

**Tuolumne County**

**Community Corrections Partnership (CCP)**

**FY 2017-2018 Plan Update**

## **Community Corrections Partnership (CCP) Executive Committee**

<b><u>Name</u></b>	<b><u>Title/Agency</u></b>
Linda Downey	Chief Probation Officer Probation Department
Donald Segerstrom	Presiding Judge Superior Court
James Mele	Sheriff Sheriff's Office
Laura Krieg	District Attorney District Attorney's Office
Robert Price	Public Defender Public Defender's Office
Turu VanderWeil	Acting Chief of Police Sonora Police Department
Steve Boyack	Acting Behavioral Health Director Human Services Agency

## **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. AB109 changed the law to realign certain responsibilities for lower level offenders, adult parolees and juvenile offenders from state to local jurisdictions. AB109 transfers responsibility for supervising these specified "lower level" inmates and parolees from the California Department of Corrections and Rehabilitation to Counties. In his AB109 signing message, Governor Brown stated:

*"For too long, the state's prison system has been a revolving door for lower-level offenders and parole violators who are released within months—often before they are even transferred out of a reception center. Cycling these offenders through state prisons wastes money, aggravates crowded conditions, thwarts rehabilitation, and impedes local law enforcement supervision."*

Implementation of the Public Safety realignment Act became effective on October 1, 2011. Additionally, Section 1230.1 of the California Penal Code is amended to "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, include, 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."

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 Program.

## **Key Components of AB109**

**AB109 addresses three distinct target populations.** The first is the Post Release Community Supervision (PRCS) population. This 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 Department of Corrections and Rehabilitation. Supervision of this population is now the responsibility of local probation departments and is inclusive of offenders with a current commitment for a non-violent, non-serious, non-registerable sex offense regardless of any prior convictions. While the probation department now monitors individuals who are released from the Department of Corrections on PRCS, the District Attorney's Office appears on all court calendars where an individual violates PRCS. As of October 1, 2011, all parole revocations are served in county jail instead of state prison. In addition, as of July 1, 2013, the parole revocation process is now a local court-based process rather than a hearing in front of the Board of Parole. This change created new hearings and responsibilities for the District Attorney's Office. A violation of PRCS often results in a petition for revocation being filed. Generally within five days of a petition for revocation being filed, the Court will hold a hearing. The District Attorney provides a deputy district attorney to staff these hearings. This deputy reviews the petition and represents the People at the hearing. In 2016-2017, in Tuolumne County, the People attended a total of 80 PRCS hearings.

The second largest population is offenders who will serve their felony prison commitments locally in county jail rather than in state prison. Pursuant to Section 1170(h) of the Penal Code, this population will serve their sentences in the local county jail, having been convicted of a non-violent, non-serious, or non-registerable sex offense. These offenders are comprised of two groups; those sentenced under Section 1170(h)(5)(A) of the Penal Code who will serve their entire sentence within the county jail and those sentenced under Section 1170(h)(5)(B) who serve a portion of their sentence in the county jail with the remaining portion under mandatory supervision to be supervised by the probation department. Since the implementation of sentencing pursuant to Section 1170(h) of the Penal Code, there has been a statewide push for courts to sentence pursuant to Section 1170(h)(5)(B) of the Penal Code to include grants of mandatory supervision. Tuolumne County is in accordance with this mandate and has, over time, increased its recommendations to the court for sentencing pursuant to Section 1170(h)(5)(B) of the Penal Code (See Figure 4). If an offender violates the terms of their Mandatory Supervision, the probation department will file a violation and a deputy district attorney will appear in court to represent the People. If the offender requests a contested hearing, the deputy district attorney must call witnesses to the stand and litigate the violation.

These hearings have increased and have resulted in appearances in court that the District Attorney's Office previously did not have to staff prior to AB109.

The third target population was released offenders who remained under the jurisdiction of State Parole supervision. These offenders are classified as:

- Inmates paroled from life terms to include third-strike offenders;
- Offenders whose most recent commitment offense is violent or serious, as defined by California's Penal Code §§ 667.5(c) and 1192.7(c);
- High-risk sex offenders, as defined by Static 99R risk score (6 and above)
- Offenders who must complete a treatment program in a State hospital pursuant to 2962 PC

Parolees who violate the terms of their parole cannot be returned to state prison custody; rather these offenders serve their violations of parole in the county jail.

**Redefining felonies:** Revises the definition of 500+ felony offenses to mandate that the crimes are punishable in local county jail for the same length of term as prescribed in the Penal Code. Offenders convicted of committing serious or violent felonies, and those who must register as sex offenders will continue to serve their terms in State Prison. There are additional felonies (approximately 60) that have been specifically designated for commitment to state prison.

A violent felony is defined in Section 667.5 (c) of the Penal Code. A serious felony is defined in Section 1192.7(c) of the Penal Code. Registerable sex offenses are defined in Section 290 of the Penal Code (Attachment #1).

**Local Post-release Community Supervision:** Offenders released from state prison after serving a sentence for an eligible offense are subject to Post Release Community Supervision by the Probation Department for a period not to exceed three years.

**Revocations Heard and Served Locally:** The Courts hear revocations of Post Release Community Supervision. Post Released Community Supervision and parole revocation are 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.

**Changes to In-Custody Credits:** Jail inmates earn four days of credit for every two days served. Time spent on home detention electronic monitoring is credited as time spent in jail custody.

**Alternative Custody:** Section 1203.018 of the Penal Code authorizes electronic monitoring for pre-trial inmates being held in the county jail in lieu of bail. Eligible inmates must first be held

in custody for 60 calendar days post-arraignment, or 30 calendar days for those charged with misdemeanors.

**Community-Based Punishment/Sanction:** Authorizes counties to use a range of community-based punishment and intermediate sanctions other than jail incarceration alone or traditional probation supervision.

## **FY 2016/2017 Funding Utilization**

### **PROBATION DEPARTMENT**

The Probation Department's utilization of funding included the Alternatives to Detention site, which housed the Probation and Sheriff's Department High Risk Supervision Team (two Deputy Probation Officers, one Supervising Deputy Probation Officer); the Geo Day Reporting Center programming costs (space and staff offices); and Work Release (three Work Release Coordinators), and Community Service programs and staff offices. Additional staff included: Relief Probation Aides, one Legal Assistant, and one Relief Deputy Probation Officer. Funding also included costs for Work Release equipment and supplies, supplementation of Electronic Monitoring costs, peace officer training for assigned officers, drug testing supplies, and various other supplies related to the supervision of AB109 offenders.

#### **Estimate Number Of Clients Served:**

- 10-15 per day on Work Release & Sheriff's Parole
- 5-10 per day on alcohol monitoring (SCRAM)
- 25-30 per day G.P.S. electronic monitoring/ home detention
- 45-50 offenders daily in the GEO/BI Day Reporting Program
- 300-350 moderate to high risk felony offenders actively supervised on any given day
- 100-125 PRCS and Mandatory Supervision Offenders

#### **Alternatives to Incarceration:**

Criminal Justice Realignment funds to the Probation Department also support the Electronic Monitoring programs and Work Release programs which are only partially funded by offender fees. Work Release continues 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 seven days a week through July 2017.

An additional Deputy Probation Officer is assigned to the electronic monitoring program (E.M.P.). The Probation Department provides G.P.S. electronic monitoring and continuous alcohol transdermal testing via SCRAM units. The G.P.S. 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 E.M.P. program is also utilized as a sentencing alternative to County Jail for misdemeanor dispositions, lower risk felony offenders, medically fragile offenders, and for Pre-trial releases in lieu of bail.

A part-time relief Deputy Probation Officer has overseen the Sheriff's Parole program two days a week. Sheriff's Parole relieves jail overcrowding pressures by releasing targeted offenders to complete the remainder of their jail term on Work Release.

### **Electronic Monitoring**

- 496 total enrollments (GPS and SCRAM)
  - 464 unique people

### **GPS**

- 470 total enrollments
  - 438 unique people

### **Scram**

- 26 total enrollments
  - 26 unique people

### **Work Release**

- 3,425 days logged
- 23,975 man hours
- \$251,737 worth of labor performed (calculated at minimum wage)
- Approximately 80% of the labor performed was on County projects

### **Community Service**

- 11,168 hours completed
  - Non-profits
  - Schools
  - Churches
  - Animal Shelters
  - Senior Centers

### **High Risk Supervision Team (HRST):**

Two Deputy Probation Officers, one Supervising Deputy Probation Officer, one Deputy Sheriff, and one Sergeant are assigned to the high risk supervision team to perform compliance checks, conduct searches, provide drug testing, assist with warrant service, refer offenders to

treatment services, and perform the various other duties of deputy probation peace officers. For FY 2016-2017 some of the highlights the HRST accomplished were:

- Participated in Home Clearing and Team Building Training
- Conducted 802 field searches
- 77 total arrests
  - 39 warrants arrests
  - 38 new arrests
- 200 Electronic Monitoring Program compliance checks
- Field activities resulted in 37 new violations
- Assisted in the apprehension of 5 high profile offenders
  - One sentenced to 34 years state prison
  - One sentenced to 8 years state prison
  - 3 cases pending with results of searches turned over to TNT for further action
- Team is trained in the forensic supervision of sex offenders. This training resulted in 2 registrants being returned to State Prison for violations based on the work of the HRST

### Probation Demographics

Figure 1

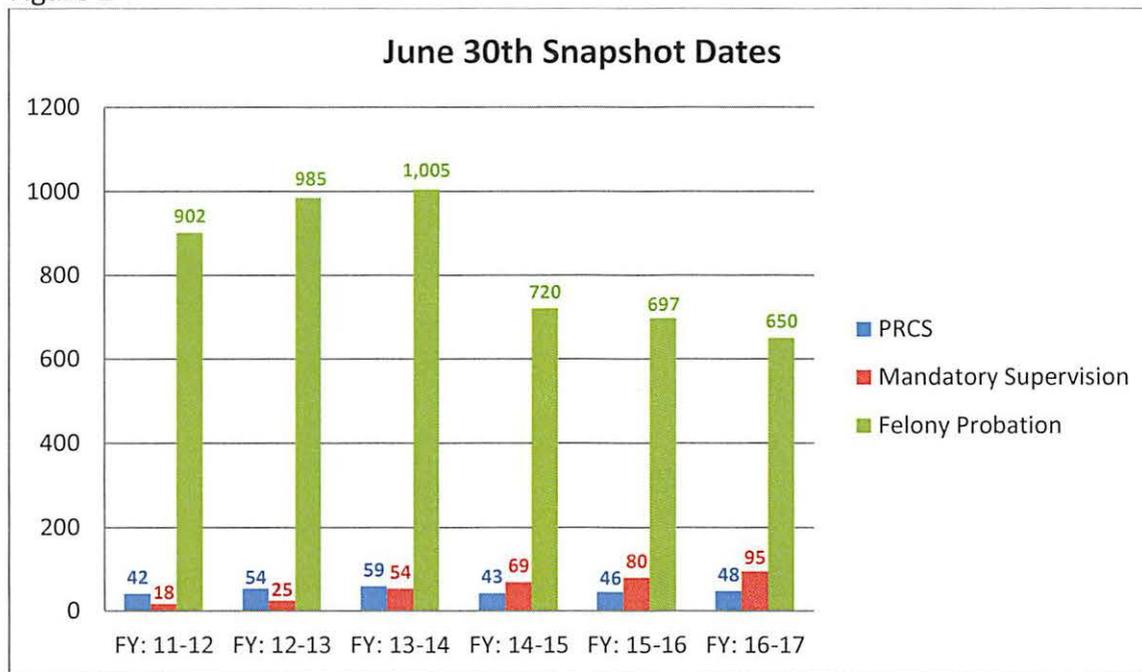


Figure 1 demonstrates a snapshot of active probationers on June 30<sup>th</sup> from fiscal years 2011/12 to 2016/17. This graph displays how many probationers Tuolumne County may be supervising at one time versus throughout the entire Fiscal Year (entire fiscal year counts can be found in Figures 2-4). Overall, Post Release Community Supervision (PRCS) individuals remain steady

with an average of 49 per year, Mandatory Supervision individuals are increasing annually, and the Probation population is declining annually. Tuolumne County is seeing level numbers of PRCS individuals primarily because the rules and regulations have not changed since the beginning of realignment. Tuolumne County expects to see an increase in PRCS individuals due to recent legislative changes passed in 2016 (Prop 57, and 64) that will result in additional releases from prison. Mandatory Supervision individuals are increasing at about an average of 16 individuals a year. Tuolumne County is seeing an increase of felony crimes that are not prison eligible convictions therefore increasing the Mandatory Supervision population. Probation individuals are decreasing due to changes in the law that have created a more risk based model of supervision. Due to initiative measures (like Prop 47) some felonies are being reduced to misdemeanors. Most misdemeanants supervised by the Court are not included in the Tuolumne County Probation Supervision counts.

Figure 2

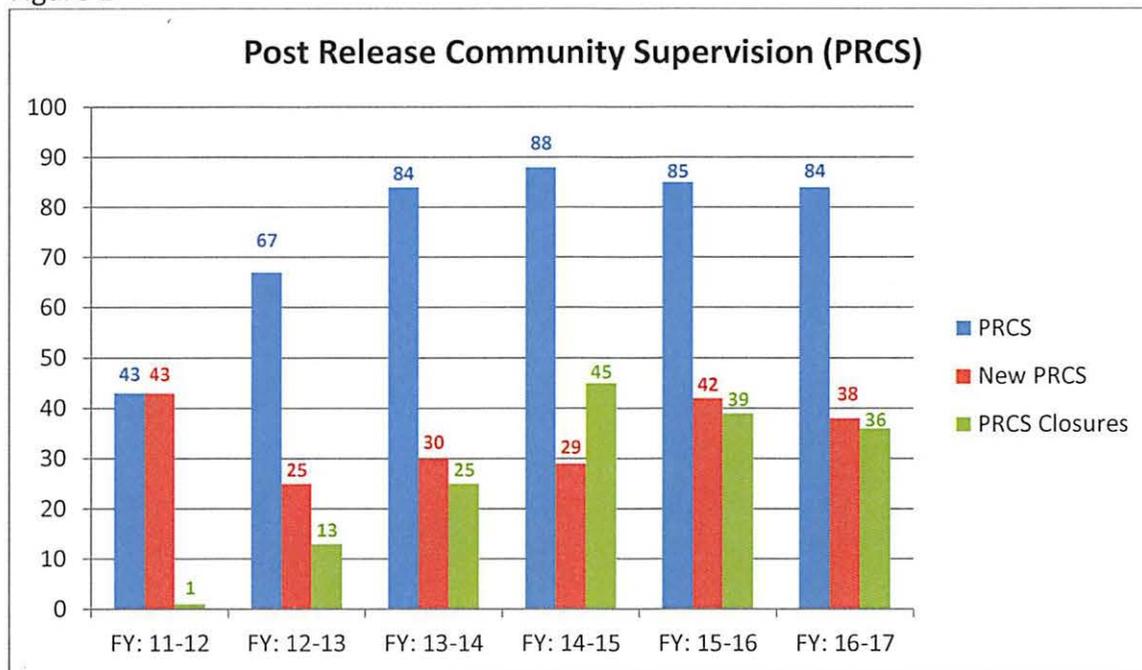


Figure 2 represents the PRCS population throughout fiscal years 2011/12 to 2016/17. PRCS numbers reflect the amount of PRCS individuals that were under supervision for the year. New PRCS reflect the amount of new PRCS individuals that were released from CDCR. PRCS closures represent the amount of PRCS individuals that were closed during the fiscal year. Overall, Post Release Community Supervision (PRCS) individuals remain steady with an average of 49 per year. Tuolumne County expects to see an increase in the upcoming years due to new legislative changes (Prop. 57 and 64). **The State projects there will be 41 new PRCS releases to Tuolumne County in FY 2017/2018.**

Figure 3

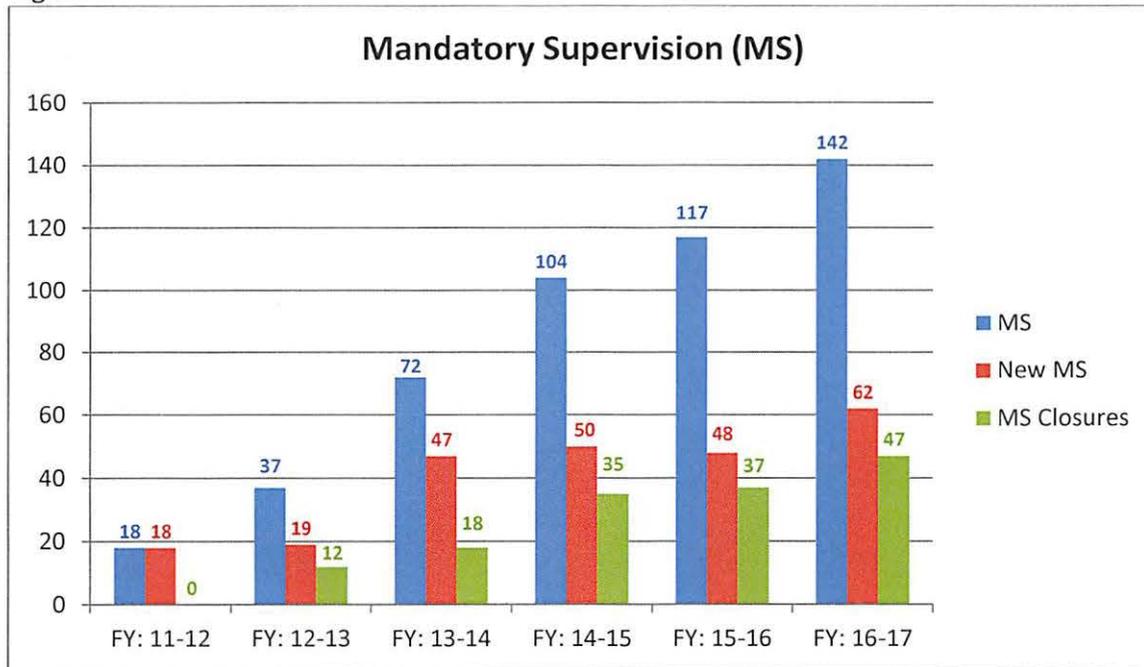


Figure 3 represents the Mandatory Supervision population throughout fiscal years 2011/12 to 2016/17. MS numbers reflect the amount of MS individuals that were under supervision for the year. New MS reflects the amount of new MS individuals. MS closures represent the amount of MS individuals that were closed during the fiscal year. Overall, Mandatory Supervision (MS) individuals are increasing at about an average of 16 individuals a year. Tuolumne County is seeing an increase of felony offenders on MS as the majority of felony offenders sentenced do not qualify for a State Prison term.

Figure 4

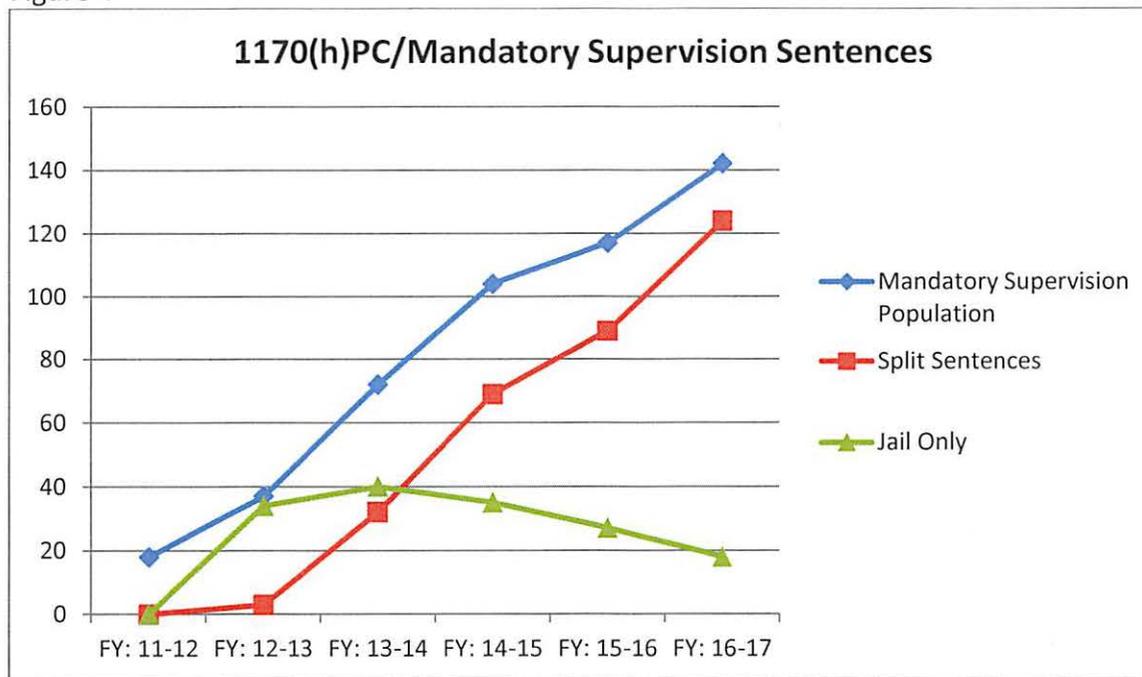


Figure 4 demonstrates the breakdown of sentences with Mandatory Supervision individuals. Mandatory Supervision numbers reflect the steady increase in the MS population. Split Sentences means that the defendants will serve a portion of their time in custody and the remaining portion of their sentence supervised by the Probation Department on Mandatory Supervision. Jail Only Sentences are when the defendant serves all of their imposed term in custody. Overall, Split Sentences are increasing and Jail Only Sentences are decreasing. The reason for the decline in Jail Only can be attributed to the limited capacity at the jail. In addition, when sentencing, local Judges follow sentencing guidelines which state a portion of the term shall be suspended unless Mandatory Supervision is inappropriate.

**SHERIFF’S OFFICE**

The Sheriff’s Office’s funding covered half of the Jail Commander salary, a full time Classification Officer, a full time Jail Program Specialist, a full time Jail Deputy, JRP Program (GEO/BI), two full time Deputies for the Work Crew, a full time Deputy and full time Sergeant assigned to the High Risk Supervision Team (HRST), training and inmate program supplies.

**Estimate Number Of Clients Served:**

- 49 AB109 Commitments
- 24 1170(h) Violations
- 3 Flash Holds
- 26 PRCS Violations
- 52 Inmates participated in the GEO Jail Re-entry Program

## **Strategies for inmates:**

In April 2016, a snapshot of AB109 in custody offenders showed just how engaged this demographic has become in evidence based programming and promising practices.

- 33 % of AB109 offenders participated in work crews
- 30% participated in NA/AA type recovery programs
- 45% participated in Bible Study or other religious programming
- 16% were working on their GED
- 63% were activity involved in the BI Jail Re-Entry programming.

This snapshot demonstrates that offering meaningful programming to offenders has offender buy- in and high participation rates which we have seen anecdotally transfer to continued participation outside the jail setting.

Inmates housed in county jails are not afforded the same job opportunities to enhance their real world habits and skills as inmates who are confined in state prisons. Studies show ex-offenders with jail work experience find jobs, faster, and hold them longer, than those without work experience. These jobs help inmates by providing them vocational skills and help them stay busy and productive while serving out their sentence. Inmate work programs have been shown to reduce recidivism and promote positive inmate behavior. Tuolumne County jail houses a growing number of long-term detainees and offenders. Work and industry programs reduce idleness, improve inmate behavior, provide valuable services and products, and improve the likelihood of inmate's success after release from jail. Programs have continued to grow, from one male crew to two and an added female work crew to establish and operate our plant, vegetable and tree growing nursery.

For Fiscal Year 2016/2017, the Jail Inmate Work Crew Program experienced the following:

- Recorded over 77,000 man-hours without incident
- 55 inmates assigned

Crews have made over \$91,000 in revenue; in addition the crews have saved the county over \$45,000 in labor.

Any inmate that is sentenced is assessed to see if they meet the criteria for the program. Inmates can also volunteer for the program.

Work Crew jobs include:

- Parks, cemeteries, and baseball fields
- Highway 108 and Groveland Fire Safe Councils
- Caltrans – clearing roadways
- Forest Service – Rim fire clean up, reforestation and clearing OHV trails

- County road projects
- Don Pedro Campgrounds

The Tuolumne County Sheriff's Office has been using AB109 inmates on supervised work crews since May 5, 2014. Based on data compiled since its inception the statistics demonstrate an inmate that works in our program has a greater chance of moving on in life and not coming back to jail.

**Total workers: 172 inmates**

**Inmates that have been rearrested: 36**

**Recidivism rate: 20.9% failure rate or a 79.1% success rate!**

## **BEHAVIORAL INTERVENTIONS, INC. (BI)/GEO**

### **Day Reporting Center (DRC)**

Several dynamic and static risk factors can help determine whether a person has a high chance of recidivism. Of the eight 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 recidivism.

In order to help participants progress through the programs, staff provide them with cognitive skills training, also referred to as Moral Reconciliation Therapy. 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 of 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 programming at the Day Reporting Center include:

- Moral Reconciliation Groups
- Impulse Control Groups
- Individual CBT
- Substance Abuse Classes
- Parenting Classes
- Life Skills Classes
- Drug Testing
- Job Skills /Resume Workshops
- Community Service
- Referrals to housing, employment, mental health, veterans, ATCCA, and numerous other CBO agencies

Figure 5

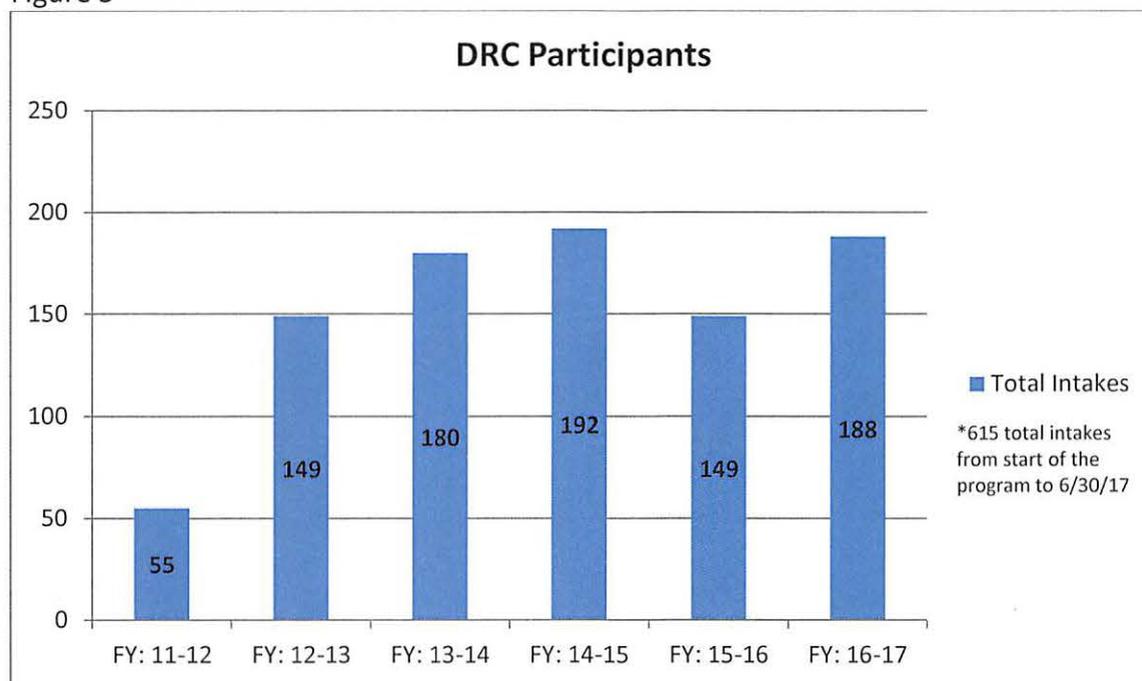
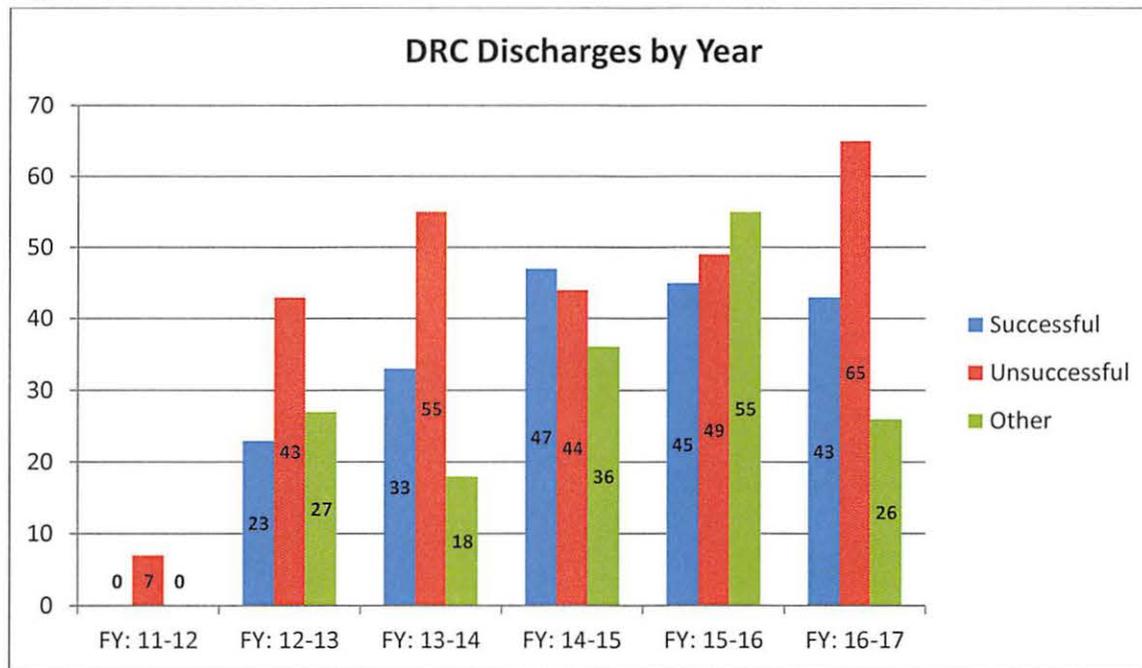


Figure 6



The DRC Program is intended for 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, and obtain successful employment and housing. This can take a minimum of 210 days. In order for each individual to move on to the next Phase of the program they need to finish each step in their Moral Reconciliation 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 include participants who did not complete the program due to non-compliance, absconding, or going to jail. Other is considered to be a reason in which the individual did not complete the programs for external reasons. Some examples include: probation was transferred, Prop 47 reductions, treatment, Prop 36, attaining full time employment, mental/physical limitations, deceased, etc.

### Jail Re-entry Program (JRP)

In 2013, the 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 JRP provides:

- Individual assessment and treatment planning
- Weekly Cognitive Behavioral Therapy (CBT) meetings
- 1-2 hours of CB 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 7

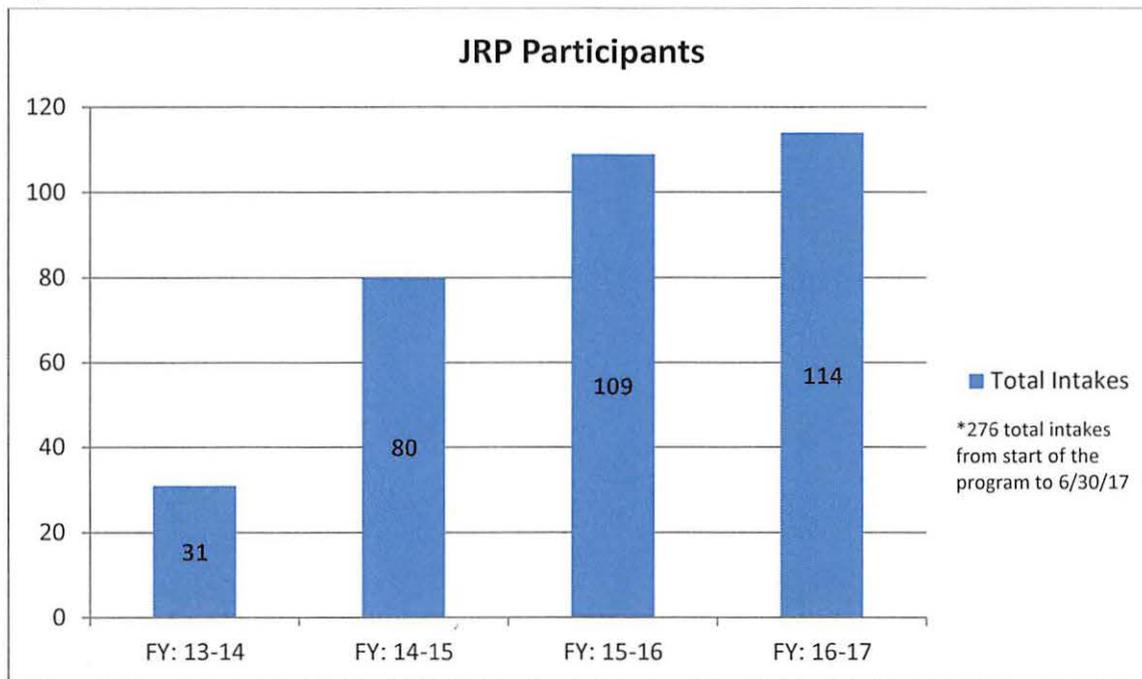
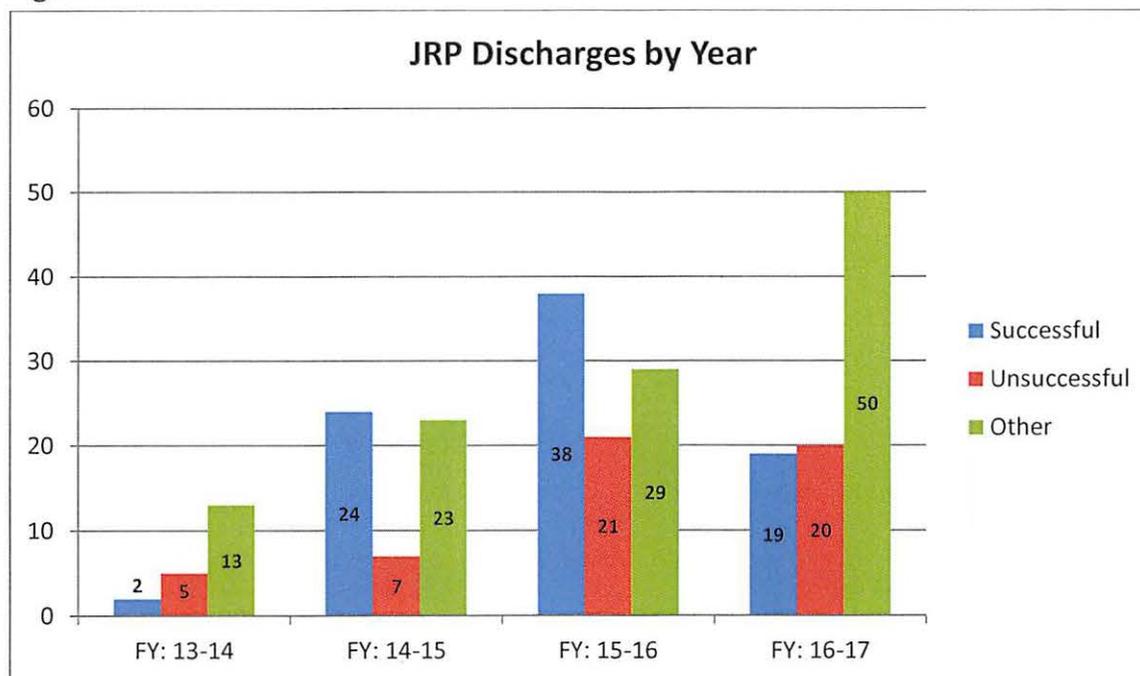


Figure 8



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 a reason in which the individual did not complete for external reasons. Some examples include: being terminated from jail early, transferring to the DRC, etc.

### DISTRICT ATTORNEY’S VICTIM WITNESS SERVICES

The District Attorney’s Office utilized AB109 funds to fund one 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 AB109 Advocate assists in collecting restitution information and victim impact statements for presentencing reports.

When AB109 was first enacted, the Tuolumne County Community Corrections Partnership acknowledged that the criminal justice realignment would not only effect 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 AB109 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, drunk driving, burglary, assault, car theft and vandalism. During the first nine months of fiscal year 16/17, the Victim/Witness Advocate funded by AB109 has provided services to 207 new victims of crime, offering over 1700 services to those victims.

Court Support Dog, Ann



## BEHAVIORAL HEALTH

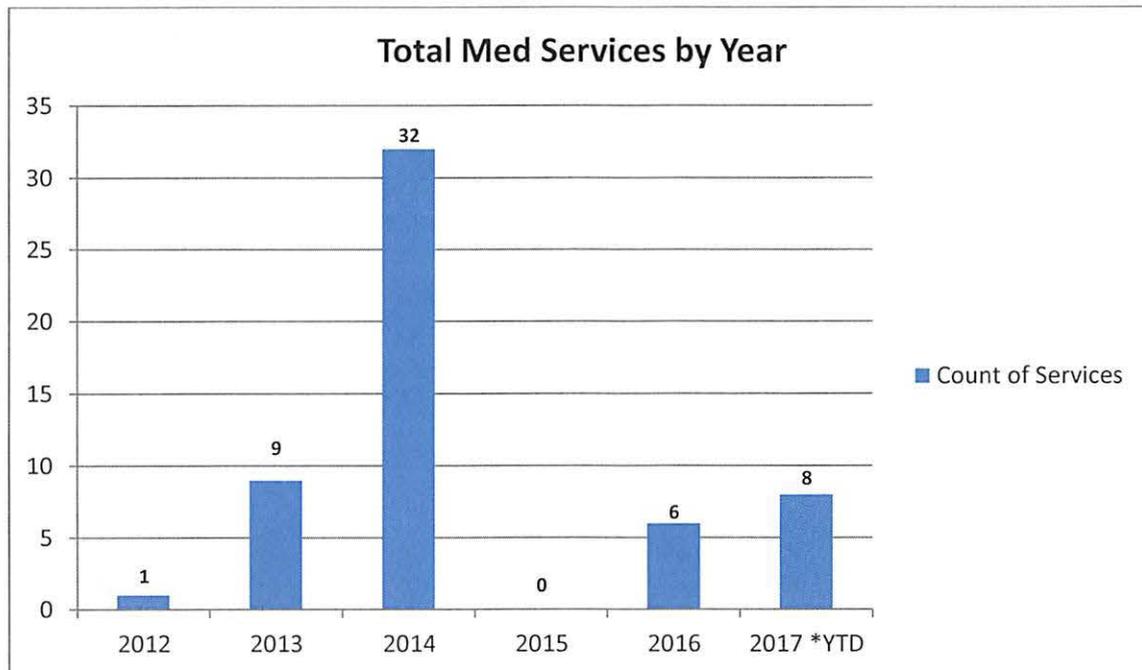
The Behavioral Health Department was allocated \$35,000.00 to utilize for the following programs and services:

- Clinical Supervisor for the identified supervision and single point of coordination of programs.
- Sixteen hours of dedicated time for peer specialist services to provide role modeling, assisted with skill building and pro-social behaviors, and to provide support for application of social security.
- Substance Use services with the dedication of 10% of a certified Alcohol and Other Drug (AOD) Counselor for service provided while incarcerated and referral to appropriate Substance Use Disorder (SUD) treatment.
- Residential treatment services.

Behavioral Health (BH) role and responsibilities associated with the AB109 population has changed significantly with the advent of the expansion from the Affordable Healthcare Act (ACA). Persons that may have previously required funding from AB109 funds for services are now covered through MediCal insurance plans and more able to access services in a timely manner. Benefit application for Social Security has been through the Mental Health Services Act (MHSA) programs instead of charged to AB109 resources to assure maximization of all community funding opportunities.

The dedicated funds for BH services have been underutilized over the past number of years. This has not only been due to the ACA expansion, but also the need for coordination and dedicated staff to assure management of caseload and appropriate referral support and service recommendations. Models that show significant differences in the outcomes have the support services associated with peer specialist models of care and assurance of housing first as a component of successful intervention. Finally, co-morbidity of both mental illness and substance use disorders remains a challenge for many of the people served.

Figure 9



### **FY 2017-2018 Budget, Future Goals and Plan Update**

The Community Corrections Partnership began meeting in early 2017 to discuss/review the status of ongoing programs and to plan for FY 2017/2018. Annual costs continue to rise faster than corresponding revenues, and funding continues to be inadequate to effectively achieve

the mandates required of this population. Given the fiscal climate and forecasted slightly lower revenue for AB109 in FY 17/18, the CCP Board was tasked with reducing the overall budget by over \$200,000. In addition, the CCP made it a priority to establish a minimum reserve in the AB109 Trust Fund (current balance of approximately \$1,000,000) and to bring annual spending in line with forecasted revenues to ensure program sustainability. The minimum reserve would ensure program viability and fiscal solvency in lower revenue years.

It should be noted, that this year includes a deficit of \$113,085 which will be covered by the Trust Fund while still maintaining a higher than minimum reserve (the Trust Fund balance will be approximately \$880,000, \$400,000 of which is the newly established minimum reserve). The State has estimated that Tuolumne County would receive an approximate allocation of \$1.850 million of AB109 funding for FY 17/18. Please see Attachment 2 for FY 17/18 CCP Line Item Budget.

**FY 17/18 CCP Approved Budget**

	Totals by Type	Details
<b>Salary &amp; Benefits</b>	\$1,334,302	All Tuolumne County Staffing costs for the Probation Dept., Sheriff's Office, District Attorney's Office
<b>Operating Supplies</b>	\$133,300	Includes building rent, program supplies, operational costs such as phones, safety equipment, etc.
<b>Professional Service Contracts</b>	\$466,483	Behavioral Interventions Inc. and EMP costs
<b>Training</b>	\$14,000	Probation Dept. and Sherriff's Office Officer Training
<b>Other</b>	\$15,000	Behavioral Health program expenses
<b>Total Expenses</b>	\$1,963,085	Inclusive of all approved expenses
<b>Estimated Total Revenue</b>	\$1,850,000	Forecasted revenue per Governor's May Revise
<b>Deficit (revenue minus expenses)</b>	-\$113,085	May fluctuate depending on revenue actuals
<b>Estimated Trust Balance</b>	\$1,000,000	
<b>Total Estimated Trust Balance at end of FY 17-18 (Beginning trust balance minus deficit)</b>	\$886,915	Inclusive of \$400,000 reserve

This year the Partnership took a very detailed look at all funded programs, services and staff, and their alignment to the original AB109 Statutes. On June 7, 2017, the Executive Committee met to vote on the FY 17/18 plan after extensive discussions, reviews and meeting on all the programs and requests for new funding. The Executive Committee voted unanimously on all proposals. In summary, all departments who currently receive AB109 funds were approved for continuation of current staffing, services, and program support, some at reduced levels. The Sheriff and District Attorney submitted new requests for funding for an Inmate Work Vehicle and a part-time Deputy District Attorney respectively.

In addition to discussions regarding programming and outcome measures, the CCP made a renewed commitment to formalize a Pre-Trial Release Program pursuant to Penal Code Section 1203.018. Currently, on any given day, approximately 60 to 75 percent of the 147 jail beds are occupied by pre-sentenced inmates. The jail has a capacity of 147 inmates. A Pre-Trial Committee was formed and has been meeting regularly to address issues regarding the implementation of the program. The Pre-Trial Release Program was originally introduced in the second year plan update for FY 12/13. Although there is an informal process currently being utilized, it was agreed by the committee the process needs to be finalized which includes the selection of a Pre-Trial Risk Assessment Tool. The assessment tool is an evidence based practice in direct response to the vast number of detained people who are waiting a disposition of their cases. The goal of releasing pre-trial inmates is to ensure the following:

- The safety of the community
- That the released person appears in Court for hearings
- Protect the presumption of innocence
- Maximize the number of jail beds for sentenced inmates

The changes to the FY 17/18 CCP Plan reduce services provided by Geo Re-Entry Services for the Day Reporting Center and the Jail Re-Entry Program. This will limit some services offenders receive both In-Custody and after release. Total Electronic Monitoring expenses were reduced as a result of the coordinated efforts of the Office of Revenue Recovery staff and Probation staff in collecting EMP Fees from offenders. At the time of this report, average collections for EMP fees are 70%. This has drastically reduced the reliance on the AB109 annual revenue to cover ongoing EMP costs. Another reduction component was the Probation Department and Sheriff's Office ability to reduce supply expenses for their respective work programs which will make them more sustainable into the future. Training expenses were also reduced for both the Probation Department and Sheriff's Office. Finally, Behavioral Health was allocated to receive a lower funding amount due to past usage being lower than anticipated.

Both of the new funding requests were denied and/or modified to fit the scope of AB109 and overall budget constraints.

CCP members are working diligently to further reduce programming expenses where possible with the goal of no deficit spending within two fiscal years. Programs such as the Sheriff Inmate Work Program have become very successful in seeking contracted work to offset some of their costs. They plan further expansion of the contracts in order to be fully sustainable within the next few years. The Probation Department has reduced their Work Release Program days offered from 7 to 5 days in order to reduce the need for part time labor and consolidate full time staffing into one schedule. This will bring efficiencies as well as ongoing cost savings without harming revenues. In addition, the increased collections for the Electronic Monitoring Program have drastically reduced the total annual expenses for the program. Further, it should be noted, that our partnership with GEO Reentry has been extremely beneficial for participants in this County. Choosing to reduce contracted services with GEO was extremely difficult as they have proven to be exceptional partners that show long term positive outcomes. The CCP was very methodical in choosing how to reduce the contracted services in a way that would least impact client services. GEO staff was integral in this process and were able to propose a number of workable options. Without the continued cooperation and partnership of GEO Reentry staff, AB109 implementation and programming would be much more difficult.

CCP members understand the importance of securing additional funding and continue to actively search for possible grant opportunities and cooperative agreements that may further enhance services and reduce costs. The CCP also spent time discussing outcome measures and data collection to assist in assessing outcomes to determine the success of our Plan and to provide statistical backing for possible future grant applications.

It is apparent that the funding level for AB109 will never reach the level of actual expenses incurred as a result of the legislation and mandated programs. It is incumbent upon the County to actively seek further efficiencies, revenue opportunities, and expense reductions in order to sustain the overall AB109 program into the future. Programs such as the High Risk Supervision Team, The Day Reporting Center, The Jail Reentry Program, the inmate and out of custody work programs and the electronic monitoring program are all evidence based or promising practice programs that have shown distinctly positive results in our community in terms of on-going public safety, client recidivism reduction, increased client education and employment. On-going support for these programs are integral to the overall success of clients being released from prison, and local custody, and becoming contributing members of our community.

### **Summary:**

The Tuolumne County Public Safety Realignment Act Implementation and Updated Plans are intended to provide a comprehensive approach to addressing public safety, while maximizing strategies to effectively address criminal recidivism. Elements of the plan manage offenders that will be returning to Tuolumne County from state prison and those who will now be sentenced to serve their sentence locally instead of state prison. In addition, the plan targets alternatives to traditional incarceration for future offenders by

utilizing a core one stop treatment center (DRC) and additional evidence based programs to supervise and rehabilitate the AB109 population while reserving scarce jail beds for the most serious offenders.

The CCP approved an operating budget for FY 17/18 of **\$1,963,085**. The anticipated allocation for FY 17/18 is \$1,850,000 which would require a draw of \$113,085 from the AB109 Trust Fund balance. In addition, this plan establishes a minimum reserve be kept in order to fund emergency items, and provide gap funding for lower than anticipated revenue years. The notable changes to the FY 17/18 CCP Budget are detailed below:

- A minimum reserve of \$400,000 was established for the AB109 Trust Fund.
  - Any spending that reduces reserves after the annual CCP Plan is enacted requires a CCP Executive Committee vote and approval (Requires majority approval).
- The Geo Reentry Contract was amended to reduce the overall funded amount from \$522,000 to \$391,483. Reductions to services were targeted at areas such as overall number of clients enrolled in the program at any given time, targeted reductions to some programs offered, and lower staffing levels from GEO.
- Reduction of the Electronic Monitoring expenses from \$150,000 to \$75,000 as a result of much higher collection rates.
- Reduction of Sheriff's Inmate Work Crew supply expenses from \$72,500 to \$43,500 with the goal of further reducing expenses through continued revenue generating contract work.
- Reduction of part-time relief salaries (\$15,000) due to changes in retired annuitant usage as well as the reduction in overall program hours offered for the Probation Work Release Program.
- Addition of \$7,000 for the District Attorney's Office to offset the time spent on AB109 specific court proceedings.
- Reduction of the Behavioral Health allocation from \$35,000 to \$15,000 due to lower than anticipated actuals in past plan years with the understanding that any further funding needs could be brought to the CCP during the FY 17/18 for consideration and possible addition.

**Attachment 1**

**Violent Felony Reference Sheet**

<b>Charge</b>	<b>Description</b>	<b>PC 667.5 Reference</b>
	Any felony punishable by death or life imprisonment	667.5(c)(7)
PC37	Treason	667.5(c)(7)
PC 128	Perjury resulting in capital punishment	667.5(c)(7)
PC 136.1	Preventing or dissuading testimony, if a felony under Penal Code Section 186.22	667.5(c)(20)
PC 187	Murder	667.5(c)(1)
PC 192	Voluntary manslaughter	667.5(c)(1)
PC 203	Mayhem	667.5(c)(2)
PC 205	Aggravated mayhem	667.5(c)(2)
PC 207	Kidnapping	667.5(c)(14)
PC 211	Any robbery	667.5(c)(9)
PC 215(a)	Carjacking	667.5(c)(17)
PC 220	Assault with intent to commit specified felony	667.5(c)(15)
PC 261(a)(2),(a)(6)	Rape	667.5(c)(3)
PC 262(a)(1),(a)(4)	Spousal rape	667.5(c)(3)
PC 264.1	Rape, spousal rape <sup>1</sup> or sexual penetration in concert	667.5(c)(18)
PC 286(c),(d)	Sodomy	667.5(c)(4)
PC 288(a),(b)	Lewd or lascivious act	667.5(c)(6)
PC 288.5	Continuous sexual abuse of a child	667.5(c)(16)
PC 288a(c), (d)	Oral copulation	667.5(c)(5)
PC 289(a), (j)	Sexual penetration	667.5(c)(11)
PC 451(a)I (b)	Arson	667.5(c)(10)
PC 459, 460(a)	First degree burglary of inhabited dwelling with person present	667.5(c)(21)
PC 518	Extortion which would constitute a felony violation of Penal Code Section 186.22	667.5(c)(19)
PC 664/187	Attempted murder	667.5(c)(12)
PC 11418(b),(c)	Use weapon of mass destruction in form that may cause widespread illness/injury or damage to natural resources	667.5(c)(23)
PC 12022.3(a)	Use of firearm in commission of specified sex offenses	667.5(c)(8)
PC 12022.5	Use of firearm in commission of felony	667.5(c)(8)
PC 12022.53	Use of discharge of firearm in specified felony	667.5(c)(22)
PC 12022.55	Intentional infliction of great bodily injury or death by discharging firearm from vehicle	667.5(c)(8)
PC 12022.7	Infliction of great bodily injury in commission of felony	667.5(c)(8)
PC 12022.8	Infliction of great bodily injury in commission of specified sex offenses	667.5(c)(8)
PC 12022.9	Intentional infliction of injury upon pregnant victim which terminates pregnancy	667.5(c)(8)
PC 12308	Explosion of device with intent to commit murder	667.5(c)(13)
PC 12309	Explosion of device which causes bodily injury	667.5(c)(13)

PC 12310	Explosion of device which causes death, mayhem or great bodily injury	667.5(c)(13)
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### Serious Felony Reference Sheet

Charge	Description	Penal Code Reference
	Any felony punishable by death or life imprisonment	1192.7(c)(7)
	Any felony in which the defendant personally inflicts great bodily injury on any person, other than an accomplice, or any felony in which the defendant personally uses a firearm	1192.7(c)(8)
	Assault by life prisoner on a non-inmate	1192.7(c)(12)
	Exploding a destructive device with intent to injure	1192.7(c)(15)
	Attempt to commit a felony punishable by death or imprisonment in the state prison for life	1192.7(c)(22)
	Any felony in which the defendant personally used a dangerous or deadly weapon	1192.7(c)(23)
	Selling, furnishing, administering, giving, or offering to sell, furnish, administer, or give to a minor any heroin, cocaine, phencyclidine (PCP), or any methamphetamine-related drug, as described in paragraph (2) of subdivision (d) of Section 11055 of the Health and Safety Code, or any of the precursors of methamphetamines, as described in subparagraph (A) of paragraph (1) of subdivision (f) of Section 11055 of subdivision (a) of Section 11100 of the Health and Safety Code	1192.7(c)(24)
	Attempt to commit a crime listed in 1192.7(c) other than an assault	1192.7(c)(39)
	Conspiracy to commit a crime listed in 1192.7(c)	1192.7(c)(42)
PC 136.1	Victim or witness intimidation	1192.7(c)(37)
PC 186.22	Criminal street gang activity that constitutes a felony	1192.7(c)(28)
PC 187	Murder	1192.7(c)(1)
PC 191.5	Gross vehicular manslaughter while intoxicated	1192.8
PC 192(a),(c)(1)	Voluntary manslaughter, Vehicular manslaughter	1192.7(c)(1), 1192.8
PC 192.S(a),(b), (c)	Vehicular manslaughter-vessel	1192.8
PC203	Mayhem	1192.7(c)(2)
PC207	Kidnapping	1192.7(c)(20)
PC211	Robbery/bank robbery	1192.7(c)(19)
PC 215(a)	Carjacking	1192.7(c)(27)
PC 220/211/261	Assault with intent to commit rape/robbery	1192.7(c)(10)
PC220	Assault with intent to commit mayhem, rape, sodomy, or oral copulation	1192.7(c)(29)
PC244	Assault with caustic chemicals, etc.	1192.7(c)(30)

PC245	Assault with a deadly weapon or instrument on a peace officer or firefighter	1192.7(c)(11)(31)
PC 245.2, 245.3, 245.5	Assault with a deadly weapon or instrument on a public transit employee, custodial officer or school employee	1192.7(c)(32)
PC 246	Discharging firearm at inhabited dwelling, vehicle, or aircraft	1192.7(c)(33)
PC 246.3	Discharging firearm in grossly negligent manner. (People v. Leslie (1996) 47 Cal.App.4th 198, rev .denied).	1192.7(c)(8)
PC 261	Rape	1192.7(c)(3)
PC 264.1	Rape/sexual penetration in concert by force or violence	1192.7(c)(34)
PC 273.5	Corporal Injury	1270.1(2)
PC 286(c)	Sodomy by force, violence, duress, menace, fear or threat of retaliation on victim or another	1192.7(c)(4)
PC 288	Lewd acts on a child under 14	1192.7(c)(6)
PC 288.5	Continuous sexual abuse of a child	1192.7(c)(35)
PC 288a(c)	Oral copulation by force, violence, duress, menace or fear	1192.7(c)(5)
PC 288a(d)	Oral copulation by force, violence, duress, menace or fear-acting in concert	1192.7(c)(5)
PC 289(a)	Sexual penetration by force, violence, duress, menace or fear	1192.7(c)(25)
PC 422	Criminal threats	1192.7(c)(38)
PC 451(a)	Arson	1192.7(c)(14)
PC 459	First degree burglary	1192.7(c)(18)
PC 487	Grand theft involving firearm	1192.7(c)(26)
PC 664/187	Attempted murder	1192.7(c)(9)
PC 4501	Assault with a deadly weapon by an inmate	1192.7(c)(13)
PC 4503	Holding of hostage by state prisoner	1192.7(c)(21)
PC 11418(b), (c)	Use weapon of mass destruction in form that may cause widespread illness/injury or damage to natural resources	1192.7(c)(41)
PC 12022.53	Use or discharge of firearm in specified felonies	1192.7(c)(40)
PC 12034(c),(d)	Shooting from a vehicle	1192.7(c)(36)
PC 12308	Explosion of destructive device with intent to commit murder	1192.7(c)(17)
PC 12309	Explosion of destructive device which causes bodily injury	1192.7(c)(16)
PC 12310	Explosion of destructive device which causes bodily mayhem or great bodily injury	1192.7(c)(16)

**Attachment 2**

<b>CCP Approved Budget Approved FY 17-18</b>		
<b>Item Description</b>	<b>Department</b>	<b>FY 17-18</b>
Behavioral Health MOU	Behavioral Health	\$15,000
Da Victim Witness	Da	\$69,832
Da Attorney	Da	\$7,000
Deputy Probation Officer	Probation	\$134,292
Deputy Probation Officer	Probation	\$103,164
Work Release Site Coordinator	Probation	\$61,012
Work Release Site Coordinator	Probation	\$69,255
Legal Clerk	Probation	\$64,421
Geo Contract	Probation	\$391,483
Building Rent	Probation	\$56,800
Office Supplies	Probation	\$5,000
Photocopy/Forms	Probation	\$5,000
Phone Charges	Probation	\$4,000
Cell Phones	Probation	\$2,500
Misc. Supply And Equipment	Probation	\$3,000
Shred It Contract	Probation	\$1,000
Work Release Supplies/Tools	Probation	\$5,000
Safety Supplies	Probation	\$2,500
Electronic Monitoring	Probation	\$75,000
Drug Testing	Probation	\$5,000
Deputy Probation Officer	Probation	\$77,463
Work Release Site Coordinator	Probation	\$61,025
Adult On Call-EMP Probation	Probation	\$7,500
Probation Training	Probation	\$7,000
Inmate Work Crew	Sheriff	\$43,500
Jail Deputy -Inside Jail	Sheriff	\$73,900
Jail Deputy-Work Crew	Sheriff	\$74,791
Jail Program Specialist	Sheriff	\$67,190
Jail Training	Sheriff	\$7,000
Sheriff Sergeant	Sheriff	\$128,065
Jail Deputy -Female	Sheriff	\$83,048
Jail Commander	Sherriff	\$63,049
Classification Officer	Sherriff	\$82,871
Deputy Sherriff	Sherriff	\$106,424

<b>Total Proposed</b>	<b>\$1,963,085</b>
<b>Total Estimated Annual Allocation</b>	<b>\$1,850,000</b>
<b>Total Deficit</b>	<b>-\$113,085</b>
<b>Total Estimated Trust Balance</b>	<b>\$1,000,000</b>
<b>Total Estimated Trust Balance After Deficit Is Covered</b>	<b>\$886,857.00</b>
<b>Reserve</b>	<b>\$400,000</b>