



The Public Safety Realignment Act

AB 109

Implementation Plan FY 2011/2012

County of Tulare

Executive Committee of the Community Corrections Partnership

Janet M. Honadle, Chief Probation Officer, County of Tulare (Chair)
Honorable Melinda M. Reed, Presiding Judge of the Superior Court of Tulare County
Bill Wittman, Sheriff-Coroner, County of Tulare
Phillip J. Cline, District Attorney, County of Tulare
Michael Sheltzer, Public Defender, County of Tulare
Colleen Mestas, Chief of Police, City of Visalia
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Community Corrections Partnership

In 2009, SB 678 established a Community Corrections Partnership (CCP) in each county, chaired by the Chief Probation Officer.

AB109 includes the involvement of the Community Corrections Partnership, herein referred to as CCP, in the development of the Implementation Plan, including the funding distribution, and submission to the Board of Supervisors for final approval. The plan shall be deemed accepted by the Board of Supervisors unless rejected by a vote of 4/5's, in which case the Plan goes back to the CCP for further consideration.

The Tulare County Community Corrections Partnership is comprised of the following members:

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Janet M. Honadle, Chief Probation Officer, County of Tulare
The Honorable Melinda Reed, Presiding Judge of the Superior Court of Tulare County
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Cheryl L. Duerksen, Ph.D., Director of Mental Health, County of Tulare

Membership

The Honorable Brett R. Alldredge, Judge of the Superior Court of Tulare County
Dahl Cleek, Undersheriff
LaRayne Cleek, Court Executive Officer
Jason Britt, Director, Human Services Branch, Health & Human Services Agency
Christie Myer, Assistant Chief Probation Officer
Adam Peck, Director, Workforce Investment Board
Carolyn Rose, Executive Director, Community Services, Education & Training, Inc.
Jean Rousseau, County Administrative Officer
Jim Vidak, Superintendent, Tulare County Office of Education
Tim Ward, Assistant District Attorney

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Counties of San Francisco, Los Angeles, Riverside, and Fresno*

Overview - 2011 Public Safety Realignment Act (AB 109)

In an effort to address overcrowding in California's prisons and assist in alleviating the state's financial crisis, the Public Safety Realignment Act (Assembly Bill 109) was signed into law on April 4, 2011. AB 109 transfers responsibility for supervising specified lower level inmates and parolees from the California Department of Corrections and Rehabilitation to counties. Implementation of the Public Safety Realignment Act is scheduled to go into effect October 01, 2011.

Additionally, Section 1230.1(a) of the California Penal Code is amended to read "Each county local Community Corrections Partnership established pursuant to subdivision (b) of Section 1230 shall recommend a local plan to the county board of supervisors for the implementation of the 2011 public safety realignment. (b) The plan shall be voted on by an executive committee of each county's Community Corrections Partnership consisting of the Chief Probation Officer of the county as chair, a Chief of Police, the Sheriff, the District Attorney, the Public Defender, presiding Judge or his or her designee, and the department representative listed in either Section 1230 (b)(2)(g), 1230(b)(2)(h), or 1230(b)(2)(j) as designated by the county board of supervisors for purposes related to the development and presentation of the plan. (c) The plan shall be deemed accepted by the county board of supervisors unless rejected by a vote of 4/5ths in which case the plan goes back to the Community Corrections Partnership for further consideration. (d) Consistent with local needs and resources, the plan may include recommendations to maximize the effective investment of criminal justice resources in evidence-based correctional sanctions and programs, including, but not limited to, day reporting centers, drug courts, residential multi-service centers, mental health treatment programs, electronic and GPS monitoring programs, victim restitution programs, counseling programs, community service programs, educational programs, and work training programs."

Key elements of AB109 include:

Target Population

The Postrelease Supervision population, released from prison to community supervision, is the responsibility of local probation departments and is inclusive of non-violent, non-serious, non-registerable sex offenders.

The California Department of Corrections and Rehabilitation provided the following data for Tulare County.

- 908 Postrelease Supervision (upon full implementation)
- 70 Parole and Postrelease Supervision violators in jail on revocations.
- 520 Sentenced to local incarceration **and** probation supervision per year based on N³'s no longer prison eligible.

Additional Key Elements of AB109

- **Redefining Felonies:** Revises the definition of a felony to include certain crimes that are punishable in jail for 16 months, two years, or three years. Some offenses, including serious, violent and sex offenses (290 registrants) are excluded and sentences will continue to be served in State Prison.
- **Parole Violations:** All parole revocation hearings will be transferred to the county effective July 01, 2013. All Postrelease Supervision (PRCS) violations will be handled through Probation. Flash incarceration must be approved via Probation administrative review.
- **Revocations Heard & Served Locally:** Postrelease community supervision and parole revocations will be served in local jails (by law maximum revocation sentence is up to 180 days), with the exception of paroled “lifers” who have a revocation term of greater than 30 days. The Courts will hear revocations of postrelease community supervision while the Board of Parole Hearings will conduct parole violation hearings in jail.
- **Local Postrelease Supervision:** Offenders released from State Prison on or after October 1, 2011 after serving a sentence for an eligible offense shall be subject to, for a period not to exceed three years, Postrelease Community Supervision provided by the Probation Department as designated by the county Board of Supervisors.
- **Changes to Custody Credits:** Jail inmates will be able to earn four days of credit for every two days served. Time spent on home detention (i.e., electronic monitoring) is credited as time spent in jail custody.
- **Alternative Custody:** Penal Code Section 1203.018 authorizes electronic monitoring for inmates being held in the county jail in lieu of bail. Eligible inmates must first be held in custody for 60 days post-arraignment, or 30 days for those charged with misdemeanor offenses.
- **Community-Based Punishment:** Authorizes counties to use a range of community-based punishment and intermediate sanctions other than jail incarceration alone or traditional routine probation supervision.

In the “Roadmap for Realignment, County Planning for AB 109 and AB 117” Joan Petersilia from Stanford University states, “The complex provisions in AB 109 amount to an amendment to California’s Penal Code for a wide range of non-serious, non-violent, non-registerable felonies, putting a lowered cap on the sentences for certain crimes and mandating that sentences for many felonies now be served in county jail, not state prison. These changes do not simply alter the population of prisons and jails. The institutions of criminal justice constitute a hydraulic, interactive system in which any change in one part can catalyze changes in the practices of the prosecution, the defense, and the judiciary.”

For example, these sentencing changes will potentially increase the number of jury trials because often the incentive to plead guilty comes from the defendant’s desire to avoid a

state prison sentence. With the prospect of a possibly lengthy state prison sentence out of the equation, defense counsel may well advise his/her client to risk a jury trial in cases where previously the possibility of state prison would have made such a risk untenable to the client.

Ms. Petersilia further states, “The guilty plea rate, which approaches 95 percent of the convictions across jurisdictions, is the biggest cost-and efficiency savings the prosecutor and the courts have (and even the public defender) enjoy. So counties will have to hazard guesses as to how many more full trials, including jury trials, will occur as a result of AB 109. Any increase will put pressure on staffing in district attorneys’ offices, on the available space and staff resources of and caseloads of the Superior Courts, and on the budgets for indigent defense representation. And this possible change in trial rates is just one example of the unintended consequences arising from AB 109 that counties should be prepared to address.”

SB678 – Community Corrections Performance Incentives Act of 2009

SB678 was designed as the precursor to AB109 to reduce felony probation violations resulting in a commitment to State Prison. The following goals were established:

1. Reduce crime in California’s communities through a community corrections strategy focused on increasing the supervision and management of felony offenders on probation.
2. Reduce prison overcrowding, not by early release, but by decreasing the criminal activity of those already on felony probation. The bill actually makes offenders MORE accountable for their actions by providing better supervision and monitoring, in addition to accessing needed services, e.g.; education, employment and drug and alcohol treatment. By improving the public safety outcomes for adult felons who now are failing felony probation, this bill will stem the tide of those going to prison by de-escalating their criminal behavior.
3. Establish sustainable funding for enhanced adult felony probation through performance incentive funding.

The purpose of SB 678 was to enact the “California Community Corrections Performance Incentive Act of 2009,” which would establish a system of performance-based funding to support evidence-based practices relating to the supervision of adult felony offenders. The success of this funding reduced the prison population throughout the State by over 4,000 inmates. In Tulare County 224 offenders, (85 percent with a suspended State Prison commitment) have participated in the SB678 program as of this date. Of those, 9.82 percent were violated for a new offense.

The Tulare County Probation Department supervised 6,609 felony probationers in 2010/2011. Prior to the implementation of SB678, 6.06 percent of felony probationers were sentenced to State Prison. Currently this percentage has fallen to 4.56. It should be noted that 61 percent of all admissions to State Prison are composed of parolees who either have a new violation or a technical violation.

Executive Summary

AB 109 has a wide-ranging impact on the criminal justice system as we know it today. Code requirements include the development of the Community Corrections Partnership, herein referred to as CCP. The CCP's role is the development of the Implementation Plan, including the funding distribution, and submission to the Board of Supervisors for final approval. The plan shall be deemed accepted by the Board of Supervisors unless rejected by a vote of 4/5's, in which case the Plan goes back to the CCP for further consideration.

AB 109, restructures and realigns where and how many public safety programs are operated and funded and revises the definition of felony to include certain crimes that are punishable in jail for more than one year. The Postrelease Community Supervision Act of 2011 funding allocations are intended to cover the cost of local supervision and custody of: 1) non-violent, non-serious, non-sex offenders (N³'s) that would otherwise be sentenced to State Prison; 2) low level State Prison postrelease offenders (PRCS) subject to community supervision; and 3) existing violators of parole who will not be returned to State Prison under the provisions of AB109.

Realigning low-level felony offenders whose most recent conviction is not for serious, violent, or registerable sex offenses to locally run community-based corrections programs, which are strengthened through community-based punishment, evidence-based practices, improved supervision strategies, and enhanced secured capacity, will improve public safety outcomes among adult felons and facilitate their reintegration back into society. Outcomes from the Probation Department's Adult Assessment and Treatment Unit (AATU) developed through SB 678 funding in 2009, support this concept.

The intervention strategies articulated in this Plan are intended to improve success rates of offenders under supervision, resulting in less victimization and increased community safety. Accomplishing this in the most cost efficient manner and employing proven correctional and justice system practices are emerging as the primary strategic goals of postrelease community supervision.

This Plan seeks to achieve the following three outcomes:

1. Implement a streamlined and efficient system to manage additional responsibilities under realignment.
2. Implement a system that protects public safety and utilizes best practices in recidivism reduction.
3. Implement a system that effectively utilizes resources necessary to manage the realignment population, inclusive of jail incarceration, alternative sentencing, and community supervision.

To achieve these outcomes, the Community Corrections Partnership (CCP) will identify, implement, evaluate appropriate workgroup components, and track outcome measures.

Examples of potential outcome measures:

- CCP partner feedback on effectiveness of mechanisms in place to collaboratively address realignment issues as they arise.
- Recidivism rates for non-violent, non-serious, non-sex offenders.
- Recidivism rates for parolees now under local jurisdiction.
- Number and type of offenders sentenced to County Jail and State Prison.
- Number and type of offenders sentenced to probation or alternative programs.
- Impact on the number of jury trials as compared to pre AB109.
- Impact on plea bargaining.
- Impact on judicial outcomes.

Planned Program Expansion and/or Implementation

- ◆ The Sheriff's Department will implement AB 109 by increasing institutional capacity for the anticipated N³ population who will no longer be eligible for incarceration in State Prison.
- ◆ The Probation Department will implement AB 109 in an Evidence-Based Supervision Model with supervision programs serving: 1) Low Level State Prison Postrelease offenders (PRCS); 2) Low Level Non-violent, Non-Serious, and Non-registerable Sex Offenders (N³'s) that would otherwise be sentenced to State Prison; and 3) existing violators of parole who will not be returned to State Prison under the provisions of AB109.

The Probation Department will develop the AB109 Supervision Program in alignment with the practices of the existing Adult Assessment and Treatment Unit (AATU) to provide adequate supervision of the post-release community supervision and non-serious, non-violent, non-registerable sex offender population. Caseloads will be determined by offender risk levels as identified by the COMPAS assessment.

- | | |
|--------------------------------------|------|
| a. High risk supervision caseloads | 1-20 |
| b. Medium risk supervision caseloads | 1-30 |
| c. Low risk supervision caseloads | 1-40 |

Effective probation supervision will include Motivational Interviewing, Cognitive Behavior Therapy, 8 Evidence-based Principles for Effective Intervention, and Program Fidelity.

Home Detention/Electronic Monitoring Program will be expanded to include the AB109 Supervision Program. The Chief Probation Officer is authorized to offer an electronic monitoring and/or home detention program to individuals who are granted probation or are under postrelease community supervision as a sanction for violating supervision conditions, as specified in Section 1203.016 and Section 3450 of the California Penal Code. The Probation Department anticipates 50 offenders on GPS/electronic monitoring per day for approximately 60 days.

Contracts with community service providers for offender transitional housing will be sought. Transitional housing will initially be provided for up to ten offenders for a period of up to 60 days.

Linkages to community-based services for employment, education, and training will be expanded to include the PRCS and N³ population. Education and job training funding will be available through the Probation Department.

CDCR makes \$200 (known as “gate money”) available to inmates upon release. If the inmate does not have civilian clothes, they are given khaki pants, a white t-shirt, and soft black shoes. For these clothes, \$30 is deducted from the \$200. Depending where they are leaving from and where they are going, a bus ticket could cost around \$150, also deducted from the \$200. The inmate/parolee now has about \$20. He will probably eat at fast food when he arrives and buy a pack of cigarettes. He will have about \$5 left and will be good for about 12 hours before he is hungry. Then he will start looking for the Probation Department.

- ◆ The Mental Health Department will staff and participate on a multi-disciplinary assessment team with the Probation Department. This Team will provide an evaluation of the risk and needs of each individual as they return to the community, assess offender needs, and generate referrals to an appropriate array of services, including enrollment in all benefit packages, (i.g., General Assistance Program, Cal WORKS TCMS, Medi-Cal), mental health needs, alcohol and drug treatment, transitional housing, medical services, employment services/training, vocational evaluation, and postrelease community supervision terms and conditions. Initially, members of this Team will include a Deputy Probation Officer, a Mental Health Self-Sufficiency Counselor and a Psychologist.

Realignment will have a significant impact on the Superior Court, the District Attorney’s Office and the Public Defender’s Office as they play an integral role in defining the population that ultimately becomes the challenge for the Sheriff and Probation.

The District Attorney’s Office will now be responsible for reviewing, charging, and prosecuting revocation of postrelease community supervision and the Public Defender’s Office will be responsible for defending violators of postrelease community supervision. For these cases, jurisdiction of the Board of Parole Hearings (BPH) is being transferred to the Superior Court.

Both the District Attorney’s Office and the Public Defender’s Office anticipate they will need to make more court appearances and engage with cases for longer periods of time. Given

that N³ cases sentenced to State Prison will now serve their time locally, local authorities will take on additional responsibilities to track and monitor offenders after conviction. The number of appearances on one case will likely increase both before sentencing, because getting agreement on appropriate sentences may be protracted, thereby lengthening the time it takes for cases to resolve, and after sentencing, given that sentence violations come back to the District Attorney's Office for assessment and adjudication. This could continue for years at a time per case.

The District Attorney's Office and Public Defender's Office must now develop expertise in alternative sentences to ensure effective sentencing without reliance on incarceration since prison is excluded as a sentence option for numerous offenses. Merely relying on jail in lieu of prison will overburden the jail system.

- ◆ The District Attorney's Office will develop and implement a Victim Offender Reconciliation Program (VORP) Team, facilitate training on alternative sentencing options, best practices in recidivism reduction, and develop tools to increase the capacity of line staff to utilize a recidivism reduction analysis when deciding best sentencing strategies. Part of the responsibilities of this Team is ensuring victims receive restitution in applicable situations.
- ◆ The Public Defender's Office will develop an Alternative Sentencing Team to effectively support the intricacies of an array of alternative sentencing options available to their clients, but which must first be negotiated with the District Attorney's Office.

***The Executive Committee of the Community Corrections Partnership
Recommendation to the
Tulare County Board of Supervisors***

Consider and adopt the 2011 Realignment Plan as required by Penal Code Section 1230.1 and the Postrelease Community Supervision strategy required by Penal Code Section 3451 as added by the Postrelease Community Supervision Act of 2011 contained in Assembly Bill 109. This Plan contains recommendations for implementation including using funds allocated by the State of California as well as additional resources that will be required for successful implementation.



Implementation Plan – Probation Department

Background

The Probation Department is the investigative and enforcement arm of the Court with a primary focus of felony offenders who are charged or convicted of crimes. The Probation Department will provide the community supervision component of the Tulare County Community Corrections Partnership FY 2011/2012.

The Probation Department supervised 6,609 felony probationers in 2010/2011. It is estimated that during Phase I of the Implementation Plan, the Probation Department will need to supervise up to an additional 928 offenders over the next ten months. According to data released by the California Department of Corrections and Rehabilitation (CDCR), the Probation Department will receive 408 inmates released from State Prison on postrelease community supervision between October 01, 2011 and June 30, 2011. CDCR also estimates an average daily population of 520 offenders (N³s) who will not be returned to state prison under the provisions of AB109; however, these numbers are thought to be a low estimate.

The Probation Department submits the following implementation plan, recognizes that funds may be modified to reflect annual CCP evaluation results, and is dependent upon continued State funding at estimated budget levels.

Implementation Plan, Phase 1

On July 26, 2011, the Tulare County Board of Supervisors designated the Probation Department as the agency responsible for the Post Release Community Supervision program pursuant to AB109. The Probation Department is now in the position to begin receiving information on the inmates that will be released from CDCR to Tulare County and make the appropriate plans through the CCP for offender supervision once returned to the county.

AB109 Probation Adult Supervision Unit

The AB109 Probation Adult Supervision Unit will provide intensive supervision, court investigation, and case management services to felony probationers in a continuing effort to reduce prison recidivism. The Probation Department proposes to implement AB109 community supervision services utilizing an evidence based supervision model.

The proposed Implementation Plan is designed to ensure that community supervision and outreach services are effective in promoting positive offender behavioral change in an effort to reduce recidivism and State Prison commitments. The plan involves several progressive steps from case intake to case termination. Critical plan components include:

- Post Release Supervision and N³ Flow Process
- Postrelease and N³ Supervision Requirements
- Case Assessment and Planning
- Matching criminogenic needs with specific outreach services (mental health, substance abuse, family counseling, education and employment services)
- Program Completion

In order to provide appropriate supervision and case management services based upon criminogenic needs, the Probation Department will assign offenders to caseloads based upon the results of the COMPAS assessment.

High Risk Supervision Caseload	1-20
Medium Risk Supervision Caseload	1-30
Low Risk Supervision Caseload	1-40

The Probation Department proposes to add the following staff and services during Phase I implementation in FY 2011/2012.

- 2 Supervising Probation Officers
- 4 Deputy Probation Officer III's
- 6 Deputy Probation Officer II's
- 1 Probation Collections Investigator
- 2 Office Assistant III
- 1 Account Clerk

Supervising Probation Officers (SPO's) will be responsible for program oversight, including responsibility for the day-to-day operations of the AB109 Adult Supervision Unit.

Deputy Probation Officer III's will conduct the COMPAS assessment on PRCS and N³ offenders. Staff are responsible for performing their duties at the highest level of proficiency as a Deputy Probation Officer and serve as role models and lead workers within the department. One DPO III will be assigned to the Professional Development Unit to assist with additional hiring and training needs.

Deputy Probation Officer II's will be assigned to meet the needs of the Probation Department in both the AB109 Adult Supervision Unit and Adult Investigations Unit. The DPO I/II classification is utilized to investigate adult cases referred by the courts and to supervise a caseload of adult probationers.

The Probation Collections Investigator will be added to handle the additional victim restitution responsibilities for the PRCS and N³ offender population. The Probation Collections Investigator will work with the District Attorney and Public Defender to manage a caseload involving the collection of money owed to victims as the result of AB109; investigate non-payment of accounts; locate and interview individuals with delinquent accounts who may be avoiding payment of monies owed; verify conflicting information concerning non-payment of delinquent accounts; negotiate a repayment schedule to satisfy obligation; and assess debtor's payment history and recommend earnings withholding.

An Account Clerk will be added to handle the additional account responsibilities associated with victim restitution payments by the PRCS and N³ offender population. The Account Clerk is responsible for accurately posting payments and issuing receipts to offenders; working closely with Probation Collection Investigators; maintaining a running balance of accounts in order to reconcile receipts and balance accounts daily; entering information accurately on the Probation Accounts Receivable automated data system; distribute costs to appropriate accounts, and perform a variety of general clerical duties.

Two Office Assistant III's will be added and will be responsible for providing on-site clerical support necessary as a result of adding additional deputy probation officers. Specific duties will include all processing case files related to AB109 according to established clerical protocols, data entry into the case management system, and collecting and reporting baseline data to the Staff Services Analyst for program analysis.

Service and Supply lines will be established to cover increased costs directly related to additional personnel. These include the cost of communications, unemployment insurance, office expense, professional services, rent, special department expense, training, transportation and travel, motorpool, utilities, worker's compensation insurance, data processing charges, radio communication charges, and intra-agency services received.

The Probation Department will provide the following services during Phase I:

- GPS/electronic monitoring for up to 50 offenders for 60 days.
- Emergency clothing vouchers limited to \$50 per offender, as needed.
- Transitional housing for ten PRCS for up to 60 days each.
- Education costs (books and tuition).
- Transportation (40 bus passes for one month each, initially).
- Tattoo removal services.
- Training for the Supervising Probation Officers and Deputy Probation Officers including Basic Core, Basic Supervisory Core and 832 P.C. search, seizure, and firearms components.

The Probation Department will purchase the following equipment during Phase I:

- 10 vehicles for DPO's assigned to the AB109 Adult Supervision unit.
- Safety equipment including ballistic vests, weapons and leather
- 10 hand-held radios
- 5 desktop computers for support staff and Supervising Probation Officers
- 10 laptop computers and vehicle mounts for DPO's



Mental Health Multi-Disciplinary Assessment Team
Funded by the Probation Department

The Probation Department will fund the development and implementation of a Multi-Disciplinary Assessment and Referral Team consisting of one Deputy Probation Officer II, one Self-Sufficiency Counselor and one Psychologist. This team will assess the PRCS population as they are released from CDCR and generate referrals to an appropriate array of services in the community such as health, mental health, alcohol, and other drug programs, housing, education, and job training. Establishing eligibility for programs at the onset will ensure timely enrollment in all benefit packages (e.g., General Assistance Program, CalWORKS, TCMS, Medi-Cal) as well as improve the continuity and quality of care. Services may require the development of an appropriate vendor contract and include the following:

- Food, shelter and housing (e.g. transitional housing)
- Medical services
- Mental health services
- Substance abuse treatment
- Individual and family counseling
- Employment and job training services
- Vocational evaluation and counseling
- Aggression suppression treatment
- Legal assistance
- Parenting skills training

Although not all PRCS offenders will require a full array of services, coordinated care and participation in case structured rehabilitative services will better increase the safety and security of the community while maximizing positive treatment outcomes. Collaborative case planning is also expected to reduce critical risk activity and increase the probability of positive treatment outcomes. The Multi-Disciplinary Assessment and Referral Team will provide quality assurance and assistance with contractual agreement oversight with selected vendors.

The Health and Human Services Agency, Mental Health Department will add the following positions:

- 1 Psychologist II
- 1 Self-Sufficiency Counselor III

The Psychologist II will be assigned to the Mental Health Department AB109 Multi-disciplinary Team to provide offender assessment, evaluation, and collaborative case planning services for the PRCS and N³ population.

The Self-Sufficiency Counselor III will be assigned to the Mental Health Department AB 109 Multi-disciplinary Team to evaluate, establish eligibility and enroll the PRCS and N³ population in appropriate public assistance programs.



District Attorney Victim Offender Reconciliation Program (VORP) Team
 Funded by the Probation Department

In compliance with AB109 and with our continued commitment to the victims of crime, the Tulare County District Attorney's (TCDA) Office will work closely with our criminal justice partners to ensure effective sentencing of non-violent, non-serious, non-registerable sexual offenders. As established through Penal Code Section 1230, the District Attorney is a member of the Executive Committee on the Community Corrections Partnership. It is our position that this will be an arena where we represent the will, needs, and legal mandates for victims of crime. Regardless of the machinations of government, budget concerns, or other situations beyond our control, the TCDA's commitment to victims will not waver. In order to meet the requirements of AB 109, this will require a realignment of our office to accommodate the additional workload.

The TCDA anticipates prosecutors will need to make more court appearances and engage with cases and victims for longer periods of time. Given that the non-violent, non-serious, non-registerable sexual offender cases will no longer be eligible for state prison commitments, local authorities will take on additional responsibilities to track and monitor offenders after conviction. In order to serve the criteria set forth in AB109, ensure compliance with Marsy's Law, and to protect the public, we propose the development of a Victim Offender Reconciliation Program (VORP) Team comprised of the following positions:

- 1 Attorney V
- 1 Attorney IV
- 1 Investigator Aide
- 1 Extra-help Paralegal

A senior deputy district attorney (Attorney V) will be responsible for oversight of VORP and the team members. This prosecutor will facilitate training for TCDA staff on alternative sentencing options and best practices in recidivism reduction and develop tools to increase capacity of line staff to utilize a recidivism reduction analysis when deciding best sentencing strategies. This prosecutor will develop expertise in victim-offender mediation, restorative justice, and restitution. The prosecutor will ensure that all new sentencing policies and procedures will be applied fairly and consistently by all of our attorneys in all of the Tulare County Courts. Additional duties will include acting as a liaison with the Probation Department and evidence based alternative sentencing community programs.

The second prosecutor (Attorney IV) in VORP will work with the Tulare County Superior Court to enhance expedited court disposition procedures. This prosecutor will work closely with victims to explain the requirements and options available within the parameters of AB109.

The VORP criminal investigator aide will accompany the prosecutor on any site visits to Probation-approved alternative sentencing community programs, and assist with community outreach as needed. The investigator aide will work closely with local law enforcement to facilitate the completion of investigations and ensure timely discovery processing in order to expedite court dispositions. The investigator aide will work with VORP victims to ensure all Marsy's Law criteria are met and will act as a conduit for early intervention, if an out-of-custody offender contacts or harasses the victim. The investigator aide will complete prior record evaluations to ensure that the offender not only meets the criteria of AB109, but also examine the offender's crime and other pertinent information to advise the prosecutor of the degree of adverse impact to the community and victim that an alternative sentence may hold. Locating VORP victims for initial court proceedings, assisting with an early determination of restitution amounts, and maintaining contact with victims for future proceedings will be an important component of the investigator aide's duties.

An extra-help paralegal will assist victims in ensuring they receive restitution in applicable situations and be responsible for administrative duties associated with the VORP's mission and duties. The paralegal will work closely with both the prosecutors and investigator aide in all areas previously detailed. With an uncompromising approach to restitution recovery on the part of the Probation Department and paralegal, we anticipate more court appearances for the attorney, who will in turn, utilize every legal tool available to secure restitution.



Public Defender AB 109 Realignment Team
Funded by the Probation Department

It is critical to the success of this Plan that it includes the widest possible range of alternatives to address public safety, victim restitution and the rehabilitation needs of the offender. When community-based punishment is warranted, it ought to include all of the alternatives sanctioned by statute including, but not limited to, short-term flash incarceration, intensive community supervision, home detention with electronic monitoring or GPS monitoring, restorative justice programs such as mandatory victim restitution and victim-offender reconciliation, work training, or education in a furlough program, work in lieu of confinement, day reporting, mandatory random drug testing, mother-infant care programs, community-based residential programs offering structure, supervision, drug treatment, alcohol treatment, literacy programming, employment counseling, psychological counseling, and mental health treatment (Penal Code Section 17.5(a)(8)). It is important to note that these programs and policies appear designed to keep low-level felony offenders out of jail and emphasizes the role of community-based programs in order to reserve relatively scarce jail bed space for more serious offenders as well as to maximize rehabilitative success.

There are two populations of offenders whose circumstances must be addressed, 1) those released from state prison on post-release community supervision; and 2) offenders who commit N³ offenses.

With respect to the “Postrelease Supervision” population it is not anticipated that the Public Defender will become involved until an alleged violation is filed. It is not known how the Court will be adjudicating these violations, but due process will undoubtedly require that counsel be appointed for these individuals. Over time this caseload could become quite large. The Public Defender will develop the AB 109 Realignment Team comprised of the following positions:

- 1 Attorney III
- 1 Attorney II
- 1 Public Defender Social Worker
- 1 Public Defender Paralegal
- 1 Investigator Aide

The Public Defender will require at least two experienced attorneys (one Attorney III and one Attorney II) to handle this new caseload. New N³ offenders should be initially handled in an “early case disposition” type court. Intensive case negotiation, needs assessments and “community-based punishment” alternatives should be determined at this earliest possible stage in the proceedings. Both drug court and mental health court should be aggressively considered at this stage where Proposition 36 court or diversion programs may not be as appropriate. The goal should be to get these cases resolved as soon after filing as feasible with care to addressing public safety, victim restitution and rehabilitation services. This client population will eventually become quite large. In addition, it is anticipated that technical violations, proposed to be “informally” handled without Court intervention, like flash-incarceration, will be regularly staffed by probation, public defender

and district attorney to ensure consistent application of punishment and to actively monitor client re-entry progress.

A Public Defender Social Worker will serve as a casework advocate for the individual offender. This person, under the direction of the Public Defender, will provide needs assessments from the client's perspective; develop, monitor, and support re-entry plans; and provide coaching/mentoring to assist clients in accessing services and completing programs and training.

Clerical and paraprofessional support for both classes of new clients will be provided by a Public Defender paralegal. This position will do initial client intake, set up files, and work with other assigned staff to coordinate client services. As the caseload increases and the courts take on all parole revocation hearings, it will likely be necessary to add an Investigator or Investigator Aide to provide investigative services.

Implementation Plan, Phase 2 - FY 2012/2013

The Probation Department will reassess department and program needs and adjust the budget accordingly. For purposes of this Plan, the Probation Department is planning to hire the additional following personnel in FY 2012/2013. Both public safety and program fidelity rest upon maintaining caseload sizes that fit the risk/needs level of offenders. Phase 2 will respond to an expected increase in the PRCS population of 322 offenders and an increased N³ population of 520.

One Deputy Probation Officer III will be added to conduct the COMPAS assessment on PRCS and N³ offenders. DPO III's are responsible for performing their duties at the highest level of proficiency as a Deputy Probation Officer and serve as role models and lead workers within the department.

Fourteen (14) Deputy Probation Officer II's will be added and assigned to meet the needs of the Probation Department in the AB109 Adult Supervision Unit. The DPO I/II classification is utilized to investigate adult cases referred by the courts and to supervise a caseload of adult probationers.

Two Office Assistant III's will be added and will be responsible for providing on site clerical support necessary as a result of adding additional deputy probation officers. Specific duties will include all processing case files related to AB109 according to established clerical protocols, data entry into the case management system, and collecting and reporting baseline data to the Staff Services Analyst for program analysis.

The Probation Department will continue to provide GPS/electronic monitoring services, emergency clothing vouchers, transitional housing, education costs, transportation, tattoo removal services and training for officers. Vehicles, safety equipment, radios, and computers for additional staff will be purchased. Serious attention also needs to be given to address adequate space needs to house AB109 Probation staff.

The Probation Department will fund the Health & Human Services Agency for one full-time Psychologist and one Self-Sufficiency Counselor to reflect a full year salary and benefits, District Attorney's Office Victim Offender Reconciliation Team, and the Public Defender AB109 Realignment Team.

Implementation Plan, Phase 3 – FY 2013/2014

The Probation Department will again reassess department and program needs and adjust the budget accordingly. For purposes of this Plan, the Probation Department is planning to hire the additional following personnel as needed.

One Probation Technician will be added in Fiscal Year 2013/2014 to assist with drug testing and offender terms and conditions of probation.

The Probation Department will continue to fund the AB109 Adult Supervision Unit as allocated in Phases 1 and 2 as well as continue to provide transitional housing, bus passes, tattoo removal services, emergency clothing, education services, communications charges, unemployment insurance, office expenses, training expenses, and data processing expenses.

Funding for the Health and Human Services Agency, Mental Health Department for the Multi-disciplinary Assessment Team, the District Attorney's Office Victim Offender Reconciliation Team, and the Public Defender AB 109 Realignment Team will be allocated.

Implementation Plan, Phase 4 – FY 2014/2015

The Probation Department will continue to reassess department and program needs and adjust the budget accordingly. For purposes of this Plan, the Probation Department is planning to absorb the following SB678 positions from the Adult Assessment and Treatment Unit (AATU) for a period of 6 months (from January 01, 2015 through June 30, 2015) after SB678 funding sunsets.

The Probation Department will continue to provide transitional housing, bus passes, tattoo removal services, emergency clothing, education services, communications charges, unemployment insurance, office expenses, training expenses, and data processing expenses. Funding for the District Attorney's Office Victim Offender Reconciliation Team, the Public Defender AB108 Realignment Team, and the Health and Human Services Agency, Mental Health Department for the Multi-disciplinary Assessment Team will be provided. Funding for Probation space needs have been included in Phases 2, 3, and 4 and consist of renovating an existing county-owned building.



Implementation Plan – Sheriff's Department

Background

The Tulare County Sheriff's Department operates the County's jail system. The system provides custody services for all law enforcement agencies throughout Tulare County. The Sheriff's Department will provide the incarceration component of the Tulare County Community Corrections Partnership FY 2011-12 Implementation Plan (Phase 1).

There were 23,444 prisoners booked into the County's jail system during 2010. The daily inmate population averaged 1,341. During this time, 777 inmates were sent to state prison and 1,285 parolees from state prison who violated their parole were arrested and booked into the jail system.

It is estimated that during Phase I of the Implementation Plan, the jail system will need to accommodate an additional 227 inmates over nine months (Oct. 1, 2011, through June 30, 2012). This figure is calculated on the jail system receiving an average of 25.2 inmates per month as a result of AB 109, according to an estimate from the California Department of Corrections and Rehabilitation. Considering projected releases of inmates after serving sentences, including a state-mandated time-off credit on those sentences, the AB 109 inmates are expected to increase the jail system's average daily population by 126 by the end of Phase I. Put another way, AB 109 is projected to add another 61,971 inmate days to the Tulare County Jail System during this initial phase alone.

Under AB 109 guidelines, people convicted of non-serious, non-violent, and non-sex offense felonies after Oct. 1, 2011, will serve sentences in county jails. Typically, these sentences will be 16 months to three years – significantly longer than the average 90-day sentence currently served in California county jails. Enhanced and consecutive sentences may create even lengthier sentences.

AB 109 also specifies credits for good time and work time of inmates. These credits mean that inmates will be required to serve only 50 percent of their sentence in custody, minus any credits for time served prior to their sentence as determined by the Court. Present law requires inmates to serve two-thirds of their sentence. This additional AB 109 sentence reduction is planned to help mitigate, to some degree, the impact of longer sentences being served in the county jails. Further, all post-release community supervision revocations and almost all parole revocations will be served locally. AB 109 also encourages the use of "flash incarceration" up to 10 days in county jail for parolees who violate their community supervision terms.

The County's jail system is composed of four jails and several alternative sentencing programs:

- Main Jail: Constructed between 1960 and 1962, this 55,720-square-foot facility is located adjacent to the Tulare County Superior Court in the County's Civic Complex in Visalia. The jail can accommodate 264 inmates. The jail has a traditional linear design with three floors of cells.

- Bob Wiley Detention Facility (Bob Wiley): Constructed between 1985 and 1986, this jail complex spans 130,265 square feet and can accommodate up to 693 inmates. The jail is located at the County's Sequoia Field complex nine miles north of Visalia. The facility features a one-story support services building, a single-story administration-booking-visiting building, and several clusters of inmate housing units, or pods, with a direct supervision design. The jail houses the most serious offenders in the system. The complex also has a separate unit for all women who are inmates in the jail system.
- Adult Pre-Trial Detention Facility (Pre-Trial): Located adjacent to the Bob Wiley Detention Facility, Pre-Trial is the newest of the system's four jails. The two jails are connected via an underground tunnel. The Pre-Trial facility was constructed in 2001 and features double-decked cellblocks, or pods, in a direct supervision jail design. The jail occupies 129,000 square feet. The 384 beds are spread over eight pods. More than half of those beds are currently empty – providing bed ample bed space for AB 109 inmates during Phase I of the Implementation Plan.
- Men's Correctional Facility (MCF): The majority of the buildings at MCF date to 1941, making it the oldest jail in the County system. The complex features multiple single-story, free-standing buildings with a total of 366 beds for medium-security inmates in dormitory-style housing units. The complex has a direct supervision design.
- Alternative Sentencing Programs: The Sheriff's Department offers several alternative-to-incarceration programs – the Sheriff's Work Alternative Program (SWAP), the Day Reporting Center (DRC), and Weekender (WE). These programs are open on a court-recommended basis to non-violent inmates, who volunteer to participate. Participants must also meet the requirements of the program in which they will participate. Essentially, offenders offer free labor on projects at governmental or non-profit facilities in exchange to incarceration. During 2010, an average of 308 inmates participated in these programs. The Sheriff's Department has many years of experience in working closely together with all members of the Tulare County Community Corrections Partnership in providing detention and other criminal justice services.

Implementation Plan, Phase 1

The Sheriff's Department proposes to house the County's share of AB 109 inmates in vacant cells inside the Tulare County Adult Pre-Trial Detention Facility. However, absorbing hundreds of additional inmates in just the first nine months of the Implementation Plan, will place considerable stress on the jail system. To relieve this stress, and to maximize cost efficiency, the Sheriff's plan will: (a) consolidate all booking into custody of inmates throughout the County at Pre-Trial; (b) add capacity at the jail system's kitchen at Bob Wiley; (c) enhance inmate transportation services; and (d) contract for counseling services for post-custody reentry into the community.

Booking Operations

Booking offenders into custody is a lengthy, time-consuming process to fully comply with local, state and federal requirements. Arrest documentation must be reviewed. Preliminary screening for medical and other special considerations performed. Fingerprinting and photographing of the offender conducted. Interviewing must be completed to determine any gang affiliation, sexual orientation and other characteristics of each inmate to properly “classify” the inmate for placement within the jail system to protect the inmate and minimize later disruption in the jail system. Otherwise, fights and other problem behavior of mixing inmates with different, non-compatible classifications will occur. Appropriately color-coded, or striped, clothing needs to be issued to each inmate in keeping with his or her classification. Personal property of each inmate must be inventoried at the time of booking for return at time of release.

For the most part, booking into custody in the County’s jail system is conducted at Main Jail and Bob Wiley, which handles booking for itself, Pre-Trial and MCF. At present jail population levels, this arrangement already produces delays, security issues, and other problems during peak booking periods. That’s particularly true at Main Jail, whose 50-year-old design has minimal booking facilities.

Justification for consolidating booking at Pre-Trial: The Adult Pre-Trial Detention Facility has the most up-to-date and extensive booking facilities in the jail system. There is seating for up to 75 offenders waiting to be booked. By contrast, Main Jail has no seating. Main Jail has four, all-purpose windows at the entrance area in the basement of the Sheriff’s Main Jail / Administrative Center building. Pre-Trial has four windows dedicated to booking, and another nine windows for other aspects of the booking / release process (medical screening, property inventory / clothing assignment, classification, and other services). Pre-Trial’s booking area also contains specialized cells for violent / serious offenders. Main Jail’s booking facilities just contain group cells. Ironically, Pre-Trial’s booking area is not presently used because the present inmate population can be accommodated at Main Jail and MCF. However, with the influx of hundreds of new inmates as a result of AB 109 will be too much for the system, particularly at Main Jail.

To open Pre-Trial for booking will require the Sheriff to hire five correctional deputies to provide security in the booking area and 14 detention services officers to complete the necessary paperwork on each booked inmate. The Department will leverage these positions with Sheriff and other agency staff transferred from other facilities to assist with photographing, fingerprinting, medical screening, and other functions of the booking process.

Adult Pre-Trial Detention Facility

The Tulare County Adult Pre-Trial Detention Facility is the newest component of the Tulare County Jail System. The jail was built in 2001. However, the original budget for the facility did not include staffing expenses. As a result, the facility has never been used to full capacity. The state and federal prison systems have been sources of inmates at Pre-Trial over the years – with levels fluctuating with budgets and other considerations at state and federal levels.

Justification for using Pre-Trial for AB 109 inmates: The main reason for utilizing Pre-Trial for these offenders is, of course, the fact there are ample vacant cells, at least for Phase I of the AB 109 Implementation Plan. This fact alone will result in a savings of up to millions

of dollars in providing alternative incarceration space, depending on how these new cells are provided in the future. Pre-Trial also features a “direct supervision” design. Cells in each 50-bed pod are built around a common area which features a number of tables. Inmates are free to play board games, talk with each other, even play basketball in a nearby, secure area. Depending on the inmate’s classification, the inmate can spend hours each day outside a cell in this common area. A correctional officer supervises the inmates from a workstation on floor. By contrast, in traditional “linear” prison design, such as Main Jail, inmates spend the majority of their time inside locked cells. The open design of such “direct supervision” jails cuts down on inmate tension and behavioral problems. That tension is a concern with the AB 109 inmates. Those inmates will be “non-violent, non-sex offender, and non-serious offenders.” However, these offenders have not served their sentences in County jail systems in the past. Therefore, Sheriff’s jail officials feel that these inmates might result in increased behavioral issues for the system – something that might be partially addressed by housing them in a “direct supervision” facility such as Pre-Trial.

The Department will need to hire 15 correctional deputies to open three of the five empty cellblocks at Pre-Trial for AB 109 inmates. The Department will also need to hire an additional sergeant to assist with overall supervision of Pre-Trial due to expanded jail population; and two office assistants to scan, photocopy, file, and otherwise process the additional paperwork burden of the new inmates.

Note that the Department’s plan to open only three pods for AB 109 inmates is based on an estimate by the California Department of Corrections and Rehabilitation that the County’s jail system will increase by a net of 126 inmates by the end of Phase I. If that estimate turns out to be too low, then the Department will need to open additional pods – at increased staffing and other expense – to provide for the custody, food-service and other needs of these extra inmates.

Jail Kitchen Enhancements

Meal preparation for the Tulare County Jail System is conducted in the kitchen at Bob Wiley. During 2010, the Sheriff’s food-service staff prepared 1.7 million meals for inmates and 168,000 meals for staff members. The Sheriff’s Farm, located on 1,100 acres of County-owned or leased property at Sequoia Field, produces considerable meat and vegetables for those meals. The farm also receives considerable produce donated by local farms and other food-service organizations. As a result, the Sheriff’s food-service staff is able to produce nutritionally balanced meals for just \$1.59 per meal – among the lowest among the state’s jail systems.

Justification for kitchen enhancements: The jail system’s kitchen will need to produce and distribute an estimated 200,000 meals for AB 109 inmates and related custody staff members during the first nine months of the Implementation Plan alone. The additional production volume will require a significant increase in meat, produce, and other meal ingredients on an annual basis. The food-service staff also will have to add such items as food-distribution carts, serving trays and holding and warming tables. The increased volume also needs to upgrade some key meal-preparation equipment, including a convection oven, flat grill, and 80-quart mixer – all of which are operated now at their production capacity. The replacement items must meet quality and durability standards of a large-scale food-service operation.

The Sheriff's Department uses up to 25 inmate workers to assist with its food preparation. The number of workers is expected to increase with the addition of the AB 109 inmates to the jail population. Also, the state's new sentencing guidelines that will take effect on Oct. 1, 2011, are expected to change the pool of inmates that will serve as workers – to more serious offenders. For these two reasons, the Department feels it is prudent to post full-time correctional deputies in the kitchen to maintain security. Five deputies will be hired for this purpose – to provide coverage 24 hours a day, seven days a week. The Department will also need to hire an additional cook for the kitchen and an additional food and laundry services manager (to assist with management of food preparation and cleaning services).

Transportation

Sheriff's deputies must transport inmates to be booked into custody, court hearings and trials, medical appointments, locations where they can be safely released from custody, and a variety of other occasions. Individual inmates, pending on the offense, medical condition, and other considerations, require numerous trips under supervision by deputies. Sometimes, moving the inmate can be done relatively quickly – such as collecting Bob Wiley inmates for hearings at Pre-Trial. Sometimes, the transport can be extensive. If an offender is arrested in Porterville, for example, and then booked at Main Jail or Bob Wiley, the round trip could be three hours (including paperwork).

Justification for transportation manpower and equipment enhancements: The Sheriff's Department plans to leverage staff and equipment in its transportation plans for AB 109 inmates. However, adding hundreds of AB 109 inmates to the jail system's population each year will require the Sheriff's department to increase manpower and equipment. Among factors is the fact that more inmates will be released from Pre-Trial due to the AB 109 inmates. As the Sheriff's three jails at Sequoia Field are located in a rural area miles away from the nearest city, the Department transports each inmate to Visalia when released from custody for the safety of inmates.

Due to these increased transportation needs, the Sheriff's Department will need to hire five correctional deputies and an 8-passenger van to provide transportation between Porterville and Pre-Trial for newly arrested inmates. The Department also will leverage deputies and vehicles from its existing transportation operations to meet trip needs of the AB 109 inmates.

Inmate Programs and Reentry Counseling

AB 109 inmates will, of course, lead to an expansion of in-custody programming to maintain safety and offer productive use of free time while incarcerated. AB 109 offenders will be assigned to appropriate programming based on their individual need. The Sheriff's Department will work with the courts and CDCR parole personnel to provide services to inmates serving time in jail for a parole revocation to the extent possible within funding categories. The AB 109 inmates, while "non violent, non-sex offender, and non-serious," are typically repeat offenders. The Sheriff's Department has offered reentry counseling to inmates on a limited basis, such as for habitual drug offenders in our Residential Substance Abuse Treatment program. The influx of the AB inmates has forced the Department to revisit the reentry counseling issue.

Justification for contracting for reentry counseling: The Sheriff's Department would like to contract with a counseling service to inform AB 109 and other inmates of how to connect with government and non-profit organizations for job training, Social Security benefits, mental health and substance abuse services, and other assistance that will help these inmates successfully reintegrate into society and, hopefully, lessen recidivism rates. Such counseling will be done while the inmates are still in custody and in close coordination with Probation and other relevant members of the Tulare County Community Corrections Partnership.

AB 109 Incarceration Plan, Phases 2-4

An estimated 550 inmates will be incarcerated in the Tulare County Jail System over the next four years with the implementation of Phases 1, 2, 3, and 4 of AB 109, according to state and Sheriff's Department projections. Deducting the 227 inmates expected to arrive during Phase 1 (October 2011 through June 2012), that leaves a balance of 273 to be added to the jail population during Phases 2 to 4. The Sheriff's Department is projected to receive \$23.9 million to implement these three phases AB 109 for the Tulare County Jail System. These funds will cover all aspects of providing custody for AB 109 inmates – adding new jail space; correctional deputy salaries and benefits; food-service, medical, and mental health expenses; transportation costs; and other related expenses. Accordingly, the Sheriff's Department has prepared a detailed budget regarding the allocation of these funds.

However, further analysis during Phase 1 is necessary once AB 109 is implemented to more accurately determine the impact on jail beds, alternative incarceration programs and court security/inmate transportation.

To get a better fix on numbers, the Sheriff's Department plans to update its ADSi system during Phase I. Updating this important jail management database to track the AB 109 inmates is included in the Department's Phase I budget. The data should provide the Department, and its fellow members of the Tulare County Community Corrections Partnership, with a planning tool in devising future spending of AB 109 allocations to the County from the State.

The following are some preliminary considerations of the impact of AB 109 in Phases 2, 3 and 4 of the program with respect to cell space and inmate programs:

Housing

Vacant cell space at the Tulare County Adult Pre-Trial Detention Facility should be completely full sometime in Year 2 of the Implementation Plan, if present projections are realized. However, Pre-Trial was designed to accommodate future growth. The facility was designed to accommodate up to four additional 50-bed pods as growth requires. The jail, like other detention facilities at Sequoia Field, has available land around it for such expansion. A less expensive, more immediate housing alternative would be to add prefabricated structures adjacent to Pre-Trial, Bob Wiley, or MCF – possibly until permanent cells can be constructed. This planning will be done in full consultation with other members of the Tulare County Community Corrections Partnership and the Tulare County Board of Supervisors.

Inmate Programs

The Sheriff's Department operates a variety of programs geared to nurture educational, vocational and emotional development of inmates. Inmates choose whether to participate in the programs, and more 4,900 chose to participate during 2010. The idea with all this coursework and hands-on activities is to prepare inmates to adjust better when they re-enter regular life after incarceration and to, hopefully, not re-offend return to jail. The influx of hundreds of new inmates as a result of AB 109 will mean the Sheriff's Department will need to re-evaluate, refine, and in some case add to these inmate programs.

The Department's long-standing Residential Substance Abuse Treatment (RSAT) Program is a case in point. RSAT averaged 161 inmates enrolled during 2010. It's a residential program and inmates must commit to stay in the program a minimum of five months. RSAT is designed to develop the inmate's cognitive, behavioral, social, vocational, and other skills to solve substance abuse and other problems. RSAT graduates tend to have less recidivism rates than the general jail population. Alternative Services, a drug counseling services, supervises RSAT by contract with the Department.

Presently, RSAT is geared to just male inmates. While women inmates now make up a small minority (19%) of the overall population in the Tulare County Jail System. It is not known how significantly those numbers will increase with the AB 109 inmates. Establishing a RSAT program geared to women is an issue already under consideration by the Sheriff's Department.

In other classes and workshops, inmates can earn a high school equivalency diploma, work on anger management, learn to live without drugs, become a certified fork-lift operator, or become better parents. Inmate Programs introduced instruction in building trades during spring 2010 to learn construction skills. The Sisterhood of Grace, a local non-profit organization, offers group and individual counseling for women inmates at Bob Wiley Detention Facility. The volunteer teaching staff concentrates on building skills to help these women overcome personal obstacles to lower their chances of re-offending and returning to jail. When each participating inmate is nearing release from jail, the Sisterhood works with an extensive network of public agencies and non-profit organizations to line up needed services to increase the inmate's chance of successfully reintegrating into society. All of these programs may need to be refined or expanded in the wake of AB 109.

Alternative Sentencing Programs

The Sheriff's Department operates several alternative-to-incarceration programs that may need to be expanded as the result of the influx of AB 109 inmates. The alternative programs include the Sheriff's Work Alternative Program (SWAP), the Day Reporting Center (DRC), and Weekender (WE). These programs are open on a court-recommended basis to non-violent inmates, who volunteer to participate. Participants must also meet the requirements of the program in which they will participate.

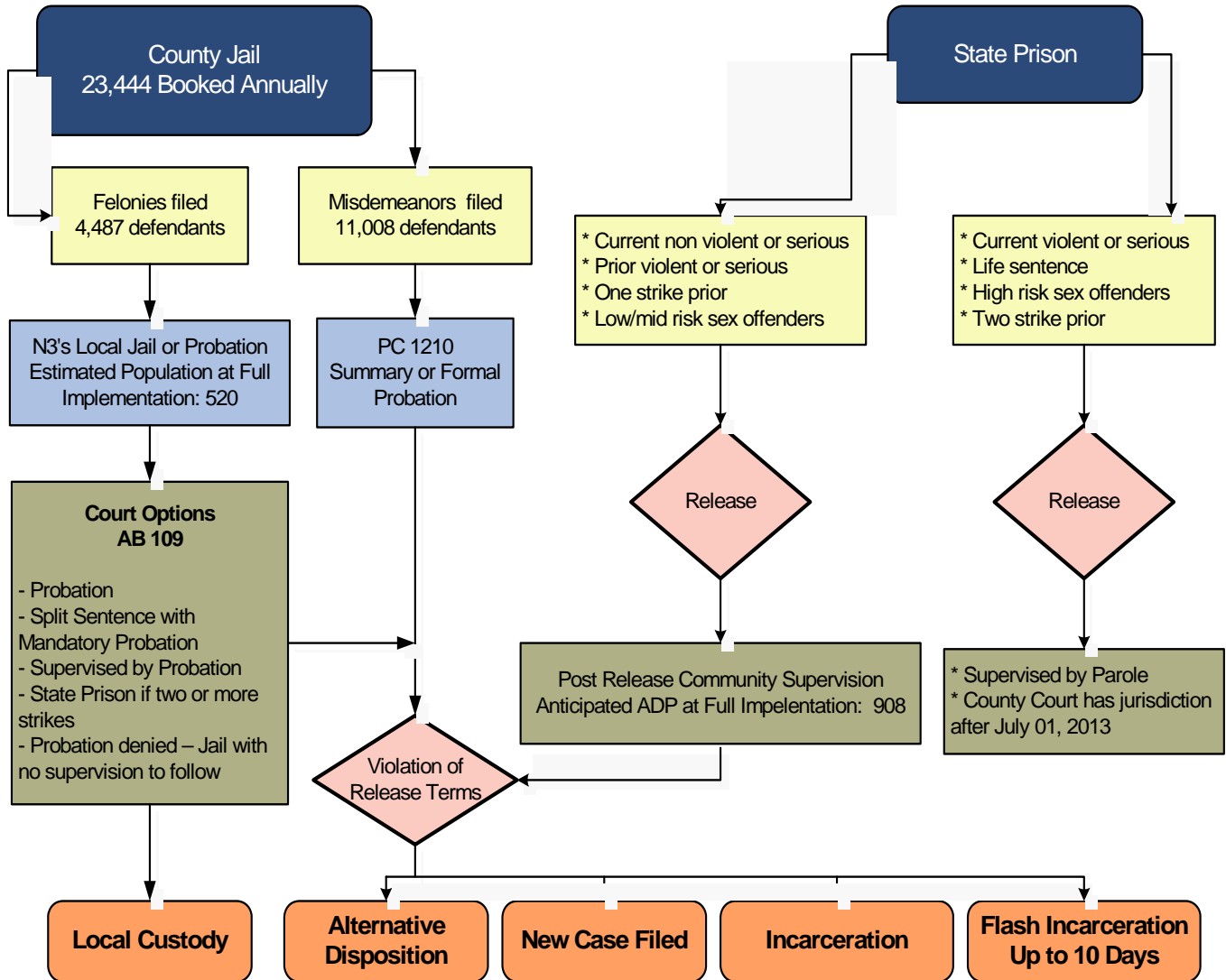
DRC is designed for indigent inmates. The Weekender program was originally constructed for work projects on weekends only. Now, those projects can be any day of the week. For both DRC and Weekender, inmates perform lawn maintenance and general labor duties around Sheriff's facilities at Sequoia Field and the Department's substations. SWAP originated to allow inmates to continue to support their families by participating in County

work projects at times that does not conflict with paid employment. The SWAP workers, like their DRC and Weekender counterparts, perform general labor duties on work assignments. But those assignments can be at any of 40 work sites at government agencies and non-profit organizations around the County. SWAP workers pay to participate in the program, and thus help the Sheriff's Department defray supervision costs. By law, DRC participants do not pay to take part in the program. Weekender participants pay to participate at rates determined by the court system.

Importantly, these alternative sentencing programs also provide inmates with work experience that can assist them in securing paid employment (and thus lessening the chance of recidivism) once their sentence is completed. The Sheriff's Farm operation is an example. The Farm sprawls over 1,100 acres of County-owned and leased land near three of the Sheriff's Department's four jails. With a small paid staff, the farm utilizes an average of 40 to 45 inmates per day as workers on everything from feeding cattle to nurturing the 20 garden crops the farm produces. During 2010, the farm produced 71,660 pounds of vegetables and watermelon – almost double the 33,745 pounds harvested the year before. In addition, the farm produced 373 head of cattle, 426 hogs, and more than 5,400 pounds of feed grain. Of course, the addition of AB inmates will also mean that Farm's production must, in turn, be increased to meet food consumption demands of a larger jail population and staff.

The following chart illustrates the anticipated flow of offenders based on the provisions contained in AB 109.

Post Release Community Supervision (AB 109) Tulare County



Probation Evidence Based Principles for Effective Supervision

Eight Evidenced-Based Principles for Effective Interventions:

The following framework of principles is listed in developmental order and they are all highly interdependent. For example, offender assessments must consider both risk to reoffend and criminogenic needs, in that order. Research indicates that resources are used more effectively when they are focused on higher-risk rather than lower-risk offenders, therefore considering offenders' risk to reoffend prior to addressing criminogenic needs allows agencies to target resources on higher-risk offenders. The following chart illustrates the Eight Evidence-Based Principles for Effective Interventions:

Eight Evidence-Based Principles for Effective Interventions

1. **Assess Actuarial Risk/Needs.**
2. **Enhance Intrinsic Motivation.**
3. **Target Interventions.**
 - a. **Risk Principle**: Prioritize supervision and treatment resources for higher risk offenders.
 - b. **Need Principle**: Target interventions to criminogenic needs.
 - c. **Responsivity Principle**: Be responsive to temperament, learning style, motivation, culture, and gender when assigning programs.
 - d. **Dosage Structure**: 40-70% of high-risk offenders' time for 3-9 months.
 - e. **Treatment**: Integrate treatment into the full sentence/sanction requirement.
4. **Skill Train with Directed Practice (use Cognitive Behavioral treatment methods).**
5. **Increase Positive Reinforcement.**
6. **Engage Ongoing Support in Natural Communities.**
7. **Measure Relevant Processes/Practices.**
8. **Provide Measurement Capture and Feedback.**

1) Assess Actuarial Risk/Needs

Develop and maintain a complete system of ongoing offender risk screening/ triage and needs assessments. Assessing offenders in a reliable and valid manner is a prerequisite for the effective management (i.e.: supervision and treatment) of offenders. Timely, relevant measures of offender risk and need at the individual and aggregate levels are essential for the implementation of numerous principles of best practice in corrections, (e.g., risk, need, and responsivity). Offender assessments are most reliable and valid when staff is formally trained to administer tools. Screening and assessment tools that focus on dynamic and static risk factors, profile criminogenic needs, and have been validated on similar populations are preferred. They should also be supported by sufficiently detailed and accurately written procedures. Offender assessment is as much an ongoing function as it is a formal event. In Tulare County, the Probation Department utilizes the *Positive Achievement Change Tool* (PACT) and the *Correctional Offender Management Profiling for Alternative Sanctions* (COMPAS) assessment tools. Case

information that is gathered informally through routine interactions and observations with offenders is just as important as formal assessment guided by instruments. Formal and informal offender assessments should reinforce one another. They should combine to enhance formal reassessments, case decisions, and working relations between practitioners and offenders throughout the jurisdiction of supervision.

2) Enhance Intrinsic Motivation

Staff should relate to offenders in interpersonally sensitive and constructive ways to enhance intrinsic motivation in offenders. Behavioral change is an inside job; for lasting change to occur, a level of intrinsic motivation is needed. Motivation to change is dynamic and the probability that change may occur is strongly influenced by interpersonal interactions, such as those with probation officers, treatment providers, and institution staff. Feelings of ambivalence that usually accompany change can be explored through motivational interviewing, a style and method of communication used to help people overcome their ambivalence regarding behavior changes.

Research strongly suggests that motivational interviewing techniques, rather than persuasion tactics, effectively enhance motivation for initiating and maintaining behavior changes.

3) Target Interventions

- A. RISK PRINCIPLE: Prioritize supervision and treatment resources for higher risk offenders.

Prioritize primary supervision and treatment resources for offenders who are at higher risk to re-offend. Research indicates that supervision and treatment resources that are focused on lower risk offenders tend to produce little if any net positive effect on recidivism rates. Shifting these resources to higher risk offenders promotes harm reduction and public safety because these offenders have greater need for pro-social skills and thinking, and are more likely to be frequent offenders. Reducing the recidivism rates of these higher risk offenders reaps a much larger bang for the buck.

Successfully addressing this population requires smaller caseloads, the application of well developed case plans, and placement of offenders into sufficiently intense cognitive-behavioral interventions that target their specific criminogenic needs. (Gendreau, 1997; Andrews & Bonta, 1998; Harland, 1996; Sherman, et al, 1998; McGuire, 2001, 2001).

- B. NEED PRINCIPLE: Develop case plans that target interventions to criminogenic needs.

Address offenders' greatest criminogenic needs. Offenders have a variety of needs, some of which are directly linked to criminal behavior. These criminogenic needs are dynamic risk factors that, when addressed or changed, affect the offenders' risk for recidivism. Examples of criminogenic needs are: criminal personality, antisocial attitudes, values, and beliefs; low self-control; criminal

peers; substance abuse; and dysfunctional family. Based on an assessment of the offender, these criminogenic needs can be prioritized so that services are focused on the greatest criminogenic needs.

- C. RESPONSIVITY PRINCIPLE: Be responsive to temperament, learning style, motivation, gender, and culture when assigning to programs.

Responsivity requires that we consider individual characteristics when matching offenders to services. These characteristics include, but are not limited to: culture, gender, motivational stages, developmental stages, and learning styles. These factors influence an offender's responsiveness to different types of treatment. The principle of responsivity also requires that offenders be provided with treatment that is proven effective with the offender population. Certain treatment strategies, such as cognitive-behavioral methodologies, have consistently produced reductions in recidivism with offenders under rigorous research conditions. Providing appropriate responsivity to offenders involves selecting services in accordance with these factors, including: a) matching treatment type to offender; and b) matching style and methods of communication with offender's stage of change readiness.

- D. DOSAGE: Need to structure 40-70 percent of high-risk offenders' time for three to nine months.

Providing appropriate doses of services, pro-social structure, and supervision is a strategic application of resources. Higher risk offenders require significantly more initial structure and services than lower risk offenders. During the initial three to nine months post-release, 40-70 percent of their free time should be clearly occupied with delineated routine and appropriate services, (e.g., outpatient treatment, employment assistance, education, etc.). Certain offender sub-populations (e.g., severely mentally ill, chronic dual diagnosed, etc.) commonly require strategic, extensive, and extended services. However, too often individuals within these subpopulations are neither explicitly identified nor provided a coordinated package of supervision and/or services. The evidence indicates that incomplete or uncoordinated approaches can have negative effects, often wasting resources.

- E. TREATMENT PRINCIPLE: Integrate treatment into the full sentence/sanction requirements.

Treatment, particularly cognitive-behavioral types, should be applied as an integral part of the sentence/sanction process. Integrate treatment into sentence/sanction requirements through assertive case management (taking a proactive and strategic approach to supervision and case planning). Delivering targeted and timely treatment interventions will provide the greatest long-term benefit to the community, the victim, and the offender. This does not necessarily apply to lower risk offenders, who should be diverted from the criminal justice and corrections systems whenever possible.

4) Skill Train with Directed Practice (using cognitive-behavioral treatment methods)

Provide evidence-based programming that emphasizes cognitive behavioral strategies and is delivered by well trained staff. To successfully deliver this treatment to offenders, staff must understand antisocial thinking, social learning, and appropriate communication techniques. Skills are not just taught to the offender, but are practiced or role-played and the resulting pro-social attitudes and behaviors are positively reinforced by staff. Correctional agencies should prioritize, plan, and budget to predominantly implement programs that have been scientifically proven to reduce recidivism.

5) Increase Positive Reinforcement

When learning new skills and making behavioral changes, human beings appear to respond better and maintain learned behaviors for longer periods of time, when approached with carrots rather than sticks. Behaviorists recommend applying a much higher ratio of positive reinforcements to negative reinforcements in order to better achieve sustained behavioral change. Research indicates that a ratio of four positive to every one negative reinforcement is optimal for promoting behavior changes. These rewards do not have to be applied consistently to be effective (as negative reinforcement does) but can be applied randomly. *Increasing positive reinforcement should not be done at the expense of or undermine administering swift, certain, and real responses for negative and unacceptable behavior.* Offenders having problems with responsible self-regulation generally respond positively to reasonable and reliable additional structure and boundaries. Offenders may initially overreact to new demands for accountability, seek to evade detection or consequences, and fail to recognize any personal responsibility.

However, with exposure to clear rules that are consistently (and swiftly) enforced with appropriate graduated consequences, offenders and people in general, will tend to comply in the direction of the most rewards and least punishments. This type of extrinsic motivation can often be useful for beginning the process of behavior change.

6) Engage On-going Support in Natural Communities

Realign and actively engage pro-social supports for offenders in their communities. Research indicates that many successful interventions with extreme populations (e.g., inner city substance abusers, homeless, dual diagnosed) actively recruit and use family members, spouses, and supportive others in the offender's immediate environment to positively reinforce desired new behaviors. This Community Reinforcement Approach (CRA) has been found effective for a variety of behaviors (e.g., unemployment, alcoholism, substance abuse, and marital conflicts). In addition, relatively recent research now indicates the efficacy of twelve step programs, religious activities, and restorative justice initiatives that are geared towards improving bonds and ties to pro-social community members.

7) Measure Relevant Processes/Practices

Accurate and detailed documentation of case information, along with a formal and valid mechanism for measuring outcomes, is the foundation of evidence-based practice. Agencies must routinely assess offender change in cognitive and skill development, and

evaluate offender recidivism, if services are to remain effective. In addition to routinely measuring and documenting offender change, staff performance should also be regularly assessed. Staff that are periodically evaluated for performance achieve greater fidelity to program design, service delivery, principles, and outcomes. Staff whose performance is not consistently monitored, measured, and subsequently reinforced work less cohesively, more frequently at cross-purposes and provides less support to the agency mission.

8) Provide Measurement Feedback

Once a method for measuring relevant processes/practices is in place (principle seven), the information must be used to monitor process and change. Providing feedback to offenders regarding their progress builds accountability and is associated with enhanced motivation for change, lower treatment attrition, and improved outcomes (e.g., reduced drink/drug days; treatment engagement; goal achievement). The same is true within an organization. Monitoring deliver of services and fidelity to procedures helps build accountability and maintain integrity to the agency's mission. Regular performance audits and case reviews with an eye toward improved outcomes, keep staff focused on the ultimate goal of reduced recidivism through the use of evidence-based principles.

Motivational interviewing (MI) is a directive, client-centered approach for eliciting behavior change by helping offenders explore and resolve ambivalence. It is a more focused and goal-directed approach to working with individuals. It is an evidence based practice that has been shown to effectively change behaviors. MI recognizes and accepts the fact that clients who need to make changes in their lives approach counseling at different levels of readiness to change their behavior. MI is non-judgmental, non-confrontational and non-adversarial. The approach attempts to increase the offender's awareness of the potential problems caused, consequences experienced, and risks faced as a result of the behavior in question. The Probation Department has provided 1,088 hours of MI training to 136 employees since 2008.

Motivational interviewing is based upon four general principles:

1. Express empathy, guides interventionist to share with clients their understanding of the clients' perspective.
2. Develop discrepancy, guides interventionist to help clients appreciate the value of change by exploring the discrepancy between how clients want their lives to be versus how they currently are (or between their deeply-held values and their day-to-day behavior).
3. Roll with resistance, guides interventionist to accept client reluctance to change as natural rather than pathological.
4. Support self-efficacy, guides interventionist to explicitly embrace client autonomy (even when clients choose to not change) and help clients move toward change successfully and with confidence.

Express Empathy

Empathy involves seeing the world through the client's eyes, thinking about things as the client thinks about them, feeling things as the client feels them, sharing in the client's experiences. Expression of empathy is critical in the MI approach. When clients feel that they are understood, they are more able to open up to their own experiences and share those experiences with others. Having clients share their experiences with you in depth allows you to assess when and where they need support, and what potential pitfalls may need to be focused on the change planning process. Importantly, when clients perceive empathy on a counselor's part, they become more open to gentle challenges by the counselor about lifestyle issues and beliefs about substance use. Clients become more comfortable fully examining their ambivalence about change and less likely to defend ideas like their denial of problems, reducing use vs. abstaining, etc. In short, the counselor's accurate understanding of the client's experience facilitates change.

Develop Discrepancy

"Motivation for change occurs when people perceive a discrepancy between where they are and where they want to be" (Miller, Sweben, DiClemente, & Rychtarik, 1992, p. 8). MI counselors work to develop this situation through helping clients examine the discrepancies between their current behavior and future goals. When clients perceive that their current behaviors are not leading toward some important future goal, they become more motivated to make important life changes. Of course, MI counselors do not develop discrepancy at the expense of the other MI principles, but gently and gradually help clients to see how some of their current ways of being may lead them away from, rather than toward, their eventual goals.

Roll with Resistance

In MI, the counselor does not fight client resistance, but "rolls with it." Statements demonstrating resistance are not challenged. Instead the counselor uses the client's "momentum" to further explore the client's views. Using this approach, resistance tends to be decreased rather than increased, as clients are not reinforced for becoming argumentative and playing "devil's advocate" to the counselor's suggestions. MI encourages clients to develop their own solutions to the problems that they themselves have defined. Thus, there is no real hierarchy in the client-counselor relationship for the client to fight against. In exploring client concerns, counselors may invite clients to examine new perspectives, but counselors do not impose new ways of thinking on clients.

Support Self-Efficacy

As noted above, a client's belief that change is possible is an important motivator to succeeding in making a change. As clients are held responsible for choosing and carrying out actions to change in the MI approach, Deputy Probation Officers (DPO's) focus their efforts on helping the clients stay motivated, and supporting clients' sense of self-efficacy is a great way to do that. One source of hope for clients using the MI approach is that there is no "right way" to change, and if a given plan for change does not work, clients are only limited by their own creativity as to the number of other plans that might be tried.

The client can be helped to develop a belief that he or she can make a change. For example, the clinician might inquire about other healthy changes the client has made in their life, highlighting skills the client already has. Sharing brief clinical examples of other, similar clients' successes at changing the same habit or problem is sometimes helpful. In a group setting, the power of having other people who have changed a variety of behaviors during their lifetime gives the clinician enormous assistance in showing that people can change.

The Spirit of Motivational Interviewing

It is vital to distinguish between the *spirit* of motivational interviewing and *techniques* that we have recommended to manifest that spirit. Clinicians and trainers who become too focused on matters of technique can lose sight of the spirit and style that are central to the approach. There are as many variations in technique as there are clinical encounters. The spirit of the method, however, is more enduring and can be characterized in a few key points.

1. *Motivation to change is elicited from the client, and not imposed from without.* Other motivational approaches have emphasized coercion, persuasion, constructive confrontation, and the use of external contingencies (e.g., the threatened loss of job or family). Such strategies may have their place in evoking change, but they are quite different in spirit from motivational interviewing which relies upon identifying and mobilizing the client's intrinsic values and goals to stimulate behavior change.
2. *It is the client's task, not the counselor's, to articulate and resolve his or her ambivalence.* Ambivalence takes the form of a conflict between two courses of action (e.g., indulgence versus restraint) each of which has perceived benefits and costs associated with it. Many clients have never had the opportunity of expressing the often confusing, contradictory and uniquely personal elements of this conflict, for example, "If I stop smoking I will feel better about myself, but I may also put on weight, which will make me feel unhappy and unattractive." The counselor's task is to facilitate expression of both sides of the ambivalence impasse, and guide the client toward an acceptable resolution that triggers change.
3. *Direct persuasion is not an effective method for resolving ambivalence.* It is tempting to try to be "helpful" by persuading the client of the urgency of the problem about the benefits of change. It is fairly clear, however, that these tactics generally increase client resistance and diminish the probability of change (Miller, Benefield and Tonigan, 1992, Miller and Rollnick, 1991).
4. *The counseling style is generally a quiet and eliciting one.* Direct persuasion, aggressive confrontation, and argumentation are the conceptual opposite of motivational interviewing and are explicitly prescribed in this approach. To a counselor accustomed to confronting and giving advice, motivational interviewing can appear to be a hopelessly slow and passive process. The proof is in the outcome. More aggressive strategies, sometimes guided by a desire to "confront client denial," easily slip into pushing clients to make changes for which they are not ready.

5. *The DPO is directive in helping the client to examine and resolve ambivalence.* Motivational interviewing involves no training of clients in behavioral coping skills, although the two approaches are not incompatible. The operational assumption in motivational interviewing is that ambivalence or lack of resolve is the principal obstacle to be overcome in triggering change. Once that has been accomplished, there may or may not be a need for further intervention such as skill training. The specific strategies of motivational interviewing are designed to elicit, clarify, and resolve ambivalence in a client-centered and respectful atmosphere.
6. *Readiness to change is not a client trait, but a fluctuating product of interpersonal interaction.* The therapist is therefore highly attentive and responsive to the client's motivational signs. Resistance and "denial" are seen not as client traits, but as feedback regarding therapist behavior. Client resistance is often a signal that the counselor is assuming greater readiness to change than is the case, and it is a cue that the therapist needs to modify motivational strategies.
7. *The therapeutic relationship is more like a partnership or companionship than expert/recipient roles.* The therapist respects the client's autonomy and freedom of choice (and consequences) regarding his or her own behavior.

Viewed in this way, it is inappropriate to think of MI as a technique or set of techniques that are applied to or (worse) "used on" people. Rather, it is an interpersonal style, not at all restricted to formal counseling settings. It is a subtle balance of directive and client-centered components shaped by a guiding philosophy and understanding of what triggers change. If it becomes a trick or a manipulative technique, its essence has been lost (Miller, 1994).

Cognitive Behavioral Therapy (CBT) and Social Learning

Cognitive behavioral therapies (CBT) are considered by psychologists to be one of the most efficient ways to change people's behaviors by making them understand how their feelings and behaviors are caused by what they think. CBT can be implemented at a relatively low cost, and intend to produce long-term beneficial changes in offenders' behaviors.

Offender change and re-socialization require direct instructional methods, modeling and observation of the individuals in the environment. Behavioral psychologists such as Albert Bandura have shown us the benefit that social learning plays in teaching and modeling socially acceptable behavior.

Many, if not most, offenders have significant deficits in what to do and how to act in a socially responsible manner. In fact, most offenders see little value in socially responsible behavior, either because it is not supported within their peer culture or it doesn't provide the immediate gratification and excitement of crime. Often, offender thinking patterns are so entrenched that they cannot break free without a considerable period of de-conditioning followed by re-conditioning. Old patterns of behavior are extinguished and new behaviors reinforced by the process of appropriate application of punishment and rewards. Ultimately, offenders learn to practice self-regulation and self-management skills.

The elements that support the environment in which social learning can take place are structure and accountability. Structure organizes the behavior of members toward a common goal of “right living.” Staff, operating as a rational authority, provides an organized structure of values, rules, roles, and responsibilities. The necessary information is provided to increase awareness and knowledge of behavioral, attitudinal and/or emotional consequences. Accountability teaches respect for structure and moves the offender from an observer stance (strong denial and resistance) to a participant stance (willing to comply, but attitudinally still in criminal thinking mode) to a member stance (a willing participant who shares the new values of right living). The environment provides the opportunity for practice and success. This process continually reinforces gains and builds self-efficacy.

Cognitive programs operate with the following assumptions:

- Cognitive behavior is the key to social behavior. Problem behavior is almost always rooted in modes of thinking that promote and support that behavior. Permanent change in problem behavior demands change at a cognitive level, i.e., change in the underlying beliefs, attitudes, and ways of thinking.
- Authority and control that increases resentment and antisocial attitudes is counterproductive. Punitive methods of controlling behavior all too often reinforce modes of thinking that were responsible for the initial anti-social behavior. The alternative to punitive measures is not permissiveness. The alternative is a rational strategy of authority and control combined with programs of cognitive change.
- Authority and control can achieve both compliance and cooperation. Authority can define rules and enforce consequences while reminding and encouraging offenders to make their own decisions. As offenders learn to make conscious and deliberate decisions they accept responsibility for their behavior.
- Programs of cognitive change can teach pro-social ways of thinking, even to severely criminogenic and violent offenders. The effectiveness of cognitive programs in changing antisocial behavior has been demonstrated in numerous scientific studies.
- The values of cognitive strategies extend well beyond the correctional environment. Cognitive principles can be applied to victim restitution, educational settings, personal development, and as an overall approach to public safety and offender change.

Types of Cognitive Approaches

There are two main types of cognitive programs: cognitive skills, and cognitive restructuring. Cognitive skill training is based on the premise that offenders have never learned the “thinking skills” required to function productively and responsibly in society. This skill deficit is remedied by systematic training in skills, such as problem solving, negotiation, assertiveness, anger control, and social skills focused on specific social situations, like making a complaint or asking for help.

Cognitive restructuring is based on the premise that offenders have learned destructive attitudes and thinking habits that point them to criminal behavior. Cognitive restructuring consists of identifying the specific attitudes and ways of thinking that point to criminality and systematically replacing them with new attitudes and ways of thinking.

Cognitive restructuring and cognitive skills approaches are complementary and can be combined in a single program. When practiced in a community model, re-socialization can be enhanced and accelerated. Both cognitive strategies take an objective and systematic approach to change. Change is not coerced; offenders are taught how to think for themselves and to make their own decisions.

Cognitive corrections programs regard offenders as fully responsible for their behavior. Thinking is viewed as a type of learned behavior. Dishonesty and irresponsibility are the primary targets for change. Limit setting and accountability for behavior do not conflict with the cognitive approach to offender change – they support it.

“The Cognitive Community”

Treatment models that maximize outcomes as part of correctional strategy incorporate an in-depth understanding of antisocial logic, social learning, cognitive/behavioral programs, and appropriate communication. Such a program could be referred to as a “cognitive community”. Programs producing maximum results have developed competence in the concept skills and attitudes of these program elements. Competence includes appropriate situational and interchangeable application of these methods. One example of application is knowing when and how to confront crime producing attitudes and beliefs thinking (cognitive restructuring and cognitive skill building) and when to use the behavioral confrontation tools of the therapeutic community. In a cognitive community, cognitive behavioral programs are far more than simply a type of group to be placed into a therapeutic environment as a learning experience or a group activity. In effective application, social learning must never become rote compliance or peer coercion. The treatment model employed must be flexible enough to encompass self-actualization, but structured enough to create a climate for peer accountability and consequences, (Gornik, M., Bush, D., and Labarbera, M. 1999).

In the cognitive community, thinking and behavior are both exposed to the larger community. The community then becomes the baseline in which new learning and change can take place. Once implemented, the cognitive community is as much like real life as possible. All staff, including custody, participates in the cognitive community practices. Thoughts and behaviors that typically lead to relapse are discovered more quickly. Staff’s ability to recognize the internalization of offender change is more efficient. The cognitive community operates 24 hours a day, 7 days a week, and 365 days a year. Social learning and cognitive change operates as the oxygen and lifeblood of the community and fosters a “no place to hide” philosophy. Cognitive/behavioral practices form the lifestyle in which all other operations and activities exist including: work, both on-and-off the living unit, educational programming, drug treatment and counseling, specialized programs and groups, visitation, family reunification, and transition planning.

Evidence-Based Supervision Conclusion

In conclusion, the Probation Department's success with the Cal EMA-Byrne/JAG and the SB 678 Adult Assessment and Treatment Unit (AATU) is linked directly to the implementation of the nationally recognized evidence-based supervision model and its core principles. Empirical research has firmly supported improved outcomes of criminal populations when these concepts are employed and appropriately monitored. The Principles of Effective Interventions, the use of validated assessment tools, and the facilitation Cognitive Behavior Therapy (CBT) interventions, while applying Motivational Interviewing techniques, have shown positive effects on our populations and positions the Probation Department with industry standards.

Moving forward, the Probation Department plans to continue following this model of success with the Postrelease Supervision (PRCS) population. The Implementation Plan section of this document highlights the details of our mission. We believe, as demonstrated in past efforts, these strategies will net the greatest outcomes for offenders, the community and public safety as a whole.

Until recently, community corrections had suffered from a lack of research that identified proven methods of reducing offender recidivism. Research efforts based on meta-analysis have broken through this barrier and are not providing the field with indications of how to better reduce the revolving door of incarceration and re-offense. This research indicates that certain programs and intervention strategies, when applied to a variety of offender populations, reliably produce sustained reductions in recidivism. The research indicates that certain programs and intervention strategies, when applied to a variety of offender populations, reliably produce sustained reductions in recidivism. This same research literature suggests that few community supervision agencies (probation, parole, residential community corrections) in the U.S. are using these effective interventions and their related concepts/principles. Data-driven strategies are commonly referred to as *evidence based practices*. Evidence based practice emphasizes *outcomes*. Interventions within corrections are considered effective when they reduce offender risk and subsequent recidivism and therefore make a positive long-term contribution to public safety.

Tulare County's Evidence-Based Supervision Models

The conventional approach to supervision in the country emphasizes individual accountability from offenders and their supervising officers without consistently providing either with the skills, tools, and resources that science indicates are necessary to accomplish risk and recidivism reduction. Despite the evidence that indicates otherwise, officers continue to be trained and expected to meet minimal contact standards which stress rates of contacts and largely ignore the opportunities these contacts have for effectively reinforcing behavioral changes. Officers and offenders are not so much clearly directed what to do, as what not to do.

An integrated and strategic model for evidence-based practice is necessary to adequately bridge the gap between current practice and evidence supported practice in community corrections. This model must incorporate both existing research findings and operational methods of implementation. The biggest challenge in adopting better interventions isn't identifying the interventions with the best evidence; so much as it is changing our existing systems to support and realign the necessary organizational infrastructure are both fundamental to evidence-based practice.

Evidence-based practice is a significant trend throughout all human service fields that emphasize outcomes. Interventions within corrections are considered effective when they reduce offender risk and subsequent recidivism and therefore make a positive long-term contribution to public safety. This document presents a model or framework based on a set of principles for effective offender interventions within the County of Tulare. Models provide us with tangible reference points as we face unfamiliar tasks and experiences. Some models are very abstract, for example entailing only a set of testable propositions or principles. Other models, conversely, may be quite concrete and entail oriented. The field of community corrections is beginning to recognize its need, not only for more effective interventions, but for models that integrate seemingly disparate best practices.

Approximately 80 percent of state felony defendants are placed on probation, fined or jailed in their local communities. Although the United States has the highest incarceration rate in the world, there are nearly three times more offenders on probation than in state prisons. For years, conventional wisdom has been that "nothing works" to change offender behavior – that once an offender has turned to crime little can be done to help turn his or her life around. Today, however, solid research showing that certain "evidence based" sentencing and corrections practices do work and can reduce crime rates as effectively as prisons at a much lower cost. A comprehensive study by the Washington legislature, for example, showed that greater use of these evidence-based practices would reduce Washington's crime rate by 8 percent while saving taxpayers over \$2 billion in additional prison construction. As the United States faces the prospect of its deepest and longest recession since the Great Depression, we cannot afford to ignore the opportunity to reduce offender recidivism and resulting high crime rates through use of these cost effective evidence-based practices.

For many years, California has struggled to solve escalating and serious crime problems. The response has been to enact harsher laws, mandatory and often lengthy periods of incarceration, and to correspondingly build more prison and jail beds. The building and staffing of state prisons, along with the costs of properly housing inmates has resulted in

considerable fiscal obligation. The result has been little more than the warehousing of inmates without adequate services to prepare them for return to society. As California continues to face staggering budget deficits, the need to implement change in our prison and parole systems has become paramount. Community incarceration and supervision utilizing evidence based practices emphasizing offender accountability will be expanded exponentially through the Postrelease Supervision Act of 2011.

Prison reform only addresses part of the corrections issue, and only part of what it takes to keep our communities safe. By 2007, the total adult probation population supervised in California had increased by 15% over the past decade, from about 300,000 offenders in 1997 to roughly 350,000 offenders in 2007. This reflects a 15% decrease in misdemeanor offenders and a 28% increase in felony offenders.

Statewide, approximately 52% of all adult offenders are placed on “bank” caseloads. These caseloads are administratively supervised and range from several hundred to over one thousand cases, resulting in little opportunity to intervene in the offender’s course of current criminal behavior. Consequently, a percentage of offenders continue on a path which leads to local jail time, or directly to State Prison. These issues negatively impact public safety through continued recidivism, the lack of accountability, and no measurable improvements in the competency of offenders. A high ratio of offenders to officers also reduces the offenders’ respect and expectations of the criminal justice system.

The Probation Department has long experienced issues with caseload size and the lack of adequate resources to service adult felon offenders. However, the criminal justice community in Tulare County recognized the inherent value of developing and implementing evidence based programs several years ago and utilizes available State and Federal sources to fund the following programs:

- Sexual Assault Felony Enforcement (SAFE)
- Safety and Accountability in Family Environments (SAFE-Domestic Violence)
- Inter-Agency Narcotics Enforcement Team (INET)
- Adult Assessment and Treatment Unit (AATU)
- Youthful Offender Block Grant
- SB-81 Division of Juvenile Justice Reentry
- Neighborhood Accountability Boards
- Gang Resistance Education and Training G.R.E.A.T.
- Intensive Probation Supervision for High-Risk Felony and Repeat DUI Offenders
- Victim Restitution
- Electronic monitoring and GPS

Additionally, the Probation Department actively participates in the following specialty courts that were developed to address the risk/needs of specific offenders and their families:

- Mental Health Court
- Veteran’s Court
- Drug Court
- Proposition 36 (Recovery Court)

Assessment Tools – Identifying Risks and Needs

Assessing offenders in a reliable and valid manner is a prerequisite for their effective management (i.e., supervision and treatment). Validated, timely, and relevant measures of offender risk and need at the individual and aggregate levels are essential for the implementation of numerous principles of best practice in corrections.

Actuarial risk/needs assessment tools use hard data about past cases to identify the offender characteristics most closely associated with the likelihood of future criminality. When “validated” through testing on a known correctional population, they are much more accurate than human judgment in predicting the risk of an offender’s recidivism.

The use of accurate risk assessment information is critical in making a number of important case management decisions, including consideration of the following:

- Offender’s suitability for diversion from prosecution;
- Most appropriate conditions of probation to be imposed;
- Offender’s amenability to treatment;
- Most appropriate treatment or level of supervision to be imposed;
- Most appropriate sanction or behavioral control mechanism to be imposed;
- Decision whether to revoke probation; and the
- Kind of sanction or additional treatment to be ordered upon a violation.

Correctional Offender Management Profiling for Alternative Sanctions (COMPAS) is an objective, research-based, risk and needs assessment tool for criminal justice practitioners to assist in the placement, supervision, and case management of offenders in community and secure settings. The COMPAS tool:

- Allows the use evidence-based principles, including providing rehabilitative programming to the higher risk-to-reoffend offenders, and provide other types of programs to low-risk-to-reoffend offenders.
- Helps staff assign the right offenders to the right programs at the right time based on individual risk and needs assessments.
- Aids in reducing the likelihood that the offender will reoffend upon community reentry.

COMPAS assists in determining:

Risk - *WHO* to target
Needs - *WHAT* to treat
Responsivity - *HOW* to go about it

COMPAS consists of a series of questions used to determine overall risk potential and criminogenic needs profile; data on the offender’s history of substance abuse, education, family background, criminal activity, and social functioning; and place offenders in the appropriate programs that will aid in their reentry to society, and reduce the chance of reoffending.

Data Collection and Quality Assurance

Quality assurance will include a systemic observation and evaluation process which examines the various components of the program, in an effort to maximize the probability that minimum standards of quality will be maintained. Observations, data analysis, and other relevant actions will be taken to ensure that desired levels of quality are maintained.

Data Analysis

The Probation Department will upgrade the current case management system, Caseload Explorer, to specifically track PRCS and N³s. This upgrade will be paid with Start-Up funds and is estimated at \$10,000.

Data will include specific demographic variables that are directly related to successful outcomes and include age, ethnicity, sex, currently employed and completion of high school. Information to include violations, flash incarceration, program attendance, and compliance with probation terms and conditions will be tracked. Data will be mined and analyzed by the Staff Services Analyst assigned to the Adult Assessment and Treatment Unit. Pre and post outcomes will be measured to support evidence-based outcomes.

Program Fidelity

Supervising Probation Officer(s) will ensure Motivational Interviewing, Cognitive Behavior Therapy (CBT) and other probation interventions are being implemented by DPO's assigned to the AATU unit through direct observation. An observation assessment fidelity form evaluating the delivery of CBT and Motivational Interviewing will be completed by the Supervising Probation Officer(s). The Motivational Interviewing Treatment Integrity (MITI) 3.1.1: The MITI fidelity tool has two components, the global scores and behavior counts. A global score requires the coder (SPO) to assign a single number from a five-point scale to characterize the entire interaction. These scores capture the rater's global impression. Five global dimensions are rated: Evocation, Collaboration, Autonomy/Support, Direction, and Empathy. A behavior count required the coder (SPO) to tally instances of particular interviewer behaviors. The MITI scale is listed below:

1	2	3	4	5
Skill undermines program integrity	Skill evidenced at below average level	Skill evidenced at average level	Skill evidenced at above average level	Skill evidenced at superior level

T.B. Moyers, T. Martin, J.K. Manuel, W.R. Miller and D. Ernst, University of Mexico Center on Alcoholism and Substance Abuse and Addictions (CASAA)

Completed forms will be tallied and analyzed by the Staff Services Analyst assigned to the AB109 Adult Supervision Unit. Results will be provided to the Supervising Probation Officer(s), Division Manager, Assistant Chief Probation Officer and Chief Probation Officer.

Evaluation

According to the National Institute of Justice, program evaluation involves the systematic assessment of whether and to what extent projects or programs are implemented as intended and whether they achieve their intended objectives. It entails asking questions about projects or programs, acquiring information, and analyzing that information. Evaluations vary, therefore, according to the types of questions posed, the methods used for acquiring information, and the types of analyses conducted.

The Probation Department Staff Analyst will collect and analyze AB 109 data to determine program effectiveness. Since the AB109 Adult Supervision Unit will be similar to the Adult Assessment and Treatment Unit (AATU) we expect overall probation results to be similar.

Program evaluation, data collection and appropriate outcome measures are the building blocks of determining evidence-based practices. The Community Corrections Partnership Plan seeks to achieve the following three outcomes:

1. Implement a streamlined and efficient system to manage additional responsibilities under realignment.
2. Implement a system that protects public safety and utilizes best practices in recidivism reduction.
3. Implement a system that effectively utilizes resources necessary to manage the realignment population, inclusive of jail incarceration, alternative sentencing, and community supervision.

To achieve these outcomes, the CCP developed working groups that are essential to the entire realignment process in Tulare County. These groups, identified below, will identify critical needs and concerns, and provide input to further the successful implementation of AB109.

1. **Sentencing** – Chaired by the Honorable Brett R. Alldredge, Judge of the Superior Court of Tulare County
 - a. Court – Stephanie Cameron and/or LaRayne Cleek
 - b. District Attorney – Tim Ward and/or Anthony Fultz
 - c. Public Defender – Michael Sheltzer
 - d. Sheriff – Captain Robin Skiles
 - e. Probation – Christie Myer and/or Tracye Peck

This group will work together to identify implementation processes regarding the sentencing requirements of AB 109 with respect to Postrelease Community Supervision (PRCS), N³'s that can no longer be sentenced to State Prison, and new revocation requirements.

2. Community Supervision – Chaired by Christie Myer, Probation Department

- a. Probation – Mary Ann Beruman-Loza
- b. Police - Chief Colleen Mestas, Captain Jason Salazar
- c. Workforce Investment Department – Mary Rodarte
- d. Mental Health Department – Cheryl Duerksen, Ph.D
- e. Public Defender – Michael Sheltzer

Supervision provided by Deputy Probation Officers. Caseloads must be maintained at a ratio of 1-20 for High Risk, 1-30 for Medium Risk and 1-40 for Low Risk. The intent is to provide a high level of supervision for the PRCS and N³ population that will assure community safety and avoid future commissions of crime. Deputy Probation Officers will provide a reasonable opportunity for these offenders to succeed by ensuring they receive the appropriate services they need to avoid repetitive illegal behavior. This workgroup will also help identify programs that will further the success of this population. Some examples could be a Multi-disciplinary Triage Team for post-release supervision clients to identify basic needs related to health, mental health, employment, and education. They may need clothing, and adequate identification documents such as driver's licenses and/or Social Security cards. This group will also explore the need for reentry housing and relocation plans.

3. Incarceration – Chaired by Captain Robin Skiles, Sheriff's Department

- a. Probation – Christie Myer
- b. Sheriff – Captain Robin Skiles
- c. Public Defender – Michael Sheltzer
- d. Health (Medical) – Cheryl Duerksen, Ph.D

This group will consider how and when other alternatives can be utilized based on community safety. It is important to ensure the bed population ultimately does not exceed the resources the county is provided through Realignment. Considerations may include electronic monitoring, GPS, day reporting, work furlough, the use of pre-trial release, expanding programs for female inmates, home supervision, and assessment tools.

4. Performance Measures – Chaired by Christie Myer, Probation Department

- a. Probation – Christie Myer
- b. Sheriff – Captain Robin Skiles
- c. Workforce Investment Department – Adam Peck
- d. Community Services Education and Training – Mary Alice Escarsega
- e. District Attorney – Tim Ward

Appropriate performance measures will be identified and data tracked to provide evidence-based program outcomes.

Workgroups will continue to meet through February, 2012 to further refine this plan.

GLOSSARY OF TERMS

AATU - Adult Assessment and Treatment Unit of the Probation Department funded through SB 678.	GPS – Global Position System: A space-based global navigation satellite system that provides location and time information in all weather, anywhere on or near the Earth, where there is an unobstructed line of sight to GPS satellites.
AB 109 – Assembly Bill 109: Realignment Act of 2011.	MCF – Sheriff’s Men’s Correctional Facility.
ADSI – Application Data Systems, Inc.- Sheriff’s Data Management System)	MI – Motivational Interviewing: A directive, client-centered approach for eliciting behavior change by helping offenders explore and resolve ambivalence.
CBT – Cognitive Behavior Therapy: 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.	N³ – Non-violent, non-serious, non-registerable sex offender.
CCP – Community Corrections Partnership: A collaborative group created under SB 678 for overseeing implementation of evidence based practices in probation services to increase successful completion of probation.	PACT – Positive Achievement Change Tool: An offender risk/needs assessment utilized by the Probation Department to assist in determining appropriate offender supervision level.
CDCR – California Department of Corrections and Rehabilitation	Parole – The State agency previously responsible for supervising all offenders released from State Prison.
COMPAS – Correctional Offender Management Profiling for Alternative Sanctions: Probation Assessment Tool used by criminal justice practitioners to assist in the placement, supervision, and case management of offenders in community and secure settings.	PRCS – Post Release Community Supervision: Offenders released to counties for supervision after completing their State Prison commitment.
D.A. – District Attorney	Pre-Trial Facility – One of the Sheriff’s detention facilities.
Disposition – Criminal sentence	Recidivism – A new law conviction.
DOF – California Department of Finance	Residential Treatment Facility – A location where an individual receives intensive, structured alcohol and drug treatment services in a residential environment.
DRC – Sheriff’s Day Reporting Center	SWAP – Sheriff’s Work Alternative Program
EBP – Evidence based practices: Intervention techniques determined through research and meta-analysis to be effective in achieving measurable behavior change and recidivism reduction.	VORP – Victim Offender Reconciliation Program (to be developed by the District Attorney’s Office).
EM – Electronic Monitoring: Use of a device to determine a person’s whereabouts or ensure they are within a certain distance of the monitor. Typically used in Home Detention.	WE – Sheriff’s Weekender Program