maximize what is available to maintain public safety. Because of the number of unknown variables in implementing public safety realignment, the CCP found it prudent to develop an initial allocation of projected state funds focused on the incremental influx of these new populations into the local criminal justice system. This allows the CCP to monitor the implementation of the public safety realignment plan and adjust the funding accordingly. The CCP believes the most immediate needs will be supervision, treatment services and then custody due to existing available jail bed capacity. Initial funding allocations are shown in Table 1 below. The funding strategy prioritizes the use of resources for the hiring of required staff and intervention services needed to implement public safety realignment.

Table 1: Initial Allocations

Service	Initial Allocation
Supervision	\$5 million
Custody	\$3 million
Intervention Services	\$3 million
TOTAL	\$11 million

The initial allocation for supervision provides funds for Probation to hire up to 75 staff at a cost of approximately \$5 million, including services and supplies, for the remainder of this fiscal year. Those same 75 staff will cost approximately \$10 million dollars in the next full fiscal year.

The initial allocation for custody, provides funds to the Sheriff's Department for healthcare services, food and a minimal number of staff for the new populations in their custody.

The initial allocation of \$3 million for intervention services (i.e. substance abuse, mental health, and housing) provides funds to Probation to obtain services based on the needs of the offender populations.

Each department will be required to track their actual costs against the initial allocation. The CCP intends to use this information to develop the public safety realignment allocation for the balance of the 2011-2012 fiscal year, as well as the 2012-2013 fiscal year.

Based on the information from the State, the CCP anticipates that in the first six months, approximately 960 N3s and 1,400 PROs will be in custody or under supervision in San Diego County. The estimated cost associated with serving these new populations is approximately \$11 million.

The CCP recognizes there will be additional costs, and has not yet allocated the remaining \$14 million in projected funds available for fiscal year 2011-2012. The balance of actual available revenues will be allocated according to the need for additional resources to implement public safety realignment or will be carried over into the 2012-2013 realignment budget. The CCP will return to the Board of Supervisors should additional allocations be required in the remaining 2011-2012 fiscal year.

The CCP will continue to monitor actual costs and outcomes during the first year to forecast costs and needs in future years.

Performance Measures and Outcomes

Performance measures and a mechanism for the reporting of outcomes will be developed based on the vision and goals stated above for public safety realignment. The outcome measures will include process analyses, implementation and change analyses, and cost/benefit analyses. As noted throughout this implementation plan, the shifting of responsibility for supervising and housing offenders from the state to the county mandates a re-tooling of the county's criminal justice system to effectively leverage available resources for all criminal offenders. The county will measure the effects of AB109 implementation on six populations: misdemeanants, felony probationers, felons sentenced pursuant to full 1170(h) terms of imprisonment, felons sentenced to split sentences pursuant to 1170(h), felons sentenced to state prison, and PROs.

The CCP will explore the development and implementation of an information technology framework to facilitate information sharing and the evaluation of offender outcomes and the overall success of the implementation plan.

Examples of potential outcome measures for realignment plan include recidivism rate, revocation rate and arrest rates.

Efficiently Use Jail Capacity. For each group, the County will measure the use of custody, including length of stay to determine how effectively we are using custody and for what purpose. Alternatives to custody will also be studied. In this manner, the County can capture the percentage of jail space that is utilized for pre-trial detention, long term sentences, and revocations. This measure will assist the county in determining if additional jail space will become necessary in the future. Moreover, capturing information about use of custody and alternatives to custody and their effects on recidivism will help the County determine what works and what doesn't work to improve processes in the future.

Incorporate reentry principles into in custody programming. The County will measure the use of in custody programming to determine its effects on recidivism. The types of programming offered to each of the groups will be documented, as well as, the transitions to community treatment, and the effects on recidivism. The County will use this information to ensure funding remains available for programming showing positive results, and to modify or cut programs that are not having positive outcomes, which will result in more effective use of limited resources.

Incorporate evidence-based practices into sentencing, supervision and case management. The County will measure the use of risk and needs assessments in sentencing, supervision and case management. The County will measure the types and lengths of services, use of collaborative courts, alternative sanctions, custodial sanctions, level of supervision and the effects on recidivism. The County will measure the number of court hearings for all populations and whether this is increased or decreased based on strategies implemented for each population. This will help to determine whether these strategies are cost-effective and how resources should be allocated in the future.

Glossary of Terms

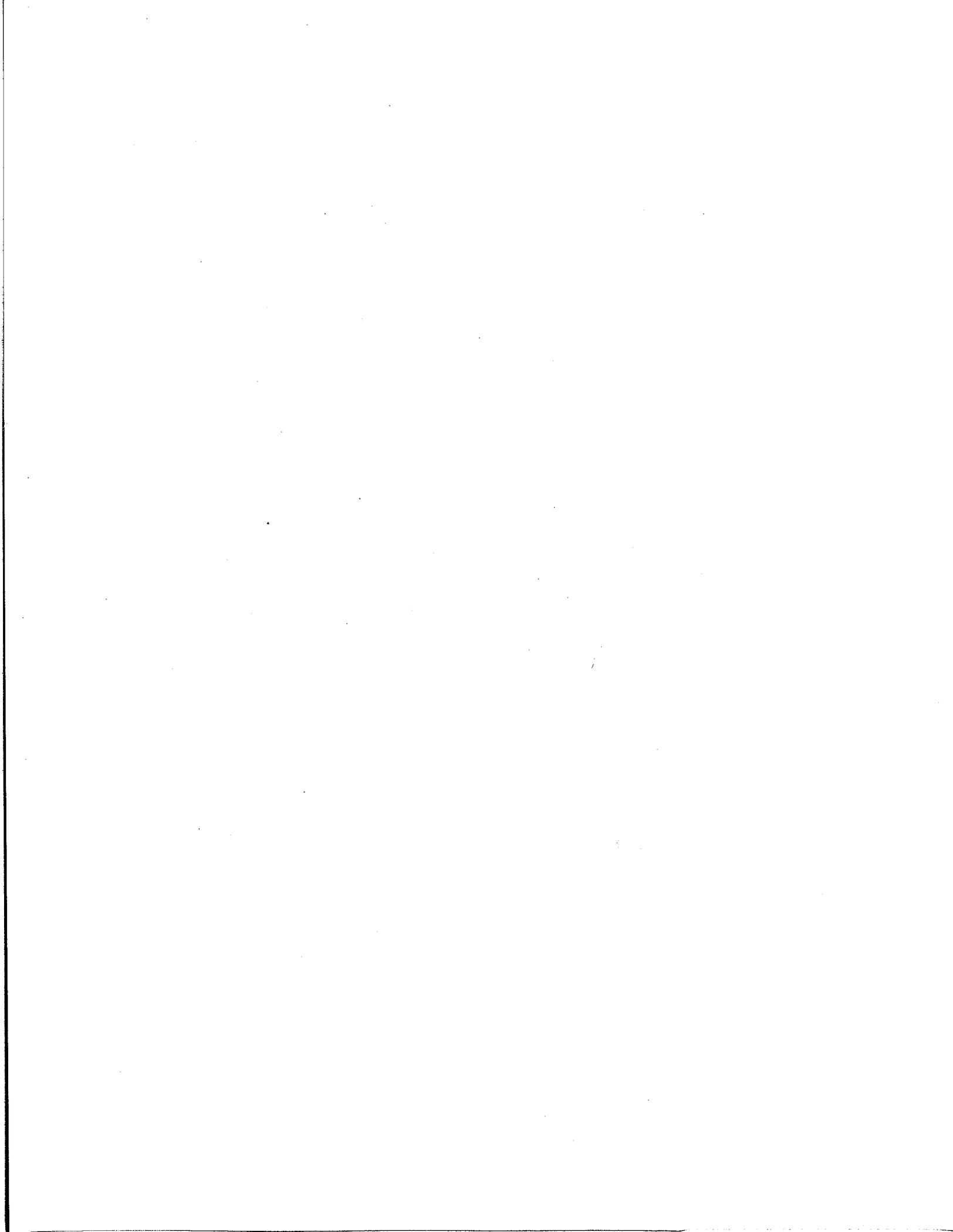
AB109- Public Safety Realignment Act of 2011	PC- California Penal Code
BPH- Board of Parole Hearings- entity responsible for adjudicating violations of parole.	PC 290 Registrant – A person required to register as a sex offender pursuant to Penal Code 290.
CA- San Diego City Attorney	PD- Defense counsel, primarily San Diego Public Defender
CCP- Community Corrections Partnership – A collaborative group created under Senate Bill 678 for overseeing implementation of evidence based practices in probation services to increase successful completion of Probation.	PRO- Post Release Offenders – Offenders released to counties for supervision after completing their state prison sentence.
Cognitive Behavioral Treatment – A type of programming that focuses on an offender’s criminal thinking patterns with the intent of changing them to bring about changes in their behavior.	Probation Department – A County agency responsible for the supervision of offenders under the jurisdiction of the court.
Criminogenic Needs- attributes of offenders that are directly linked to criminal behavior.	Probation to the Court – Unsupervised form of probation where the court retains sentencing jurisdiction over the offender should they violate the law again.
DA- San Diego District Attorney	Recidivism- new law conviction
Disposition – Criminal sentence	Residential Treatment Facility – A location where an individual receives intensive, structured alcohol and drug treatment services in a residential environment.
EM- Electronic Monitoring – Use of a device to determine a person’s whereabouts or ensure they are within a certain distance (< 50 yards) of the monitor. Typically used in Home Detention.	Risk – An actuarially assessed level of potential for recidivism.
Evidence Based Practices – Intervention techniques determined through research and meta-analysis to be effective in achieving measurable behavior change and recidivism reduction.	SDSO- San Diego Sheriff’s Office
GPS- Global Positioning System	Serious Felony – A crime which falls within the definition of Penal Code 1192.7 (c).
HHSA/The Agency - Health and Human Service Agency	Settlement – The point in the court process where a settlement is reached between the DA or City Attorney and defense counsel for a guilty plea.
Home Detention – Use of a person’s home (with certain restrictions) as a location where custody is served as opposed to jail. Typically combined with Electronic Monitoring.	Violent Felony – A crime which falls within the definition of Penal Code 667.5 (c).
N3 – Offender without a current or prior violent, serious or sex offense.	Work Projects and Work Release – A criminal sanction where offenders are required to complete a specific number of days on a work crew in lieu of custody.
Parole – The state agency previously responsible for supervising all offenders released from state prison.	Work Furlough – A facility within the county that serves as a custodial location for inmates who are allowed to travel to and from their work site.

Appendix A

STRATEGIC PLAN FOR THE IMPLEMENTATION OF EVIDENCE BASED PROGRAMS: SAN DIEGO COUNTY PROBATION

Protect community safety, reduce crime and assist victims, through offender accountability and rehabilitation

Goal	Objectives
<p>Ensure availability of appropriate tools enabling staff to accurately assess offenders for risk and needs at each stage of the probation process</p>	<ol style="list-style-type: none"> 1. Conduct gap analysis of general assessment tools in Adult Field Services (AFS) /Juvenile Field Services (JFS) /Institutional Services (IS) in order to identify strengths and weaknesses of tools 2. Evaluate specialty tools 3. Provide Information and recommendations to all services regarding use of assessment tools 4. Disseminate Information in easy to read format
<p>Assign offenders to the appropriate level of supervision based on their risk and need factors</p>	<ol style="list-style-type: none"> 1. Develop clear and concise standards for re-assignment to other levels of supervision 2. Design, develop and implement an organizational infrastructure and corresponding framework of practices, protocols, and policies that support Quality Assurance
<p>Develop case plan standards based upon the risk / need assessment and level of supervision</p>	<ol style="list-style-type: none"> 1. Identify the case planning tool to be used by JFS, AFS and IS 2. Ensure that there is a seamless continuum between IS and JFS assessments and case planning 3. Create Needs domains / referral matrices for JFS and AFS 4. Integrate community resource directory with case planning tool 5. Ensure that all staff have the training needed to use case planning component of assessment tool and community resource directory appropriately
<p>In support of the “balanced approach”, establish guidelines for incentives and sanctions throughout juvenile, adult and institutions to provide effective responses to offender behavior, in order to reduce recidivism</p>	<ol style="list-style-type: none"> 1. Develop subject matter experts on EBP incentives / sanctions 2. Develop incentive and sanctions models for adult, juvenile and institutions 3. Train Probation staff on incentive/sanctions model
<p>Improve the ability of information technology (IT) to support the department for the purpose of holding offenders accountable, providing rehabilitative services, and supporting evidence based practice</p>	<ol style="list-style-type: none"> 1. Create a governance committee 2. Create committee charter 3. Commence committee meetings
<ul style="list-style-type: none"> • Develop procedures / practices that incorporate staff competencies into the appraisal process • Improve the quality and consistency of programs 	



Appendix B

SAN DIEGO COUNTY PROBATION SUPERVISION MODEL

- Evidence-Based Practice Strategic Initiatives**
- Use Assessment Tools
 - Match Supervision to Risk Level
 - Create Individualized Case Plans
 - Incorporate into Sentencing Recommendations
 - Employ Incentives and Sanctions Continuum
 - Educate Stakeholders
 - Improve Officer Skills
 - Manage/Reduce Detention Population
 - Use Screening Tools for Diversion Strategies
 - Explore Detention Alternatives

Supervise Probationers to Reduce Recidivism using Integrated Behavioral Intervention Strategies (IBIS) and Case Management

- Motivational Interviewing**
- Collaborative style of conversation to strengthen a person's own motivation to change
 - Brief Interaction
 - Complementary with other tools

- Cognitive Behavioral**
- Thinking affects behavior
 - Antisocial and unproductive thinking causes antisocial and unproductive behavior
 - Thinking can be influenced
 - We can change how we feel and behave by changing how we think

- Incentives and Sanctions**
- Swift, certain and consistent
 - Administrative, not adversarial
 - Proportionate to behavior and risk level

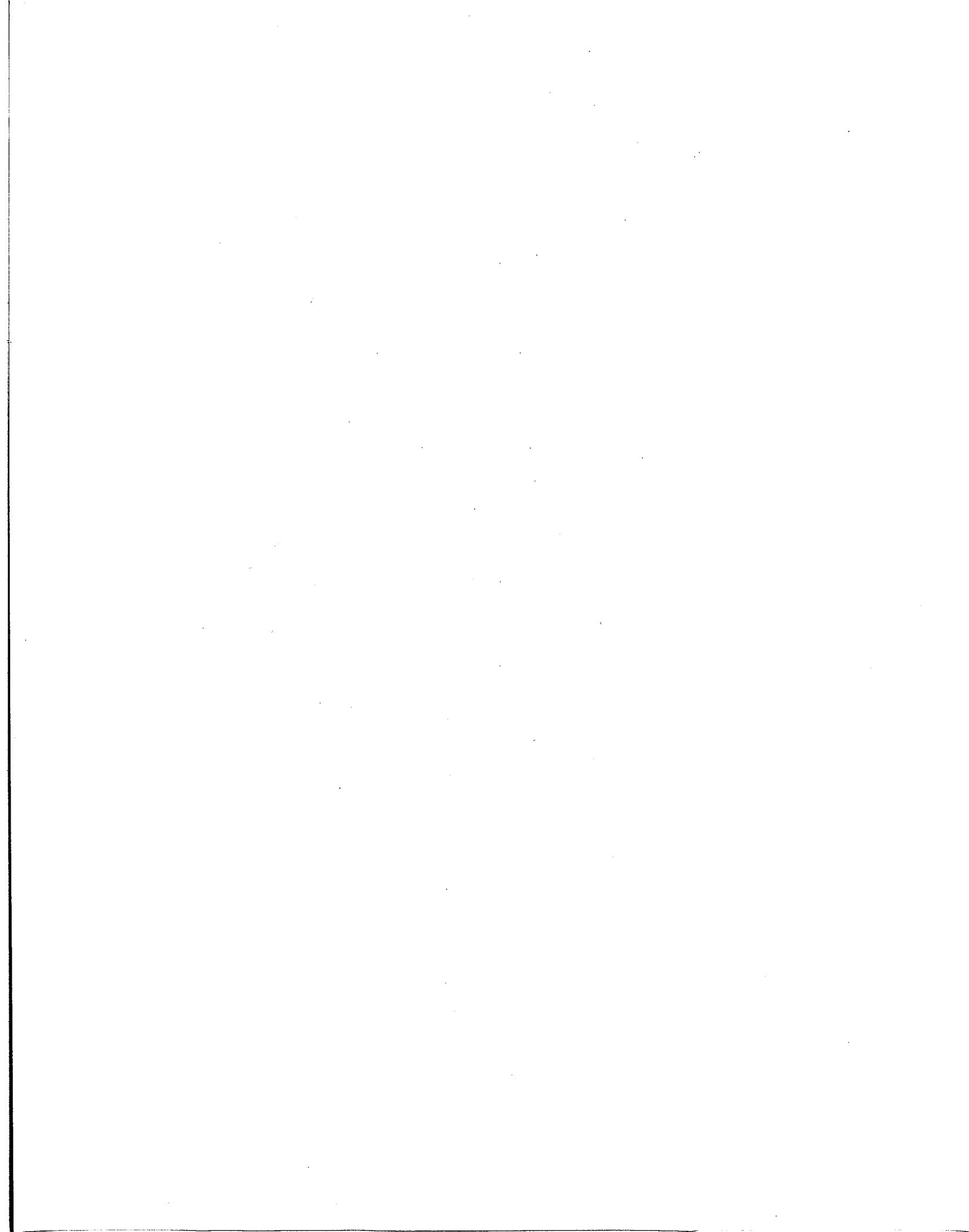
- ASSESSMENT**
- Use empirical assessment tool
 - Assign to a supervision level by risk
 - Understand criminogenic needs

- PLANNING**
- Ensure plan is comprehensive, ongoing and dynamic
 - Include probationer
 - Pay attention to stage of change

- LINKING**
- Make appropriate referrals
 - Use Community Resource Directory
 - Engage community supports

- MONITORING**
- Provide incentives
 - Apply swift and certain sanctions
 - Acknowledge relapse triggers
 - Revise case plan as needed

- ADVOCACY**
- Working with and on behalf of probationers to obtain services and resources
 - Increase probationer's belief in the ability to succeed



Appendix C



Watchful Eye/Tracking Known Offenders (TKO)

OBJECTIVE

Watchful Eye, now known as Tracking Known Offenders (TKO), implemented by the Probation and Sheriff's Departments was developed to more effectively share criminal intelligence information and monitor adult probationers in the community. Using a balanced approach of holding offenders accountable, while assisting them with rehabilitation, assists us in meeting our objective to make San Diego the safest urban county in the nation.

PHASE I IMPLEMENTATION

In July 2010, Probation along with the Encinitas Sheriff's station, developed protocols to share criminal intelligence information to assist the Sheriff in solving crimes and the Sheriff began assisting probation officers by monitoring high and medium risk probationers in the community. Between July 2010 and January 2011, our agencies collectively participated in sharing information, such as field interviews and criminal intelligence information.

PHASE II IMPLEMENTATION

Effective January 2011, Phase II of TKO commenced. The target population shifted from offenders assessed to high and medium risk supervision, to focus on offenders assessed to medium risk only. Probation officers monitoring medium risk caseloads, unlike their peers assigned to high risk, are not armed and do not engage in field activities.

CRITICAL COMPONENTS OF TKO

1. Evidence-Based Practice (EBP)/Frontloading Services

Sheriff's Correctional Counselors meet with offenders in jail, and then deputies conduct compliance checks at offenders' residences within 72 hours of the offender's release from custody. Additionally, offenders are required to report to the Probation Department w/in 72 hours of their release from custody.

Appendix C

Watchful Eye/Tracking Known Offenders (TKO)

2. Community Field Component

Sheriff's deputies conduct compliance checks and 4th waiver searches at offenders' residences on their own without a probation officer present, report information to probation.

3. Information Technology & Criminal Information Sharing

Probation Officers share information with the Sheriff to assist in solving crimes. Sheriff's deputies have access to the Probation Case Management System (PCMS) to review probation conditions and contact notes regarding the case. Sheriff's deputies can input data into PCMS contact logs.

PERFORMANCE OUTCOME MEASURES

- The number of probationers arrested for a new offense during the time frame
- The number of probationers arrested for a technical violation during the time frame
- The number of field contacts made by SDSO deputies
- The total number of 4th waiver home searches made by SDSO deputies
- Overall workload impact due to increased detection of additional violations / crimes

NEXT STEPS

1. Sheriff's deputies obtain access to PCMS from car laptops and other mobile devices.
2. Explore Probation Officer's access to the Sheriff's IT system (netRMS) and other information-led policing and probation options, e.g., ARJIS, Coplink.
3. Expansion of TKO to the Sheriff's Vista substation - critical components include training, tracking and obtaining access to PCMS.
4. Monitor and control by ongoing review of statistics from PCMS to ensure success according to performance measures.

Appendix D

List of 70 Crimes Requiring Commitment to State Prison

Penal Code

67	Bribing an executive officer
68	Executive or ministerial officer accepting a bribe
85	Bribing a legislator
86	Legislator accepting a bribe
92/93	Judicial bribery
141(b)	Peace officer intentionally planting evidence
165	Local official accepting a bribe
186.11	Felony conviction with aggravated theft enhancement
186.22	Criminal street gangs
186.26	Street gang activity
186.33	Gang registration violation
191.5(c)(1)	Vehicular manslaughter while intoxicated
222	Administering stupefying drugs to assist in commission of a felony
424	Misappropriation of public funds
243.7	Battery against a juror
243.9	Gassing a peace officer or local detention facility employee
245	Assault with a deadly weapon of force likely to inflict GBI
245(d)	Assault on peace officer
266a	Abduction or procurement by fraudulent inducement for prostitution
266e	Purchasing a person for the purpose of prostitution or placing a person for immoral purposes
266f	Sale of a person for immoral purposes
266h	Pimping and pimping a minor
266i	pandering and pandering with a minor
266j	Procuring a child under 16 for lewd or lascivious acts
273a	Felony child abuse likely to cause GBI or death
273ab	Assault resulting in death of a child under age 8
273.4	Female genital mutilation
273.5	Felony domestic violence
290.018	Sex offender registration violations
298.2	Knowingly facilitating the collection of wrongfully attributed DNA Specimens.
299.5	Wrongful use of DNA specimens
347	Poisoning or adulterating food, medicine, drink, etc.
368b	Felony physical abuse of elder or dependent adult
417(c)	Brandishing firearm in presence of peace officer
417.8	Felony brandishing firearm or deadly weapon to avoid arrest
422	Criminal threats
424	Misappropriation of public funds
452	Arson of inhabited structure or property

Appendix D

List of 70 Crimes Requiring Commitment to State Prison

Penal Code

455	Burning forest land or property
504/514	Embezzlement of public funds
598c	Possession or importation of horse meat
598d	Offering horse meat for human consumption
600(d)	Harming or interfering with police dog or horse causing GBI
646.9	Felony stalking
653f(b)	Solicitation for murder
666(b)	Petty theft with specified prior convictions
4532	Escape
11418	Use of weapon of mass destruction
12021/12021.1	Possession of a firearm by prohibited person
12021.5(b)	Carrying firearm with detachable magazine
12022(b)	Using a deadly weapon in commission of felony
12022.5	Using a firearm in commission of felony
12022.9	Infliction of injury causing termination of pregnancy
12025(b)(3)	Carrying concealed firearm by gang member
12303.1/12303.2	Possession of an explosive or destructive device

Elections Code

18501	Public official who aids and abets voter fraud
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Government Code

1090/1097	Conflict of interest by public officer or employee
1195	Taking subordinate pay
1855	Destruction of documents

Health and Safety Code

11353	Employment of minor to sell controlled substance
11354	Employment of minor to sell controlled substance
11361(a) & (b)	Employment of minor to sell marijuana
11370.1	Possession of a controlled substance while armed with firearm
11380(a)	Use of minor to transport/possess/possess for sale
120291	Knowingly exposure of person to HIV

Vehicle

2800.2	Reckless evading a police officer
2800.3	Evading a peace officer causing death or serious bodily injury
20001	Hit and run driving causing death or injury
23109(f)(3)	Causing serious bodily injury during speed contest
23110(b)	Throwing object at motor vehicle with intent to cause GBI
23153	Driving under the influence causing injury

Appendix E
AB109 Prison Eligible Offenses

Administering stupefying drugs to assist in commission of a felony	PC	222
Battery against a juror	PC	243.7
Gassing of a peace officer or local detention facility employee	PC	243.9
Abduction or procurement by fraudulent inducement for prostitution	PC	266a
Purchasing a person for purposes of prostitution or placing a person for immoral purposes	PC	266e
Sale of a person for immoral purposes	PC	266f
Pimping and pimping a minor	PC	266h
Pandering and pandering with a minor	PC	266i
Procurement of a child under age 16 for lewd or lascivious acts	PC	266j
Felony child abuse likely to produce great bodily injury or death	PC	273a
Assault resulting in death of a child under age 8	PC	273ab
Felony domestic violence	PC	273.5
Poisoning or adulterating food, drink, medicine, pharmaceutical product, spring, well, reservoir, or public water supply	PC	347
Felony physical abuse of an elder or dependent adult	PC	368b
Brandishing firearm or deadly weapon to avoid arrest	PC	417.8
Unlawfully causing a fire that causes an inhabited structure or inhabited property to burn	PC	452
Felony stalking	PC	646.9
Solicitation for murder	PC	653f(b)
Possession of a firearm by a prohibited person	PC	12021/12021.1
Possession of an explosive or destructive device	PC	12303.2
Escape	PC	4532
Possession of a controlled substance while armed with a firearm	HS	11370.1
Evading a peace officer by driving in a willful or wanton disregard for safety of persons or property	VC	2800.2
Evading a peace officer causing death or serious bodily injury	VC	2800.3
Hit and run driving causing death or injury	VC	20001
Felony driving under the influence causing injury	VC	23153
Felony convictions with a Penal Code Section 186 11 enhancement	PC	186 11

AB109 Prison Eligible Offenses

Felony convictions with a Penal Code Section 186.11 enhancement	PC	186.11
Bribing an Executive Officer	PC	67
Executive or Ministerial Officer Accepting a Bribe	PC	68
Bribing a Legislator	PC	85
Legislator Excepting a Bribe	PC	86
Judicial Bribery	PC	92/93
Peace Officer Intentionally Planting Evidence	PC	141
Local Official Accepting a Bribe	PC	165
Misappropriation of Public Funds	PC	424
Embezzlement of Public Funds	PC	504/514
Conflict of Interest by Public Officer or Employee	GC	1090/1097
Taking Subordinate Pay	GC	1195
Destruction of Documents	GC	1855
Public Official Who Aids and Abets Voter Fraud	EC	18501
Assault on a Peace Officer	PC	245(d)
Persuading, Luring, or Transporting a Minor Under 13	PC	272(b)
Employment of Minor to Sell Controlled Substance	HS	11353
Employment of Minor to Sell Controlled Substance	HS	11354
Use of Minor to Transport/Possess/Possess for Sale	HS	11380(a)
Employment of Minor to Sell Marijuana	HS	11361(a)(b)
Brandishing Firearm in Presence of Peace Officer	PC	417(c)
Brandishing Firearm or Deadly Weapon to Resist Arrest	PC	417.8
Vehicular Manslaughter While Intoxicated	PC	191.5 (c)
Knowingly Exposes Someone to HIV	HS	120291
Knowingly Facilitates the Collection of Wrongfully Attributed DNA Specimens	PC	298.2
Wrongful Use of DNA Specimens	PC	299.5
Criminal Gang Activity	PC	186.22
Street Gang Activity	PC	186.26
Gang Registration Violation	PC	186.33
Possession or Importation of Horse Meat	PC	598c
Sale of Horse Meat	PC	598d
Manufacture/Distribution of False Documents for Citizenship Purposes	PC	113
Use of False Documents for Citizenship Purposes	PC	1142011 realignment.

Appendix F



San Diego County SB678 Plan Fact Sheet

San Diego County's SB678 implementation plan is designed to improve outcomes for felony probationer's and reduce revocations to state prison. The plan has three components: (1) The implementation of the Probation Leadership Academy for Adult Field Services Directors and Supervisors; (2) Enhancing probationer supervision and accountability of high risk probationers; (3) Enhancing the delivery of services to address the criminogenic needs of probationers. These areas are further explained as follows:

- **San Diego County Probation Leadership Academy**
 - In depth training for Probation Adult Field Services supervisors and directors to enhance leadership skills to integrate Evidence Based Practices into adult probation

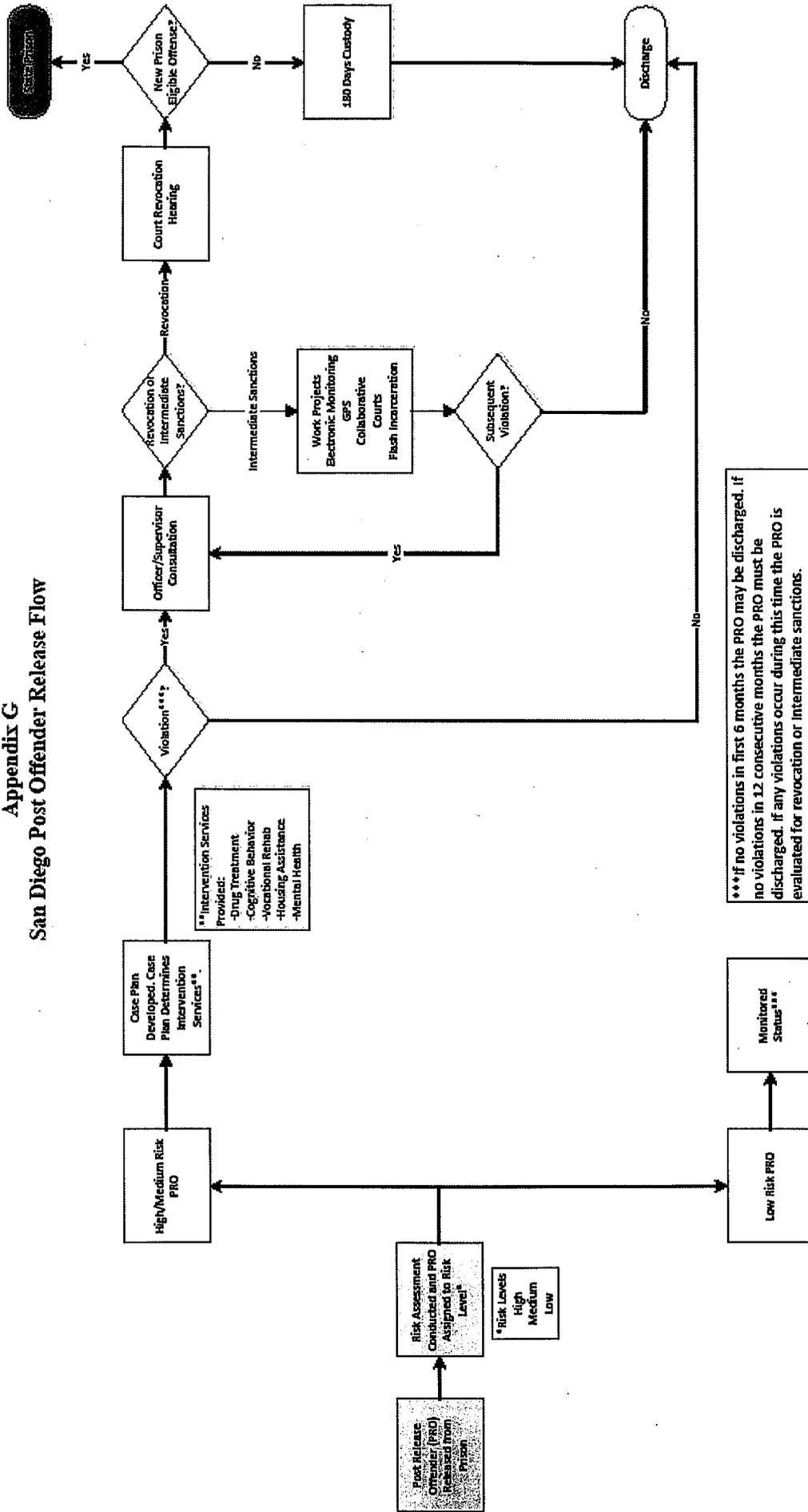
- **Enhance Comprehensive Services**
 - Regional Targeted Services For High Risk Caseloads
 - Substance Abuse Treatment
 - Cognitive Behavioral Treatment
 - Vocational/Educational
 - Health/Mental Health Services
 - June 2011 Implement Services to High Risk Caseloads South Bay and East County Regions
 - Fall 2011 Expand Services to High Risk Caseloads North County and Central Regions

- **Enhance Supervision and Accountability of High Risk Offenders**
 - Administrative Sanctions Continuum
 - IBIS (Integrated Behavior and Intervention Services) Training for all Adult Field Services Staff – Fall 2011
 - Motivational Interviewing
 - Cognitive Behavioral Interventions
 - Community Re-Entry Supervision Model
 - Probation to review conditions of probation with probationer two weeks before jail release
 - Probation officer to create case plan to address top three criminogenic needs with 30 days of release

- **Evaluating the Impact of the SB678 Plan/Performance/Outcome Measures**
 - Understanding the use of high risk supervision
 - Who is supervised?
 - Contacts between probation officer and probationer
 - ✓ Number of contacts
 - ✓ Type of contact (i.e. office, phone etc.)
 - ✓ Content of the contact
 - What criminogenic needs were identified?
 - What services were provided?
 - What sanctions and incentives were used?

 - Understanding the Impact of High Risk Supervision
 - Number of offenders convicted of a new offense while under supervision
 - Number of violations while under supervision
 - Number of offenders revoked to prison
 - Factors that predict a conviction or revocation
 - Number of probationer who successfully complete probation
 - Do needs change over time?
 - Did SB678 plan reduce criminal justice costs?

Appendix G San Diego Post Offender Release Flow



*** if no violations in first 6 months the PRO may be discharged, if no violations in 12 consecutive months the PRO must be discharged, if any violations occur during this time the PRO is evaluated for revocation or intermediate sanctions.



**Proposed Amendment to the San Diego County Public Safety Realignment
and Post-Release Community Supervision 2011 Implementation Plan –
Section 4 “Employ Alternative Custody Options in Custody Programming”
October 27, 2011**

Purpose:

The purpose of these proposed changes to the 2011 Implementation Plan is to add specificity to the preliminary plan as it relates to Section 4; “Alternative Options in Custody Programming”.

Background:

The California Criminal Justice Realignment Act of 2011 will have a significant impact on the criminal justice system in San Diego County. The Sheriff’s Department currently operates seven jails with a capacity of 5,600 inmates. Current average daily population (ADP) is approximately 4,700 and increasing rapidly. It is anticipated the Sheriff’s Department will see an increase in the ADP of between 2,100 – 2,500 inmates when realignment reaches full implementation due to newly sentenced inmates staying in County jails rather than being sent to State Prison. Additionally, the Sheriff is beginning to see the impact of parole violators remaining in local custody. In the first 3 weeks of AB 109 Implementation, the Sheriff has received more than 200 parolees who will serve their violations in County Jail.

The Sheriff’s Department believes the need exists to provide alternatives to incarceration that will benefit not only the low risk offender, but the community, local agencies and local organizations. The utilization of alternatives to custody and the expansion of re-entry services are specific strategies included in the realignment plan developed by the CCP and subsequently approved by the Board of Supervisors under component #4 “Employ Alternative Custody Options and In Custody Programming”. This proposal outlines specific steps to implement those strategies.

Alternate Custody Unit:

In order to deal with the ADP impact in the County jails associated with AB 109, the Sheriff’s Department will offer an Alternative Custody Program utilizing either Global Positioning System (GPS) or other form of Electronic Monitoring (EM) to provide a technological solution to the jail overcrowding challenges that loom on the horizon.

The proposed Alternative Custody Program will employ 24-hour GPS tracking and/or EM house arrest. The Sheriff’s Department will issue a Request for Proposal for a vendor to provide continual tracking in as close to real time as is possible, immediate notification of violations of conditions of release and the capability to pin point offender locations within 15 feet.

The use of Alternate Custody through GPS/EM would be an expansion of the Department’s existing Local Reentry Program that will continue to offer Work Release, Educational Classes, Psych/Social Programs and Vocational Programs. GPS/EM will aid in program operation in that it will allow a transition into the community and will ensure that only the most serious offenders

remain in custody. It provides benefits in that gathering accurate, reliable, and around the clock information will ensure offender accountability and compliance with program parameters.

The Department proposes the initial Alternate Custody Unit will be for 300 offenders. Because this is an area in which the Sheriff's Department has no expertise or experience, the Department will start with a smaller number of offenders and expand the capacity of the program when and if it becomes necessary. To effectively staff an alternative custody unit, the Sheriff's Department will use a 40/1 offender supervision ratio. Staffing will include the following for 300 offenders:

- 1 Lieutenant
- 2 Sergeants
- 8 Deputies
- 2 Correctional Counselors
- 1 Administrative Secretary

County staff is necessary to respond to violations of alternative release, take offenders into custody and book them into jail. The approximate County cost for operating this unit will include first year start up costs of approximately \$2.2 million, and an ongoing cost of approximately \$1.8 million annually. These costs do not include any amount for costs to contract with a vendor for GPS/EM services. There are vendors who have offender supported programs with no cost to the County. The Sheriff's Department goal would be to utilize Inmate Welfare funds for any program costs associated with GPS/EM. The Alternate custody Unit could be operational in 6-9 months from implementation.

The effective management of an Alternative Custody population can only be successful with the reality of incarceration when conditions of release are violated. Every post release community supervised offender (PRO), State parole supervised offender, and participant of an Alternative Custody Program are threats to the management of the jail population. Allowing the Sheriff's Department Alternative Custody Unit to maintain control of the sentenced inmates participating in alternative custody is an absolute necessity to minimize this risk. Alternative Custody can only be successful by employing strategies that encourage success while at the same time providing for sanctions when conditions are violated.

400 Re-entry Jail Beds:

County jails were not designed with the idea of housing inmates for long periods of time. For that reason, the existing jails in San Diego County offer little in the way of day rooms or space to provide programming for inmates. Prior to AB 109 implementation the average daily stay for an inmate in County jail was 75 days. The implementation of AB 109 will significantly increase the stay. In the first three weeks of implementation, the Sheriff's Department has had inmates remanded to custody with 1956 day (5.36 years) sentences.

The existing East Mesa Detention Facility has a more open, dorm like design than the other jails in San Diego County. It is for this reason that it was chosen for the operation of the Local Reentry Program in 2009. It currently houses lower level offenders who work in the food

processing plant, laundry, print shop and commissary. The existing Re-entry program will not be able to address the needs of the growing population of inmates who will require education and services while in custody in County jails. The current capacity at the East Mesa Facility is 562. It is proposed that both the LRP and this facility be expanded by 400 beds to allow slightly fewer than 500 inmates to participate in re-entry programming while in custody. The EMDF will continue to house inmate workers who are receiving trade programs by working in the fields previously listed.

LRP currently provides substance abuse services, educational/vocational programming, counseling services, and cognitive behavioral programming. Currently there are approximately 60 participants in the LRP. This program has been a success in addressing recidivism. By increasing the capacity at the East Mesa Facility, the Sheriff's Department can add to the number of eligible candidates for the LRP program. Adding the 400 beds at EMDF also addresses current housing needs in the short term and addresses the need for evidence based practices in the programming of offenders with the goal of reduced recidivism in the long term. In order for program expansion of the LRP to occur, additional staff will have to be added to EMDF to make it a fully functioning 24/7 operation. Currently, the facility utilizes its proximity to the George Bailey Facility on the East Mesa campus for medical services. EMDF would have to have 24 hour medical coverage to operate as a separate Re-Entry Facility. To do this would require an increase in sworn staffing for security and movement, and added correctional counselors to facilitate the inmate programming.

The exploration of adding 400 beds to existing infrastructure at the East Mesa Detention Facility has begun, and approval is being sought to move forward with the Request for Proposal (RFP) phase of this project. Final decisions on building and funding the re-entry facility will be made once the RFP process is complete and exact cost and construction information is known. The Sheriff's Department has already dedicated \$200,000 in department resources towards planning for this facility. It is estimated that an additional \$200,000 of one time funding will be needed for the next phase of planning and that the approximate one time costs for facility design development will be approximately \$2.5 million. The construction cost for adding 400 beds to EMDF is estimated to be \$30-35 million. Ongoing operational costs, including staffing and services and supplies, will be approximately \$12.5 million annually. It is estimated that it could take up to two years before occupancy of this facility could take place.

In the interim, the Sheriff's Department will be utilizing Inmate Welfare Funds to place several trailers on the East Mesa site to serve as the required additional classroom space to begin the expansion of the LRP.

The following steps are necessary to increase the LRP and capacity at the East Mesa Detention Facility:

- Construct new inmate housing area.
- Increase medical staffing by 10 nurses to accommodate a 24/7 operation at EMDF.
- Increase sworn staff by 50 to manage the increased population and movement.
- Increase counseling staff by 8 to facilitate the increased LRP population.
- Increase professional staff by 18, to provide ancillary services.

Outcomes:

It is anticipated that these amendments to the 2011 Public Safety Realignment Implementation Plan under Section 4, "Alternative Custody Options and In Custody Programming" will serve to better prepare the inmate population for re-entry to the community thereby reducing recidivism while also providing additional housing capacity.

Recommendations:

The Sheriff's Department recommends to the CCP Executive Committee the following:

- That they approve the proposed amendments to the Preliminary 2011, Implementation Plan as described in this document and that they recommend to the Board of Supervisors their approval thereof and;
- That they approve the allocation of \$200,000 from the California Local Revenue Fund 2011, to the Sheriff's Department toward planning for a Local Re-entry Program and recommend to the Board of Supervisor their approval thereof and;
- That they approve the allocation of \$2.2 million from the California Local Revenue Fund 2011, to the Sheriff's Department toward the development and staffing of an Alternatives to Custody Unit and recommend to the Board of Supervisors their approval thereof.

**Second Amendment to the San Diego County Public Safety Realignment and
Post-Release Community Supervision 2011 Implementation Plan –
Component 5 “Provide Evidence-Based Supervision and Intervention Services
for Post Release Offenders”**

May 24, 2012

Purpose:

The purpose of these proposed additions to the 2011 Implementation Plan (Plan) is to add specificity to the preliminary plan as it relates to Section 5 “Provide Evidence-Based Supervision and Intervention Services for Post Release Offenders.”

Background:

The Public Safety Realignment Act of 2011 has had a significant impact on the criminal justice system in San Diego County. It is anticipated the Probation Department will see an increase of approximately 3,000 offenders when realignment reaches full implementation. Those projections are based on an anticipated increase in Mandatory Supervision Offenders, offenders currently being released from prison as PROs, and prison eligible felons who continue to be sentenced to state prison who will return as PRO's. Currently on average there are 200 felons sentenced monthly to state prison, of which 150 will be released under Probation supervision.

In September 2011, the Preliminary Implementation Plan addressed the initial allocation for Probation Supervision and Intervention Services to serve the anticipated population of PROs for the first six to nine months of implementation. We are now coming back to ask for the additional funding and staff years to supervise the additional offenders and an increase in funding for intervention and treatment services.

In Component 5 of the Plan, “**Provide Evidence-Based Supervision and Intervention Services for Post Release Offenders,**” it states Probation will expand the implementation of evidenced-based practices (EBP) currently utilized with high risk felony probationers to these new populations. The implementation of EBP in probation supervision involves employing risk based supervision according to the offender's assessed risk of committing a new crime. To implement risk based supervision, every PRO will be assessed for risk and needs. Based on the results of the assessment, the offender will be assigned to a supervision level. Those assessed at the highest risk will be supervised on the most intensive caseloads. The proposed caseload ratio for the highest risk PROs was 50:1. Those assessed as medium risk were to be supervised at a ratio of 100:1.

We have learned through our experience in supervising these offenders for the past 6 months that the highest risk offenders will need to be more intensively supervised. As such we are asking to

modify the Plan to reduce the caseload sizes for high risk offenders to a ratio of 40:1. A commensurate reduction is also recommended for the medium risk caseload to a ratio of 80:1.

Our experience with this population shows a higher level of criminal sophistication than probationers. It is apparent that the experience of incarceration in the prison system has shown them to be more difficult to supervise and a higher risk to recidivate. .

With an anticipated 3,000 offenders in the community requiring supervision and intervention services, there is a need for additional treatment dollars. Based on assessment information on those offenders currently under supervision, it is anticipated the services required will include substance abuse treatment, cognitive behavioral interventions, housing assistance, mental health, and work readiness training.

Funding

Based on the statutory formula, San Diego County is projected to receive \$25.1 million in Fiscal Year 2011-12. Proposed funding for Fiscal Year 12/13 is projected to be \$59.1 and Fiscal Year 13/14 is projected to be \$70.1.

Recommendations:

The Probation Department recommends to the CCP Executive Committee the following:

- That they approve the proposed amendments to the Preliminary 2011, Implementation Plan as described in this document and that they recommend to the Board of Supervisors their approval thereof and;
- That they approve the additional allocation of \$16,215,000 from the California Local Revenue Fund 2011, to the Probation Department for supervision, treatment, and intervention services and recommend to the Board of Supervisor their approval thereof and;
 - \$5.0 million for supervision staffing for a total of \$15 million for FY 12/13.
 - \$11.0 million for intervention and treatment services for a total of \$14.0 million for FY 12/13.
 - \$215,000 for performance measures and evaluation of outcomes for FY 12/13.
- The Probation Department proposes the increase of 32.0 staff years and to redirect revenue to existing staff to accommodate the projected populations when the program is in its full implementation. To effectively manage the population at the proposed ratios mentioned above (40:1 for high and 80:1 for medium), the Probation Department proposes to add the following positions:
 - 20 Deputy Probation Officers

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- 5 Sr. Probation Officers
- 3 Supervising Probation Officers
- 1 Unclassified
- 1 Administrative Secretary III
- 1 Probation Aide
- 1 Correctional Deputy Probation Officer II

The proposed total AB109 funding amount for the Probation Department for FY 12-13 is \$29,315,000.