



Lassen County  
Public Safety Realignment  
&  
Post Release Community Supervision 2023 Plan

**Executive Committee of the Community Corrections Partnership**

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## SUMMARY OF RECOMMENDATIONS

Lassen County is submitting the 2023 Implementation Plan herein, as the County of Lassen's Public Safety Realignment plan as required by PC1230.1 and the Post-Release Community Supervision strategy as required by PC 3451 as added by the Post-Release Community Supervision Act of 2011 contained in AB109. This Plan contains recommendations for implementation using funds allocated by the State of California.

Actions already taken:

1. Designation of the Lassen County Probation Department as the county agency responsible for implementing post release community supervision as specified in Section 3451 of the California Penal Code as added by the Post-Release Community Supervision Act of 2011.
2. Designation of the Health and Social Services Director as a member of the Executive Committee of the Lassen County Community Corrections Partnership.
3. Home Detention Program – The Sheriff is authorized to offer a home detention program, as specified in Section 1203.016 of the California Penal Code, in which inmates committed to the County Jail or other County correctional facility or inmates participating in a Work Furlough program may voluntarily participate or involuntarily be placed in a home detention program during their sentence in lieu of confinement in the County Jail or other County correctional facility.
4. Electronic Monitoring Program In lieu of Bail – The Sheriff is authorized to offer an Electronic Monitoring Program, as specified in Section 1203.018 of the California Penal Code, to inmates being held in lieu of bail in the County Jail or other County correctional facility.
5. Home Detention and Electronic Monitoring Program – The Chief Probation Officer is authorized to offer an electronic monitoring and/or home detention program to individuals who are granted probation or are under post release community supervision as a sanction for violating supervision conditions, as specified in Sections 3453 and 3454 of the California Penal Code.
6. Behavior Matrix – Adult Probation. Implementation of a behavior matrix to provide immediate rewards and sanctions for the entire probation population in relationship to positive/negative choices and behaviors.
7. Case Planning – Adult Probation. Case planning with the population assessed as high risk allows the focus to be placed on services to reduce the risk to reoffend.
8. Alternative Custody- Sheriff's Office. The Lassen County Sheriff's Office is operating an Alternative Custody Program in accordance with California Penal Code Section 1171.06. Eligibility is determined based on legislated requirements as well as risk and need assessment tools. Alternative incarceration options include residential treatment, electronic monitoring, education, work experience, and others.

## OVERVIEW OF 2011 PUBLIC SAFETY REALIGNMENT ACT (AB109)

On June 28, 2011, the California Legislature passed a budget that implemented the Public Safety Realignment Act. Assembly Bill (AB) 109 and its subsequent trailer bill AB 117 transferred responsibility for supervising certain low-level offenders released from the California Department of Corrections and Rehabilitation (CDCR) to counties. Implementation of the Public Safety Realignment Act began October 1, 2011.

AB 109 and AB 117 designated the local Community Corrections Partnership (CCP) as the oversight entity. The CCP was tasked with the responsibility of developing a plan to address the supervision, incarceration, revocation hearings, and service needs of this population for recommendation to the County Board of Supervisors.

### *Key elements of AB109 include:*

Target Population: The post release community supervision population, released from prison to community supervision, is the responsibility of local probation departments and is inclusive of non-violent, non-serious, non-sex offenders with a prior PC 667.5(c), PC 1192.7(c) or registerable offenses pursuant to Penal Code section 290. The population that will serve their prison sentences locally includes the non-violent, non-serious, non-sex offender group. Those offenders released from custody will be supervised by the Lassen County Probation Department. Historically, the Lassen County Probation Department's "average daily population" (ADP) of these offenders is as follows: (The 2023 data includes 1/1/23 through 11/30/23)

	2021	2022	2023
<b>New Releases</b>	27	23	13
<b>AVG Caseload</b>	28	35	30
<b>Revocations</b>	24	13	16
<b>1170(h) Jail Sentence</b>	6	17	12
<b>Successful Terminations</b>	6	7	5

Additional key elements of AB109 and statutory changes include:

- Redefining Felonies: Revises the definition of a felony to include certain crimes that are punishable in jail for 16 months, 2 years, or 3 years. Some offenses, including serious,

violent and sex-offenses, are excluded and sentences will continue to be served in state prison.

- Local Post Release Community Supervision: Offenders released from state prison on or after October 1, 2011 after serving a sentence for an eligible offense shall be subject to, for a period not to exceed 3 years, post release community supervision provided by a county agency designated by that county's Board of Supervisors.
- Revocations Heard & Served Locally: Post release community supervision and parole revocations will be served in local jails (by law maximum revocation sentence is up to 180 days), with the exception of paroled 'lifers' who have a revocation term of greater than 30 days. The Courts will hear final revocation hearings while the Board of Parole Hearings will conduct parole violation hearings in jail.
- Changes to Custody Credits: Inmates will be able to earn four days of credit for every day served after 30 days of Electronic Monitoring per Penal Code 4019. Time spent on home detention (i.e., electronic monitoring) is credited as time spent in jail custody. Effective May 1, 2021, the California Department of Corrections and Rehabilitation increased the credit earning rate of Good Conduct Credit for people convicted of violent crimes under Penal Code 667.5(c), as well as non-violent second and third strikers. The change to custody credits given while in the California Department of Corrections and Rehabilitation will likely affect the probation, specifically the PRCS population, as we will likely see an increase in the population, as they will be released sooner than originally anticipated. The Probation Department will monitor and analyze the changes for any increase in the PRCS caseload.
- Alternative Custody: Penal Code Section 1203.018 authorizes electronic monitoring for inmates being held in the county jail in lieu of bail. Eligible inmates must first be held in custody for 60 days post-arraignment, or 30 days for those charged with misdemeanor offenses.
- Community-Based Sanctions: Authorizes counties to use a range of community-based intermediate sanctions other than jail incarceration alone or traditional routine probation supervision
- Proposition 57: Creates two major revisions to criminal law by changing the rules governing parole and granting custody credits to inmates in state prison and requiring a judge to determine whether a juvenile may be tried as an adult.
- Proposition 64: Eliminates the criminal consequences for personal level possession and cultivation of marijuana by persons 21 years of age or older. Specifically, newly added Health and Safety Code section 11362.1(a), subject to certain exceptions.
- AB 1950: This Assembly bill was implemented as of January 1, 2021. Probation Department will continue to track and analyze the population for the 2024 CCP plan. Probation will monitor this bill, the effects on the client's ability to rehabilitate in a shorter time and whether it has reduced the formal probation population.
- SB 317: On October 7, 2021, SB 317 was signed, mandating 4019 credit for days spent in a state hospital or other treatment facilities, pursuant to Section 1368 of the California Penal Code. It will apply retroactively under Estrada to defendant's cases that are not final on appeal as of January 1, 2022.

## LOCAL PLANNING AND OVERSIGHT – Community Corrections Partnership

Statewide efforts to expand the use of evidence-based practices in sentencing and probation practices, and focus to reduce the state prison population. SB 678 (2009) established a Community Corrections Partnership (CCP) in each county, chaired by the Chief Probation Officer, charged with advising on the implementation of SB 678 funded initiatives. AB109 (2011) established an Executive Committee of the CCP charged with development of a 2011 Realignment Plan that will recommend a county wide programming plan for the realigned population, for consideration and adoption by the Board of Supervisors.

The CCP Executive Committee will advise on the progress of the Implementation Plan. Chaired by the Chief Probation Officer, the CCP Executive Committee will oversee the realignment process and advise the Board of Supervisors in determining funding and programming for the various components of the plan. Voting members of the Executive Committee include: a Judge (appointed by the Presiding Judge), Chief Probation Officer, County Sheriff, District Attorney, Chief of Police, Public Defender, and Director of County Social Services/Mental/Public Health (as determined by the Board of Supervisors).

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

<u>Jennifer Branning</u>	<u>Lassen County Probation</u>
<u>Sara Gould</u>	<u>Lassen County Probation</u>
<u>Jennifer Miller</u>	<u>Lassen County Probation</u>
<u>Dean Growdon</u>	<u>Lassen County Sheriff's Department</u>
<u>John McGarva</u>	<u>Lassen County Sheriff's Department</u>
<u>Richard Egan</u>	<u>Lassen County Administrative Officer</u>
<u>Barbara Longo</u>	<u>Lassen County Health &amp; Social Services</u>
<u>Patty Gunderson</u>	<u>Lassen County Office of Education</u>
<u>Mike Bollinger</u>	<u>City of Susanville Police Department</u>
<u>Lassen Law Offices</u>	<u>Lassen County Public Defender</u>
<u>Mark Nareau</u>	<u>Lassen County Superior Court</u>
<u>Teresa Stalter</u>	<u>Lassen County Superior Court</u>
<u>Melyssah Rios</u>	<u>Lassen County District Attorney's Office</u>

## NEW POPULATIONS AND FUNDING

### *Projected Population*

The State has not provided estimated projections of the population. Based on the historical data for Lassen County, we would receive on average 10 new releases, 14 on PRCS caseload, 2 revocations and 10 1170(h) offenders in Jail.

### *Public Safety Realignment Funding*

The formula establishing statewide funding for 2011-2012 fiscal year Public Safety Realignment (AB109) implementation was developed by the California Department of Finance and agreed to by the County Administrative Officers Association (CAOAC) and the California Association of Counties (CSAC). On November 6, 2012, Proposition 30 was passed by the voters, securing funding for Public Safety Realignment via a constitutional amendment. In 2014, the Realignment Allocation Committee developed a formula to distribute funding in the problematic recovery year for FY 2014-2015 and finalized a permanent formula for proceeding years. The final formula is based on:

- 45% caseload - this includes 1170(h) jail inmates, the post release community supervision population and the felony probation caseload.
- 45% crime and population - this includes the adult population ages 18-64 and the number of serious crimes.
- 10% special factors - this takes into consideration socioeconomic and unique matter that affect a county's ability to implement realignment such as poverty, small county minimums and impacts of state prisons in host counties.

The CCP Executive Committee will retain the flexibility to allocate funds during the fiscal year to any program and/or component of the Plan as approved by the Executive Committee and the Board of Supervisors through a budget amendment.

## **PROPOSED IMPLEMENTATION STRATEGIES**

The proposed strategies that follow take into consideration the multifaceted needs of the AB109 population, and the resources necessary to achieve desired public safety outcomes.

### **I. SHERIFF'S OFFICE**

#### *COUNTY JAIL INMATES HISTORY*

Assembly Bill 109 (commonly known as Public Safety Realignment) went into effect on October 1, 2011. This ordered offenders traditionally sentenced to state prison to serve their sentences in the county jail. This had a projected increase based on statistics provided by the California Department of Corrections and Rehabilitation (CDCR) to increase the Average Daily Population (ADP) of local detention facilities across the State. For Lassen County, this meant a projected increase of 48 inmates once fully implemented. These inmates would fit into the categories of crimes that were non-violent, not sexual in nature or not a serious crime in nature. Additional realigned offenders would include those who violate CDCR parole conditions or violate Post-Release Community Supervision (PRCS) programs supervised by local probation departments.

The Sheriff's Office (LCSO) has seen increased numbers in realigned offenders since the inception of Assembly Bill 109 on October 1, 2011. Since that time, we have received an average of 35 realigned offenders annually. Below is a breakdown by year since 2011:

- 2011: 18

- 2012: 63
- 2013: 65
- 2014: 41
- 2015: 26
- 2016: 26
- 2017: 18
- 2018: 22
- 2019: 4
- 2020: 13
- 2021: 23
- 2022: 17
- 2023: 12

LCISO has seen numerous flash incarcerations as a result of CDCR Parole and PRCS enacted under realignment. While these numbers are less than the projections provided by CDCR in 2011, their impact on custody and inmate programs have not been lessened. The county jail has received an average of 31 parole violators annually since 2011. An annual breakdown is listed below:

- 2011: 25
- 2012: 39
- 2013: 26
- 2014: 36
- 2015: 28
- 2016: 24
- 2017: 37
- 2018: 31
- 2019: 2
- 2020: 2
- 2021: 0
- 2022: 1
- 2023: 2

While the aggregate total is currently less than the projected 38 persons increase to the ADP, this still made a significant impact on the county jail. In previous years, we have more than doubled the number of offenders projected in 2011 (48 total). Some of these offenders have come from the community, but more often from CDCR. If an inmate commits a qualifying offense under Penal Code Section 1170(h), they are remanded to serve the sentences on these cases in the county jail. This has resulted in a change in the culture in the county jail. These inmates often serve multiple years under these new commitments. They have the ability to interact with offenders they would not have otherwise had access. This turns the culture into more similar to a state prison than a county jail. While counties can bill the State of California for incarcerated offenders sentenced on cases originating in prison, they cannot bill for parole violators. The parole violators were projected to be the most significant impact previously, but the influx of those convicted of crimes while incarcerated in prison has become an unforeseen impact on the Sheriff's Office.



## *PROJECTED IMPACTS ON CUSTODY PROGRAMS*

The impacts of population increase from realignment will impact all inmates in the custody of the Sheriff, and every program in the County Jail. The Sheriff has many considerations related to the housing of inmates in custody. Many people consider overall jail bed space one of the most pressing issues facing local jails. In Lassen County, the jail currently has more than adequate bed space to deal with the total number of projected inmates. However, the bigger issue is the lack of segregated housing space available. Pursuant to Penal Code Section 4002: "Persons committed on criminal process and detained for trial, persons convicted and under sentence, and persons committed upon civil process, shall not be kept or put in the same room, nor shall male and female prisoners, except husband and wife, sleep, dress or undress, bathe, or perform eliminatory functions in the same room. However, persons committed on criminal process and detained for trial may be kept or put in the same room with persons convicted and under sentence for the purpose of participating in supervised activities and for the purpose of housing, provided, that the housing occurs as a result of a classification procedure that is based upon objective criteria, including consideration of criminal sophistication, seriousness of crime charged, presence or absence of assaultive behavior, age, and other criteria that will provide for the safety of the prisoners and staff". Adding inmates that are either charged with violating terms of release (Parole or PRCS) or new felony convictions will put an immediate strain on the segregated housing beds in the jail. Any time a facility increases population it increases the likelihood of assaults on other inmates and staff.

Additional inmates in the jail also impact: Energy consumption, Food service, laundry exchange, inmate programs like exercise yard, dayroom, commissary, along with medical, dental, and prescription drug costs. It can be difficult to quantify all of the costs associated with the expansion of these programs, but every increase in average daily population will generate additional costs. Inmate medical issues in a custody setting are impossible to predict. Increased inmate population does not automatically correlate to additional medical costs. However, any one inmate could generate significant increased costs based on an acute medical condition, emergency surgery, or an expensive prescription regiment.

This new population may potentially have significant impact on our inmate transportation. Any / all new inmates entering our local jail system will require transportation to or from courts and medical appointments. There will also be increases in the transportation demand specific to parole and PRCS violators. Historically, if a parole violator was taken into custody in any local jurisdiction, they were booked in the local facility, transferred to prison where the prison transportation system moved them throughout the state. Moving forward, these violators will stay in county jails for their entire and transportation of these inmates, this burden will shift entirely to local jails. Lassen County will help move inmates to / from our county as part of the new parole violator shift to local custody. Additionally, there could be increased incarceration costs and a drop-in revenues for parole violators. Historically, counties were able to bill the state for daily incarceration costs for state parole violators. Moving forward, the state has no responsibility or jurisdiction over local violators. There is potential for one county to directly bill another county for daily housing costs of parole violators. This issue is still unsettled amongst California Sheriffs, but based on housing and budgetary constraints in each county; billing

between counties for bed space and / or transportation could take place in the future. Considering these additional costs, Lassen County has to be prepared to move as soon as allowable under state law to reclaim our parole violators in other counties. We also have to be prepared to release / transport back parole violators from other jurisdictions as soon as possible to avert any additional housing, medical, or prescription drug costs.

The increased inmate population coupled with the new programs developed for our entire jail population will change all aspects of our custody operations. Every new booking and newly sentenced inmate will require a comprehensive classification to determine his / her eligibility for any alternative to custody program. Sheriff's personnel are already drafting or enhancing these alternative programs. The Sheriff already has established the following programs: Sheriff's Work Alternative Program (SWAP), Work Furlough, and Sheriff's Parole. In addition to those programs, Sheriff's Personnel are also developing protocols for home detention, GPS electronic monitoring, weekend commitments, and day reporting. Once all of these programs are in place, the classification process will be an essential component of determining which offenders are eligible to participate. These programs will have to be accessible to every person incarcerated in the county jail. AB109 inmates are a new class of "local felons." As such, we cannot exclusively consider these AB109 inmates for alternatives to physical custody, unless we also consider all traditional misdemeanor offenders as well. It would be illogical to release felony offenders into our community ahead of misdemeanor offenders. All incarcerated persons will be considered for programs in jail.

### *CHANGES AS A RESULT OF REALIGNMENT*

#### Medical:

The County Jail has contracted with a medical provider (Wellpath) for the needs of medical inmates. The jail had to contract with the provider to upgrade the services we could provide. This brought our level care up to assist with the changing needs of these offenders and long-term commitments to the Jail. These offenders under realignment are now serving multiple year sentences in Jail. They require additional care that short term offenders may not. This includes an increase in dental services, medical needs for long term conditions and illnesses and more likelihood of injuries while incarcerated. These services include a Licensed Clinical Social Worker on-site to help address the behavioral health needs of the incarcerated offenders at the Jail. This has helped expedite services to them. Having on-site professionals decreases response time of having to call the same professionals to respond to the Jail to assist with someone in need of assistance.

#### In-Custody Programs:

In 2016, the Sheriff's Office hired a full-time Program Coordinator to oversee educational programs for incarcerated offenders. The Program Coordinator works under the direction of the Custody Division Commander and with custody staff to facilitate these programs to inmates in the Jail. These programs include a tablet program used for education, classroom, culinary and automotive programs. A large portion of these courses contribute towards milestone credits pursuant to California Penal Code Section 4019.4.

### Tablets:

The Jail signed a contract with a vendor to provide tablets to incarcerated offenders. These tablets are Samsung android based tablets and are more resistant to destruction. The tablets are used for educational purposes. These classes include anger management, alcohol and substance abuse, college level and other educational courses. For each educational program completed, they receive points towards personal entertainment. This includes approved music, movies, books, etc. Once they complete enough program hours, the offender can receive time off of their sentence pursuant to Penal Code Section 4019.4. Below is a breakdown to date of tablet usage by the incarcerated population since brought online in 2017:

Completed Courses (excluding re-classified courses): 12,044

Unique Active Learners: 2,670

Average Hours per Learner: 154.89

Total Hours spent within the application: 236,100

Productive Hours: 129,613

The tablets have become a way for offenders to complete rehabilitation and training courses on skills they can use once released into the community once again. Once deployed in the housing units, the tablets had an immediate impact on the inmates. Instead of causing issues for custody staff and other inmates, they now have a productive way to occupy their time. They have become a valuable resource towards the rehabilitations of these offenders.

### Jail High School:

The Program Coordinator has coordinated with the Lassen County Office of Education for multiple grants and available money to provide a high school graduation program for the offenders housed in the Jail. Some of this is provided by the Adult Education Block Grant (Assembly Bill 86) providing state funding for programs to educate adults in the community. This funding is commonly used in the community to assist adults with completing the requirements to obtain a high school diploma. We now have a classroom with ten computers and educational materials to assist offenders with obtaining a high school education while incarcerated. To date, 120 offenders have received a high school diploma after graduating from this program.

### Lassen Community College:

The Program Coordinator has brought in courses from Lassen Community College. These courses include career readiness, basic automotive and correspondence courses. To date, three inmates

have been released on alternative custody to complete college coursework which would not have happened without the coordination of staff from both the Sheriff's Office and Lassen College.

#### Culinary Program:

The Program Coordinator is a trained chef with work history in restaurants. The Program Coordinator was able to facilitate a course to teach food service and preparation skills to the offenders assigned to work in the Kitchen. Offenders earn their ServSafe certification and learn basic line preparation and culinary skills. An intermediate course was developed and recently graduated two students. The students learned how to prepare and present restaurant quality meals.

#### Change Companies:

The Program Coordinator has instituted journaling and additional programs using materials from the Change Companies out of Nevada. These are program oriented journals that help the offender understand their deficiencies how to rehabilitate them. This gives them an outlet to express their feelings and learn how to deal with them appropriately. The courses include a reentry into the community program for offenders to learn how to return to the community as contributing members.

#### Anger Management:

The on-site LCSW has started an anger management program for male and female offenders. This program meets once a week and has already successfully completed one session. The offenders have responded well to the instructor and his ability for empathy and understanding. Inmates have learned how to more appropriately deal with their anger and have healthy outlets.

#### Outside Work Assignments:

The Jail has instituted job assignments once held when state inmates were housed here outside the facility. These assignments are highly sought after by the offenders. They are supervised by one Correctional Deputy, Maintenance Supervisor and Motor Pool Mechanic. They are placed in a designated dorm and are allowed more privileges including work outside. They have been used often offsite for repairs or help in the community. They learn automotive skills, landscaping, asphalt patching and various labor jobs that help them build skills upon reentry into the community. The inmates are working with the community when off-site to improve an area whether through weed abatement to repairs to buildings if necessary. This is a very popular program in the community.

#### Religion:

Offenders have the opportunity to participate in various religious services. Representatives from local churches come to the facility to offer services during evening hours.

#### Expansion

The Jail has been forced to reorganize and expand due to realignment. With the new classifications of offenders coming into custody has caused an increase in female offenders over time and more sophisticated offenders in custody. The jail has changed its organization adding additional personnel from 2011 to 2019.

The Jail has opened up the large dormitories that comprised the Lassen Community Correctional Facility until 2011 when the contract ended with CDCR. With the assignment of outside work crews, we were forced to use a dormitory for those workers. Using offenders from the general population resulted in an immediate increase in contraband introduced into the facility. These offenders are now placed in a dorm designated for outside workers. The offenders have very limited contact with other inmates. There is less pressure to bring in contraband from inmates who are not allowed outside.

The other dorm is now occupied by male general population inmates. The female inmates have been moved to a smaller dormitory area previously occupied by the male inmate population. The population of female inmates has continued to increase over the past several years. During 2016, we were under an early release order (Penal Code Section 4024.4) signed by a magistrate every month to relieve the overcrowding. This continued sporadically until 2019 when they were moved into the other dorm. They now have constant access to the recreation yard and more space. This has resulted in a decrease in physical and verbal altercations as well as a quieter population.

The dorms previously occupied by the female inmates are now used for other male housing. Offenders of sex crimes are often a segregated population for safety reasons. They were occupying a large amount of cell space due to a lack of other space for them. We were able to move them to one of the dorms allowing for less segregation in the Special Housing Unit. This has allowed for more dayroom time for all inmates with the reduction of different inmate classifications present. This has resulted in less tension and altercations in each of the classifications.

*ALTERNATIVE CUSTODY PROGRAMS* (These programs are supervised and administered by the Inmate Services Officer)

Electronic Monitoring:

The Jail uses electronic monitoring as an alternative form of custody. The offender is placed in an electronic ankle bracelet. This bracelet can also be fitted with a device that tests for blood alcohol levels through transdermal detection. The device works wherever you have cellular telephone service. The offender is released to their home or other residence as approved by the Custody Division Commander. The offender has an electronic fence set digitally as boundaries set by date and time as to where they can go and when. One local ministry has allowed for several inmates to live in their group homes as a part of electronic monitoring. They often attend religious services as a part of the program as well as perform community service locally. This includes feeding the homeless population and working in the community.

Sheriff's Work Alternative Program (SWAP):

The SWAP program has allowed for qualifying inmates to work off their sentences with community service. The offender works for various community organizations. This could be anywhere from the local landfill to work for the senior citizen's center. This program makes a visible impact in the community. Offenders are seen paying their debt to society working to make something better through community service.

### *PROPOSED STRATEGIES FOR COUNTY INMATES*

To address these projected increases, the LCSO will maximize county jail capacity and utilize alternatives to incarceration that will be overseen by a Community Programs Coordinator and other Sheriff's Office Personnel.

#### County Jail:

The Sheriff's Office currently operates a 228-bed jail. People convicted of non-serious, non-violent, and non-sex offense felonies will serve sentences in the county jail. This change was prospective and applied to anyone who was convicted on or after October 1, 2011. Typically, these sentences will be 16 months to three years; this is longer than the average 90-day sentence historically served in California county jails. Enhanced and consecutive sentences created even longer sentences. AB109 changed how credits for good time and work time are calculated from one day of good time and one day of work time for every six days served in jail to one day of good time and one day of work time for every 4 days served in jail. This means that inmates are required to serve 50% of their sentence in custody, minus any credits for time served prior to their sentence as determined by the Court, instead of two-thirds of their sentence, which is the current law. This change will help mitigate, to some degree, the impact of longer sentences being served in the county jails. Further, all post release community supervision revocations and almost all parole revocations will be served locally. AB109 encourages the use of flash incarceration up to 10 days in county jail for post release community supervisees who violate their community supervision terms.

Further analysis is necessary once AB109 is implemented to accurately determine the impact on jail beds, alternative incarceration programs and court security/inmate transportation. Based on current population trends there is limited capacity for additional inmates before one of the CCF dormitories will need to re-open. With these increases, expansion of in-custody programming is necessary to maintain safety and offer productive use of free time while incarcerated. Enhancements to jail programming such as substance abuse services, job skills training, restorative justice programs, veteran services, and expanded mental health services are considered necessary. Offenders will be assigned to programming based on meeting eligibility criteria and availability.

#### Community Programs & Alternatives to Incarceration

The Sheriff will designate an employee in the County Jail as the Community Program Coordinator. The Community Program Coordinator will work under the direction of the Commander of the County Jail.

The Community Programs Coordinator will utilize existing alternatives to incarceration which include work furlough and Sheriff's Work Alternative Program. The Community Programs Coordinator and other staff will develop other alternatives to incarceration which may include; a day reporting center, weekend commitments, and other programs. The Community Program Coordinator will supervise people in these alternatives while they remain in the constructive custody of the Sheriff. These alternatives to incarceration are frequently utilized to transition inmates back into the community.

LCSO will increase reliance on alternatives to incarceration as necessary in order to manage anticipated population increases under AB109. These additional alternatives provided for by AB109 legislation include involuntary home detention and electronic monitoring for the pretrial population.

Penal Code Section 1203.018 will allow LCSO to release prisoners being held in lieu of bail in the county jail to an electronic monitoring program under specific circumstances. The Sheriff and the District Attorney may prescribe reasonable rules and regulations under which such a program will operate. Specific eligibility criteria will limit the number and type of pre-trial prisoners eligible for this program. The Sheriff will bring a home monitoring and /or electronic monitoring policy to the Lassen County Board of Supervisors for consideration at a later date.

Additionally, AB109 provides legal mechanisms to use alternatives to incarceration for sentenced populations. In Lassen County, these alternatives may include electronic monitoring, home detention, restorative justice classes, substance abuse services, parenting classes, and employment counseling and services. An inmate under the supervision of the Community Programs Coordinator may be provided multiple services as determined by their individual needs.

All jail programming and alternatives to incarceration managed by the Sheriff will be made available to offenders providing they meet eligibility criteria and space is available. The Sheriff is also considering utilization of an assessment tool to aid in placement in appropriate programs.

Once an offender has been sentenced to the county jail, jail staff, the Community Programs Coordinator (chair), in conjunction with a quorum of the classification committee will develop a plan for the prisoner. The plan may include in custody programs, work assignments, housing assignments, and if eligible, a transition from the county jail to an appropriate alternative to incarceration. Decisions regarding this plan will consider in-custody behavior, participation and progress in jail programs and services, the pre-sentence report and court commitment, eligibility based on current charges and prior convictions, and availability of the alternatives to incarceration best suited for the prisoner. The recommendation developed by the classification committee will be presented to the Jail Commander for approval, denial, or modification. The Sheriff will have final authority over eligibility for these programs.

LCSO will supervise people in alternative to incarceration programs through a highly visible community presence and random site checks. LCSO will provide a swift response if a person absconds or violates conditions of their participation in the program. Increased staffing for Community Programs will likely be needed to ensure strong enforcement and maximize

community safety. In the future the Sheriff would like to work with the Lassen County Probation Department and the Susanville Police Department to develop a multi-agency compliance team that would monitor offenders in post release community supervision and alternative to incarceration programs.

At least 60 days prior to the inmate's date of release from LCSO custody, the Community Program Coordinator will meet with Adult Probation Department Pre-Release personnel to ensure a smooth transition at the time of the prisoner's release. Changes may be made to the preliminary transition plan at any time while the prisoner is in LCSO custody.

## *OTHER ITEMS OF LOCAL CONCERN*

### Fire Camps

These camps provide an invaluable public safety resource to our communities, and are important to our local economy. The Sheriff and his staff have been engaged in discussions around the state related to fire camps, and will continue to be present at these meetings and lobby on behalf of Lassen County.

### Funding and Development of Realignment

Since AB109 was signed into law there have been two additional bills passed that funded and made changes to realignment. The funding was only for the current fiscal year, and there was no secure long-term funding. The legislation that changed realignment was the first of many that will modify realignment and impact us locally. Local agencies and department heads need to continue to lobby at the state level in an effort to secure funding for realignment and to mitigate the negative impacts on us locally.

## **II. DISTRICT ATTORNEY**

### *IMPACT OF REALIGNMENT ON THE LASSEN COUNTY DISTRICT ATTORNEY'S OFFICE*

Realignment will have a significant impact on the workload of the Lassen County District Attorney's Office (LCDA), as well as the sentencing options available to resolve cases. LCDA anticipates two major impacts:

First, and in addition to normal responsibilities, LCDA anticipates that prosecutors evaluating felony cases for disposition and sentencing purposes will need to refocus their assessments on the new sentencing options presented by realignment. Initially, this will be a training issue bringing the deputy district attorney's current on the mandatory and permissive components of realignment. Likewise, it is often the case that prosecutors, in the case of such a dramatic shift in the law, will be required to spend considerable additional amounts of time with members of the defense bar in negotiating these cases, as the defense bar educates itself on the advantages



presented to their respective clients afforded by realignment. This will likely increase the number of court appearances per case and the average time it takes to work out individual cases.

Second, and in addition to normal responsibilities, LCDA will now be responsible for reviewing, charging, and prosecuting many violations of post-release community supervision. Historically, this has always been the function of the State through the department of paroles and the Board of Parole Hearings. Effective October 1, 2011 alleged violations of post release community supervision, which the Sheriff has aptly noted is the location CDCR expects to see the quickest decline in their populations and the concomitant increase in county populations, will fall to LCDA for review, filing and prosecution as appropriate.

Of course, whether it be the disposition of a new felony charge or charges, or the handling of alleged violations of post-release community supervision, LCDA and the attorney's herein will need to be trained on the resources and options available for pretrial or hearing detention as well as post-conviction sentence.

### *LCDA PLAN TO PREPARE FOR REALIGNMENT*

Given the anticipated changes presented by realignment, LCDA presents the following action plan to prepare the office for these prospective changes:

LCDA will organize staff trainings on AB109 and the implications thereof. Specific attention will be directed to which cases are required to be handled pursuant to realignment and which cases are exempt. In the context of new cases that are plainly affected by realignment, training will focus on how settlement options have changed and what is the best disposition of the case, keeping the simple objective of justice in mind. In the context of alleged violations of post release community supervision, training will focus on appropriate, progressive consequences for sustained violations while trying to balance deterrence with recidivism reduction.

### **III. PUBLIC DEFENDER**

The Public Defender represents clients who will now qualify for county jail and alternative program placement sentences under AB 109. The Public Defender will identify clients who are eligible for programs under AB 109 and make recommendations to the courts related to sentencing options/alternatives.

This plan contains limited resources to provide representation to individuals facing "post release community supervision" violation hearings. The volume of hearings, as well as the court's protocol for handling the hearings, will determine the resources required. Additional personnel may be required to provide representation at these hearings.

### **IV. SUPERIOR COURT – FINAL REVOCATION HEARINGS**

Under AB117, a budget trailer bill accompanying the 2011 Budget Act, the Superior Court's role in criminal realignment previously outlined under AB109 has been substantially narrowed to handle only the final revocation process for offenders who violate their terms or conditions of post release community supervision or parole. The Court will assume responsibility for post release community supervision revocation hearings on October 1, 2011. AB117 also delays the Court's role in revocation proceedings for persons under state parole supervision and serious and violent parole violations until July 1, 2013. According to state projections, the total parole and post-release supervision population expected to be serving revocation sentences in local custody is estimated to be 6 on any given day. This estimate is based on data provided by CDCR; however, Lassen Superior Court anticipates the actual estimate of revocation hearings to be greater than the State projections.

Statewide the Judicial Branch plans to have completed development of implementation plans and revocation procedures and forms by September 2011.

## **V. ADULT PROBATION**

### *PROJECTED ADDITIONAL NUMBER OF OFFENDERS ON POST RELEASE COMMUNITY SUPERVISION*

The State has not provided estimated projections of the Proposition 57 population. Based on the historical data for Lassen County, we would receive on average 3 new offenders.

### *STRATEGIES TO ADDRESS POST-RELEASE POPULATION*

The Probation Department has been designated as the county agency responsible for administering programs related to the Post Release Community Supervision (PRCS) population. This includes options for community supervision to include, but not limited to, intensive supervision (with routine home visits), home detention with electronic monitoring, residential substance abuse treatment, outpatient behavioral health treatment, outpatient substance abuse treatment, mental health services, batterer's intervention, child abuse prevention program, substance abuse testing, community service, family strengthening strategies, referrals to educational institutions/programs, vocational training/employment services and housing resources.

### *POST RELEASE COMMUNITY SUPERVISION*

Post Release Community Supervision terms will not exceed three years. This PRCS population will serve all revocations at the local level for a period not to exceed 180 days and will receive day-for-day custody credit. The supervision unit may also impose flash incarcerations at the local jail; any revocation lasting longer than 10 days will require a court hearing. Those PRCS individuals without any violations after six months of supervision can be discharged. Post Release Community Supervision shall be consistent with evidence-based practices shown to reduce

recidivism, and the Probation Department may impose special terms and conditions, appropriate incentives, treatment and services, and graduated sanctions.

Adult Probation has put forth diligent efforts to implement evidence-based supervision and intervention practices proven effective in reducing recidivism and improving outcomes. The elements of evidence-based practices are concepts of risk, need and responsivity (the practice of assessing and identifying an offender's criminogenic risk factors which contribute to criminal behavior and which can be improved upon through application of appropriate interventions, and by fortifying the offender's protective factors in order to promote sustainable positive change). These principles are applied through the utilization of the Evidenced Based Practices assessment tool composed of an assessment which measures an offender's risk to re-offend based upon prior record of criminal conduct, and an offender's needs guide which identifies specific risk and protective factors.

The Probation Department will construct a collaborative team responsible for intensive supervision of the Post Release Community Supervision population. These staff will administer the risk/needs assessment tool to each community offender in order to develop a case management plan which will determine level of supervision, treatment/program strategies and goals, case management efforts and offender activities. Additionally, a system of incentives and graduated sanctions will be developed as a case management tool in relation to supervision of the PRCS population. AB109 allows for flash incarcerations without hearings for a period not exceeding 10 days. A vital component of effectively implementing AB109 relies on creating a cohesive hearing process combined with consistent imposition of graduated sanctions in response to violations of supervision conditions. However, when an offender achieves a positive target goal such as successful completion of a substance abuse treatment program, the probation officer needs to identify an appropriate reward/incentive. Use of incentive and positive affirmations foster positive outcomes thereby promoting recidivism reduction and ultimately community safety.

Given the anticipated high-risk level of post release community supervision offenders, the Probation Department projects additional Deputy Probation Officers may need to provide more intensive supervision/services of this population. The Probation Department is motivated to take creative and innovative steps during a time of budgetary crisis in order to accommodate the specialized needs of the AB109 population. However, the Probation Department faces many challenges given the rural location of the community which presents difficulty in program and treatment service availability.

In addition to the intensive supervision and collaborative case planning mentioned above, the Probation Department will actively explore a variety of alternatives to incarceration for use in managing the Post Release Community Supervision population and responding to violations. This will be accomplished by utilizing appropriate alternative custody options to address criminogenic risk factors, hold the offender accountable and enhance community safety.

Implementation of the VIBE program, which is a skill building group that teaches safe coping skills for men and women. Participation is voluntary and encouraged for anyone who is interested with class topics to include social values, responsible thinking, self-control, peer relationships, family,

core skills & cognitive skills, seeking employment, recreation & leisure, substance use and recovery maintenance. This program and classes can also be used as sanctions.

Most offenders under PRCS fail to report with the Probation Officer upon their release. Statewide efforts to improve initial contact with Probation Departments resulted in the implementation of video conferencing prior to release. CDCR has created a secure video system platform that Officer's will utilize for pre-release video conferencing when available; to increase the rate of initial contacts.

The Lassen County Probation Department is currently collaborating with Crime Stoppers to reduce the number of existing warrants. Efforts are made locating those who have absconded from supervision. These notifications are being added to social media, which has increased the recovery process and helped foster a safer community.

### Collaborative Team

The intent of a collaborative team is to maintain consistent and regular personal contact with those who are on post-release supervision, supervision via electronic monitoring or home confinement. The goal is to focus on the population who are at risk of not following their supervision requirements, reinforce accountability and offer support for successful completion of supervision.

The team will determine what course of action needs to be taken to bring the participants back into compliance within their conditions of community supervision or the programs in which they participate. Alternatively, what resources are needed to assist in success. This team will not only address noncompliant behavior, but will also take on a proactive role in supervising offenders in the community, through referrals to services, thereby reducing the number of violations sustained and sanctions administered by the collaborative team.

The collaborative team will help reach the common goal of community safety through highly visible outreach and enhancing a strong supervision support program for those on supervision. The team also enhances the use of alternative custody programs, which will be a vital part of the success.

The Probation Department in collaboration with the Lassen County Sherriff's Department, Susanville Police Department and other State and Federal law enforcement agencies may assist in bi-monthly PRCS conformity checks. Checks may be subject to more/less frequency due to caseload size and staffing abilities. On average, five to ten PRCS/MS individuals will be checked for address verifications, fulfillment with terms and conditions of supervision, random drug testing and the layout of the residence documented. Individuals will be searched based upon risk/needs assessment and their overall performance on supervision. Individuals, who pose a high risk and fail to enroll in programs, shall be provided additional support and guidance than someone who assess low and is conforming to their terms of supervision.

The Probation Department will complete an Operations Order specifying the individuals to be searched, address, specific terms and conditions, officer safety concerns, primary communication, secondary communication and emergency procedure and response

information. The Operations Order will be reviewed during the briefing before the fieldwork begins. Additionally, dispatch will be given a copy of the Operations Order and will be contacted by radio or cell phone at the arrival and departure of each residence.

The information gathered from the searches will be documented for future reference for data driven programs and services. The information gathered is subject to change, but the core information gathered will contain:

- Date of check
- Number of contacts made
- Type of contact made
- New Charges
- Revocation/Flash
- Informal sanction
- Positive reward
- Geographical location
- Number of arrests
- Agencies assisting

### *Case Planning*

The Lassen County Probation Department will use an assessment tool for determining risk to recidivate. In coordination with their risk scores, offenders shall be supervised according to the department's "Risk-Based Supervision Model." In addition, the officers will create individualized case plans. Case planning is one of the key elements of Evidence-Based Practices and has shown, when implemented correctly, to have the potential to reduce recidivism. Further, properly developed and administered case plans, which are clear, specific and measurable, target specific strategies for maximum and measurable effectiveness and ultimately tie directly back to the agency mission and outcomes. Once the case plans are in effect and the Officer has identified the areas of need to be addressed if the client continues to struggle with positive progress, case conferencing will ensue, which will include the Officer, Supervisor, Deputy Chief and the Chief to assist in additional resources that can be utilized. The Officer will prepare a brief summary of resources used, what has worked and not worked to present to everyone on the case. Ultimately, the goal is to assist the Officer in overcoming barriers they are facing within the case plan and the client's progress.

### High Risk Offenders

- High risk Offenders (Months 0-6) - It is the department's goal to make newly assigned High risk Offenders our top priority. We will strive to provide the highest levels of supervision and treatment resources to our High-Risk Offenders, especially during the first six months of their probation term.

- High Risk Offenders should be seen for Case Plan Visits weekly or upon the discretion of the officer for the first six months of their probation term.
- The Risk Based Supervision strategy is in place to ensure their day is structured, free time is minimal, and community service hours are monitored (40 hours for High Risk cases).
- Under this system, caseloads do not have a maximum number of cases assigned. However, no officer will be actively case planning with more than 25 High Risk Offenders at any given time. Should the officer's caseload exceed this assumed number, they are to seek supervisor assistance in redistributing cases or adjusting the expectations to accommodate caseload size.

### High Risk Offenders (Months 6+)

If the offender has not sustained a new offense or violation of probation after the initial 6 months, then case planning is no longer required. However, the assigned officer has the discretion to continue case planning activities if necessary and time permitting. At this point High Risk Offenders are no longer subject to formal case planning expectations. However, they will remain assigned to the same officer.

### Moderate Risk Offenders

Moderate Risk Offenders are not subject to formal case planning expectations; however, they will be required to report monthly or more frequently as determined by the Probation Officer.

### Low Risk Offenders

Low Risk Offenders are not subject to formal case planning expectations. As a general rule, Low Risk Offenders should be assigned to the Low Risk Caseload.

### Day Reporting Center

Upon release of an offender and after an assessment completed by Probation, the offender will be referred to an evidenced based class designed to address their individual criminogenic needs and reduce recidivism.

Programs offered and/or referred may include, but not limited to:

Courage to Change Interactive Journaling – Orientation, Getting Stated, Social Values, Responsible Thinking, Peer Relationships, Substance Use, Self-Control, Family Ties, Skills for Successful Living, and Strategies for Success.

Child Support Services

Parenting Group

Resume Building

Social Services (enroll: ACA, WIC, Food Stamps)

Computer Literacy  
Alcohol and Drug Treatment  
Mental Health Treatment  
DUI Program  
Job Assistance for Individuals w/ Disabilities  
Legal Services-Referral to Access to Justice for legal services  
Job Readiness/Job Coaching  
Crossroads Ministries (clothing, food)  
GED classes  
Salvation Army (Food)  
Batterers Program  
STD Education  
AFWD  
Computer Based Programs-required by terms of supervision (Access to DRC Computers)  
Life Skills

Target Population and Criteria:

The DRC will accommodate low, moderate, and high-risk offenders meeting the criteria to participate. The Probation and Sheriff's Department have the discretion to refer individuals to report to the DRC.

Criteria includes:

- Adults:
- Reside in Lassen County; and participants are expected to address their own transportation needs.
- Must have appropriate sentence length;
- Sex offenders will be evaluated for appropriateness to the program.
- Misdemeanor and/or felony offense(s) will both report; and
- Self-Referrals will be accepted to participate in the program

*Reentry Division Team*

In regards to incarcerated offenders under the jurisdiction of the Sheriff and in collaborative efforts with the Sheriff's Department, the Probation Department will assist in the development of a classification system to target the AB109 population. The classification committee, comprised of the Community Programs Coordinator, jail program staff and a Probation Department representative, will administer the classification system. The classification committee will conduct a case review and determine eligibility for alternative options. If eligible, an appropriate and comprehensive plan will be created which will assist with the inmate's transition from incarceration to an alternative solution. Furthermore, at least 90 days prior to the inmate's date of release from local custody; the Community Programs Coordinator will confer with Probation Department Pre-Release staff regarding the inmate's re-entry transition and supervision case plan.

The pre-release team will have responsibility for pre-release planning with all inmates being released from county jail and prison to PRCS status. Ideally, the assessment and planning process performed by the team will occur 90 days prior to an inmate's release to community supervision. In all instances, pre-release planning will begin at least 30 days prior to release. This is intended to ensure risk and need factors are assessed and a case management plan is developed with a goal of providing the offender appropriate services prior to release from custody. The pre-release team will coordinate with correctional facility program staff, counselors, local area service providers and outside educators to ensure limited community resources are utilized in the most effective manner.

### *Data Collection*

#### Community Supervision:

1. Recidivism as defined by a subsequent criminal conviction while under supervision
2. Recidivism as defined by subsequent arrests and bookings into the jail
3. The number of PRCS, MS, and felony offenders under supervision
4. The number of PRCS, MS, and felony offenders under supervision according to risk to reoffend level (low, moderate, high risk)
5. The number of PRCS offenders on warrant status for not reporting to the probation officer after being released from state prison
6. The number of local prison commitments receiving straight sentence time, split sentence time and straight supervision only time
7. The number of petitions filed initiated for technical violations and/or new crime violations
8. The number of technical violations not resulting in revocations

#### Collaborative Team:

1. The number of offenders contacted during compliance team activities
2. The number and types of contacts
3. The number of offender searches
4. The number of arrests



5. The number of technical violations not resulting in revocations

Court:

1. All data collected pursuant to Section 13155PC

DRC:

1. The number of offenders participating in the DRC
2. Number of offenders enrolled in the DRC
3. Number of offenders terminated from the DRC and the reason
4. Treatment outcomes for participants of the DRC
5. Successful Participants

Collaborative Courts:

1. The number of referrals to programs
2. The number of program completions
3. The number of program failures
4. The number of offenders attending treatment by treatment type

## **VI. HEALTH AND HUMAN SERVICES**

Lassen County Health and Social Services Agency provides services to people with severe and persistent mental illness who meet the eligibility criteria under the State managed care contract, Medi-Cal or CMSP. The Alcohol and Drug Department is Drug Medi-Cal certified using structured outpatient groups based upon the frequency of the individual needs. Both departments use established sliding fee schedules for eligible participant's ability to pay. Both departments appear to have existing capacity to serve post release AB 109 clients using the established contracted services system and hourly unit rates. Availability will be defined for purchase through inter-departmental Memorandums of Understanding (MOU's) between HSS and Law Enforcement for people who do not meet the criteria mentioned above. The MOU's are yet to be established. Employment services are available through the Business and Career Network while Public Health offers clinics for adult and children vaccinations, TB monitoring and HIV case management (coordinated with Alcohol and Drug).

## **PROPOSED OUTCOMES**

This policy initiative (and the intervention strategies articulated in the local Public Safety Realignment plan) is intended to improve success rates of offenders under supervision resulting in less victimization and increased community safety. Accomplishing this in the most cost-efficient manner and employing proven correctional and justice system practices, is emerging as the primary strategic goal of the initiative.

### *OUTCOMES MEASURES*

The Realignment Plan seeks to achieve the following three outcomes:

1. Collecting and maintaining accurate data to guide program, service and fiscal decisions.
2. Increasing programs/services available to offenders to reduce recidivism and meet criminogenic needs while maintaining public safety.
3. Improving stability in services, alternatives to custody and continuity of care.

To achieve these outcomes, Lassen County partners will develop and track several outcome measures. Examples of potential outcome measures include:

- Lassen County partners will provide feedback to collaboratively address issues as they arise.
- Recidivism rates for non-violent, non-serious, non-sex offenders.
- Program and service evaluation.
- Number and type of services provided to offenders sentenced to county jail and probation.
- Number and type of programs provided to offenders sentenced to probation or alternative programs.

## **GLOSSARY OF TERMS**

AB109	Public Safety Realignment of 2011
ADP	Average Daily Population
AOC	Administration of the Courts
CAO	County Administrative Officer
CCP	Community Corrections Partnership
CDCR	California Department of Corrections and Rehabilitation
CSAC	California State Association of Counties
EM	Electronic Monitoring

FTE	Full-Time Equivalent
GPS	Global Positioning System
HSS	Health & Social Services
LCDA	Lassen County District Attorney
LCSO	Lassen County Sheriff's Office
MOU	Memorandum of Understanding
PC	California Penal Code
PRCS	Post Release Community Supervision
SB678	California Community Corrections Performance Incentives Act