

**RIVERSIDE COUNTY
COMMUNITY CORRECTIONS PARTNERSHIP
EXECUTIVE COMMITTEE**

DOWNTOWN LAW BUILDING
3960 ORANGE STREET, 5TH FLOOR CONFERENCE ROOM, RIVERSIDE

AUGUST 2, 2011, 10:00 A.M.

AGENDA

1. CALL TO ORDER – ALAN M. CROGAN
2. APPROVAL OF MINUTES – JULY 19, 2011
3. AB 109 STATUS REPORTS:
 - A) Probation
 - B) Courts
 - C) Sheriff
 - D) District Attorney
 - E) Public Defender
 - F) Mental Health
 - G) Chief of Police
4. PUBLIC COMMENTS
5. NEXT MEETING – *TENTATIVE AUGUST 30, 2011*

In accordance with State Law (Brown Act):

- *The meetings of the CCP Executive Committee are open to the public. The public may address the Committee within the subject matter jurisdiction of this committee.*
- *Disabled persons may request disability-related accommodations in order to address the CCP Executive Committee. Reasonable accommodations can be made to assist disabled persons if requested 24-hours prior to the meeting by contacting Riverside County Probation Department at (951) 955-2814.*
- *The public may review open session materials at Probation Administration, 3960 Orange St., 6th Floor, Riverside, CA.*

**RIVERSIDE COUNTY
COMMUNITY CORRECTIONS PARTNERSHIP
EXECUTIVE COMMITTEE MEETING**

July 19, 2011 - 10:00 a.m.
Downtown Law Building, 3960 Orange Street, 5th Floor, Riverside

MINUTES

PRESENT

Alan M. Crogan, Chief, Probation, Chair
Sherri Carter, Executive Officer, Superior Court
Creg Datig, Assistant District Attorney, District Attorney
Sherrill Ellsworth, Presiding Judge, Superior Court
Patty Gus, Assistant Division Director, Probation
Mark Hake, Chief Deputy, Probation
Bill Palmer, Assistant Director, Probation
Steve Thetford, Chief Deputy, Sheriff
Colleen Walker, Undersheriff, Sheriff
Pat Williams, Chief, Desert Hot Springs Police
Jerry Wengerd, Director, Mental Health
Gary Windom, Public Defender

CALL TO ORDER

Alan Crogan called the meeting to order. He advised that in accordance with State law (Brown Act), the Community Corrections Partnership Executive Committee meetings are open to the public.

APPROVAL OF MINUTES

Alan Crogan entertained a motion to approve the July 12, 2011, minutes of the CCP Executive Committee's working committee, motion moved by Gary Windom, seconded by Jerry Wengerd. Minutes were approved and stand as written.

Alan Crogan asked for a motion to reaffirm a recommendation made during the July 12th meeting with the CCP working committee, that the Probation Department will be the responsible agency for the supervision of the Post Release Community Supervision (PRCS) population. Motion was moved by Gary Windom, seconded by Jerry Wengerd and passed without opposition. CDCR will be notified of this decision by August 1, 2011.

Alan Crogan asked for a motion to reaffirm a recommendation made during the July 12th meeting with the CCP working committee, to recommend Jerry Wengerd's appointment to the CCP Executive Committee by the Board of Supervisors. Motion was moved by Gary Windom and, seconded by Judge Ellsworth and passed without opposition.

AB 109

Mark Hake gave a PowerPoint presentation on the role of the CCP Executive Committee; the facts of AB 109 (2011 Public Safety Realignment), data relating to the impacts on Riverside County and the Probation Department's plan for staffing and supervision of the PRCS population. A copy of the presentation was distributed.

It was determined that a working group consisting of the CCP Executive Committee member designees will be established to begin developing the local AB 109 implementation plan. Judge Ellsworth said she will not be participating in the working group. Mark Hake asked for a designee from the Court to participate in discussions regarding pre-sentence reports and pre-trial services. Judge Ellsworth indicated that once the committee has determined what is best for the clients and what the court needs to do to assist with that, she will designate someone to participate. Sherri Carter added she would be the one to talk with about pre-trial ideas to reduce the jail population.

AB 109 allows the County to contract with CDCR for the commitment of persons with a felony conviction. Options include hard beds (jail or prison); public Community Corrections Facilities (CCF) and fire camps. Mark Hake mentioned a recent newspaper article regarding the concern from the Department of Forestry on whether or not there will be enough inmates in fire camps to continue fighting wildfires. Alan Crogan advised that Terri McDonald with CDCR will be attending the July 21st ARCCOP meeting to discuss fire camps and will put together a package for the counties to lease bed space. A list of potential bed space at the CCF's and a list with costs for three of these facilities were distributed. Alan Crogan mentioned that having the option to utilize private and state facilities could serve us well by not overcrowding our jails at the local level. Steve Thetford expressed concern with contracting out with the CCF's due to regulations and indicated the working group can discuss this further.

As a follow-up to a question that was raised during the July 12th working group meeting, Alan Crogan advised that the non-non-non (N3) population sentenced for a period of longer than three years remains the responsibility of the county regardless of the length of sentence.

Mark Hake discussed the projected numbers of the PRCS population that will be released beginning October 1, 2011. He explained that with 236 offenders being released in the first month, the Probation Department does not have a lot of time to get geared up to receive and supervise them. Gary Windom asked if there were any provisions on consistency and how this was applied county by county. Mark Hake indicated that the southern region counties have met to share plans and to try to standardize their approach. Information collected from the surrounding counties will be shared in detail with the working group.

The Probation Department's implementation plan and organizational chart was reviewed with the CCP Executive Committee. Mark Hake advised that investigations staff would be added to write pre-sentence reports to provide the court with information for the purposes of sentencing; as well as administer the COMPAS risk assessment. A way to manage the results of the assessment at this stage will be further discussed with the working group. Alan Crogan indicated that this practice has been tested and well received in San Francisco. Sherri Carter commented there may be case law against this at the Federal level. Steve Thetford asked about plans for corrections and incarceration; compensation for assessments to create space for this population and/or a concept for contracting out. Mark Hake said that the needs and costs estimates of the Sheriff's Department would need to be discussed further by the working group.

Jerry Wengerd asked if there has been any information offered as to the mental health needs of this population. Mark Hake advised that this is an area of concern and a request has been made to CDCR to provide this information; however it has not been received yet. We expect to begin receiving release plans from CDCR after August 1st, once they have been notified of the supervising agency. Additionally, Jerry Wengerd asked if there was a plan for housing and work. Mark Hake said the working group could consider reaching out to EDA.

Pat Williams inquired if the COMPAS assessment results will be provided to the Probation Department pre-release. CDCR does not conduct a risk assessment on all inmates and they will not be including this information in the release packet. A new assessment will be done by the Probation Department post-release.

Important Dates/Deadlines:

- July 26, 2011: Board of Supervisors
- August 1, 2011 Designate Department for Post Release Community Supervision (PRCS)
- August 15, 2011: Board of Supervisors Workshop
- August 16, 2011: Board of Supervisors
- October 1, 2011: Implement AB 109

Following the presentation, Alan Crogan entertained a motion for the Probation Department to act as the fiscal administrator for AB 109 and funding for all other county agencies to be coordinated by the Probation Department. All contracts (RFP's and MOU's) will be brought to the Executive Committee for approval. Creg Datig and Colleen Walker indicated they thought the District Attorney and the Sheriff would support this concept. Motion made by Gary Windom, seconded by Judge Ellsworth, motion passed without opposition.

ELECTION OF VICE CHAIRPERSON

Creg Datig advised that Paul Zellerbach expressed an interest to serve as Vice Chairperson to the CCP Executive Committee. Motion was moved by Judge Ellsworth, seconded by Gary Windom and passed without opposition.

Additionally, Judge Ellsworth designated Sherri Carter to vote on her behalf at future CCP Executive Committee meetings if she is unavailable to attend.

COMMITTEE MEMBER COMMENTS

Pat Williams said the issue of suppression, compliance checks and the impacts to field personnel may be addressed at the next ARCCOP meeting. Alan Crogan advised that the Probation Department is aware that this population will require a higher level of attention. The goal of the department is to liaison with each law enforcement community to advise who is being released. Further, each agency can access the Probation Department's Juvenile and Adult Management System (JAMS) or call one of the juvenile halls to inquire on probation status, last known address, date the address was determined, search conditions and any issues of violence.

NEXT MEETING

The next CCP Executive Committee meeting was scheduled for August 2, 2011, 10:00 a.m., Downtown Law Building, 5th Floor.

Mark Hake will coordinate and schedule a meeting with the working group prior to the next Executive Committee meeting.

The meeting adjourned at 11:30 a.m.

Minutes submitted by Janie Vaught, Executive Assistant II, Riverside County Probation Department

Riverside County Community Corrections Partnership Executive Committee

August 15, 2011
Board of Supervisors
2011 Public Safety Realignment
Workshop



DRAFT

2011 Public Safety Realignment

- AB 109: Signed into law April 4, 2011
- AB 117: Clean-up legislation to AB 109 signed into law June 30, 2011 and implementation effective October 1, 2011
- AB 118: Funded legislation to establish the Community Corrections Grant Program

Coleman/Plata Supreme Court Decision

- Applicable only to 33 State Prison Facilities
- Caps State Prison Population at 137.5% of capacity
- Prisons only population = 109,805
- May 23, 2011 population = 143,435
- Two-year plan started May 23, 2011
- No mandatory releases

AB 109/117 Components

- Defines local custody for non-violent, non-serious, non-sex offenders (N3)
- Makes changes to State Parole and creates local Post-release Community Supervision Program (PCS)
- Sets the effective date of implementation to October 1, 2011

Riverside County Funding Allocation

- FY 2011/12 estimated for 9 months: \$21,074,467
- Implementation Funding (one-time) = \$1,487,050
 - Hiring, retention, training, data improvements, contracting costs, and capacity planning
- Additional Grant for CCP Planning = \$200,000
- District Attorney/Public Defender Activities = \$755,421
- Riverside County Superior Courts = TBD

Community Corrections Partnership Executive Committee

- Committee is chaired by the Chief Probation Officer
- Membership:
 - Chief Probation Officer
 - Presiding Superior Court Judge or Designee
 - Sheriff
 - District Attorney
 - Public Defender
 - A Police Chief
 - Director, Department of Mental Health

Community Corrections Partnership Executive Committee (Continued)

- Recommend a local plan to the County Board of Supervisors for implementation of the 2011 Public Safety Realignment
- The Executive Committee shall approve the comprehensive plan to be submitted to the Board of Supervisors for approval
- The plan is accepted by the Board of Supervisors unless rejected by a vote of four-fifths

Non-Serious, Non-Violent, Non-High Risk Sex Offender Population (N3)

- Re-defines a felony to include lower-level crimes punishable with local sentencing options
- Does not change length of sentences
- N3 sentencing options include:
 - Felony Probation
 - Jail for Entire Sentence
 - Alternative Custody (see page 9)
 - Split Sentence to include Jail and Mandatory Probation

Local Custody Options

- Jail
- Electronic Monitoring and Home Detention
- Work Release/Weekend Work Program
- Contract for Beds
 - California Department of Corrections and Rehabilitation (CDCR) Hard Beds
 - CDCR Fire Camps
 - Public/Private Community Corrections Facilities (CCF)

Post-release Community Supervision Population (PCS)

- Starting October 1, 2011, any inmate convicted of a N3 offense will be placed on local supervision, upon completion of prison sentence
- PCS violations will be served locally with 180-day cap and day-for-day credit
- Contracting back with CDCR is not an option for PCS violations

Remaining State Parole Population

- Inmates convicted of a violent, serious, or sex offense requiring registration will remain the responsibility of State Parole upon release
- Parole revocations (except those with life term) will serve local custody with 180-day cap and day-for-day credit
- Upon release from local custody remaining parole time is completed under State Parole
- Contracting back with CDCR is not an option for parole violations

Projected Release of PCS to Riverside County

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTAL
2011	-	-	-	-	-	-	-	-	-	236	237	228	701
2012	235	172	157	164	127	132	148	114	121	121	118	103	1712
2013	104	112	116	115	92	100	-	-	-	-	-	-	639
	Total												3052

Data Submitted by CDCR

Riverside County PCS Population

$$\begin{array}{r} \text{Less Than} \\ \text{3 Year Sentence} \end{array} + \begin{array}{r} \text{More Than} \\ \text{3 Year Sentence} \end{array} = \begin{array}{r} \text{Average Daily} \\ \text{Population (ADP)} \end{array}$$
$$990 + 611 = 1601$$

- ADP is the number used by Department of Finance to determine the funding formula to each county

Riverside County PCS Population

- Total defendants sentenced to state prison in 2010 = 3,550
 - Meets criteria for PCS population = 2,517 (70%)
 - Violent/Serious High Risk Population = 1,033 (30%)

PCS and Current Local Populations

Population	Property Offenses	Drug Offenses	Other Offenses	Total
Local Felony Probation PCS Qualified	4,184 (37%)	5,165 (46%)	1,876 (17%)	11,225 (100%)
PCS	1,147 (45%)	898 (36%)	472 (19%)	2,517 (100%)

Probation Department Supervision Plan for PCS and N3

- Evidenced Based Supervision of PCS and N3 Populations
 - Supervision Intake Unit
 - Risk Needs Assessment Unit
 - Pre-sentence Investigations
 - Victim Services
 - Restitution Services
 - Multi-level Supervision Unit
 - High-Armed, High, Medium, and Low Risk Caseloads
 - Case Management

Probation Department Supervision Plan for PCS and N3 (Continued)

- Mental Health
- Alcohol and Drug Services
- Cognitive Behavior Facilitation
- Contract Services
- Educational/Vocational Services
- Employment Services

Probation Department Supervision Plan Budget for PCS and N3

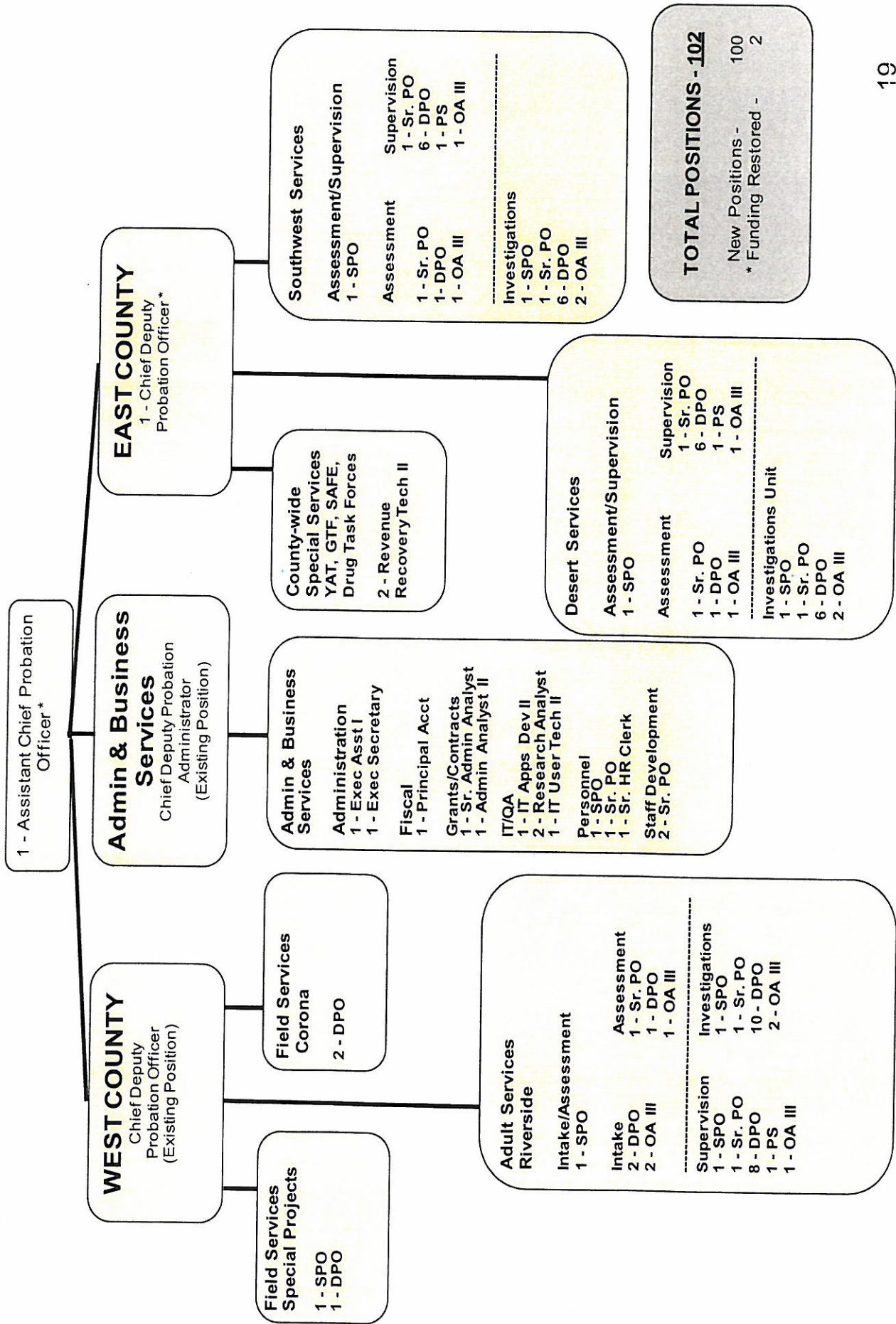
<u>Description</u>	<u>FY 2011/12 (9 Months)</u>	<u>On-Going Annual Costs</u>
Salaries and Benefits	\$6.2 M	\$8.3 M
Services and Supplies	\$1.9 M	\$1.0 M
Lease Costs	\$1.5 M	\$0.3 M
<u>Total Costs</u>	<u>\$9.6 M</u>	<u>\$9.6 M</u>

- FY 2011/12 Budget includes 9 months Salary and Benefits, and one-time start up costs, i.e. equipment, tenant improvements, etc.
- Adds 100 Sworn and Non-Sworn new positions.
- Funds 2 authorized positions currently unfunded due to budget reductions.
- See attached updated Organizational Chart AB 109.
- Contract Services and MOU costs to be determined.

Riverside County Probation Department

Organizational Chart AB 109

Updated: August 1, 2011



TOTAL POSITIONS - 102
 New Positions - 100
 * Funding Restored - 2



CALIFORNIA STATE
ASSOCIATION OF
COUNTIES



CALIFORNIA STATE
SHERIFFS'
ASSOCIATION



CHIEF PROBATION
OFFICERS OF
CALIFORNIA

2011 Public Safety Realignment Key Provisions in AB 109/AB 117: Adult Offender Population Transfers to Counties

This document is intended to provide information about key aspects of AB 109 and AB 117, two bills that, taken together, carry out the transfer of responsibility for certain adult offender populations from the state to counties. These materials may be updated or expanded in the future as additional implementation details are clarified or to reflect statutory revisions.

General

The 2011 public safety realignment contained in AB 109/AB 117¹ specifies new local responsibilities for managing certain adult offenders. The intent of realignment is to allow maximum local flexibility within the statutory framework for the adult population transfers set forth in these two pieces of legislation. As counties start the monumental task of planning for the impacts of the realignment the three associations — CSAC, CSSA and CPOC — wanted to outline the basics of the statutory framework and address some key issues and concerns that have been shared by our members.

IMMEDIATE ACTION: Designation of County Entity for Post-Release Community Supervision (PRCS) Responsibilities

AB 117 requires counties to notify the Department of Corrections and Rehabilitation (CDCR) *on or before August 1, 2011* as to the county agency designated to supervise offenders released onto PRCS. (Recall that this population is prison inmates who, beginning October 1, 2011, will be released from state detention onto county-level supervision rather than onto state parole.)

The statute does not require a county to have an approved plan from the Community Corrections Partnership (CCP) prior to the designation of the supervising entity nor does any other decision related to realignment need to be made prior to the designation. The intent for having the designation made prior to the October 1 effective date of the legislation is to allow for the transmittal of the release packets for the PRCSs in advance.

By August 1, each county is asked to identify the PRCS supervising entity and provide contact information for a **single point of contact** (name, title, agency, address, email address and phone number) to CDCR. Those details should be emailed to:

Erin M. Sasse
Chief, External Affairs
California Department of Corrections and Rehabilitation
erin.sasse@cdcr.ca.gov

Please note “[County name]: PRCS supervising entity” in the subject line of the email.

¹ **AB 109** (Chapter 15, Statutes of 2011) as subsequently amended by **AB 117** (Chapter 35, Statutes of 2011).

Effective Date

AB 117 delayed the operative date of the public safety realignment elements contained in AB 109 to October 1, 2011. The provisions of the public safety realignment are prospective and, therefore, as people are sentenced on or after October 1 or released to supervision on or after October 1, they will be the responsibility of the counties if they meet the criteria for the realigned population. No one in prison on October 1 will transfer to county jails, and no one currently on parole will transfer to local jurisdiction.

Realigned Populations

AB 109/AB 117 does not result in the early release of any currently sentenced felons. It changes the jurisdiction of specified populations from state to local control to complete their sentences, as outlined below.

I. Sentenced Locally (Non/non/non felons)

- Revises the definition of felony to include specified lower-level (i.e., non/non/non) crimes that would be punishable in jail or another local sentencing option.
- Does not change length of sentences.
- Does not limit the felonies eligible for sentences of three years or less, but instead determines eligibility by qualifying crimes, as specified. Therefore, some sentences now served locally can exceed three years. However the time served may be done in a variety of settings: jail, probation, alternative custody or a combination of these settings.
- Felonies ineligible for state prison (non/non/non): Non-violent, non-serious, and non-sex offenders as defined in the Penal Code. There are 60+ felonies that would otherwise fall into the non/non/non category that are excluded and therefore continue to be eligible for state prison. *(See attached list of additional felonies that are expressly excluded from the non/non/non category.)*
- Felonies eligible for state prison: Any person being convicted of a serious or violent felony as described in Penal Code (PC) Sections 1192.7 (c) or 667.5 (c), the person would be required to register as a sex offender pursuant to PC 290, or they had a previous serious, violent or sex offense in their history that requires sex offender registration.
- Options at sentencing of a non/non/non felony: Jail instead of prison for the entire sentence; felony probation; alternative custody; split sentence (imposed sentence of combined period of jail custody with the remainder on mandatory probation)
 - Imposed sentences (everything but felony probation) prison prior attaches to the sentence
 - Split sentences cannot exceed the original sentence when combining custody and supervision time
- Options in custody: Sheriffs continue to have all the existing tools at their disposal to manage this population as they do with their current population. In addition, counties may use new alternative custody options for electronic monitoring and home detention (PC 1203.018), contract with other nearby counties, or contract with public community correctional facilities. Finally, there is authorization for counties to contract back with the state for housing inmates. The state has not yet set a rate or provided specifics on who or how many they could

accommodate, especially in light of the prison overcrowding case. However, the Administration has indicated there may be different rates set depending on the type of inmate. We also expect to have a proposal from the state as to how to address the need to incentivize continued placement of inmates into fire camps.

- Non/non/nons sentenced locally do not have post incarceration supervision time. Specifically, there is no parole tail for these offenders.
- Credits for all offenders serving time in jail will prospectively apply day-for-day starting October 1, 2011, similar to what prison inmates currently receive.

II. Post Release Community Supervision

- Who will be under local supervision: Starting October 1, 2011 any offender who was convicted of a non-serious, non-violent felony and is not deemed a high risk sex offender will be placed on local supervision.
- Who remains on State Parole: Anyone on parole before October 1, 2011 remains under state jurisdiction until they are discharged. In addition, any individual who is serving a term for a current serious or violent offense, a third striker, high risk sex offender, or a mentally disordered offender (MDO) will remain in state parole's jurisdiction.
- Supervision and case plans are not specified in statute. There are general conditions in statute as a minimum that are given to the PRCS at release. The supervising entity may add conditions pursuant to the risk and needs of the offender.
- Statute requires CDCR to notify the county within at least 30 days of an impending release onto PRCS. However, we understand that it is CDCR's intent to provide the release packet much further in advance on most offenders.

III. Parole Revocations/PRCS Violations

- All parole revocations for state parolees (except those with a life term) will be served in county jail but capped at 180 days and receive day-for-day credit.
- After parolees have completed their revocation time, they will return to state jurisdiction to complete any remaining parole time.
- PRCS violations will also be served in county jail and subject to the same 180 day cap and receive day-for-day credit.
- Parole revocation hearings (for state parolees only) will continue to be done by Board of Parole Hearings (BPH) until July 1, 2013 when that responsibility will be moved to the local courts.
- PRCS final violation hearing will be conducted by courts beginning October 1, 2011. Courts may appoint hearing officers for this workload. The supervising entity must establish a review process for assessing and refining conditions consistent with the statutory authority to impose sanctions up to and including flash incarceration (up to 10 days).
- Contracting back with CDCR is not an option for either state parolees or PRCS violators who are revoked.

CCP and the Planning Process

- Purpose: Expands the current role of the Community Corrections Partnership (CCP), which was previously established in PC 1230 as an advisory committee on the implementation of SB 678, to be a policy planning body for the public safety realignment.
- Requires: The CCP is to develop and recommend to the board of supervisors an implementation plan for 2011 public safety realignment.
- Establishes an Executive Committee: The executive committee is charged with voting on the plan that will be put before the Board of Supervisors and is composed of members from the larger committee. The statute indicates the entire CCP develops the implementation plan, but gives the following members a vote to approve a plan to be presented to the Board: Chief Probation Officer (Chair); Sheriff; Presiding Judge (or designee); District Attorney; Public Defender; Police Chief; and **one** other department head selected by the board of supervisors from among DSS, Mental Health, or Alcohol and Drug.
- What it doesn't say: There is no requirement on what the plan must contain or when it must be presented to the board. There is also no mandate on how often the group should meet or how the process should look. Given the October 1, 2011 effective date, some counties may want to have a complete plan in place by then, but it is not required. However, considering the timeframe, some counties may want to address their plan in phases, with both short- and long-term recommendations. The CCP planning process is intended as a tool to assist counties in the monumental task of preparing for the impact to the county system, but it preserves the true spirit of realignment, which is local flexibility.
- How is the plan approved? The implementation plan voted on by the CCP Executive Committee is deemed accepted by the county Board of Supervisors unless the Board rejects the plan by a four-fifths vote. In that case, the plan goes back to the CCP.
- How is the plan funded? Allocation/budgetary authority remains with the Board of Supervisors. Further details regarding AB 109 funds and allocations are discussed below.
- Application of the Brown Act: County counsel indicate that the Community Corrections Partnership (Penal Code Section 1230(b)(2)) and its Executive Committee (Penal Code Section 1230.1) are subject to the Brown Act. Government Code Section 54952 (a) sets forth the definition of a legislative body within the Brown Act. That definition includes "any other local body created by state or federal statute." Since the CCP and its Executive Committee are established by statute, each is considered a legislative body under the Brown Act, and the requirements of the Act are therefore applicable. We advise counties to seek guidance of counsel as the meetings of the CCP and its Executive Committee are convened.

Allocations and Funding

The attached Excel spreadsheet details 2011-12 county-by-county allocations for four distinct aspects of 2011 public safety realignment:

1. **AB 109 adult population shifts** – COLUMN 1 in the attached spreadsheet shows the per-county allocation associated with the programmatic aspects of AB 109. The estimated funding level for these activities statewide in 2011-12 is \$354.3 million, adjusted to reflect nine months of operation given the October 1, 2011 implementation date specified in AB 117. These funds are intended to cover all aspects of the adult population shifts: the transfer of the low-level offender

population, counties' new supervision responsibilities for state prison inmates released to post-release community supervision (PRCS), and sanctions – to include incarceration – for those on PRCS who are revoked. (Note that programmatic allocations for AB 109 implementation do not rely on a “daily jail rate” model, but instead are intended to fund the range of programmatic and detention options that best meet local needs, as specified in each county’s AB 109 implementation plan.)

2. **District attorney/public defender revocation costs** – COLUMN 2 in the attached spreadsheet details the per-county allocation associated with the revocation hearings for those on PRCS in 2011-12.² These funds, allocated on the same formula as the AB 109 programmatic costs, are to be divided equally between the local district attorney and public defender offices to cover costs associated with revocation hearings (Government Code 30025(f)(5)).
3. **One-time allocation for AB 109 start-up costs** – COLUMN 3 in the attached spreadsheet details the per-county allocation associated with a one-time state General Fund appropriation of \$25 million. These funds are intended to help cover counties’ costs associated with hiring, retention, training, data improvements, contracting costs, and capacity planning pursuant to each county’s AB 109 implementation plan. Funds are allocated on the same formula as the AB 109 programmatic costs.
4. **One-time grant for CCP planning** – COLUMN 4 in the attached spreadsheet details each county’s one-time grant, awarded based on population “bands,” for purposes of assisting each county’s CCP in developing its AB 109 implementation plan³. Grants will be administered through the Corrections Standards Authority and will be awarded in full within 30 days of the enactment of the 2011-12 state budget. CCP planning grants are distributed as follows:

County population	Grant level
Up to 200,000	\$100,000
200,001 to 749,999	\$150,000
Over 750,000	\$200,000

Requirement to establish County Local Revenue Fund 2011 (and other accounts)

AB 118, the budget trailer bill that creates the funding framework for all aspects of 2011 Realignment, requires the county or city and county treasurer to create the **County Local Revenue Fund 2011**. (See Government Code Section 30025(f)(1)). Within the County Local Revenue Fund 2011, each county must also establish a:

- Local Community Corrections Account
- Trial Court Security Account
- District Attorney and Public Defender Account
- Juvenile Justice Account
- Health and Human Services Account,
- Supplemental Law Enforcement Account

² Recall that pursuant to changes enacted in AB 117, the revocation process for state parolees will remain with the Board of Parole Hearings through June 30, 2013. On and after July 1, 2013, the entire revocation process – including for state parolees – will become a local responsibility.

³ Furthermore, each county must provide the Corrections Standards Authority with a copy of its approved AB 109 implementation plan within 60 days of its approval by the county board of supervisors.

It is imperative that the County Local Revenue Fund 2011 and specified accounts are created as quickly as possible so that counties are able to receive 2011-12 allocations.

Conclusion

We hope this broad overview will assist you in your collaborative planning efforts and budget discussions locally. The three associations intend to also work collaboratively to provide the most up-to-date and useful information and will offer other joint communications as the need presents itself. If you have any questions on these items, feel free to contact us.

California State Association of Counties (CSAC)	Elizabeth Howard Espinosa eespinosa@counties.org ; 916/650-8131 Rosemary McCool rmccool@counties.org ; 916/650-8116
California State Sheriffs' Association (CSSA)	Nick Warner nick@warnerandpank.com ; 916/443-7318 Curtis Hill curtis@warnerandpank.com ; 916/443-7318
Chief Probation Officers of California (CPOC)	Karen Pank Karen@warnerandpank.com ; 916/443-7318

(hand out) 8-2-11

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



FROM: Probation Department

SUBMITTAL DATE:
August 1, 2011

SUBJECT: Approval of the local Community Corrections Partnership preliminary plan for the implementation of AB 109, Criminal Justice Alignment, and Amend Ordinance No. 440 pursuant to Resolution 440- [redacted] submitted herewith.

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve the local Community Corrections Partnership preliminary plan for the implementation of the 2011 Public Safety Realignment pursuant to AB 109 Criminal Justice Alignment, AB 117 Criminal Justice Realignment, and AB 118 Local Revenue Fund 2011.
2. Authorize the Chief Probation Officer to act as the fiscal administrator of the AB 118 Local Revenue Fund 2011 for implementation of the 2011 Public Safety Realignment plan.
3. Authorize the Chief Probation Officer to sign and amend agreements and memorandum of understandings with the local Community Corrections Partnership member agencies for the implementation of the 2011 Public Safety Realignment plan.
4. Approve and direct the Auditor-Controller to make the budget adjustments as outlined in the attached Schedule A for FY11/12.
5. Amend Ordinance No. 440 pursuant to Resolution 440- [redacted] submitted herewith.

Departmental Concurrence

(continued to page 2)

Alan M. Crogan, Chief Probation Officer

FINANCIAL DATA	Current F.Y. Total Cost:	\$22,761,517	In Current Year Budget:	No
	Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	Yes
	Annual Net County Cost:	\$ 0	For Fiscal Year:	FY 11/12
SOURCE OF FUNDS: State				Positions To Be Deleted Per A-30 <input checked="" type="checkbox"/>
C.E.O. RECOMMENDATION:				Requires 4/5 Vote <input checked="" type="checkbox"/>

County Executive Office Signature

Dept't Recomm.: Consent Policy
 Per Exec. Ofc.: Consent Policy

Prev. Agn. Ref.: 3.56-07/26/11

District: ALL

Agenda Number:

Approval of the local Community Corrections Partnership preliminary plan for the implementation of AB 109, Criminal Justice Alignment, and Amend Ordinance No. 440 pursuant to Resolution 440- [REDACTED] submitted herewith.

August 1, 2011
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BACKGROUND: On July 26, 2011 the Board of Supervisors approved the Letter to the Board, Agenda Number 3.56, designating the Riverside County Probation Department as the agency to provide supervision of the Post-release Community Supervision (PCS) population pursuant to the provisions Penal Code Section 3451(a) (AB 109).

On August 2, 2011, the local Community Corrections Partnership Executive Committee met and approved the preliminary plan for implementation of AB 109, Criminal Justice Alignment. Members of the Executive Committee include the following: Chief Probation Officer (chair); Presiding Judge of the Superior Court or designee; District Attorney; Public Defender; Sheriff; a Chief of Police, and the Director of Mental Health.

AB 109 Criminal Justice Alignment changes the definition of a felony as it relates to sentencing, shifts prison housing for "low level offenders" from prison to local county jails, and transfers the supervision of many parolees from the Department of Adult Parole and Board of Prison Hearings to county Probation Departments and eventually the Court. AB 109 also requires that the local Community Corrections Partnership, already established by SB 678, "recommend a local plan to the Board of Supervisors for the implementation of the 2011 Public Safety Realignment."

On August 15, 2011, the Probation Department conducted a workshop for the Board of Supervisors and presented the preliminary plan for implementation of AB 109, Criminal Justice Alignment. The preliminary plan is presented to the Board of Supervisors and recommended for approval. AB 117 Criminal Justice Realignment, the clean-up legislation to AB 109, changed the effective date of implementation from July 1, 2011 to October 1, 2011.

The Community Corrections Partnership Executive Committee additionally approved to designate the Chief Probation Officer as the fiscal administrator of the funds that Riverside County is to receive from the State of California for implementing AB 109. AB 118 created the Local Revenue Fund 2011 to fund the Community Corrections Grant Program including AB 109 implementation.

There are three separate funding allocations that will be received by Riverside County through the AB 118 Local Revenue Fund 2011. These allocations include: the Criminal Justice Alignment program allocation (\$21,074,467); the Criminal Justice Alignment funds for one-time hiring, training and retention allocation (\$1,487,050); and the Criminal Justice Alignment one-time Community Corrections Partnership planning allocation funds (\$200,000). The request for the Auditor-Controller to establish separate special interest bearing funds for these three funding sources was approved by the Board of Supervisors, Agenda Number 3.56 on July 26, 2011.

Approval of the local Community Corrections Partnership preliminary plan for the implementation of AB 109, Criminal Justice Alignment, and Amend Ordinance No. 440 pursuant to Resolution 440- [REDACTED] submitted herewith.

August 1, 2011

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The AB 109 provisions require that evidence-based services be provided to the Post-release Community Supervision (PCS) population. As the fiscal administrator, the Chief Probation Officer is requesting the authority to sign and amend agreements and memorandum of understandings with various local Community Corrections Partnership member agencies for the implementation of the preliminary plan.

Additional services, consisting of private community based organizations and state agencies, will be obtained through the competitive bid process. These types of services include, but are not limited to, community-based residential programs offering structure, supervision, drug treatment, alcohol treatment, literacy programming, employment counseling, psychological counseling, mental health treatment, or any combination of these and other interventions.

In addition to the above, the Probation Department will need to explore entering into contractual agreements for bed space for the nonviolent, non-serious and non-high risk sex offender populations who can no longer be sentenced to state prison but must serve extended periods of time in custody at the local level. Given the limited bed space in our county jails this is an alternative that needs to be explored. Options include contracting with privately operated prisons and the Department of Corrections and Rehabilitation (CDCR). CDCR offers two options, incarceration in a state prison facility or a state fire camp. Other custody alternatives need to be explored such as, but not limited to, electronic monitoring, house arrest and GPS.

The Probation Department will work closely with the Purchasing Department in completing any and all agreements for these additional services.

The Probation Department has developed a department specific 2011 Public Safety Realignment Plan that was presented to the Board of Supervisors as part of the AB 109 Criminal Justice Alignment workshop on August 15, 2011. The plan included FY11/12 budget adjustments and additional positions to implement, and support the realignment plan; provide local supervision to the Post-release Community Supervision (PCS) population; and provide local custody to the non-violent, non-serious, and non-sex offender population that must now be incarcerated in local jails in lieu of State prison.

The Probation Department will utilize the AB 109 funding for one-time and on-going costs. No additional net county cost will be required and there is no county match requirement. The current fiscal year budget adjustments for the Probation Department are outlined in the attached Schedule A. The Probation Department anticipates returning to the Board for additional budget adjustments as more detailed information becomes available.

Approval of the local Community Corrections Partnership preliminary plan for the implementation of AB 109, Criminal Justice Alignment, and Amend Ordinance No. 440 pursuant to Resolution 440- submitted herewith.

August 1, 2011
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The attached resolution details the requested positions to be added to the Probation Department to accomplish the program and activities detailed in AB 109. The Probation Department will enter into agreements or memorandums of understanding with the CCP member agencies who may return to the Board if additional positions and/or budget adjustments are requested. All positions are 100% AB 109 funded. In accordance with Policy A-30, all positions in the attached resolution will be deleted upon termination of the funding.

This implementation of AB 109 has been reviewed by the Auditor-Controller, Human Resources and approved as to form by County Counsel.

2
3
4 **RESOLUTION NO. 440-_____**

5
6 BE IT RESOLVED AND ORDERED by the Board of Supervisors of the County of
7
8 Riverside, State of California, in regular session assembled on August 16, 2011, that
9
10 pursuant to Section 4(a)(ii) of Ordinance No. 440, the Chief Probation Officer is
11
12 authorized to make the following listed changes(s), operative on the date of approval, as
13
14 follows:

15

16	<u>Job Code</u>	<u>+/-</u>	<u>Department ID</u>	<u>Class Title</u>
17				
18	79534	+9	2600200000	Supervising Probation Officer
19				
20	79533	+12	2600200000	Senior Probation Officer
21				
22	79532	+50	2600200000	Deputy Probation Officer
23				
24	79530	+3	2600200000	Probation Specialist
25				
26	74127	+1	2600700000	Senior Administrative Analyst
27				
28	74106	+1	2600700000	Administrative Services Analyst II
29				
30	77414	+1	2600700000	Principal Accountant
31				
32	13925	+1	2600700000	Executive Assistant I
33				
34	13929	+1	2600700000	Executive Secretary
35				
36	77462	+2	2600700000	Research Analyst II
37				
38	86101	+1	2600700000	IT Applications Developer II
39				
40	86183	+1	2600700000	IT User Support Technician II
41				
42	13131	+1	2600700000	Senior Human Resources Clerk
43				
44	15313	+2	2600700000	Revenue and Recovery Tech II
45				
46	13866	+14	2600200000	Office Assistant III
47				
48				
49				
50				
51				
52				

Schedule A

Riverside County Probation Department AB 109 Criminal Justice Alignment Fiscal Year 2011/12

Increase Appropriations:

10000-2600200000-510040	Regular Salaries	\$ 3,580,500
10000-2600700000-510040	Regular Salaries	789,075
10000-2600200000-518100	Budgeted Benefits	1,534,500
10000-2600700000-518100	Budgeted Benefits	338,175
10000-2600200000-520260	Computer Lines	122,545
10000-2600700000-520260	Computer Lines	22,799
10000-2600200000-522310	Maint - Building and Improvement	83,553
10000-2600700000-522310	Maint - Building and Improvement	15,545
10000-2600200000-523640	Computer Equipment	758,950
10000-2600700000-523640	Computer Equipment	141,200
10000-2600200000-523700	Office Supplies	52,116
10000-2600700000-523700	Office Supplies	9,696
10000-2600200000-525440	Professional Services	100,264
10000-2600700000-525440	Professional Services	18,654
10000-2600200000-526700	Rent - Lease Buildings	1,297,355
10000-2600700000-526700	Rent - Lease Buildings	228,945
10000-2600200000-527720	Safety Security Supplies	57,222
10000-2600700000-527720	Safety Security Supplies	810
10000-2600200000-527780	Special Program Expense	111,404
10000-2600700000-527780	Special Program Expense	20,726
10000-2600200000-528920	Car Pool Expense	139,256
10000-2600700000-528920	Car Pool Expense	25,908
10000-2600200000-546320	Vehicles	240,000
	Total	\$ 9,689,198

Increase Estimated Revenue:

10000-2600200000-755680	CA - Other Operating Grants	\$ 8,077,665
10000-2600700000-755680	CA - Other Operating Grants	1,611,533
	Total	\$ 9,689,198

1/2 hand out



County of Riverside
Public Safety Realignment
&
Post-release Community Supervision

Preliminary
2011 Implementation Plan

Executive Committee of the Community Corrections Partnership

Alan M. Crogan, Chief Probation Officer
Sherrill Elsworth, Presiding Judge
Paul Zellerbach, District Attorney
Gary Windom, Public Defender
Stanley Sniff, Sheriff
Jerry Wengerd, Director, Department of Mental Health
Patrick Williams, Chief, Police Department



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OVERVIEW OF 2011 PUBLIC SAFETY REALIGNMENT ACT (AB109)

In an effort to address overcrowding in California's prisons and assist in alleviating the state's financial crisis, the Public Safety Realignment Act (Assembly Bill 109) was signed into law on April 4, 2011. AB109 transfers responsibility for supervising specified lower level inmates and parolees from the California Department of Corrections and Rehabilitation to counties. Implementation of the Public Safety Realignment Act is scheduled for October 1, 2011.

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

Key elements of AB109 include:

Target Population: The Post-release Community Supervision (PCS) 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. (see Attachment 1) The population that will serve their prison sentences locally includes the non-violent, non-serious, non-sex offender group. The California Department of Correction and Rehabilitation (CDCR) estimates Riverside County's "average daily population" (ADP) of these offenders will be:

1601 Post-release Community Supervision

273 Parole and Post-release Community Supervision violators in jail on revocations

Sentenced to local incarceration under AB109

CDCR projects that 1688 offenders will be released on Post-release Community Supervision (PCS) to Adult Probation during the balance of the current fiscal year (FY 10/01/11-6/30/12), requiring the full range of supervision, sanctions and service resource available through the department. Projections for FY 07/01/12-6/30/13 are projected at 1364 offenders to PCS.

This population becomes a local responsibility as of October 1, 2011 when the Post-release Community Supervision Act of 2011 is implemented. **These estimates are based upon data provided by CDCR; however, the Community Corrections Partnership Executive Committee anticipates the actual population to be greater than the State projections.**

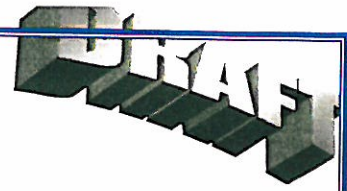
Additional key elements of AB109 include:

- 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 revocations of Post-release Community Supervision while the Board of Parole Hearings will conduct parole violation hearings in jail.
- Changes to Custody Credits: Jail inmates will be able to earn four days of credit for every two days served. Time spent on home detention (i.e., electronic monitoring) is credited as time spent in jail custody.
- Alternative Custody: Penal Code Section 1203.018 authorizes electronic monitoring for inmates being held in the county jail in lieu of bail. Eligible inmates must first be held in custody for 60 days post-arraignment, or 30 days for those charged with misdemeanor offenses.
- Community-Based Punishment: Authorizes counties to use a range of community-based punishment and intermediate sanctions other than jail incarceration alone or traditional routine probation supervision.



Summary of Realignment Components & Local Legislative Recommendations

Population Affected (as of effective date of AB109)	Component of Public Safety Realignment	Local Legislative Recommendations
Released from State Prison	State prisoners serving sentences for non-violent, non-serious and non-sex offenses with one of these offenses in their criminal history will be placed on county Post-release Community Supervision instead of state parole. The Court will adjudicate violations of county Post-release Community Supervision.	The Board designated Adult Probation as the administrator of County Post-release Community Supervision, including administration of home detention and electronic monitoring program for Post-release Community Supervision offenders and probationers.
On State Parole	Violations of State Parole will be adjudicated by Board of Parole Hearings inside County Jail.	
Currently Held Pretrial in County Jail	Certain inmates may be released pre-trial on electronic monitoring.	Recommendation that the Board designate Sheriff as administrator of electronic monitoring for inmates.
Currently Sentenced in County Jail	Certain inmates may be placed on home detention.	Recommendation that the Board expand Sheriff's duties as administrator of Home Detention for inmates.
Realigned Local Incarceration and Post-release Community Supervision Population	Establish outcome measures related to local incarceration inmates and Post-release Community Supervision populations (per AB109).	The Probation Department will fund a position for an expert to develop a research design, collect data and report to the Board on the outcomes associated with AB109.
Realigned Local Incarceration and Post-release Community Supervision Population	Existing AB109 and SB678 funding formula and allocation methodology do not adequately fund the County's actual cost of managing the AB109 offender population, and fiscally penalizes Riverside County's effective correctional practices.	Recommendation that the Board and Mayor's Office raise concerns regarding funding formula and allocation methodology to State Legislative Representatives (detailed on page 9).



LOCAL PLANNING AND OVERSIGHT

COMMUNITY CORRECTIONS PARTNERSHIP

In the last two years, there have been statewide efforts to expand the use of evidence-based practices in sentencing and probation practices, and to reduce the state prison population. SB 678 (2009) established a Community Corrections Partnership (CCP) in each county, chaired by the Chief of Adult Probation, 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 city-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 Adult 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: The Presiding Judge or designee (appointed by the Presiding Judge); Chief Adult 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). On July 26, 2011 the Board of Supervisors designated the Director of the Department Mental Health as the official member. This plan was developed by CCP Executive Committee members, their designees and other key partners. Meeting attendees included:

Chief Alan M. Crogan, Probation Department
Deputy Chief Mark Hake, Probation Department
Division Director William Palmer, Probation Department
Patricia Gus, Assistant Division Director, Probation Department
Sherrill Elsworth, Presiding Judge
Sherri Carter, Courts
Paul Zellerbach, District Attorney
Creg Datig, Chief Deputy District Attorney
Gary Windom, Public Defender
Stanley Sniff, Sheriff
Colleen Walker, Undersheriff
Steve Thetford, Sheriff's Department
Jerry Wengerd, Director, Department of Mental Health
Patrick Williams, Chief, Police Department

The planning group has met to discuss funding methodology, policies and programming necessary to implement the plan. **???Add further???**



NEW POPULATIONS AND FUNDING

Riverside County has a long history of providing innovative, quality alternatives to incarceration, problem solving courts, progressive prosecutorial programs, holistic indigent defense, rehabilitative in-custody programming, and evidence-based supervision and post-release services. Local partners will continue to build upon our successful models and implement promising new practices to responsibly meet the diverse needs of these additional individuals.

PROJECTED POPULATION

The State has estimated that Riverside County will assume responsibility for an average daily population (ADP) of approximately 1601 additional offenders at any point in time across all agencies. This population is diverse and includes offenders who have been convicted of property, public order, drug, and domestic violence offenses, and gang-involved offenders. Of these 1601 people, it is anticipated that at any one time an average daily population of approximately 270 offenders will be serving a sentence of local incarceration or sanctioned to other custodial/programmatic options. All 1601 offenders will be on Post-release Community Supervision. These estimates are based upon data provided by CDCR; however, the Community Corrections Partnership Executive Committee anticipates the actual population to be greater than the State projections.

PROJECTED FUNDING

The formula establishing statewide funding allotments for AB109 implementation in Fiscal Year (FY) 2011-12 assumes **\$25,000** per offender for six months of local incarceration, with each of these offenders allocated \$2,275 for rehabilitative services while incarcerated or in alternative incarceration programs. This same level of funding will be made available for parole violators serving a 60-day revocation, albeit on a pro-rated basis. Offenders on Post-release Community Supervision are funded at \$3,500 per person for community supervision and \$2,275 per person for rehabilitative services (for a maximum of 18 months). The above formula establishing a statewide allotment was developed by the State Department of Finance and agreed to by County Administrative Officers (CAO) and California State Association of Counties (CSAC).

The level of local funding available through AB109 is based on a weighted formula containing three elements:

- 60% based on estimated average daily population (ADP) of offenders meeting AB109 eligibility criteria
- 30% based on U.S. Census Data pertaining to the total population of adults (18- 64) in the County as a percentage of the statewide population; and
- **10%** based on the SB 678 distribution formula



Based on this formula Riverside County is projected to receive \$21,074,467 for FY 2011-12 to serve approximately 1601 (ADP) additional PCS offenders at any point in time. This number does not include the state parolees that will be serving any violation of parole time in county jail. This funding includes:

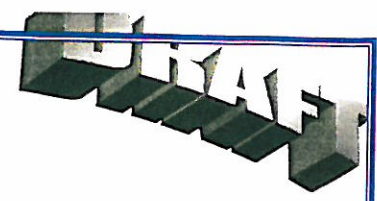
Post -release Community Supervision (PCS)/local incarceration	\$ 21,074,467
AB109 Planning grant	\$ 200,000
AB109 Training and implementation activities	\$ 1,487,050
District Attorney/Public Defender (PCS representation)	\$ 755,421
TOTAL	\$ 23,516,938

Funding for Riverside Superior Court operations is unknown at this time; the Administrative Office of the Courts (AOC) will make this determination of the funding distribution in the near future.

The funding formula is based on an October 1, 2011 implementation through June 30, 2012 and is for the first year only. CSAC/CAO's and the Department of Finance will revisit the formula for future years.

JUSTICE REINVESTMENT

PC 3450(b)(7), as added by AB109, states that "fiscal policy and correctional practices should align to promote a justice reinvestment strategy that fits each county." AB109 defines justice reinvestment as "a data-driven approach to reduce corrections and related criminal justice spending and reinvest savings in strategies designed to increase public safety." Riverside County plans to utilize the Evidence Based Practice and make use of alternative custody options.



Proposed Implementation Strategies

I. ADULT PROBATION - COUNTY POST-RELEASE COMMUNITY SUPERVISION (PCS)

AB 109, the criminal justice alignment, or parole realignment, was signed into law by the Governor on April 4, 2011. Among other significant changes, this bill creates the Post-release Community Supervision (PCS) at the county level for non-violent, non-serious and non-high risk sex offenders (N3) after they have served their sentences in state prisons. This does not include third strike, serious or violent, and high-risk sex offenders leaving prison and offenders currently on parole. These individuals will remain the responsibility of state parole.

The law went into effect July 1, 2011, once a source of funding for the realignment was located. The current target date for the realignment to take effect is October 1, 2011. AB 109 is the State's answer to necessary budget reductions to California Detention Corrections and Rehabilitation (CDCR) and to the recent U.S. Supreme Court Decision in Coleman/Plata that addresses prison overcrowding. The State of California is required to reduce their prison population to no more than 137% above capacity. This means a reduction in approximately 33,000 inmates. The state has two years to reduce these numbers from the date of the Supreme Court's decision on May 23, 2011.

AB 109 shifted responsibility for supervision of the non-violent, non-serious and non-high risk sex offenders to the counties. In Riverside County, on July 26, 2011, the Board of Supervisors indicated the Probation Department would be the agency responsible for the actual supervision of these individuals, as recommended by Executive Committee of the Community Corrections Partnership.

The role of the Riverside County Probation Department in this historic change to the criminal justice system is crucial to Riverside County's ability to maintain public safety, through effective evidence based supervision, appropriate and necessary treatment and required incarceration when necessary.

Implementation Plan

The Riverside County Probation Department will implement AB109 in an evidence based supervision model with supervision services provided to 1) Low Level State Prison Post Release offenders and 2) Non-violent, Non-Serious, and Non-Sex offenders (N3) that would otherwise be sentenced to state prison. The Riverside County Probation Department will target the AB 109 population by implementing Post-release Community Supervision requirements, establishing a case management process with procedures designed to incorporate evidence based principles for effective interventions with the goal of reducing recidivism. To effectively case manage this population the Riverside County Probation Department has designed in a three tiered system focusing on the appropriate supervision level based on the levels of risk and intervention strategies as determined by a risk/needs assessment (Correctional Offender Management Profiling for Alternative Sanctions-COMPAS).

To effectively manage this new population of offenders the Riverside County Probation Department will utilize a three tier classification system designed to provide an appropriate level of supervision based on levels of risk as determined by the COMPAS assessment. Offenders will be categorized as Low, Medium, or High risk and assigned to a corresponding caseload accordingly.

Based upon assumption, projections, and data provided by the state the Probation Department anticipates the added supervision responsibility for an average daily population of approximately 1,700 Post Release offenders and 1,600 low level (N3) offenders beginning October 1, 2011. Based upon statistics provided by the California Department of Corrections and Rehabilitation it is anticipated the breakdowns of offenders by crime type will be as follows:

- 46% Property Offense
- 36% Drug Offense
- 8% Possession of Weapon
- 6% Other
- 4% DUI

Currently, the breakdown of active felony adult probationers supervised by Riverside County Probation by crime type is:

- 30% Property Offense
- 36% Drug Offense
- 21% Crimes Against Persons
- 13% Other

The Post-release Community Supervision (PCS) population will receive services consistent with evidence based supervision practices which include the following:

- Supervision Intake (File Review)
- COMPAS Risk/Needs assessment administered by an assessment team
- Assignment to a supervision level based upon assessment results
- Development of a supervision case plan
- MI practices
- Courage to Change (CBT) curriculum
- Referrals to services according to criminogenic needs (Mental Health, Substance Abuse, Education, and Employment Services)
- Graduated Sanction as needed to promote rehabilitation

Prior to the release of the Post-release Community Supervision (PCS) population from state prison, CDCR will send case file and release plan documents to the Supervision Intake unit of the Riverside County Probation Department. Intake staff will create a supervision file, review each offender's case materials, indicate additional specific terms of

release, and indicate the probation office the offender will report to upon release. This information will be returned to CDCR to be included in the conditions of release signed by the offender prior to release.

All PCS offenders will be required to report to a designated probation office following release from prison for assessment and caseload assignment. Assessment team staff located in each region of the county will be responsible for initial office contact with each PCS offender. Terms of release will be reviewed and the COMPAS assessment will be administered. Following the assessment the PCS offender will be assigned to a specific caseload based upon assessment results.

Case management for the low level N3 population will begin at the pre-sentence stage of the court process. The Probation Department is proposing to increase the number of pre-sentence reports provided to the Riverside County Superior Courts. With the implementation of AB 109 and the increased options for sentencing, the Probation Department plans to increase the number of pre-sentence reports by 3,000-3,500. The N3 population is no longer eligible to be housed at state prison, and therefore will be the focus of these investigations; case management of this population will also begin at this stage.

As part of the pre-sentence investigation, deputy probation officers will administer the COMPAS assessment which will allow them to include a thorough discussion of each offenders risk factors and needs within the pre-sentence report. Additionally, if a period of probation is recommended a supervision plan that includes caseload assignment, contact frequency, treatment needs/referrals can also be included in the pre-sentence report.

For the N3 population not referred for a pre-sentence report, case management will be similar to that provided to the local felony probation population. The three question Proxy risk assessment will be administered to determine assignment to a Low, Medium, or High Risk caseload. Those assigned to high risk will be administered the COMPAS assessment to validate they are high risk and to identify criminogenic factors to assist in case planning. Thereafter, services provided and contact frequency will mirror that received by the PCS population. Offenders assigned to low or medium risk supervision that experience difficulty complying with terms of probation or in need of additional services will be reassessed and assigned to a higher level of supervision.

Community Based Treatment Services

Through the Request for Proposal (RFP) process the Probation Department will seek the participation of community based treatment providers for needed services. This includes mental health and substance abuse treatment, domestic violence, child abuse, and sex offender treatment, referrals for vocational, educational, and job preparation services.

Contracted treatment providers will be required to utilize evidence based practices and treatment models through-out the continuum of services. Mental Health providers will be required to administer mental health assessments and develop treatment plans and to

administer follow up assessments to measure an offender's progress. Substance abuse providers will be required to administer assessments that measure addiction severity to identify the level of abuse and type of treatment required.

The Department will continue to work with domestic violence and child abuse treatment providers throughout the county to assist in becoming evidence based providers and through the RFP process these providers will be mandated to utilize assessment tools and pre and post testing to determine offender progress.

Education, vocational, and job readiness services will be provided by contractors who will be required to administer educational assessments, vocational readiness and skills assessments. Referrals to adult education classes, community college, vocational training or employment will be part of their case plans.