

PRCSAT will operate in a task force model similar to the County's successful regional gang task force teams and that of the countywide S.A.F.E. team. PRCSAT will work closely with County Probation and the District Attorney's Office. Beaumont Police Department will provide office space for the East County unit, Riverside PD will provide office space for the West County unit and Murrieta PD will provide office space for the Southwest unit.

Fiscal Impact

Request AB109 funding for FY11/12 (6 months) in the amount of \$772,450.00

Attachments: Budget

Organizational Chart

PROPOSED OUTCOMES

Performance measures and a mechanism for the reporting of outcomes will be developed based on the vision and goals stated above for public safety realignment. The outcome measures will include process analyses, implementation and change analyses, and cost/benefit analyses. As noted throughout this implementation plan, the shifting of responsibility for supervising and housing offenders from the state to the county mandates a re-tooling of the county's criminal justice system to effectively leverage available resources for all criminal offenders. The county will measure the effects of AB109 implementation on five populations: felony probationers; felons sentenced pursuant to full 1170(h) terms of imprisonment; felons sentenced to split sentences pursuant to 1170(h); felons sentenced to state prison; and PRCS offenders.

The CCPEC will explore the development and implementation of an information technology framework to facilitate information sharing and the evaluation of offender outcomes and the overall success of the implementation plan. The Sheriff and Probation is in the process of developing an interface with their client management systems and will be utilizing the same risk and needs assessment tool.

Outcome measures for the realignment plan include recidivism rate, revocation rate and arrest rates.

Efficiently Use Jail Capacity: The County will measure the use of custody, including length of stay to determine how effectively we are using custody and for what purpose. Alternatives to custody will also be studied. In this manner, the County can capture the percentage of jail space that is utilized for pre-trial detention, long term sentences, and revocations. This measure will assist the county in determining if additional jail space will become necessary in the future. Moreover, capturing information about use of custody and alternatives to custody and their effects on recidivism will help the County determine what works and what doesn't work to improve processes in the future.

Incorporate reentry principles into in custody programming. The County will implement systems that effectively utilize alternatives to pre-trial and post-conviction incarceration where appropriate. The County will measure the use of in custody programming to determine its

effects on recidivism. The types of programming offered to each of the groups will be documented, as well as, the transitions to community treatment, and the effects on recidivism. The County will use this information to ensure funding remains available for programming showing positive results, and to modify or cut programs that are not having positive outcomes, which will result in more effective use of limited resources.

Incorporate evidence-based practices into sentencing, supervision and case management: The County will implement a system that protects public safety and utilizes best practices in reducing recidivism. The County will measure the use of risk and needs assessments in sentencing, supervision and case management. The County will measure the types and lengths of services, use of collaborative courts, alternative sanctions, custodial sanctions, level of supervision and the effects on recidivism. The County will measure the number of court hearings for all populations and whether this is increased or decreased based on strategies implemented for each population. This will help to determine whether these strategies are cost-effective and how resources should be allocated in the future. Recidivism rates for non-violent, non-serious, non-high risk sex offenders and parolees now under the County supervision will be tracked.

Implementation of a streamlined and efficient system in the County of Riverside to manage our additional responsibilities under realignment: The County will develop a system where the exchange of information between agencies is seamless. Probation and the Sheriff's Department are in the process of creating an interface between their client management systems allowing for the exchange of information and avoidance of duplication of process. Both departments will eventually be able to share information regarding the COMPAS risk/needs assessment by utilizing the same hosting site.

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

The CCP partner feedback on the effectiveness of the mechanisms in place is imperative to collaboratively address realignment issues as they arise. Potential measures continue to be discussed and developed among the CCP partners since the October 1, 2011 beginning date of realignment.

CONCLUSION

The Public Safety Realignment Act, AB 109, mandates the most sweeping change to the state's correctional system in a generation. It presents significant challenges to local jurisdictions that can only be resolved through a dynamic expansion of services on the part of the Probation Department, Sheriff's Department, and other county agencies.

Riverside County needs be clear that realignment dramatically shifts supervisory and custodial responsibilities for a criminal population that would have been, in the past, committed to state prison and the responsibility of CDCR.

The concept that the offenders being directed to our local jurisdictions are non-violent, non-serious, and non-high risk sex offenders is misleading. As previously discussed, CDCR classification of these offenders is based solely upon current convictions and offenses. It is common for persons committed to state prison for a less serious offense to have significant, lengthy criminal histories that may encompass more serious or violent crimes; and to have a history of habitual non-compliant conduct and be resistive to community corrections interventions. The Riverside County criminal justice system should remain vigilant to potential increases in crime rates or incidents of criminal conduct that are the corollary of the re-introduction of these offenders to our communities.

Riverside County has an advantage toward success with the AB109/PRCS population. The Probation Department has an evidence-based supervision program in place to address probationers. The Probation Department supervision systems and rehabilitative programming need to be expanded and modified for this new, unique population of offender. Prior to AB 109, the Sheriff's Department developed the Riverside Alternative Sentencing Program (RASP) for custody options for their general jail population which will be used for the PRCS population.

AB 109 is a countywide challenge that requires a countywide response. Since implementation, county agencies have been working in a collaborative effort at dealing with the issues and challenges of the AB 109 population. The level of involvement and cooperation among agencies is commendable.

Implementation of this new system of programs will not be without its challenges. In the event of on-going significant compliance problems, absent re-offense, there are scant resources for consequences, and prison housing is not an option. Moreover, supervision and custody responsibilities will come at a significant cost. Realignment funds are provided for one year, and the commitment for continued state funding is speculative and still undetermined. Pursuit of a reliable and ongoing funding stream must be a priority goal and the Governor made it clear this was a priority.

Riverside County's plan for development of a supervision and custodial system for realignment was based upon statistical data only available from CDCR. CDCR has acknowledged that their predictions were underestimated statewide. Probation, the Sheriff's Department and other departments providing services to this population believe in our ability to effectively monitor and provide services to this criminal population, but that is predicated on the accuracy of those statistics. It may be necessary to make changes to the PRCS implementation plan as we progress.

The Community Corrections Partnership Executive Committee is cautious about speculating the outcome of the parole realignment due to the significant concerns on the types of offenders, the number of offenders, budgetary issues affecting county departments, and the

potential for an increased crime rate. Despite these concerns, the Community Corrections Partnership Executive Committee has developed the best possible parole realignment plan for Riverside County.

DRAFT

AB 109 CCPEC
Summary of Agency Budget Proposals (Schedule A)
FY 2011/12

October 11, 2011

<u>Department</u>	Budget FY 2011/12			<u>Revised Funding</u>
	<u>Proposed Funding</u>	<u>Contingency @ 3.5%</u>	<u>One-Time Funds Distribution</u>	
Probation Department	\$ 5,638,441	\$ (197,345)	\$ 397,858	\$ 5,838,954
Sheriff's Department	\$ 9,700,000	\$ (339,500)	\$ 684,448	\$ 10,044,948
District Attorney	\$ 570,109	\$ (19,954)	\$ 40,228	\$ 590,383
Public Defender	\$ 435,917	\$ (15,257)	\$ 30,759	\$ 451,419
Mental Health	\$ 4,000,000	\$ (140,000)	\$ 282,247	\$ 4,142,247
Police	\$ 730,000	\$ (25,550)	\$ 51,510	\$ 755,960
Social Services	\$ -			
Subtotal	\$ 21,074,467	\$ (737,606)	\$ 1,487,050	\$ 21,823,911
Available Funding	\$ 21,074,467			
Contingency		\$ (737,606)		
Funding Surplus/(Deficit)	\$ -			

Note: Superior Court has a separate allocation of \$662,000, with no additional requests for funding

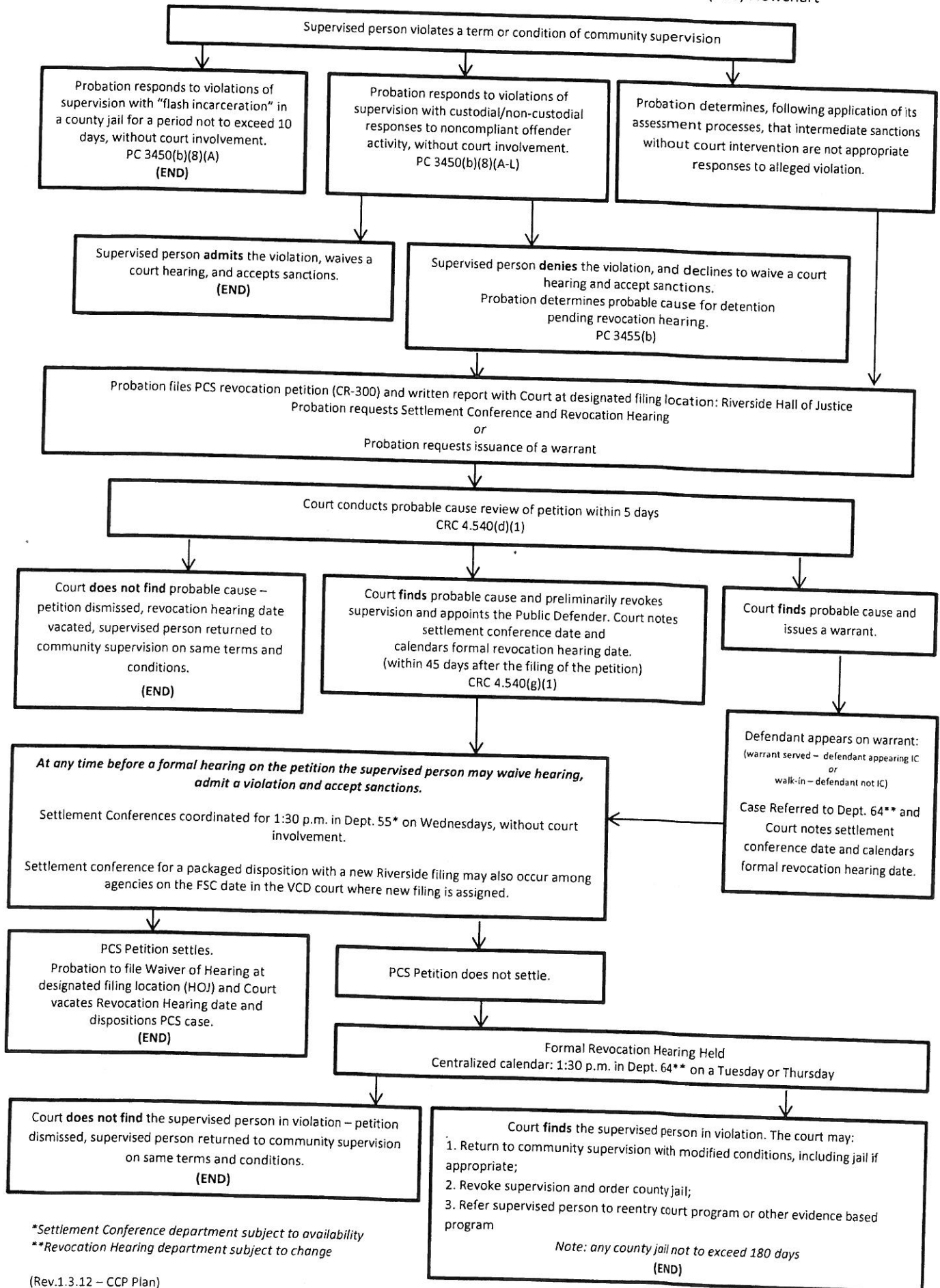
**AB 109 Community Corrections Partnership Executive Committee
 FY 2011/12 AB 109 Positions Summary - Revised
 As of January 10, 2012**

Updated: January 9, 2012

Schedule A

<u>CCPEC Agency</u>	<u>Auth Pos</u>	<u>Vacant</u>	<u>Filled</u>	<u>Form 11 Approp Adjust Salary/Benefits</u>	<u>Annualized Salary/Benefits</u>
Probation Department	100	68	32	\$ 4,161,500	\$ 7,943,000
Sheriff's Department	99	66	33	\$ 7,011,160	\$ 9,356,081
District Attorney	3	0	3	\$ 886,914	\$ 1,182,552
Public Defender	9	8	1	\$ 813,627	\$ 1,103,947
Mental Health	53	46	7	\$ 2,383,539	\$ 4,529,819
Total	264	188	76	\$ 15,256,740	\$ 24,115,399

Criminal Justice Realignment Post-release Community Supervision (PCS) Flowchart



*Settlement Conference department subject to availability
 **Revocation Hearing department subject to change

California Rules of Court

Rule 4.540. Revocation of postrelease community supervision

Rule 4.541. Supervising agency reports

Rule 4.540. Revocation of postrelease community supervision

(a) Application

This rule applies to petitions for revocation of postrelease community supervision under Penal Code section 3455.

(b) Definitions

As used in this chapter:

- (1) "Supervised person" means any person subject to community supervision under Penal Code section 3451.
- (2) "Court" includes any hearing officer appointed by a superior court and authorized to conduct revocation proceedings under Government Code section 71622.5.
- (3) "Supervising agency" means the county agency designated as the supervising agency by the board of supervisors under Penal Code section 3451.

(c) Petition for revocation

- (1) Petitions for revocation must be filed by the supervising agency at the location designated by the superior court in the county in which the person is supervised.
- (2) The supervising agency may file a petition for revocation only after all of the following have occurred:
 - (A) The supervising agency has established probable cause to believe the supervised person has violated a term or condition of community supervision;
 - (B) The supervising agency has determined, following application of its assessment processes, that intermediate sanctions without court intervention as authorized by Penal Code section 3454(b) are not appropriate responses to the alleged violation; and
 - (C) The supervising agency has informed the supervised person that he or she is entitled to the assistance of counsel and, if he or she desires but is unable to employ counsel, the supervising agency has referred the matter to the public defender or other person or agency designated by the county to represent supervised persons.
- (3) Petitions for revocation must be made on *Petition for Revocation of Community Supervision* (form CR-300) and must include a written report from the supervising agency that includes the declaration and information required under rule 4.541.
- (4) Upon filing the petition, the supervising agency must provide copies of the petition and written report to the prosecutor and the supervised person's counsel or, if unrepresented, to the supervised person.

(d) Probable cause review

(1) The court must review whether probable cause exists to support a revocation within five court days of the filing of the petition. To conduct the review, the minimum information the court may rely upon is the information contained in the petition and written report of the supervising agency. If the court determines that probable cause exists to support a revocation, the court must indicate the determination on *Petition for Revocation of Community Supervision* (form CR-300) and preliminarily revoke supervision.

(2) If the court determines that no probable cause exists to support the revocation, the court must dismiss the petition, vacate any scheduled hearings, and return the person to community supervision on the same terms and conditions. If the court dismisses the petition, the supervising agency must notify the prosecutor, supervised person, and supervised person's counsel, if any, of the dismissal.

(e) Notice of hearing

The supervising agency must provide notice of the date, time, and place of any hearing related to the petition to revoke to the supervised person, the supervised person's counsel, if any, the prosecutor, and any victims.

(f) Waiver

At any time before a formal hearing on the petition, the supervised person may waive, in writing, his or her right to counsel, admit a violation, waive a hearing, and accept a proposed modification of supervision.

(g) Formal hearing

(1) The hearing on the petition for revocation must occur within a reasonable time after the filing of the petition.

(2) Revocation determinations must be based on a preponderance of the evidence admitted at the hearing. The statutory and decisional law that governs the admissibility of evidence at probation violation proceedings applies.

(h) Orders After Hearing

(1) If the court finds that the supervised person has not violated a term or condition of supervision, the court must dismiss the petition and return the supervised person to community supervision on the same terms and conditions.

(2) If the court finds that the supervised person has violated a term or condition of supervision, the court may:

(A) Return the supervised person to supervision with modifications of conditions, if appropriate, including a period of incarceration in county jail;

(B) Revoke supervision and order the supervised person to confinement in county jail; or

(C) Refer the supervised person to a reentry court under Penal Code section 3015 or any other evidence-based program in the court's discretion.

(3) Any confinement ordered by the court under (h)(2)(A) or (B) must not exceed a period of 180 days in county jail.

(i) Findings

If the court revokes community supervision, the court must summarize in writing the evidence relied on and the reasons for the revocation. A transcript of the hearing that contains the court's oral statement of the reasons and evidence relied on may serve as a substitute for written findings. *Rule 4.540 adopted effective October 28, 2011.*

Advisory Committee Comment

Before the enactment of criminal justice realignment legislation (Assem. Bill 109 (Committee on Budget), Stats. 2011, ch. 15; AB 117 (Committee on Budget), Stats. 2011, ch. 39; ABX1 17 (Blumenfeld), Stats. 2011, ch. 12), parole revocation procedures conducted by the California Department of Corrections and Rehabilitation were subject to federal court injunction. (See *Valdivia v. Schwarzenegger* (E.D.Cal., Dec. 2, 2010, Civ. No. S-94-0671 LLK/GGH).) The terms and procedures required by the injunction represent a negotiated settlement between the parties and are not "necessary or required by the constitution." (*Valdivia v. Schwarzenegger* (9th Cir. 2010) 599 F.3d 984, 995, *cert. denied sub nom. Brown v. Valdivia* (2011) 131 S.Ct. 1626 [vacating a district court order denying the state's motion to modify the injunction to conform to recently enacted Penal Code section 3044 because "[t]here is no indication anywhere in the record that these particular procedures are necessary for the assurance of the due process rights of parolees"].) The due process standards applicable to postrelease community supervision revocation proceedings have been established by constitutional case law (see, e.g., *Morrissey v. Brewer* (1972) 408 U.S. 471, 489; *People v. Vickers* (1972) 8 Cal.3d 451, 457–458), not the terms and procedures negotiated by the parties to the federal injunction and related orders.

The Criminal Law Advisory Committee acknowledges that the practices related to the scheduling of court appearances vary from county to county. Nothing in this rule is intended to prohibit courts from scheduling court appearances according to local needs and customs, including requiring court appearances before formal evidentiary hearings on the petition to revoke. When filing a petition, petitioners should consult local rules and court staff regarding specific requirements for scheduling court appearances related to revocation petitions.

Subdivision (c). Penal Code section 3455 does not prescribe a deadline for filing the petition. It is incumbent on courts and supervising agencies to ensure timely filing of petitions, particularly when the supervised person is detained solely for a violation.

Subdivision (c)(2)(A). Detained supervised persons are generally entitled to certain due process rights during revocation proceedings, including a preliminary probable cause determination. (See, 80 e.g., *Morrissey, supra*, 408 U.S. at 489; *Vickers, supra*, 8 Cal.3d at 457–458.) Under the criminal justice realignment legislation, supervising agencies are authorized to conduct certain violation proceedings *without* court involvement. (Pen. Code, § 3454(b) [authorizing supervising agencies "to determine and order appropriate responses to alleged violations," including flash incarceration].) A supervising agency may only file a petition to revoke supervision with the court after it has determined, following application of its "assessment processes," that intermediate sanctions are not appropriate responses to a violation. (Pen. Code, § 3455(a).) Supervising agencies are also authorized to determine whether the supervised person should remain in custody pending a revocation hearing and may order the person confined pending a hearing. (Pen. Code, § 3455(b).) To promote supervising agency compliance with the due process rights of supervised persons during any proceedings conducted before the filing of the petition, this subdivision requires the supervising agency to conduct a preliminary probable cause determination before the petition is filed with the court. Courts must independently review the supervising agency's probable cause determination under subdivision (d).

Subdivision (c)(2)(C). This subdivision is designed to ensure that indigent supervised persons who desire counsel are represented as early in the revocation proceedings as possible. Nothing in this subdivision is intended to infringe on court authority to appoint counsel or allow a supervised person to waive the right to counsel.

Subdivision (d). This subdivision requires courts to review the supervising agency's probable cause determination required under subdivision (c)(2)(A). Courts may determine the most appropriate manner to review the supervising agency's probable cause determination. Nothing in this subdivision is intended to prevent courts from conducting formal hearings to review probable cause.

Subdivision (e). Victims are separately entitled to notice as required under article I, section 28 of the California Constitution.

Subdivision (f). This subdivision is based on Penal Code section 3455(a): "At any point during the process initiated pursuant to this section, a person may waive, in writing, his or her right to counsel, admit the violation of his or her postrelease supervision, waive a court hearing, and accept the proposed modification of his or her postrelease supervision."

Subdivision (g). This subdivision is based on Penal Code section 3455(b): "The revocation hearing shall be held within a reasonable time after the filing of the revocation petition." When deciding a reasonable time for hearing, courts should consider whether the supervised person is detained. (See, e.g., *Morrissey*, *supra*, 408 U.S. at 488 [a hearing within two months of arrest may be appropriate under certain circumstances].)

Rule 4.541. Supervising agency reports

(a) Declaration

A petition for revocation of community supervision under Penal Code section 3455 must include a declaration signed under penalty of perjury that confirms that the requirements prescribed by rule 4.540(c)(2) have been satisfied.\

(b) Minimum contents

Except as provided in (c), a petition for revocation of community supervision under Penal Code section 3455 must include a written report that contains at least the following information:

(1) Information about the supervised person, including:

(A) Personal identifying information, including name and date of birth;

(B) Custody status and the date and circumstances of arrest;

(C) Any pending cases and case numbers;

(D) The history and background of the supervised person, including a summary of the supervised person's record of prior criminal conduct; and

(E) Any available information requested by the court regarding the supervised person's risk of recidivism, including any validated risk-needs assessments;

(2) All relevant terms and conditions of supervision and the circumstances of the alleged violations, including a summary of any statement made by the supervised person, and any victim information, including statements and type and amount of loss;

(3) A summary of all previous violations and sanctions, including flash incarceration, and the reasons that the supervising agency has determined that intermediate sanctions without court intervention as authorized by Penal Code section 3454(b) are not appropriate responses to the alleged violations; and

(4) Any recommendations.

(c) Subsequent reports

If the supervising agency submitted a written report with an earlier revocation petition, a written report attached to a subsequent petition need only update the information required by (b). A subsequent report must include a copy of the original written report if the original report is not contained in the court file.

Rule 4.541 adopted effective October 28, 2011.

Advisory Committee Comment

Subdivision (b). This subdivision prescribes minimum contents for supervising agency reports required under Penal Code section 3455 and rule 4.540(c)(3). Courts may require additional contents in light of local customs and needs.

Subdivision (b)(1)(D). The history and background of the supervised person may include the supervised person's social history, including family, education, employment, income, military, medical, psychological, and substance abuse information.

Subdivision (b)(1)(E). Penal Code section 3451(a) requires community supervision to be consistent with evidence-based practices, including supervision policies, procedures, programs, and practices demonstrated by scientific research to reduce recidivism among supervised persons. "Evidence-based practices" refers to "supervision policies, procedures, programs, and practices demonstrated by scientific research to reduce recidivism among individuals under probation, parole, or postrelease supervision." (Pen. Code, § 3450(b)(9).)

Post-Release Community Supervision Accountability Team AB109 Program

Salaries & Benefits (6 FTE)

	Salary	Benefits	Full Year Total	6 month Total
Sergeant	124,086	106,621	230,707	115,354
Police Officer	95,014	84,032	179,046	89,523
Police Officer	95,014	84,032	179,046	89,523
Police Officer	95,014	84,032	179,046	89,523
Police Officer	95,014	84,032	179,046	89,523
Police Officer	95,014	84,032	179,046	89,523
Total	\$599,156	\$526,781	\$1,125,937	\$562,969

Overtime

112,594 **\$56,297**

Operating Expenses

General Supplies (includes: office equipment, office supplies)	51,820	25,910
Communications (includes: radios, cell phones and office phones)	54,550	27,275
Professional Services (includes: legal and risk management)	100,000	100,000
Total	318,964	153,185
AB109 Grand Total	\$1,444,901	\$772,450

Post Release Community Supervision Accountability Team

Solid Box

Dotted Line Box

= AB109 Funded Positions: Six (6)
Officers

= Non-AB109 Funded Positions:
Riverside PD
Murrieta PD
Probation
DA

