

their PRCS release conditions are now processed by the Probation Department and serve their revocation time in county jails instead of returning to a state prison under pre-AB 109 conditions.

It was initially projected, based upon jail and court data from 2010, that as a result of AB 109, the Riverside County Sheriff's Department's (RSD) jails would now be required to hold an additional 5,740 inmates each year (3,483 parole/PRCS violators and 2,257 New Commits). In addition to having to house these additional inmates, all of them would have sentences that would be longer than the standard 90-day sentence length that was the county jail standard prior to the implementation of AB 109. Inmates sent to county jails under AB 109 were supposed to serve sentences of 1-3 years; however, a special clause in AB 109 created a new sentencing law, Penal Code Section 1170(h), which allows these inmates to receive sentencing enhancements and serve consecutive sentences which greatly exceeded the promised 1-3 year time frames.

Based upon the initial data and interpretations of AB 109, the RSD Corrections Division projected that the RSD jails would reach maximum capacity by the end of December, 2011. The RSD Corrections Division devised and implemented a data gathering system reference AB 109 inmates with the intent of monitoring what the actual impacts of AB 109 were going to be on the RSD Corrections Division.

Since the implementation of AB 109, the negative impact of AB 109 has been greater than initially projected. Current data has revealed that New Commits are receiving sentences well in excess of the initial projection of 180 to 548 days (1-3 years divided by two for good time/work time credits). New Commits, as a result of 1170(h) PC, are receiving enhanced and consecutive sentences well in excess of 1-3 years, with approximately 20% of these inmates receiving sentences of more than 3 years. One inmate received a sentence of 1 year and 4 months for a drug sales conviction but was then also sentenced to four 3-year enhancements and a one 1-year enhancement to be served consecutively for a total of 14 years and 4 months. These enhanced sentences have resulted in these inmates being sentenced to spend an average of 630 days (good time/work time credits already applied) in the RSD jails. These sentences are significantly longer than originally projected.

Parole and PRCS violators would normally have stayed in RSD jails for a period of 1-2 days then transferred to a state prison for processing. Under AB 109, these inmates now remain with us through their parole or PRCS revocation hearings (10-45 days) and then serve their revocation sentences in our jails (30 to 90 days). RSD jails are now receiving an average of 200 parole/PRCS inmates each month.

Inmates who would not have been sent to our jails prior to AB 109 currently occupy more than 18% of beds within the jail system (670 AB 109 inmates). The RSD Corrections Division has done a good job of managing jail bed space since the inception of AB 109. This effort has resulted in the RSD Corrections Division being able to maintain open beds in the jail past the initial maximum capacity date of December 30, 2011. The revised projections indicate that the RSD jails will reach maximum capacity during the first to second week of January 2012.

The longer than projected sentences in conjunction with the increased number of inmates is resulting in more inmates staying for periods longer than projected. These longer than projected lengths of stay are significantly increasing the negative impacts of AB 109 upon the Riverside County jail system, over and above the impacts originally projected prior to its implementation.

IMPACT and RESPONSE PLAN

Jail Operations

The RSD Corrections Division operates five (5) jails spread throughout the county. The total capacity for the 5 jails is 3,906 inmates. The primary function of these jails is to house pre-trial detainees and convicted/sentenced misdemeanor inmates. Due to the limited number of beds, the Corrections Division often has to transport several hundred inmates each weekday into the various courts throughout the county. All five jails operate under the laws established under Titles 15 and 24 of the California Government Code. These two titles provide direction regarding inmate housing ratios, space ratios, rules of conduct, inmates' rights, and dietary needs amongst other operational requirements imposed by the State on county jails.

In 1993, the Federal court imposed a population limit order on the RSD Corrections system. This order forced the RSD to start a program of building and operating more jail space. Despite this program and the creation of additional jail beds during the past 18 years, the RSD jail system, with its 5 jails, is still too small to support the Riverside County Criminal Justice system's needs and the continually growing County population. As an example, the RSD jail system has a total of 3,906 available beds serving a County population of approximately 2 million residents. San Bernardino County's corrections system currently has more than 6,000 beds serving approximately the same number of residents.

Prior to the implementation of AB 109 on October 1, 2011, the RSD jails were operating at an occupancy rate of approximately 85%. This less-than-maximum occupancy rate was the result of several factors including improved headcount management, an overall drop in crime throughout the nation, an improved case management system in the Riverside County courts, and the recent additions at the Larry D. Smith Correctional Facility in Banning (SCF). These factors provided temporary vacant inmate beds prior to AB 109.

Upon the implementation of AB 109, the RSD jail system started to fill immediately. For the first 6 weeks, the number of inmates in the RSD jail system increased 5% every 2 weeks. Within 2 weeks, the RSD had to begin filling temporary vacant inmate beds and we are now operating at full capacity.

The filling of the temporary vacant inmate beds requires the critical staffing levels necessary to operate and monitor this increased population. RSD asked for and received authorization to fill 38 empty correctional deputy positions and assign them to Floor Operations. RSD also began the hiring process for 22 additional correctional deputies to account for staffing attrition. All five jails will require full staffing since all five jails will be at maximum capacity.

Jails operating at maximum capacity must be fully staffed to ensure the safety of the staff and the inmates and ensure compliance with Title 15 regulations. Increased tension in crowded jail conditions can and do escalate into violence within the facility leading to staff and inmate injuries. This leads to additional medical, workers compensation, civil liability, and overtime costs.

AB 109 required that all Parole revocation hearings be conducted at county jails. Additional RSD personnel are needed to staff and monitor these hearings. AB 109 also mandated hearings for PRCS inmates with the Probation Department serving as the hearing officer. In order to minimize the negative impacts to the Courts and the Probation Department, it was agreed that all PRCS hearings be heard at the Riverside Hall of Justice. This requires RSD to transport inmates to Riverside from other jails for these hearings. It is anticipated that these hearings will grow in number and eventually the hearings will be expanded to the Indio and Southwest Court facilities.

These additional hearings for parole and PRCS inmates have placed an additional burden on the RSD jails. Prior to AB 109, Parole would occasionally hold one type of hearing, known as a "Morrissey" hearing, within the RSD jails. Additional Parole hearings, such as "Valdivia" and "Revocation" hearings were often conducted in the state prison facilities after the inmates were transferred out of RSD custody. Parole is now conducting all of these hearings in the RSD facilities and no longer conducts these hearing in the state prisons. This has significantly increased the burden placed upon Floor Operations and transportation personnel.

Jail personnel are required to move inmates to the different hearing locations within the jails and the Riverside Hall of Justice. These inmate movements include transfers from one jail to another and in-house movement of inmates from holding areas to the actual hearing rooms. Staff must also stand-by during these hearings to monitor the inmates during the hearing and provide security for the civilian personnel conducting them. The additional personnel and vehicle needs related to these hearings have generated extra costs for the RSD.

Headcount Management Unit (HMU)

The HMU was started in 2007 due to the severe overcrowding experienced by the RSD Corrections Division at that time. More than 6,000 inmates were released early due to the need to stay within compliance of the 1993 federal court order limiting our inmate population. Utilizing a division-wide strategy, HMU was able to help maximize the number of beds available to house inmates coming into the RSD jails. HMU also maximized the efficiency of the RSD Corrections transportation operations to ensure that the movements of more than 500 inmates each weekday were completed smoothly and on-time for the Riverside County Courts.

As a result of AB 109, HMU must now manage 4 new groups of inmates – New Commits, parolees, flash incarcerations and PRCS violators. AB 109 also required the compilation and reporting of additional statistics regarding AB 109 inmates to ensure future funding. In

addition to tracking the new AB 109 inmates and their impacts, HMU will be required to research and identify inmates who qualify for early release as per the 1993 Federal court order to alleviate the jail overcrowding projected to begin in January 2012. Due to this increased demand, HMU had to be expanded by the addition of 4 correctional deputies.

Riverside Alternative Sentencing Program (RASP)

RASP currently operates as the Work Release Program (WRP) and the Secure Electronic Confinement Program (SECP). Both operations are operated from an office location at the Larry Smith Correctional Facility. The WRP provides the courts with an out-of-custody sentencing option. Participants in the program are assigned to perform labor functions at various government or client work sites.

SECP is an upgrade from WRP. Participants assigned to WRP may opt to be assigned to SECP and pay a fee for the upgrade. Instead of performing labor functions in WRP, the participants can choose to serve their time in home detention with electronic monitoring by SECP. Currently, all participants in the WRP/SECP program are voluntary and therefore can be charged a fee for the service.

AB 109 will change the current method of operation dramatically. As an alternative to "fed kicking" inmates and releasing them early due to the jails being full, the RSD has developed a strategy involving the utilization of RASP as a "virtual jail." Inmates who would have been released early with no oversight would actually be transferred to RASP and placed on home detention with electronic monitoring. This would allow the criminal justice system to retain a degree of oversight over the inmates and still sanction them for their criminal behavior. Those inmates who failed to complete the program would be taken back into custody by the RSD. The forcing of inmates into this system would negate the ability of the RSD to collect fees from the inmates as per State law.

RASP staffing will need to increase to meet this increase in participants. RASP currently processes several thousand participants each year. The forced addition of several thousand more participants will significantly increase the workload. In addition, these non-volunteer inmates will require more oversight to ensure their compliance with the program and the safety of the community. RASP is in the process of adding 13 additional correctional deputies and 1 sergeant to the staff. Additional staffing may be required after further review.

Sheriffs Inmate Training and Education Bureau (SITE-B)

SITE-B provides specialized training, education and counseling services to RSD inmates. These programs include vocational training (construction, culinary, printing, etc.), behavioral counseling (drug addiction, anger management, domestic violence, etc.), and formal education (GED). SITE-B focuses on helping inmates to develop life skills so the inmates have a better chance to succeed in society when they are released from custody and not return to a life of crime.

AB 109 will have a significant impact on this operation. The type of inmates housed in RSD jails will change and so will their rehabilitation needs. In the past, SITE-B has had a limited number of participants since many inmates are not in the jail's custody long enough to complete the programs. SITE-B's staffing and operations reflected this reduced inmate group. The AB 109 inmates will be staying in our custody for longer periods of time, thus increasing the pool of inmates who can complete the programs.

SITE-B is in the process of hiring 21 additional staff members. The new personnel include correctional deputies to monitor the inmates while they are in class/training and counselors to help develop treatment programs for the participating inmates. New staff will also be deployed to each jail with the intent of expanding the programs to all 5 facilities.

SITE-B's mission will also be expanded. It will be tasked with conducting assessments of large sections of the inmate population. These assessments will help to identify the risks and needs associated with each inmate. This will assist the SITE-B personnel in developing the proper treatment program for each inmate. These assessments will also be utilized to help RASP staffing determine which inmates provide the least amount of risk to the community upon transfer to the "virtual jail" and being released on electronic monitoring.

Collaboration

RASP will work in conjunction with SITE-B and the Probation Department to provide education, training and counseling services to inmates while they are in the custody and supervision of the RSD. The intent of this collaboration is to reduce recidivism within the Riverside County inmate population, thus reducing crime in the community and decreasing the number of persons returning to RSD jails. This reduction in returning inmates will help to reduce the negative impacts of AB 109.

Both RASP and SITE-B will work in partnership with Probation to deliver coordinated services and programs. The coordinated delivery of these services and programs will reduce redundancy and increase the effectiveness of these programs. Currently, the Probation Department and RSD are developing joint data base systems that will reduce labor and information technology costs in the future. The RSD and Probation Department have also joined together on a single contract with one vendor for electronic ankle bracelet monitoring services, thus reducing the costs associated with having and monitoring two separate contracts.

COSTS

The impacts of AB 109 have resulted in significant cost increases to the RSD Corrections Division. Staffing levels for Floor Operations needed to be increased to handle the increased work load created by the increased number of inmates being housed in the jails. Additional increases to the staffing of HMU, RASP and SITE-B were required due to the increased requirement to provide services to AB 109 inmates.

These increased costs were projected to be more than \$10,000,000 for the implementation of the RSD's AB 109 response plan. The initial funding allowed RSD to begin the needed hiring of additional personnel for Floor Operations, SITE-B, RASP along with the support costs. Additional costs, also incurred as a result of the realignment, includes cost associated with feeding, clothing, transporting, and housing these inmates who would have otherwise gone to state prison.

While the money provided by the CCP Executive council was sufficient to start hiring additional staff, it is not sufficient to cover the actual annual costs incurred by the RSD. Once the appropriate staff is hired, the staffing cost alone is approximately \$21.4 million per year.

The utilization of electronic monitoring/home detention as an option to in-custody jail housing for inmates will create additional costs. It is projected that an annual cost of \$4.5 million will be required to pay for the monitoring services annually. Currently, inmates who agree to participate in the program voluntarily can be billed for the cost of the service as per State law. However, also per the same State law, inmates who are forced to utilize home detention/electronic monitoring cannot be charged for the service and the County is required to pay for this service.

An additional cost that must be accounted for is the potential of contracting for in-custody bed space from the California Department of Corrections and Rehabilitation (CDCR). The RSD AB 109 response plan includes the possible utilization of CDCR as a contract vendor for in-custody beds. The utilization of CDCR as a contract vendor would also include the placement of RSD inmates in State fire camps via contract with CDCR.

Contracting with CDCR for general population and fire camp bed space is a viable option, but is currently not considered to be cost effective. CDCR has established and set significant limitations on the type of inmates that they will accept (no medical issues, no medication, and no parolees). A recent review of our inmate population indicated that as many as 90% of our current inmates would not qualify for housing at CDCR or fire camps. The quoted daily rates of \$47 (fire camps) to \$78 (general population) per inmate far exceed the cost of the RASP program (approximately \$10 per day per inmate). The cost of contracting with CDCR has not been firmly established, but is projected to be approximately \$35 million each year.

Based upon the above information, RSD's actual costs related to AB 109 could reach approximately \$60.9 million per year.

III. DISTRICT ATTORNEY

Last year, Governor Edmund G. Brown Jr. signed Assembly Bills 109 and 117, commonly referred to as Public Safety Realignment. The intent of the legislation was to reduce both recidivism and the number of inmates housed in the state's prison system by giving local authorities control of certain classes of offenders, generally those offenders who have committed non-violent, non-serious, non-registered sex crimes. As a result of the legislation, since October 1, 2011, offenders convicted of one of the "three non's" have been incarcerated in our local jails, instead of state prisons, and have been supervised after their

release by our Probation Department, rather than the California Department of Corrections and Rehabilitation. Additionally, offenders who violate the terms of their release are now being prosecuted in Superior Court by the District Attorney.

Funding

In addition to the legislation creating Realignment, Governor Brown signed multiple trailer bills to secure funding for the current fiscal year.

As it relates specifically to the District Attorney's Office, by law, the District Attorney and the Public Defender share equally in the fund specially designated for them. Accordingly, each office receives \$377,710.50.

Further, the Community Corrections Partnership Executive Committee (CCPEC) determined that the District Attorney would receive \$570,109 from the Post-Release Community Supervision & Local Incarceration fund, minus \$19,954 for the creation of a contingency fund. This represents a 2.71% share of the \$21,074,467, and is to be used specifically to fund prosecution efforts related to violations of Post-Release Community Supervision. Additionally, the District Attorney has received \$40,228 from the one-time money funding sources to support training.

The total amount allocated from the CCPEC is \$590,383, and the total amount allocated from all Realignment funding sources for the current fiscal year is \$968,093.50.

Post-Release Community Supervision Hearings

The District Attorney is using the funding for one-time and on-going costs generally to support prosecution efforts related to the implementation of Realignment, specifically to prosecute violations of Post-release Community Supervision (PRCS) as filed in the Superior Court by the Probation Department. As a result of Realignment, the District Attorney will now be responsible for prosecuting many violations of PRCS. Such responsibility, and the accompanying workload, has never been vested with the District Attorney. The jurisdiction of the Board of Parole Hearings for these post-release supervision matters is being transferred to the Superior Court, and violation hearings are to be prepared and prosecuted by the District Attorney.

To successfully handle these matters, the District Attorney's plan involves assigning three senior prosecutors supported by one senior investigator, one investigative technician, one paralegal, and three legal support assistants. It is anticipated that these nine full-time positions will be required to handle the new case load countywide at an additional cost of \$1,288,205 annually.

- Three (3) Experienced Prosecutors will be tasked with representing the People of the State of California in prosecuting violations of Post-release Community Supervision as filed in the Superior Court by the Probation Department. The District Attorney will be re-assigning experienced prosecutors to address this need, and has hired new prosecutors to back-fill those positions.

- One (1) Senior Investigator will be assigned to offer investigative support to the attorneys assigned to prosecute the PRCS violations. Specifically, this investigator will be tasked with supplementing the investigations performed by the Probation Department, and help the attorneys prepare the cases in anticipation of conducting the violation hearings.
- One (1) Investigative Technician will be assigned to offer more technical investigative assistance to the attorneys and the investigator. Specifically, the investigative technician will be tasked with serving subpoenas as needed to secure the presence of witnesses at the violation hearings, as well as retrieving physical evidence (audio/video recordings, photographs, etc.) and documentary evidence (certified copies of prior convictions and/or inmate files from the California Department of Corrections and Rehabilitation) from a variety of sources.
- One (1) Paralegal will be assigned to support all of the attorneys handling hearings on violations of PRCS. Specifically, the paralegal will support the attorneys with legal research and case organization.
- Three (3) Legal Support Assistants will be assigned as support to handle the PRCS files from creation until completion. These clerical positions will receive notification from the Court of the filing of PRCS violations, and will be responsible for inputting the case in our case management system, creating and building the physical file, and tracking the file throughout the Office after each court appearance. Additionally, these staff members will be responsible for keeping accurate statistics related to PRCS violations, as well as tracking any increase in the volume of cases generally that can be linked to Realignment.

For the purposes of this plan, it is important to remember that funding was secured from both the State and the CCPEC for the specific purpose of representing the public safety interest in prosecuting those individuals who have violated the terms of their supervised release from prison. Accordingly, it is only the personnel assigned to those hearings, and for which funding has been approved by the CCPEC and endorsed by the Board of Supervisors, that is being described above. The District Attorney believes that there will be an undetermined impact on the volume of new cases as a collateral consequence of Realignment. It must be noted that the funding allocated to and received by the County of Riverside (and each of the agencies to whom the funds will be distributed for purposes of implementing Realignment) provides funding for services only through the conclusion of the current fiscal year, ending June 30, 2012. The Governor has indicated his intent to seek to extend funding for Realignment by way of a ballot measure that will be presented to the voters for the November 2012 election. While the District Attorney is committed to protecting the public and will work to meet whatever demand is placed on the Office as a result of Realignment, the need for increased staffing, and the accompanying need for additional funding, is a matter that will be discussed in future planning cycles. The ability of the District Attorney's Office to provide required services will be dependent on the continued availability of necessary funding.

Training for a New Way of Thinking

Realignment represents the most significant change in the criminal justice system in more than thirty years. Put simply, the sentencing laws that prosecutors have applied throughout their careers have been almost completely rewritten in the span of a few short months. Our duty to represent the People of the State of California requires us to learn and master the intricacies of these new laws at an accelerated pace. As a result, the District Attorney's Office has engaged in significant training and regularly holds strategy roundtables so as to quickly develop expertise in the new sentencing laws and alternative sentencing options, as well as work closely with criminal justice partners to ensure the availability of effective sentencing that does not necessarily rely on incarceration. What the public currently knows as prison (out-of-community incarceration in state-run secured facilities) will be excluded as a sentence option for a large number of offenses. Given that, the incarceration option for many returned and excluded offenders will now only be the local county jail, and reliance only on local incarceration in lieu of traditional prison time will ultimately overburden the County jail system, as described by the Sheriff. To hold these offenders accountable and, more importantly, to protect the public, the District Attorney's Office has increased and expanded in-house and out-sourced training.

In early September, the District Attorney's Training Unit presented an introductory training for over three hundred attorneys. This group included not only prosecutors, but also criminal defense attorneys, both public and private. While the education of defense attorneys may seem an odd role for a prosecutor's office, the reality is that all criminal justice partners need to be educated on the laws for the system to run smoothly. In late September, the Training Unit presented a more advanced training specifically designed for prosecutors, calling on the expertise of a retired judge who is recognized statewide as an expert on the new sentencing laws. In October 2011, the Training Unit developed a program to prepare our prosecutors for the Post-Release Community Supervision hearings. This was yet another complicated endeavor given the fact that local prosecutors had never been responsible for such hearings, and the laws governing such hearings were rewritten.

The Training Unit is not alone in preparing prosecutors for the demands of this new system. The District Attorney's Writs and Appeals Unit, which is assigned to offer advanced legal support to our prosecutors, has developed a "Courtroom Guide to Realignment" that has been placed in each of the calendar courts and also provided to law enforcement agencies, and offers valuable information to our prosecutors when they need it most.

The District Attorney has created an internal Realignment Working Group that meets regularly to discuss issues related to the implementation of this plan. This committee is comprised of members of the District Attorney's Executive Management Team, and is chaired by the Assistant District Attorney for Operations in the Western and Southwest Divisions. At each meeting, the District Attorney's Realignment protocols and procedures are reviewed to determine if the Office is meeting the needs of the public, the courts, and our criminal justice partners. This committee is able to identify problems and develop solutions in real time to ensure that our commitment to public safety is met.

Additionally, in support of the spirit of Realignment, and in recognition that many defendants charged with certain low level misdemeanors will likely suffer little if any consequences as a result of their conduct, the District Attorney has begun the process of developing a new Diversion Program for certain misdemeanor offenders. This new program, which the District Attorney hopes to begin in early 2012, would identify certain misdemeanants and offer them the opportunity to make restitution and participate in educational classes targeted to correcting their behavior, with the goal of having their criminal matter dismissed upon successful completion of the program. Programs such as these have been successful in reducing both recidivism and the burden on the justice system in counties such as Orange and Sacramento.

The mandates of Realignment present an uncharted territory which will require constant monitoring and flexibility by the District Attorney.

Conclusion

Winston Churchill said that "difficulties mastered are opportunities won." The Governor's Realignment plan, however well intentioned, presents many difficulties for all of the partners in the criminal justice system. Moreover, the ramifications of these new laws, and the impact on the citizens of Riverside County, are difficult to predict. To simply bemoan these potential consequences of Realignment serves no legitimate purpose, and in fact will destroy whatever opportunity we have in working together to ensure that our citizens remain safe and secure. It is the District Attorney's intention to make every effort to enforce the law as written, and work with statewide legislators to improve the law whenever and wherever possible.

IV. PUBLIC DEFENDER

Realignment as a result of AB 109 has modified the workload of the Law Office of the Public Defender as clients who previously were handled through the state parole system are now handled locally and more complex dispositions need to be arranged to appropriately sentence clients on the county level. The Public Defender works cooperatively with other agencies to avoid duplication of services and an effective division of the workload while balancing the legal rights of this client base. Our implementation plan requires that we address three distinct populations:

New charges

Clients with qualifying offenses who would have been sentenced to state prison and had their rehabilitation needs assessed and addressed by the California Department of Corrections and Rehabilitation (CDCR) now remain in the county of Riverside to serve their sentence. These individuals can be sentenced under two distinct formulas that have altered the overall structure of felony sentencing.

- This significant change in sentencing laws has been and continues to be addressed by Public Defender staff trainings.
- The Public Defender works cooperatively with other agencies to determine the most appropriate placement or alternative sentence available for these clients to ensure that

they receive the appropriate disposition for their case, any rehabilitation available is utilized, and the jails do not become overcrowded.

- Public Defender Social Worker assistance is common to assist with appropriate assessment of treatment needs, referrals, and transportation.
- These cases occur county-wide in nearly every courtroom and as a result are handled by nearly all of our current lawyers and staff at various times.
- These are clients that we would have represented prior to AB 109 but because many of their dispositions have become more complicated we have set up a data tracking system that allows us to track these cases, their outcome, and any added workload that results over time.
- No specific additional AB 109 staff is used at this time, however data is tracked to determine which services and resources can be attributed to AB 109. AB 109 funding for training is on-going.

1.) Prison sentences served locally

Many clients previously sentenced to State Prison can now receive split sentence, also known as hybrid sentences or supervised release by the Court, to be served locally. Prior to AB 109, when a person was sent to State Prison the courts lost jurisdiction over the case and had no further involvement. As a result of AB 109 Realignment, these individuals can now be housed in our jail and returned to the community through split sentences monitored by the Probation Department. Should these individuals violate the conditions of their release, they return to our local courts to adjudicate those violations.

- Violations are filed and prosecuted county-wide. Attorneys assigned in each of our calendar departments absorb these additional cases, jail visits, court appearances, and potential hearings.
- Public Defender Social Worker intervention will be utilized often to put together more intensive services so that these clients can be more successful in the community rather than resorting to being placed in the county jail for extended periods.
- Because split sentences typically mean that the person will first spend a period in jail before being released into the community we expect that the number of these violations will grow substantially in the coming months. Most of those receiving this type of disposition are still in custody at this time. We will continue to track this caseload and as the numbers progressively grow, the work will be assigned to designated AB 109 staff as the cases can no longer be absorbed by current staff.
- Hours are being tracked to account for AB 109 funding of this workload.

2.) Parolees released to Riverside County pursuant to AB 109

Individuals who are released from prison and qualify under AB 109 are now supervised locally under Post-release Community Supervision (PCRS). Those who violate the terms of their PCRS are now addressed in our local courts and represented by the Public Defender. We previously did not represent individuals in hearings after they were sentenced to State Prison. Beginning in 2013, we will be responsible for the Parole population as well as the

PRCS population. We anticipate the implementation plan to be similar for both populations although the volume will increase significantly at that time.

- In anticipation of this new responsibility we have provided additional training to prepare for representation of clients in this new area of law.
- At this time all parole violations are funneled through the Riverside Hall of Justice regardless of where the case originated throughout the county.
- One full-time lawyer has been designated to handle all of these cases county-wide.
- Communication has been established between probation and the lawyer so that we can quickly respond to alleged violations. We will visit the client wherever they are housed throughout the county to make attempts to resolve appropriate cases early. This alleviates court appearances, transportation of clients, and extended stays in jail when appropriate.
- If cases cannot be resolved the lawyer makes court appearances to negotiate or litigate cases.
- All justice partners continue to meet to resolve new issues as they arise in order to keep the process as efficient as possible while ensuring that our clients' legal rights are met.
- Social Worker assistance will be utilized to refer these individuals to treatment and other social programs to assist them with their needs while released in the community including drug treatment, housing, and mental health referrals.
- In the early stages, we have yet to see the numbers reach their full volume. As the numbers grow, the courts may utilize a regional approach for handling these cases and at that time we are prepared to designate up to 3 lawyers as well as corresponding support staff to accommodate handling the cases geographically.
- Legal Support Assistants are used to track these cases internally to determine the number of appearances made, services provided, and overall workload for the Public Defender.
- The Legal Support Assistant also facilitates communication and tracking of documents between our office, the courts, and probation.
- One attorney (DPD IV) has been designated from AB 109 funding to handle these cases. All other staff time is tracked to account for AB 109 funding as part of this caseload.

In the early stages of Realignment the Law Offices of the Public Defender has had the opportunity to prepare systems and training for handling these new cases. Those individuals that were released from prison and jail since October 1, 2011, have just begun to have violations associated with their cases. As a result, our involvement in the process is only just beginning. The data regarding management of this population will be clearer after more time has passed and more clients are sentenced and released under this legislation. At that time our plan may need to expand or be modified to accommodate the changing volume and needs.

V. MENTAL HEALTH (Health and Human Services Work Group)

Ongoing Planning Efforts

Riverside County Public Health, the Departments of Social Services and Mental Health (which includes Substance Abuse Services) plus the Riverside County Regional Medical Center have developed a Health and Human Services (HHS) work group that continues to plan for addressing the needs of the AB 109 population. The agencies recognize the importance and challenges in serving this population and yet the opportunity to truly address needs which can assist in reducing criminal activity. This work group meets every two weeks with Probation to plan and implement services geared toward this population.

The HHS workgroup is also working on a means to track the service needs and issues surfacing in the AB 109 population. Information has often been delayed or incomplete on individuals released from prison so that planning for meeting of service needs has been difficult. Up to this point then only the more obvious and severe needs are being addressed. A list of comprehensive questions is being developed that Probation can ask new prison releases to get more complete service need information. The plan is also to do a one time survey of the newly jailed AB 109 population regarding service needs. This information will be used to quantify the amounts, types and costs of services the population requires. This will aid in planning for development of needed services and creating better access routes to services.

The agencies are encouraging a Day Reporting Center, or "one stop shop" concept so that services can be brought to the population when they report in to Probation. Continuing discussion with Probation about the planning of these centers will be critical for the agencies so the sites located will be usable by the agencies. These sites then can provide individuals an initial contact with services and allow for benefit applications and easily accessible information on resources.

In addition there is a sub work group on housing that is working in collaboration with the Discharge Committee of the United States Department of Housing and Urban Development (HUD) Continuum of Care to identify and develop transitional housing for the population. This group includes all the public agencies involved with housing such as Housing Authority, Social Services, Economic Development Agency, Mental Health and Veteran's Services. In addition management staff from Detention Health, Mental Health and Substance Abuse programs is meeting regularly with the Sheriff's Department to develop services for the AB 109 population who are in jail for both short and long term stays.

Tracking Costs and Services Provided

Each agency is working on developing mechanisms to be able to track the cost of services provided since one difficulty is being able to identify the impact of AB 109 on the county and to identify the cost of additional needed services and the funding required to provide it. This information can then be used for planning purposes, for demonstrating the impact of AB 109 on Riverside County resources and for building a case for requesting increased funds from

the state for this realigned program.

Training and Resource Materials

The agencies are working on staff training for the Probation and Sheriffs' Department regarding services that currently can be accessed through the various Departments. Thus those staff will have a better understanding of the services available and eligibility criteria. Written resource information in easily understandable format is also being developed for use by staff including benefits application information. A list of current housing options has already been developed.

Client Services

\$4.2 million of the FY 11/12 AB 109 funds have been allocated this fiscal year to provide health and human services to the AB 109 population and it has been budgeted within the Mental Health Department. Efforts to create service access are ongoing and staffing has been requested by Mental Health to provide mental health and substance abuse services including on site assistance to Probation to identify needs of individuals newly out of prison under AB 109. Social Services and the health agencies are in the process of determining the services that will be required from them.

The Departments have provided specific staff as points of contact to assist Probation staff with new releases who have urgent health or mental health needs and to problem solve unique problems of individuals as they are identified. Also as "One Stop Shops" (day reporting centers) are developed there will be opportunity for Public Health, Social Services and Mental Health to have staff on site to help engage individuals into service and to provide direct information to individuals and families. MISP (Medically Indigent Services Program) staff will also be available on site.

Mental Health/Substance Abuse

Residential and hospital treatment: Information from CDCR originally was that 5% of the released population would have severe mental health problems and up to 80% have substance abuse problems. However those with severe mental health problems have been the main impact on the county. Thus far there have been five (5) individuals needing acute psychiatric hospitalization immediately at RCRMC's Arlington campus upon transport from the prison. These individuals have been especially challenging since they have high risk of violent behavior in the hospital setting, thus putting other more vulnerable patients at risk. Other individuals have had serious problems requiring timely evaluation and crisis residential care once they arrive in the county. Crisis residential services within Mental Health are being developed to handle this need. Other Long Term Care/ mental health residential treatment options such as IMDs (Institutes for Mental Disease) and State Hospital placement are also being initially identified as needed. A history of violence and sexual offenses is already creating barriers to finding placement. Staffing for the filing and investigation to determine need for conservatorship will be required to involuntarily place individuals in locked facilities. One individual has already been placed on conservatorship. Also, limited information on the

individuals needing services including their history and past behavior has made placement more difficult, however, identification of resources and the process and areas of responsibility between Departments are developing. Substance abuse residential care is also now being provided to several individuals. Funding has been budgeted to provide these high cost services through contracts.

Outpatient Treatment: Mental Health has budgeted staff who are currently being hired to work onsite in the Probation reporting centers to evaluate those with mental health and substance abuse needs as they report to Probation following prison release. Individuals in need are now referred to the current Department clinics thus impacting an already overloaded system. However as staff funded under AB 109 are hired there will be outpatient programs co located in regional substance abuse clinics where the AB 109 population can receive mental health and substance abuse assessment, peer support, medication and group treatment using current evidence based treatments. This will then relieve the pressure of this population on existing mental health clinics. Also, specialized intensive treatment teams are being created and staffed for those in the community who need intensive treatment and case management, which, in conjunction with Probation, will provide close monitoring and extensive and frequent support.

Jail Services: Staff are being hired to provide assessment and crisis support for the expanded jail population resulting from AB 109. In addition new staff will provide medication services and group treatment of mental health and substance abuse problems for those needing ongoing treatment while sentenced to the jail for long term stays. The ability of the Sheriff's Department to locate the AB 109 population with long term stays only into one or two sites will be critical to providing ongoing health and mental health services to those with serious and chronic problems.

Health

An individual has been identified by Public Health as liaison for assistance with urgent health services and problem solving of individual's specialized physical health problems. Outpatient services will currently be provided within existing health clinics and will be tracked to identify need and cost to the county. RCRMC will provide medical and psychiatric emergency outpatient primary and specialty services and acute hospitalization services and will likewise track cost and need.

An Urban Institute Justice Policy Center research study published in February 2008¹ documented the health challenges facing men and women being released from prison. This report was discussed with Riverside County Detention Health personnel who indicated the major findings are consistent with the health issues currently experienced by inmates in the county's jail system. Listed below are some of the study's key findings:

- Most of the individuals released from prison (84% of men and 92% of women) reported having chronic health conditions requiring treatment or management.

¹ "Health and Prisoner Reentry: How Physical, Mental, and Substance Abuse Conditions Shape the Process of Reintegration," Kamala Mallik-Kane and Christy A. Visser, Urban Institute Justice Policy Center, February 2008.

- About 40% of men and 60% of women indicated they had a combination of physical health, mental health, and substance abuse issues.
- Almost two-thirds of men and women reported active substance abuse in the six months prior to their incarceration.
- Almost 50% of men and 66% of women had been diagnosed with a chronic physical health condition. Most commonly cited health problems included high blood pressure, hepatitis, asthma, diabetes, arthritis, and HIV/AIDS.
- Individuals with physical and mental health conditions were heavy utilizers of health care services. Within eight to ten months of their release from prison, over 7 in 10 individuals had accessed some type of health care services; 30% had used emergency room services and 20% had been hospitalized.

Based upon this study and the discussions with Detention Health staff, it is anticipated that many AB 109 individuals will have physical health issues in addition to mental health and/or substance abuse issues that will need to be addressed. CHA and RCRMC will provide information to Probation Department staff to distribute to AB 109 individuals about the availability of county health care services, including clinic and hospital site locations, hours of operation, list of services, and other important information.

There are plans to place a public health nurse at the Probation Department's primary receiving centers to conduct a brief health screening and provide appropriate referrals on AB 109 individuals to identify any urgent or possible public health-related communicable threats such as active TB. Those with primary physical health issues will be referred to one of the CHA Ambulatory Care Centers, RCRMC's primary care clinics or other appropriate medical clinic, such as the Veterans Administration, for further evaluation. Once evaluated, individuals with medical conditions requiring specialty care treatment may be referred to the appropriate RCRMC specialty clinic. RCRMC's Emergency Department will be available to provide emergency services as needed on a 24/7 basis. As noted in the Mental Health/Substance Abuse section of this report, some AB 109 individuals have required acute psychiatric hospitalization upon their release from prison. RCRMC's Arlington campus will provide 24 hour psychiatric emergency treatment services (ETS), including evaluation, crisis intervention, and referrals for acute psychiatric hospitalization at its inpatient treatment facility (ITF).

Social Services

Information is being provided to Probation staff about the services and benefits application process available through the Department of Public Social Services (DPSS). Services, such as CalWORKs (cash aid), CalFresh (previously known as Food Stamps), Medi-Cal, and General Relief assistance, are currently provided through the existing community based DPSS district offices to eligible AB 109 individuals as part of the general applicant population. A mechanism for tracking services specifically provided to the AB 109 population is under development.

DPSS will continue to accept and process all applications for assistance received from AB 109 individuals at any of the DPSS district office locations throughout the county. Once the "one stop shops" are established, DPSS will provide designated staff on site to provide direct

service information to AB 109 individuals and their families. Applications for services can also be submitted electronically via C4yourself.com. Additionally, DPSS has four Family Resource Centers in the cities of Desert Hot Springs, Mecca, Perris and Riverside that can be used to refer clients and their families for other supportive services. The Family Resource Centers work collaboratively with community partners to provide an array of services and activities that are integrated, comprehensive, flexible, and responsive to community identified needs. The following are core services provided:

- Parenting Skills: Acquiring knowledge and developing skills to become an effective parent.
- Self-Sufficiency: Job and career development for adults and youth, how to conduct a job search, how to obtain job training.
- Community Action: Community development, human services advocacy, farm worker services.
- Child Abuse Prevention Services: Awareness of what constitutes abuse, how to report, where to get help, sharing responsibility for child safety, permanency, child and family well-being. Delivered services may include: differential response; anger management; individual group and family counseling; domestic violence intervention; in-home demonstration services; kinship support services, public health, and alcohol or other drug treatment.
- Resource Development, Information & Referral Services: Learning where support resources exist, linkage to professional services, how to get help for themselves and for family members, senior services, how to locate transitional housing, legal aid services.
- Education and Literacy: Reading and writing skills, English as a Second Language, educational services.
- Life Skills: Home management skills, budgeting, how to shop, driver's education.

DPSS has requested and received a data extract that would help us match any potential post-release community supervision offenders with open Child Protective Services cases and/or foster homes. The plan is to use this data extract of addresses of the current AB 109 offenders to identify any potential risk to children and the need to obtain further information from the Probation office on these individuals. DPSS is also concerned about cases where individuals formerly charged with domestic violence may be returning to the home where the violence occurred. A mechanism or tool for identifying these situations will need to be developed.

Other

Housing resources are being reviewed and need expansion for the population since stability in housing is a critical deterrent to future crime. The need for funding to support individual's

housing is being discussed through various work groups and determination made about the use of limited AB 109 funds for ongoing housing support. Employment services are also a concern and Probation continues to work with the existing resources to address this issue. Work will be ongoing in each of these areas of need.

Challenges and Opportunities

One of the greatest current challenges is being able to determine overall needs of this new population in order to plan for services and determine impact on the county resources. The current prison record review process has gaps and delays which make it hard to immediately identify the specific needs of the individuals in the AB 109 population who report to Probation. As the current review process becomes more standardized, as clinical staff is hired to screen and assess and as the CDCR referral process improves this will become easier. However tracking of needs and costs of the population that just shows up at existing service offices on their own without specific referral will remain difficult. Further it will continue to be important to focus on engaging the population to follow up with needed services such as mental health and substance abuse services that then impacts their risk of recidivism. Thus the real impact of the AB 109 population on the county's human services system will continue to be difficult to quantify for some time.

However, as individuals are identified and services are provided then the long term health, mental health and substance abuse treatment needs and costs, especially for those with severe and chronic diseases, will become clearer. Referrals of severely ill individuals have already begun to show potential for severe impact on existing resources in the community. Another issue is that even if additional funding is available, there are limitations to building service capacity, in the near term, in community resources because of lack of appropriate facilities or lack of community support for serving these individuals in local neighborhoods.

Community resistance and lack of resources for housing and employment of those with criminal records will be magnified as there is increased awareness of individuals' needs and efforts made to access resources. Further, some of the resources that Parole has provided in the community through contracts will be reduced over time so the county must then decide if those resources can be replaced through local efforts or continued through local funding.

On the positive side, as individuals are screened and monitored by law enforcement and services staff, as service needs are tracked, as housing and employment resources are developed and as services are provided there will be the opportunity to directly impact the lives of individuals and families in the community thus reducing the risk of criminal recidivism. Through individual follow-up, support for families who now have a parent returning home will have an opportunity to address the stress this creates while monitoring for domestic violence and abuse is also a possible benefit. Previously Parole provided the bulk of whatever mental health treatment services were available and parolees were not otherwise specifically served or tracked in the county system thus the needs and the impact of this population was not known and often poorly addressed. Now with individuals identified by the county and with appropriate resources the county system will be able to know about and provide the interventions needed to reduce recidivism and ensure appropriate care. Thus through this

program there is an opportunity to focus resources in a way that positively impacts the financial and human cost to families and society of repeated criminal behavior. Adequate funding of course is key to producing this outcome.

VI. SUPERIOR COURT

The Criminal Justice Realignment Act makes significant changes to felony sentencing laws, awarding of custody credits, and assigns courts a new and significant role in the revocation process for offenders released from state prison that violate their terms or conditions of Post-release Community Supervision (PRCS) or parole.

Beginning October 1, 2011, AB 109 transfers responsibility for supervising specific low level inmates and parolees from the California Department of Corrections and Rehabilitation (CDCR) to counties by the local supervising agency, the Probation Department in Riverside County. Under Assembly Bill 117, a budget trailer bill accompanying the Budget Act of 2011, the Court's role under criminal realignment previously outlined under AB 109 has been substantially narrowed to handle only the final revocation process for offenders who violate the terms or conditions of Post-release Community Supervision (PRCS) or state parole supervision.

Before a petition for revocation of post-release supervision may be filed with the Court, Probation has an affirmative duty under criminal justice realignment to assess and determine whether intermediate sanctions not requiring court involvement is appropriate. Probation has significant authority to respond to violations of supervision with a variety of intermediate sanctions, including but not limited to "flash incarceration" in the county jail for up to 10 days, without court involvement. The Court has no jurisdiction or required role until a Petition for Revocation of Community Supervision has been filed by Probation.

Effective October 1, 2011, petitions for revocation of post-release community supervision may be filed by Probation in the Superior Court in the jurisdiction in which the violator is being supervised. The Court, in collaboration with other Community Corrections Partnership Executive Committee (CCPEC) agencies, has established an effective workflow² to assume responsibility for the PRCS revocation proceedings in accordance with specific rules of court³ and a mandatory petition form the Judicial Council has adopted to establish uniform statewide revocation procedures.

The CCPEC agencies have agreed to file all petitions and hold all revocation hearings centrally at the Riverside Hall of Justice. As the caseload volume increases, a regional model may be contemplated in the future. Until then, a single Revocation Hearing Officer has been designated to handle this new caseload and hearings related to PCS revocation proceedings.

Upon receipt of a *Petition for Revocation of Community Supervision*⁴ from Probation, the Court will file the petition and, within 5 court days, conduct a probable cause review based on

² Post-release Community Supervision Flowchart – Attachment 1

³ California Rule of Court 4.540 and 4.541 – Attachment 2

⁴ Petition for Revocation of Community Supervision Form (CR-300) – Attachment 3

information contained in the petition and the written report of Probation. The Court will prescribe the date and time of the revocation hearing, within 45 days of filing of the petition, unless time is waived or the Court finds good cause to continue the matter. At any time before a formal revocation hearing the supervised person may waive the hearing, admit a violation and accept sanctions. Absent a waiver, the Court will provide a hearing officer, courtroom facility, interpreter services and the means to produce a record for all formal revocation hearings.

Because the criminal justice realignment act transfers an Executive Branch function to the Judicial Branch, and because it provides a great deal of implementation flexibility to counties, it is very difficult to predict petition caseload with precision. However, based on California Department of Corrections and Rehabilitation's (CDCR) caseload experience during 2010, the rough estimate of the number of petitions for revocation of supervision Riverside Superior Court may receive is 266. Based on this estimate, the state budget appropriated funds for the Judicial Branch to undertake this new function and the Administrative Office of the Courts (AOC) allocated \$671,942 in operating funds to Riverside Superior Court for Fiscal Year 2011-2012.

The AOC will make future funding determinations based on workload including the number of revocation petitions filed. Future allocation of funding for court revocation proceedings will be based on actual court-specific caseload information, rather than the estimates used for Fiscal Year 2011-2012.

Beginning July 1, 2013, petitions for revocation of parole supervision will be filed in the Superior Court. These petitions will be filed by the state parole agency and a similar workflow will need to be developed between the Court and the State. These matters will not be supervised by Probation but remain with state parole. Until July 1, 2013, all state parole revocation proceedings will continue under the jurisdiction of the Board of Parole Hearings.

VII. LOCAL LAW ENFORCEMENT

Post-release Community Supervision Accountability Team (PRCSAT)

Background

On August 30, 2011 the CCP Executive Committee voted unanimously for the need of a county-wide law enforcement component. The implementation of AB109 resulted in convicted felons and parolees who were previously monitored by State Parole be supervised by County Probation.

Partnership with Probation

The PRCSAT will be a collaborative effort with County Probation and the District Attorney's Office.

Recommendation

The primary mission of PRCSAT is for municipal Police Departments to work with the County Probation Department to immediately focus on “high risk” and “at large” PRCS offenders that pose the most risk to public safety. The PRCSAT will be dedicated to identifying and investigating “non-compliant” PRCS offenders, locating and apprehending “at-large” and “high risk” PRCS offenders and performing probation sweeps. Currently, there are over 8,000 absconded PRCS offenders. There is not a current projection on how this number will increase with County Probation taking over Parole’s duties. Based on current data available at the last CCEP meeting, since the October 1st AB109 implementation, Riverside County Probation has experienced 59 “Failure to Appear” PRCS offenders. Through sustained, proactive, and coordinated investigations the PRCSAT will be able to share information, serve warrants, locate and apprehend probation violators. The PRCSAT will proactively search for the “at large” PRCS offenders and reduce the number of absconded PRCS offenders. The support of the PRCSAT allows the County Probation Department more time and resources to focus on case management and compliance checks.

While we recognize the concerns raised by the Sheriff and the burden AB109 has placed on the cities and county infrastructures, we all have an obligation to our communities for law enforcement to be highly visible and to hold those individuals accountable that break the law, regardless of the offense (low, middle and high level offenses). The Accountability Team is a specific deterrent to the chronic re-offenders.

The eleven (11) city Police Chiefs have been working diligently to build the infrastructure to support this type of critical enforcement. The Accountability Team must be a priority in order to adequately respond to those “high risk” PRCS offenders that pose the most risk to public safety in our communities. As law enforcement professionals who are responsible for public safety and quality of life in our communities we are not able to wait for the corrections housing and alternative sentencing structure solution before the PRCSAT is implemented. The PRCSAT must be implemented immediately.

PRCSAT will be a county-wide multi-jurisdictional team; West County (Riverside PD, Corona PD, County Probation, ATF and Parole), Southwest County (Murrieta PD and County Probation) and East County (Beaumont PD, Cathedral City PD, Desert Hot Springs PD, Hemet PD, Palm Springs PD, County Probation and the District Attorney’s Office). The Association of Riverside County Chiefs of Police and Sheriff (ARCCOPS) will be the PRCSAT oversight committee. On a quarterly basis, ARCCOPS will receive a written report and presentation from the PRCSAT Commander on the Accountability Team’s accomplishments that will include statistics, data, demographics, expenditures (on-going and one-time funds) and budget status. There will also be a Memorandum of Understanding (MOU) between County Probation and the participating municipal police agencies (Beaumont PD, Cathedral City PD, Corona PD, Desert Hot Springs PD, Hemet PD and Palm Springs PD) for monetary reimbursement from AB109. Desert Hot Springs PD will be the fiscal agent as it relates to AB109 reimbursement from the county.