Tuolumne County Community Corrections Partnership (CCP) Fiscal Year 2020-21 Annual Report and

Fiscal Year 2021-22 Plan Update









Law Offices Of the Public Defender



Behavioral Health Department

Community Corrections Partnership (CCP) Executive Committee

Name <u>Title/Agency</u>

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Probation Department

Kevin Seibert Presiding Judge

Superior Court

Bill Pooley Sheriff

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Sonora Police Department

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I. BACKGROUND

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 5, 2011.

AB 109 changed the law to realign responsibilities for certain non-serious, non-violent, non-sex offenders from state to local jurisdictions, transferring responsibility for supervising these specified "lower level" inmates and parolees from the California Department of Corrections and Rehabilitation (CDCR) to counties. On July 19, 2011, the Tuolumne County Board of Supervisors designated the Probation Department as the supervising county agency for the Post Release Community Supervision (PRCS) program.

Implementation of the Public Safety Realignment Act (AB 109) became effective on October 1, 2011. Additionally, § 1230.1 of the California Penal Code (PC) was amended to read:

"Each county local Community Corrections Partnership (CCP) established pursuant to subdivision (b) of § 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 CCP 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 § 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 CCP 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 global positioning system (GPS) monitoring programs, victim restitution programs, counseling programs, community service programs, educational programs, and work training programs."

II. KEY COMPONENTS OF AB 109

A. Target Populations

Post Release Community Supervision (PRCS) population.

The PRCS population consists of offenders who are released back to the community after serving a term in state prison. This population was previously placed on a grant of state parole which was supervised by the parole division of the CDCR.

Offenders who will serve their felony prison commitments locally in county jail rather than in state prison.

Pursuant to § 1170(h) PC, this population, having been convicted of non-violent, non-serious, or non-registerable sex offenses, may be eligible to serve their full sentence in the county jail, or serve a portion of their sentence in the county jail and the remainder of their time on Mandatory Supervision in the community supervised by a Probation Officer.

Offenders released from CDCR who remain under the jurisdiction of state parole supervision.

These offenders are classified as inmates paroled from life terms (including third-strike offenders), offenders whose most recent commitment offenses are serious or violent, high risk sex offenders, offenders who must complete a treatment program in a state hospital, and parolees who violate the terms of their parole and cannot be returned to state prison custody.

B. Immediate COVID-19 impacts on AB 109 populations:

On March 19, 2020, following Governor Gavin Newsom's executive stay at home order in response to the COVID-19 pandemic, the Probation Department and its justice partners were required to adapt quickly to new changes and implementations. The coronavirus mitigation strategies employed by custodial facilities and the local Court created significant workload impacts on the Probation Department. Due to high risk of spread posed by the coronavirus in detention facilities, many more justice involved individuals were managed in the local community out-of-custody. While the local jail's inmate capacity was reduced to safely manage COVID-19, CDCR temporarily suspended and later delayed intakes on all sentenced inmates. As a result, numerous State prisoners serving their prison terms in the County Jail limited the number of local detention beds. In addition to suspending new inmate admissions, CDCR relied heavily on early release programs to reduce the State prison population. At the height of the pandemic, CDCR inmates were being released from 180 to 365 days early through emergency declarations. In addition to emergency early release measures, all eligible State prisoners were awarded additional and unearned programming credits of up to 12 weeks. Thus, many locally supervised individuals re-entered the community without having benefitted from rehabilitative programming while in custody, and much earlier than anticipated by the Probation Department. The Department addressed the influx of early "COVID-19" releases by utilization of Multi-disciplinary team with the Behavioral Health Clinician embedded at Probation, Probation Officers, and CDCR to identify the specific needs of early release offenders in terms of medical or treatment needs, housing assistance, transportation, and any other identified services to break down barriers to successful rehabilitation.

The Probation Department was also impacted by the Court's response to COVID-19 pandemic. Initially, the Court delayed and postponed numerous criminal trials and violation hearings as a means of mitigating the spread of COVID-19. With the delays to criminal hearings, local detention beds became increasingly scarce. The Department saw a significant increase in referrals for Pretrial supervision, including increases in those managed on the electronic monitoring program. Additionally, delays in supervision violation hearings resulted in more arrest warrants being issued for supervised offenders. The Department also adjusted to increases in sentencing report referrals with the backlog of criminal cases returning to normal with the pandemic lingering.

C. Pretrial Release Program

The Pretrial Release Program was originally introduced in the second year CCP plan update for Fiscal Year 2012-13. During Fiscal Year 2017-18, the CCP made a renewed commitment to formalize a Pretrial Release Program by adopting a custom tool made up of six different risk factors proven to identify a risk for a new arrest or a failure to appear in validation studies. At the end of Fiscal Year 2018-2019, the Superior Court in collaboration with the Probation Department, submitted the Pretrial Pilot Program Grant Application to the Judicial Council of California. On August 9, 2019, the Court was notified it was selected to receive a grant award in the amount of \$587,965 for a two-year period. The Court and the Probation Department, along

with other judicial partners including the District Attorney, the Public Defender, and the Sheriff's Department, worked with consultants from APPR (Advancing Pretrial Policy and Research) to develop an improved Pretrial Program. The new Pretrial Pilot Program went live on July 4, 2020.

The new grant funded Pretrial Program replaced the old Tuolumne Pretrial Assessment Tool with the Public Safety Assessment (PSA), an assessment tool developed by Arnold Ventures that has been validated in numerous jurisdictions throughout the United States. The PSA assists judicial officers and others in making informed pretrial decisions by providing information about the likelihood that a person charged with a crime including for violent offenses will appear in court and will not be arrested, if released from custody pretrial. The assessment helps identify individuals who are more likely to appear for court hearings and more likely to remain arrest free. Those individuals identified as lower risk are generally eligible to be released pretrial, barring any mandated exceptions to release. The PSA is scored by Probation Department staff utilizing static data (prior criminal record, prior failures to appear, and prior incidents of violent crimes) generated from RAP sheets and Probation and Court databases. The new program is operated seven days a week, including holidays. Assessments completed by probation staff are sent to the court electronically throughout the day and release decisions are made by Superior Court judges.

On June 30, 2021, the two-year Pretrial Pilot Program Grant period expired, however funding opportunities were offered to all counties previously awarded funding. Funding will cover full program expenditures for Fiscal Year 2021-22 and is anticipated for the following year.

During Fiscal Year 2020-21, 349 Pretrial Release individuals were monitored, in some capacity, by Probation staff. There was about a 37% increase in Pretrial Release participants in comparison to the previous fiscal year (255 participants from 2019-20). Of those, 103 were successful in that they appeared at all of their court hearings and did not sustain new law violations; while 214 were unsuccessful in that they absconded from Court obligations or were re-arrested on new charges. The remaining 32 individuals are still actively monitored by Probation staff. Tuolumne County has a higher than average Failure to Appear (FTA) in court rate contributing to the high unsuccessful rate. A review of the high failure rate showed numerous individuals with prior FTA's on pretrial and others with elevated risk factors granted additional opportunities on Pretrial. The data suggests the local criminal justice system relied on supervised Pretrial to balance the strain of reduced capacity at the jail due to COVID-19.

Pretrial Release Program (Public Safety Assessment) during Fiscal Year 2020-21:

- 30% Successful
- 61% Unsuccessful
- 9% Active

Excluding current active participants:

- 32% Successful
- 68% Unsuccessful

III. TUOLUMNE COUNTY CCP FISCAL YEAR 2020-21 FUNDING UTILIZATION

A. Probation Department

AB 109 funding continued to allow the Probation Department to provide intensive supervision of high-risk offenders in close collaboration with the Sheriff's Office, as well as alternatives to incarceration such as the Work Release, Community Service, and Electronic Monitoring programs.

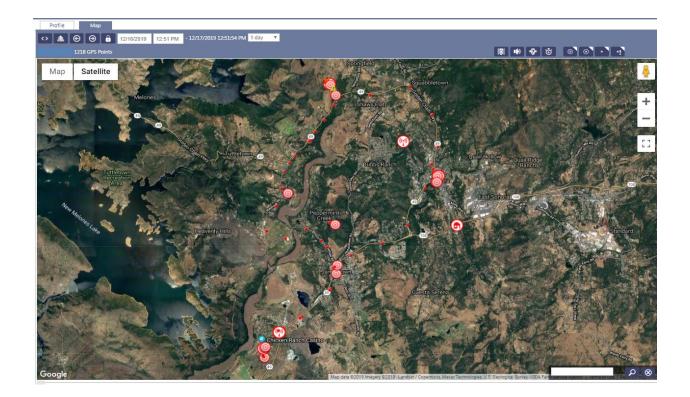
AB 109 funded staffing included two Supervising Probation Officers, two Deputy Probation Officers, two Work Release Coordinators, one Legal Assistant, and one Office Assistant. Additionally, Probation's funding provided for evidence-based behavioral programming at the Day Reporting Center via GEO Reentry Services, Work Release Program equipment and supplies, supplementation of electronic monitoring costs, relevant training for assigned staff, drug testing services, and other costs associated with supervising AB 109 offenders. It should be noted that funding continues to be inadequate to fully address the needs of this population, as associated workloads remain high.

Probation clients served during Fiscal Year 2020-21:

- 8-15 per day in Work Release
- 10-20 per day on alcohol electronic monitoring
- 40-50 per day on GPS electronic monitoring/home detention
- 30-45 per day in the Day Reporting Center Program
- 500-530 moderate to high risk felony offenders actively supervised per day
- 115-130 PRCS and Mandatory Supervision offenders actively supervised per day

1. Electronic Monitoring

Probation staff enrolled 313 individuals into the Electronic Monitoring Program (EMP) during Fiscal Year 2020-21. There was a 29% increase in EMP participants in comparison to the previous fiscal year (243 participants from 2019-20). The Probation Department provides global positioning system (GPS) electronic monitoring and continuous alcohol transdermal and remote breath alcohol testing. The GPS devices are used to closely monitor high risk offenders transitioning out of state prison or county jail, and offenders with poor reporting habits or victim sensitive cases with active criminal protective orders. The EMP program is also utilized as a sentencing alternative to county jail for misdemeanor dispositions, lower risk felony offenders, medically fragile offenders, and for Pretrial releases in lieu of bail.



The screen shot above shows an example of an offender's location tracking over the course of single day. Officers can also easily access information on offenders such as caseload, risk level, device battery level, and whether or not the offender is out of his/her allowed zone.

2. Work Release

Criminal justice realignment funds to the Probation Department continued to support the Work Release program, which is only partially funded by offender fees. Work Release continued to be the primary alternative to secure custody utilized by the Court for misdemeanor dispositions and for lower risk felony offenders with technical violations of supervision. The Work Release program provides directly supervised charitable and public service work throughout the County five days a week. Meanwhile, participants learn marketable skills, sometimes leading to paid employment.

During Fiscal Year 2020-21 the Court referred a total of 268 cases to the Work Release program (some probationers were referred on multiple cases) for a total commitment of 6,470 days, an average of 17 days per case. Of the 6,470 ordered days 1,491 days were completed. The program has been impacted due to the COVID-19 pandemic. As a result, the program has implemented safety measures and limited the number of active participants in the program. There is currently a wait list to begin work release commitments. These changes to the program resulted in a lower number of referrals and average number of days ordered for the 2020-21 Fiscal Year. Due to these challenges, the program has limited almost all work to county projects with less help being offered to local non-profits, and city and state entities. Most of the work conducted by work release at present consists of landscaping maintenance at county facilities,

trash removal from county parks, and assisting Facilities Maintenance with projects throughout the county.

During Fiscal Year 2020-21:

- 1,923 Work Release days logged
- 11,538 work hours
- \$161,532 worth of labor performed (calculated at minimum wage)
- Approximately 90% of the labor performed was on County projects

Examples of Recent Work Release Program Projects







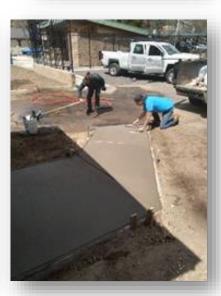


The work release program worked on many county projects throughout the fiscal year. The crew provided landscaping, parking lot patches, built retaining walls and foundations for fencing, poured concrete from walkways, and painted road markings.









3. Community Service

In Fiscal Year 2020-21, the Court ordered probationers to complete 41,944 hours of community service, a decrease of 13% (6,251 fewer hours) from Fiscal Year 2019-2020 when 48,195 hours were ordered. In Fiscal Year 2020-21, probationers completed 10,557 hours of community service, a decrease of 28% (4,185 fewer hours) from Fiscal Year 2019-2020 when 14,742 hours were completed. The decrease in hours is likely the result of several factors, the most significant of which is the COVID-19 pandemic. Since the start of the pandemic, probationers have reported difficulties finding non-profit organizations willing to accept volunteers; this continues to be an issue and will likely impact completion rates into the next fiscal year. Hours that were completed were performed at registered non-profit organizations including animal shelters, food banks, children and family service providers, churches, clubs, fairgrounds, libraries, museums, parks, schools, and thrift stores. Some popular local options included:













4. High Risk Supervision Team (HRST)

One Deputy Probation Officer, one Supervising Deputy Probation Officer, one Sheriff's Deputy, and one Sheriff's Sergeant were assigned to the High-Risk Supervision Team (HRST) to perform compliance checks, conduct searches, provide drug testing, assist with warrant service, refer offenders to treatment services, and perform various other duties of sworn peace officers.



High Risk Supervision Team

(Pictured left to right)
Sheriff's Deputy Michael O'Brien
Senior Probation Officer Anthony Johnson
Deputy Probation Officer James Pedro
Supervising Probation Officer Seana Kerzich
Sheriff's Sergeant Romel Cuellar

During Fiscal Year 2020-21, the HRST:

- Ensured 290 PC (sex offender registrant) offenders participated in ordered programming
- Compliance checks have resulted in new arrests and convictions for drug sales;
 possession of firearms and ammunition, and stolen property which was returned to the rightful owners
- Assisted mentally ill offenders in linkage with Behavioral Health's Full-Service Partnership to better support their needs and eliminate barriers to services and treatment
- Discovered children living in dangerous and unhealthy living environments which lead to Child Welfare interventions and subsequent involvement in Dependency Drug Court for the parents
- Built relationships with victims of domestic violence which resulted in the arrest of offenders who were violating Criminal Protective Orders

HRST Fiscal Year 2020-21 Highlights

<u>September 23, 2020</u>

During a probation compliance check, a fully functional and loaded AR-15 rifle was located leaning on a wall in a closet. On a shelf above the rifle was an illegal high capacity magazine. The rifle was not registered, and the probationer was prohibited from possessing firearms and ammunition. There were two small children located in the home. The probationer was arrested and convicted for possession of firearms and ammunition.

February 23, 2021

During a home raid conducted by the Sheriff's Office and Probation, a Post Release Community Supervision (PRCS) probationer was taken into custody for using Social Media to target minors in a sex for drugs scheme. Inside the probationer's residence, law enforcement seized over 14 pounds of marijuana, nearly two ounces of psilocybin mushrooms, concentrated marijuana, marijuana vape pens, tobacco products, alcohol products, and various marijuana-laced snack products including candy, cereal, and fun-sized bags of chips. The Probationer used this packaging to disguise the drugs and used these drug items to solicit sex from minors. Officials reported more than 200 victims, some as young as 14. This probationer plead guilty to 37 felony charges including three violent felonies for forcible sex crimes. He was later sentenced to 30 years in prison.



Presentation of the Commendation Award

In collaboration between the Sheriff's Office and Probation Department

5. Probation Demographics

Figure 1

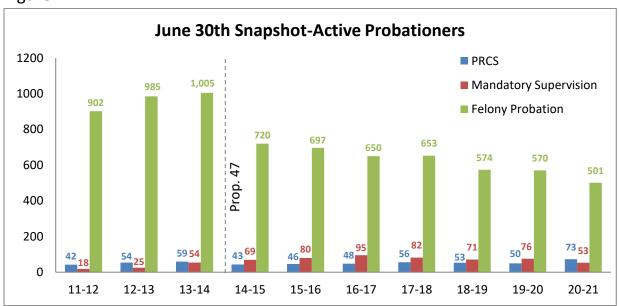


Figure 1 demonstrates a snapshot of active probationers on June 30th from fiscal years 2011-12 to 2020-21.

On November 4, 2014, California voters enacted the Safe Neighborhoods and Schools Act (Prop. 47), which made three broad changes to felony sentencing laws. First, it reclassified certain theft and drug possession offenses from potential felonies to misdemeanors. Second, it authorized defendants already serving sentences for specified felony offenses to petition courts for resentencing under the new misdemeanor provisions. Third, it authorized defendants who had completed their sentences for specified felony convictions to apply for reclassification of the convictions to misdemeanors. These changes resulted in a decrease in new felony probation grants leading to an overall decrease in the size of the felony supervised population.

Felony Supervision Failures 10% 9% 8% 7% 6% 5% 4% 3% 2% 1% 0% 2017 2018 2019 2020 ■ Statewide Total ■ Tuolumne ■ Amador ■ Calaveras ■ Mariposa ■ San Benito ■ Siskiyou ■ Tehama

Figure 2

The graph above shows how Tuolumne County compares with other similar counties in terms of county supervised felony offenders revoked to prison or jail.

B. Sheriff's Office

Sheriff's Office funding includes one Jail Classification Deputy, one Jail Program Specialist, two Escort Deputies, two Work Crew Deputies, one Fiscal Tech, one Patrol Deputy, and one Patrol Sergeant assigned to the High-Risk Supervision Team (HRST), training and inmate program supplies.

1. Strategies for Inmates

All in-custody programing was suspended during Fiscal Year 2020-21 due to the COVID-19 pandemic. The Sheriff's Office has remained committed to providing evidence-based programming and promising practices to inmates while incarcerated. These critical programs promote positive outcomes and inmate behavior. As of October 2021, programs have started again but at a limited capacity to implement required safety measures.

Fiscal Year 2020-21 In-Custody Snapshot:

39% of AB 109 offenders participated in work crews

*All in-custody programing was suspended during Fiscal Year 2020-21 due to the COVID-19 pandemic. The figures below are from Fiscal Year 2019-20. As of October 2021, programs have started again but at a limited capacity to implement required safety measures.

- 12% Narcotics/Alcoholics Anonymous recovery programs
- 18% participated in Bible Study or other religious programming
- 12% were working on their GED high school equivalency certificate
- 18% participated in the GEO Jail Reentry programming

Inmates housed in county jails are not afforded the same job opportunities to enhance their real-world experiences and skills as inmates who are confined in state prisons. Ex-offenders with jail work experience find jobs faster and hold them longer than those without work experience. This jail work experience provides vocational skills and keeps inmates busy and productive while serving out their sentences. Inmate work programs have reduced recidivism and promote positive inmate behavior.

The Tuolumne County Sheriff's Office has been using AB 109 inmates on supervised work crews since May 2014. Based on data compiled since its inception, the statistics demonstrate that the work programs promote positive behavior, vocational skills, and employment which ultimately reduce the risk of recidivism.

Since Inmate Work Program inception: (5/4/2014 – 6/30/2021)

Total workers: 391 inmates

Inmates that have been rearrested: 84

• Return to custody/Recidivism rate: 21.4% (78.6% success rate)

The Dambacher Detention Center houses a growing number of long-term detainees and offenders. Work and industry programs provide valuable services and products to the community and improve the likelihood of inmates' success after release from jail. All sentenced inmates are assessed to see if they meet the criteria for the program. Inmates can also volunteer to participate in the program.

During Fiscal Year 2020-21 There was a male crew with a deputy supervising up to four inmates and a female work crew consisting of a female deputy and up to four female inmates. The Industries Program has a small herd of goats that have been contracted to clear the vegetation at the Jamestown landfill.

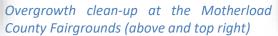
2. Work Crew Jobs

- "Goat grazing" program at the Jamestown landfill
- Parks, cemeteries, and drainage canals
- Clearing hazardous trees and cleaning roadways of trash
- County road projects (trash removal along the road to the casino, continuous project)
- Work projects at Sonora High School
- Growing vegetables for the Dambacher Detention Center
- Assisted with the Tuolumne County Superior Courthouse transition
- Vegetation clearing at the Mother Lode Fairgrounds
- Helping set-up and takedown for non-profit events throughout the county



















C. GEO Reentry Services

1. Day Reporting Center (DRC)

Several dynamic and static risk factors can help determine whether a person has a high chance of recidivating. Of the eight common criminogenic needs, the static risk factor that cannot be changed is the criminal history. The seven dynamic risk factors that can be affected through treatment and intervention are anti-social attitudes, anti-social peers, anti-social personality, family, education and employment, pro-social activities, and substance abuse needs.

GEO programs target criminogenic needs using evidence-based practices aimed at changing negative thoughts and criminal behaviors. Upon entering the program, each participant's criminogenic needs are assessed, and based on the assessment individuals are placed in programs designed to address the identified needs. Some of those classes include substance abuse prevention and/or treatment, life skills, employment readiness, and anger management or parenting. As a part of the programs, participants are encouraged to obtain employment or receive additional educational training in order to work on reducing their dynamic risk factors. Rather than targeting just one criminogenic need, programs target all of the identified needs in an effort to help participants successfully change their criminal thinking, thus reducing their risk of committing a new offense.

In order to help participants' progress through the programs, staff provide them with cognitive skills training, also referred to as Moral Reconation Therapy (MRT). The 16-step treatment program used to deliver the training was designed by Gregory Little and Kenneth Robinson in order to "enhance self-image, promote growth of a positive, productive identity, and facilitate the development of higher stages or moral reasoning" (Little and Robinson, 1996). With the encouragement and support of a group setting, the participant gradually strives to evolve socially, morally and behaviorally through completing the steps that ultimately instill goals, motivation, and values within the individual. The MRT Freedom Ladder serves as the visualization of one's road to achieving the steps, and ultimately reaching a higher level of moral reasoning in conscious decision-making.

GEO Reentry programming at the Day Reporting Center includes:

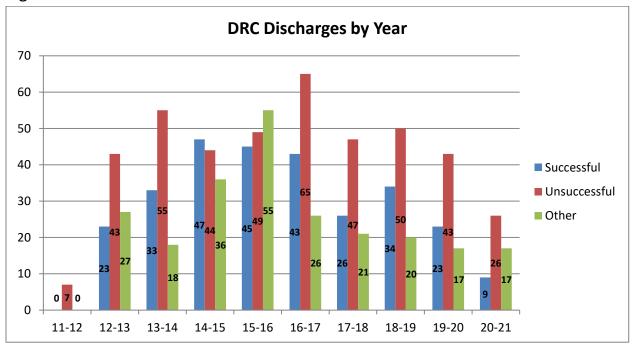
- Moral Reconation Therapy groups
- Individual Cognitive Behavioral Therapy
- Substance Abuse Classes
- Parenting Classes
- Drug Testing
- Job Skills/Resume Workshops
- Community Service
- Referrals to housing, employment, mental health, veteran services, and other social services including numerous community-based organizations





DRC participants receiving their certificates of program completion during Fiscal Year 2020-21

Figure 3



The DRC Program is intended for moderate to high risk offenders to provide a high degree of discipline combined with evidence based intensive treatment programs to prevent criminal behavior and encourage positive social attitudes. The program is extensive and demanding. In order to complete the program an individual must complete Phase I-III, Aftercare (in some cases), and obtain successful employment and housing. This process takes a minimum of 210 days. In order for individuals to move on to the next phase of the program, they need to finish each step in their Moral Reconation Therapy Workbook (MRT) and remain drug free. "Successful" is defined as completing all assigned programs and services (Phase I-III) and in some cases Aftercare as well. "Unsuccessful" includes participants who did not complete the program due to non-compliance, absconding, or going to jail. "Other" is considered to be when the individual did not complete the programs for external reasons. Some examples include probation was transferred, Prop 47 sentence reductions, Prop 36 drug treatment, attaining full time employment, mental/physical limitations, deceased, etc.

During the COVID-19 pandemic, the DRC continued to provide services but at a limited capacity. Safety measures were implemented such as smaller class sizes and distance learning for Substance Abuse, Parenting, and Life Skills groups. Staff also conducted over the phone individual sessions, with daily check ins for all participants. Presently, staff have been able to provide services in person including Substance Abuse, Parenting, Life Skills, and MRT groups. During these unprecedented times, GEO staff have been able to keep the engagement of the participants and give them the support system that is necessary for continued success.

Day Reporting Center Spotlights



PARTICIPANT SPOTLIGHT: JUSTIN M.

Justin M started at the DRC in February and was apprehensive about the program at first. Justin stated that once he got to know the people in the program and the staff, he realized how fantastic they were. Justin now advises future participants to be open to the experience as he works through phase 3 of the program and is self-employed.

"This program taught me selfacceptance, self-forgiveness and selfreliance. It's getting you prepared to move forward with life after the justice system..." -Justin M. (above) "What I've learned [...] is that I can trust everyone there. I'm comfortable talking in groups and sharing and growing together, the program has given me skills and tools to become a better me." – Amber A. (below)

PARTICIPANT SPOTLIGHT: AMBER A.

Amber started at the DRC program in October 2020. She states she has learned how to establish health boundaries, take time for herself and increase her self-sufficiency and emotional stability. Now on Phase 2 Step7 Amber most enjoys her MRT class where participants are encouraged to talk about their lives and learn from each other.



PARTICIPANT SPOTLIGHT: JOSHUA K.

PARTICIPANT OF THE MONTH MARCH 21

Since starting the Tuolumne DRC in September 2020, Joshua states the program has grown on him the longer he stays. Joshua maintained his job as a tree trimmer working 30+ hours a week while staying in the program. Now on Phase 2, Joshua reports enjoying one-one one sessions with his Case Manager and looks forward to the return of in person sessions.



"The program really makes you think about things, everyone always contributes something positive to the group... The staff do a good job, and their hearts are in the right place. They are some of the nicest, most polite people you will ever meet." – Joshua K. (left)

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2. Jail Re-entry Program (JRP)

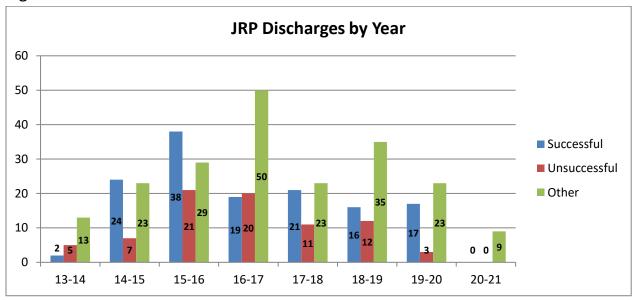
In 2013, GEO's program was expanded to serve the jail population. The JRP is designed for inmates to participate in evidence-based treatment while incarcerated. Individuals can either volunteer or are court mandated to complete the program. The program strives to provide a high degree of discipline combined with intensive treatment programs to prevent criminal behavior and encourage positive social attitudes. The overall goal of the program is to prepare participants for a successful re-entry back into the community. To be successful in the program the participants must finish at least 50% of the core program. Each participant develops a Release Plan 30-60 days prior to expected release. Participants are expected to transfer to the DRC for further programming after release from custody.

The Tuolumne County Jail has been committed to inmate safety during the COVID-19 pandemic and unfortunately, in-person services were suspended in late March 2020 in order to ensure the health of staff and inmates. In early 2021, GEO began providing services to existing participants through a form of distance learning at the new jail. The JRP provided one-on-one sessions through journaling, or other packet form work with notes and communications between staff and inmates

The JRP Provides:

- Individual assessment and treatment planning
- Weekly Cognitive Behavioral Therapy
- 1-2 hours of Cognitive Behavioral group meetings per week
- Life Skills
- Cognitive Skills
- Substance Abuse Counseling
- Referrals to community resources
- Periodic evaluation of progress
- Awards and affirmation for compliance
- Assistance with job preparation and placement services upon release

Figure 4



In order to complete the program successfully, an inmate must complete 50% of the program and leave in good standing. "Unsuccessful" include participants who did not complete the program due to non-compliance. "Other" is considered to be when the individual did not complete for external reasons. Some examples include being released from jail early, transferring to the DRC, etc.

D. District Attorney's Office

For the 2021 – 2022 Fiscal Year, the District Attorney's Office utilized AB 109 funds to fund one full time Victim/Witness Advocate, a part-time relief office assistant, and part of a full-time district attorney investigator. This represented a change from prior funding years by eliminating a part-time attorney position to add two additional DA team members.

1. Full-Time Victim/Witness Advocate

The mission of the DA Victim/Witness Program is to reduce the trauma that victims may experience in the wake of a crime, to improve the criminal justice system's understanding of the needs of victims, and to attempt to decrease the incidence of unreported crimes by establishing trust in the criminal justice system. Often after reporting a crime, many victims are left feeling unsure and confused as to what happens next. The Victim/Witness Program offers support and information about victim's rights within the criminal justice system through services such as, case status updates, court escorts, and referral to community services, information regarding restitution, and jail release information. The AB 109 Advocate assists in collecting restitution information and victim impact statements for presentencing reports.

When AB 109 was first enacted, the Tuolumne County Community Corrections Partnership acknowledged that the criminal justice realignment would not only affect the populations

identified in the realignment, but also the local populations on probation and incarcerated in our local jails. This has a direct effect on the victims of the defendants that are charged with a felony but will be serving "local prison time". There were further changes such as in the collection of restitution when a defendant is serving time in the county jail versus state prison, early releases due to custody credits, and alternatives to custody for both felons and misdemeanants. Receiving AB 109 funds has allowed the District Attorney's Office to have a specially trained Advocate that can provide information to victims about these changes and assist victims throughout the life of the case and after.

The Victim/Witness Advocate provided services to crime victims, including, but not limited to, vehicular manslaughter, theft, assault, car theft and vandalism. Staff also participate in many community outreach events. From January 1, 2021 to November 30, 2021, the Victim/Witness Advocate funded by AB 109 has provided services to 146 new victims of crime, offering over 1,740 services to those victims.

2. Part-Time Office Assistant

The Office Assistant performs a vital role related to our Office's function in the AB 109 framework. The Office Assistant is often the first person that members of our community have contact with at our Office. They interact with thousands of people each year, a majority of whom are related to AB 109-effected cases. They take calls from the public that come into the DA's Office. Of significant importance, the Office Assistant fields victim, witness, and offender phone calls and in-person visits. In so doing, they assist AB 109 victims and offenders who routinely call or come into our Office for information related to court dates, evidence disposition, custody time, and offender releases. The Office Assistant also engages with and assists Tuolumne County Probation and court staff regarding AB 109 cases, mandatory supervision and post-release community supervision violations, and instances of early release. As such, the Office Assistant performs a vital role for AB 109 victims, witnesses, and offenders. This individual interacts with an average of 15 individuals per day through in-person, phone, and email contact.

3. Part-Time District Attorney Investigator

During the 2021 – 2022 funding cycle, the DA's office identified one area in obvious need of assistance as the Investigative Bureau. Staffing cuts have significantly impacted the ability to conduct follow-up investigations. The inability to perform investigative follow-up is particularly concerning in less physically violent cases, like financial elder abuse, identity theft, and commercial/non-residential burglaries. These 1170(h) crime types are ones that often go under-investigated, resulting in poor or no outcomes for the crime's victims. Financial elder abuse crimes have also increased significantly since the advent of AB 109 and the COVID-19 pandemic. A decade or so ago, the DA's office had an investigator assigned to elder abuse cases. Financial crimes are remarkably complex cases that require hours of document retrieval and review. By partially-funding a DAI who will be assigned to conduct necessary follow-up and serve subpoenas in AB 109 cases with a special emphasis in elder abuse and financial crimes,

the DA's office believes that a demonstrable improvement in our case outcomes will be seen that will hold offenders accountable, make victims whole, and help offenders address their criminogenic factors through probation, mandatory supervision, and post-release community supervision terms.

Since reinstatement in July 2021, the District Attorney Investigator has assisted in the investigation of several financial elder abuse cases and in conducting follow-up in over twenty AB 109 cases.

E. Public Defenders Office

AB 109 funding has enabled the Public Defender office to commission an additional attorney to take responsibility of clients with AB 109 matters. Due to current statewide hiring struggles, it has been challenging to recruit an Attorney. As an alternative plan, the Public Defender's office posted the AB 109 attorney assignment as a county contract and approved a bid from local private attorney, David Beyersdorf. The Board approved for this contract September 14th, 2021 for services to start, effective September 1st. To date Mr. Beyersdorf has been appointed 27 cases, including AB 109 and trailing misdemeanors.

The appointment of an additional attorney has started the process of relieving the Public Defender's office and Conflict's 1 and 2 of AB 109 and trailing misdemeanor cases so they can focus more time and attention on more serious cases. Over the past few years, the Public Defender's office has seen an increase of very serious cases. In previous years the Public Defender's Office was responsible for 1 murder approximately every 3 years. Currently there are 2 murder cases, 2 attempted murder cases, and 14 additional sex crime or life cases.

AB 109 offenders rely almost exclusively on the County's Office of the Public Defender and Conflict Counsel for required legal defense, and this is the first fiscal year the CCP has recognized and authorized funding to support these services.

F. Behavioral Health Department

The Behavioral Health Department received AB 109 funding to support substance use treatment in effort to support the goals of reducing recidivism and increasing employment. Behavioral Health's focus continued to emphasize recovery-oriented service management to access stable housing and/or treatment, including residential support for stabilization. Recidivism for this population often occurs as a result of challenges to meet basic needs, relapse of substance use, and poor inter-social relationships. Behavioral Health focused on providing stable supported housing, recovery and rehabilitative treatment, and meeting the unique needs of persons with co-morbid substance and mental health challenges.

During Fiscal Year 2020-21:

• Behavioral Health Treatment: 31 unduplicated clients were served with a total of 615 services

• Average Number of Services per Client: 20

Service Hours Provided: 169Number of contacts: 384

1. Behavioral Health Services Provided at Probation

- A. <u>Behavioral Health Clinician</u>: Behavioral Health and Probation maintained a Behavioral Health Clinician at the Probation Department full time. This unique position, which is partially funded by AB 109, proved successful in assisting offenders who may otherwise fall through cracks in the system. The Clinician provided needed behavioral health services at no charge to formally supervised adults. Therapy services were provided on site at the Probation Department, in the jail while offenders were serving sentences before they were released to Probation supervision, and in the field in homes and homeless camps.
- B. <u>Improving Access to Services</u>: Through this position, the Clinician was able to improve access to services. By having a co-located position at the Probation Department, adults were able to have immediate services such an initial intakes, therapy, and case management without having to travel to another agency. This greatly improved access to treatment services.
- C. <u>Coordination of Care</u>: The Behavioral Health Clinician coordinated referrals to the Behavioral Health Department for additional services such as case management, treatment groups, medications, rehabilitation, and substance use treatment. The Clinician worked closely with other units at Behavioral Health such as the Full-Service Partnership program, Substance Use Disorder services, the Enrichment Center, Crisis and Triage services, and Outpatient services. The Clinician provided immediate crisis services as needed. Clients who needed assistance with obtaining Supplemental Security Income (SSI) were referred to the Behavioral Health Benefits Specialist.
- D. <u>Coordination Between Probation Officers and Behavioral Health</u>: The Clinician works closely with Probation Officer's in making sentencing recommendations for mentally ill offenders during sentencing court hearings. Justice partners have expressed that these recommendations and assistance have been helpful in determining and securing the proper services to assist mentally ill offenders.

2. Impact of COVID-19 Upon Systems

COVID-19 had a dramatic impact upon services in Fiscal Year 2020-21. Behavioral Health remained operational providing the needed therapy, medications treatment, and case management and rehabilitation services. Access to these services were impacted due to restrictions based upon quarantine status of individuals and a reduced bed availability at

residential drug/alcohol facilities. Clients continued to be offered services at residential and outpatient service programs for substance use issues.

When safety measures were increased, Behavioral Health continued to provide services by *telehealth*, either by Zoom or by telephone, and continued to provide field-based services with social distancing. Thus, Behavioral Health made great efforts to ensure that clients could continue to access treatment programs for substance use and mental health issues.

3. <u>Drug/Alcohol Treatment Services: Outpatient and Residential Programs</u>

Behavioral Health was able to provide a spectrum of services for substance uses issues from outpatient substance use treatment to residential drug/alcohol programs through the AB 109 funding. Through the efforts of the Behavioral Health Clinician, supervised individuals were referred to both case management and the Substance Use Disorders program for outpatient treatment, and/or utilized residential treatment with AB 109 funding. Three different residential facilities were used: Nirvana, 2nd Chance, and New Life.

6 unduplicated individuals served at a cost of \$18,762.64

These residential programs provided a great resource to enable clients to address addiction issues in order to succeed in community placement and reentry.

IV. TUOLUMNE COUNTY CCP Fiscal Year 2021-22 PLAN UPDATE

Uncertainty with regards to the fiscal impacts of the COVID-19 pandemic and the announcement of a "zero growth" projection for realignment programs from the state led to the adoption of a status quo plan for Fiscal Year 2020-21. There was an expectation that all local funded programs could be sustained with reliance on the AB109 reserve funds. Ultimately, the AB 109 Criminal Justice revenues performed better than expected and reserve funds were not depleted to the extent anticipated.

The CCP Executive Committee began meeting on May 25, 2021 to plan for Fiscal Year 2021-22. Based on better-than-expected trust fund balances and revenue projections, the CCP Executive Committee approved a budget for Fiscal Year 2021-22, expanding local services with a budget amount of \$3,048,690 as detailed in Attachment 1. Increases to the AB 109 provide for an additional Jail Deputy position, a new Sheriff's Department Fiscal Technician position, a new Deputy Public Defender position, a half-time District Attorney Investigator and for increases to personnel costs for ongoing positions. The budget also included funding for two Probation Technician positions to support pretrial services previously covered by state grant funds. However, the subsequent passage of SB 192, eliminated the need to rely on AB 109 funding for ongoing pretrial services.

A. Budget

The CCP is currently estimated to receive a total of \$2,554,589 for AB 109 operations during Fiscal Year 2021-22, and a growth estimate of \$289,022 as noted in the table below:

Fiscal Year 2021-22 REVENUE				
Estimated Total Allocation \$ 2,843,612 Year 2021-22 base and growth				
Implementation Revenue	\$	100,000	To be received for completing annual CCP Survey	

CCP revenue is held in two separate interest-bearing trust funds. Base and growth revenue are deposited into the Operations trust, which supports ongoing CCP expenses. The CCP also receives \$100,000 annually for submitting a survey completed by Probation staff detailing CCP goals, objectives, outcome measures, budget information, and (optional) program photos and participant feedback.

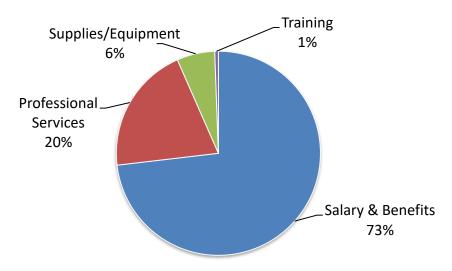
The Fiscal Year 2020-21 ending trust balances are noted in the table below:

Fiscal Year 2020-21 Ending Trust Balances				
Total Operations Trust				
Balance	\$	1,224,628	Minimum \$400,000 reserve	
Total Implementation			For one-time program implementation	
Trust Balance	\$	780,029	expenses only	
			Inclusive of all funds in trust as of	
Total Held in Trust	\$	2,004,657	June 30, 2021	

Tuolumne County's Fiscal Year 2021-22 base allocation total was most recently estimated by the California State Association of Counties (CSAC) in November 2021. The actual full base amount to be received depends on sales tax and vehicle license fee receipts through June 2022. Tuolumne County's growth allocation has ranged from \$123,527 to \$676,050 in recent years. This year's growth allocation, as of November 2021, is estimated at \$289,023. Last FY 2020-21 due to the COVID 19 pandemic there was no growth allocation. The continuance of the growth allocation for this Fiscal Year will allow our county to maintain a healthy trust fund. Proposed AB 109 spending adopted by the CCP Executive Committee on May 25, 2021 is projected to allow for Fiscal Year 2021-22 ending combined trust fund balances in excess of \$2 million.

CCP AB 109 Fiscal Year 2021-22 PROPOSED Budget by Category			
Category	Totals		Details
			All Tuolumne County staffing costs for
			Probation Dept., Sheriff's Office, District
Salary & Benefits	\$	2,229,702	Attorney's Office, & Behavioral Health Dept.
			Day Reporting/Jail Reentry programs,
			substance abuse residential treatment, drug
			testing, electronic monitoring & pretrial
Professional Services	\$	618,308	implementation
			Program supplies, operational costs such as
Supplies/Equipment	\$	183,180	phones, safety equipment, etc.
			Probation Dept. & Sheriff's Office relevant
Training	\$	17,500	trainings
Total Expenses	\$	3,048,690	Inclusive of all expenses

Fiscal Year 21-22 CCP AB 109 Expenses by Category



The pie chart above illustrates that the bulk of CCP expense is attributed to staffing costs. The next highest cost is for professional services, most significantly GEO Reentry Services programming. All other costs, including supplies, equipment, and training, make up only 6% percent of total AB 109 costs.

B. Goals

The CCP Executive Committee formalized three goals for Fiscal Year 2021-22:

- 1. Provide programs and services to Pretrial individuals
- 2. Expansion of the current Jail Nursery Program
- Create a local Diversion Program to administer multiple diversion pathways for detainees with mental illness. This local diversion program will provide out-of-custody services, supports, and treatments to those with severe mental illness in the least restrictive environment possible.

In order to achieve these goals, objectives and outcome measures to define progress/success for the upcoming year will be discussed by the work groups/teams involved and reported back to the Executive Committee at upcoming CCP meetings.

C. Plan Update

Highlights of the Fiscal Year 2021-22 AB 109 Budget/Plan Update adopted by the CCP Executive Committee on May 25, 2021 include the following:

- The Behavioral Health (BH) Department will continue funding for 0.5 FTE BH Clinician II staffing embedded at Probation. BH will also maintain funding for 0.1 FTE Recovery Counselor staffing.
 - In Fiscal Year 2019-20, the CCP Executive Committee authorized \$150,000 in funding to provide temporary supplemental treatment services for moderate to high-risk offenders. This funding is utilized to facilitate a smooth transition for offenders being released from custody with specialized mental health and treatment needs. At the beginning of Fiscal Year 2021-22, approximately \$20,000.00 of the fund had been expended.
- 2. The District Attorney's Office (DA) will continue funding a 1.0 FTE Victim/Witness Advocate assigned to victims of AB 109 related crimes. The purpose of the program is to reduce the trauma that victims may experience in the wake of a crime, to improve the criminal justice system's understanding of the needs of victims, and to attempt to decrease the incidence of unreported crimes by establishing trust in the criminal justice system. The DA will continue funding (equivalent to 0.5 FTE each) for Office Assistant department clerical support and Criminal Division District Attorney Investigator.

Since reinstatement in July 2021, our Investigator has assisted in the investigation of several financial elder abuse cases and in conducting follow-up in over twenty AB 109 cases. This represented a change from prior funding years by eliminating a part-time attorney position to add two additional DA team members.

3. The Probation Department will continue funding at Fiscal Year 2021-22 approved levels. Probation's AB 109 funding supports associated staffing (8.0 FTE) and services including pretrial programming, electronic GPS & alcohol monitoring, drug testing, work release, community service, and high-risk supervision (in conjunction with the Sheriff's Office). These programs enhance public safety and provide AB 109 offenders with viable alternatives to incarceration, which is one of the main goals of AB 109.

Beginning October 2019, and continuing through Fiscal Year 2021-22, the Probation Department was awarded grant funds (through the Tuolumne County Superior Court under the Judicial Council of California's Pretrial Pilot Program grant) to enhance pretrial assessment and supervision services. These Pretrial Pilot Program's enhancements were approved by the CCP Executive Committee for funding this fiscal year, but the subsequent passage of SB 192 will alleviate the need to rely on AB 109 funding.

With a combination of grant funds and one-time dedicated early release mitigation funds, Probation will continue to provide realigned offenders with temporary supportive services such as rehabilitative treatment, housing assistance, and transportation assistance to remove barriers and promote successful rehabilitation into the community.

- 4. GEO Reentry Services will continue contracting with the County to provide evidence-based programming utilized by multiple CCP partners to reduce recidivism in AB 109 offenders. GEO provides services both in the jail (Jail Reentry Program) and post-release (Day Reporting Center). Though in-person group programming services at the Jail Reentry Program (JRP) are currently suspended due to COVID-19 safety precautions, GEO is providing limited services to inmates in the jail. Efforts are underway to expand services to include distance learning, case management meetings, and journaling through the Geo Case Manager assigned to the jail.
- 5. The Public Defender's Office will receive funding for (1.0 FTE) attorney position. AB 109 offenders rely almost exclusively on the County's Office of the Public Defender and Conflict Counsel for required legal defense, and this is the first fiscal year the CCP has recognized and authorized funding to support these services.
- 6. The Sheriff's Office (SO) will continue AB 109 funding at Fiscal Year 2021-22 approved levels to support staffing (9.0 FTE) and services including jail operation, male/female inmate work crews, and high-risk supervision (in conjunction with the Probation Department). AB 109 funding supports one additional Jail Deputy position and a new fiscal technician position for the Sheriff's Office. AB 109 will also provide for one-time expenses to support start-up costs for a grant funded program to introduce poultry and egg production and expand capacity at the Jail's farm.

D. Pretrial

On June 28, 2019, the Tuolumne County Superior Court, in collaboration with the Probation Department, submitted a Pretrial Pilot Program Grant Application to the Judicial Council of California. On August 9, 2019, the Tuolumne County Superior Court was notified of selection to receive a grant award in the amount of \$587,965 for a two-year period. The grant period recently expired, however, the passage of SB 192 will continue state funding for this program.

The goals of this program are to fund pretrial programs and practices that will:

- 1. Increase the safe and efficient pre-arraignment and pretrial release of individuals booked into jail by expanding own recognizance and monitored release;
- 2. Implement monitoring practices of those released pre-arraignment and pretrial with the least restrictive interventions and practices necessary to enhance public safety and return to court;
- 3. Expand the use and validation of pretrial risk assessment tools that make their factors, weights, and studies publicly available; and,
- 4. Assess any disparate impact or bias that may result from the implementation of these projects to better understand and reduce biases based on race, ethnicity, and gender in pretrial release decision making.

Funding is allocated to the Tuolumne County Superior Court on a quarterly basis, which in turn is dispersed to the Probation Department via Memorandum of Understanding (MOU). An updated MOU will be required between the Court and Probation as the funding has shifted from a limited term pilot program to an ongoing state supported program under Senate Bill 192 of 2021.

V. SUMMARY

The Tuolumne County Public Safety Realignment Act Implementation and Updated Plans are intended to provide a comprehensive and collaborative approach to addressing public safety, while effectively addressing criminal recidivism. Elements of the plan manage offenders returning to Tuolumne County from state prison and those who are committed to serve their sentence locally instead of state prison. In addition, the plan provides alternatives to traditional incarceration for low level offenders, evidence-based programming for moderate to high-risk offenders in the County Jail and for those released on local supervision.

Attachment 1

Community Corrections Partnership (CCP) Accepted AB 109 Budget

	Fiscal Year 2021-22 (Approved by CCP Executive Com	mit	tee on 5/25/2021))	
Department	Description	Ор	eration	lmp	lementation
Behavioral Health	Staff-BH Clinician II (50% of 1.0 FTE)	\$	41,693	\$	=
Behavioral Health	Staff-Recovery Counselor (10% of 1.0 FTE)	\$	7,459	\$	-
District Attorney	Staff-DA Investigator (50% of 1.0 FTE)	\$	54,913	\$	-
District Attorney	Staff-DA Sr. Office Assistant (100% of 0.5 FTE)	\$	32,696	\$	-
District Attorney	Staff-DA Victim Witness Advocate (1.0 FTE)	\$	82,634	\$	-
Probation	Drug Testing Services	\$	10,600	\$	-
Probation	Electronic Monitoring Adult On-Call	\$	11,250	\$	-
Probation	Electronic Monitoring Program (GPS, AMS)	\$	76,260	\$	-
Probation	Expendable Equipment/Small Tools/Supplies	\$	6,000	\$	-
Probation	Pretrial Risk Assessment Tool Platform***	\$	-	\$	9,960
					,
	Services to alleviate barriers for moderate/high risk				
Probation	offenders (\$150,000 approved FY 19-20 until expended)	\$	-	\$	130,000
Probation	Staff-Legal Assistant II	\$	71,170	\$	-
Probation	Staff-Office Assistant (Sr.)	\$	68,532	\$	-
Probation	Staff-Pretrial Probation Technician (10 months)***	\$	-	\$	65,642
Probation	Staff-Pretrial Probation Technician (10 months)***	\$	-	\$	57,916
Probation	Staff-Probation Officer (I-II)	\$	78,713	\$	-
Probation	Staff-Probation Officer (Sr.)	\$	129,954	\$	-
Probation	Staff-Probation Officer (Sup)	\$	143,609	\$	-
Probation	Staff-Probation Officer (Sup)	\$	135,021	\$	-
Probation	Staff-Work Release Coord.	\$	73,525	\$	-
Probation	Staff-Work Release Coordinator (Sr.)	\$	80,935	\$	-
Probation	Training for Probation AB 109 Staff	\$	-	\$	7,500
Probation	Vehicle-field ready mid-size sedan	\$	-	\$	32,000
Probation	Workers Compensation-Work Release	\$	20,430	\$	-
Public Defender	Staff-Attorney	\$	-	\$	120,391
Public Defender	Attorney staffing related expenses	\$	-	\$	9,553
Shared	GEO Contract-Day Reporting Ctr & Jail Reentry Prog.	\$	391,488	\$	-
	Hiring 5 new jail deputies - (per CAO request, approved				
	but not spent FY 19-20 or FY 20-21, carried over to FY 21-				
Sheriff	22*	\$	_	\$	109,000
Sheriff	Inmate Work Crew program equip/supply (one-time)	\$	-	\$	25,500
Sheriff	Inmate Work Crew program equip/supply	\$	38,000	\$	-
Sheriff	Jail nursery infrastructure improvements	\$	-	\$	50,000
Sheriff	Staff-Classification Officer	\$	89,781	\$	-
Sheriff	Staff-Fiscal Technician	\$	69,328	\$	-
Sheriff	Staff-Jail Deputy-Inside Jail	\$	90,909	\$	-
Sheriff	Staff-Jail Deputy-Inside Jail	\$	94,786	\$	-
Sheriff	Staff-Jail Deputy-Work Crew	\$	95,387	\$	-
Sheriff	Staff-Jail Deputy-Work Crew	\$	89,987	\$	-
Sheriff	Staff-Jail Work Crew Manager	\$	90,909	\$	-
Sheriff	Staff-Sheriff Deputy	\$	95,189	\$	-
Sheriff	Staff-Sheriff Sergeant	\$	150,072	\$	-
Sheriff	Training for Sheriff AB 109 Staff	\$		\$	10,000
	Total Proposed Expense	\$	2,421,229	\$	627,462
	Total Estimated Annual Allocations*	\$	2,353,812	\$	100,000
	Total Excess / Deficit from Allocations	\$	(67,417)	\$	(527,462)
	nated FY 2020-21 Ending Trust Balances**	\$	1,224,628	\$	780,029
	nated FY 2021-22 Ending Trust Balances**	\$	1,169,211	\$	264,567
LJUII	I EVEZ EE ENWING IT MUC DUIGITICO	Υ.	1,103,211	7	207,307

^{*}Allocations based on CSAC est. from January 2021 Governor's Budget of FY 21-22 base + FY 20-21 growth + \$100,000 for annual BSCC survey.

^{**}Ending trust balances include conservative estimated accrued interest.

^{***}Although approved for funding, the State Legislature has approved funding for these outside of AB109 Page 35 of 35