



Lassen County
Public Safety Realignment
&
Post Release Community Supervision
2011 Implementation Plan



Executive Committee of the Community Corrections Partnership

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(designated by Board of Supervisors)

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Honorable F. Donald Sokol, Presiding Judge

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SUMMARY OF RECOMMENDATIONS

The Executive Committee submits the following recommendations to the Board of Supervisors, County of Lassen

Immediate action requested:

Consider and adopt 2011 Implementation Plan herein, as the County of Lassen's Public Safety Realignment plan as required by PC1230.1 and the Postrelease Community Supervision strategy as required by PC3451 as added by the Post-Release Community Supervision Act of 2011 contained in AB109. This Plan contains recommendations for implementation using funds allocated by the State of California.

Actions already taken:

1. Designation of the Lassen County Probation Department as the county agency responsible for implementing postrelease community supervision as specified in Section 3451 of the California Penal Code as added by the Post-Release Community Supervision Act of 2011.
2. Designation of the Deputy County Administrative Officer over Health and Social Services as a member of the Executive Committee of the Lassen County Community Corrections Partnership.

Actions to be requested in the future:

1. Home Detention Program – Sheriff's Office

The Sheriff is authorized to offer a home detention program, as specified in Section 1203.016 of the California Penal Code, in which inmates committed to the County Jail or other County correctional facility or inmates participating in a Work Furlough program may voluntarily participate or involuntarily be placed in a home detention program during their sentence in lieu of confinement in the County Jail or other County correctional facility.

2. Electronic Monitoring Program in lieu of Bail – Sheriff's Department

The Sheriff is authorized to offer an electronic monitoring program, as specified in Section 1203.018 of the California Penal Code, to inmates being held in lieu of bail in the County Jail or other County correctional facility.

3. Home Detention and Electronic Monitoring Program – Adult Probation Department

The Chief Adult Probation Officer is authorized to offer an electronic monitoring and/or home detention program to individuals who are granted probation or are under postrelease community supervision as a sanction for violating supervision conditions, as specified in Sections 3453 and 3454 of the California Penal Code.

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 postrelease community supervision population, released from prison to community supervision, is the responsibility of local probation departments and is inclusive of non-violent, non-serious, non-sex offenders with a prior PC 667.5(c), PC 1192.7(c) or registerable offenses pursuant to Penal Code section 290. The population that will serve their prison sentences locally includes the non-violent, non-serious, non-sex offender group. The California Department of Correction and Rehabilitation (CDCR) estimates Lassen County's "average daily population" (ADP) of these offenders will be:

- 26 Postrelease community supervision
- 6 Parole and postrelease community supervision violators in jail on revocations
- 32 Sentenced to local incarceration under AB109

At some point in time all 64 (rounding up to 70 during Fiscal Year 2011-12) offenders will be on postrelease community supervision to Adult Probation, requiring the full range of supervision, sanctions, and service resources available through the department.

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 using Department of Finance estimates; 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 Postrelease 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, postrelease community supervision provided by a county agency designated by that county's Board of Supervisors.
- ◆ Revocations Heard & Served Locally: Postrelease community supervision and parole revocations will be served in local jails (by law maximum revocation sentence is up to 180 days), with the exception of paroled 'lifers' who have a revocation term of greater than 30 days. The Courts will hear final revocation hearings while the Board of Parole Hearings will conduct parole violation hearings in jail.
- ◆ Changes to Custody Credits: 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.

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 Probation Officer, charged with advising on the implementation of SB 678 funded initiatives. AB109 (2011) established an Executive Committee of the CCP charged with development of a 2011 Realignment Plan that will recommend a county wide programming plan for the realigned population, for consideration and adoption by the Board of Supervisors.

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

Julie Morgan	Lassen County Administration
Letha Martin	Lassen County Probation
Tracy Stewart	Lassen County Probation
Jeanette Goni	Lassen County Probation
Jim Chapman	Lassen County Board of Supervisors
Bob Burns	Lassen County District Attorney's Office
Denise Stelzer	Lassen County District Attorney's Office
Kevin Mannel	Lassen County Health & Social Services
Melody Brawley	Lassen County Health & Social Services (Community Social Services)
Ken Crandell	Lassen County Health & Social Services (Mental Health)
Anita Harsh	Lassen County Health & Social Services (Alcohol & Drug)
Susan Hawkins	Lassen County Health & Social Services (Veteran's Services)
Joanna Zimmerman	Lassen County Health & Social Services (Public Health)
Rich Duvarney	Lassen County Office of Education
Darla Dwinell	Lassen Family Services
Colette Helwig	Lassen Family Services

Michelle Rigney	Lassen Family Services
Maria Carlomagno-Brice	Child Support Services
Jeff Atkinson	City of Susanville Police Department
Tom Downing	City of Susanville Police Department
Rhea Giannotti	Lassen County Public Defender
Dean Growdon	Lassen County Sheriff's Department
Curt Gatie	Lassen County Sheriff's Department
Matthew McFarland	Lassen County Sheriff's Department
John Mineau	Lassen County Sheriff's Department
Honorable F. Donald Sokol	Lassen County Superior Court
Rosemari Reed	Lassen County Superior Court
Nancy Holsey	Lassen County Superior Court

NEW POPULATIONS AND FUNDING

PROJECTED POPULATION

The State has estimated Lassen County will assume responsibility for approximately 70 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 possible gang-involved offenders. Of these estimated 70 people, it is anticipated that at any one time an average daily population of approximately 40 offenders will be serving a sentence of local incarceration or sanctioned to other custodial/programmatic options. All estimated 70 people will at some point be on postrelease community supervision.¹

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 postrelease 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 Lassen County is projected to receive \$525,712 for FY 2011-12 to serve approximately 70 additional offenders at any point in time. This funding includes:

Postrelease Community Supervision (PRCS)/local incarceration	\$384,770
AB109 Planning grant	\$100,000
AB109 Training and implementation activities	\$ 27,150
District Attorney/Public Defender (PCS representation)	\$ 13,792
TOTAL	\$525,712

¹ 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.

Funding for Lassen County 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.

PROPOSED IMPLEMENTATION STRATEGIES

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

I. SHERIFF'S OFFICE - COUNTY JAIL INMATES

PROJECTED ADDITIONAL NUMBER OF INMATES

The Sheriff's Office (LCSO) will see a steady increase in inmate population due to public safety realignment. The projections provided by CDCR estimate an average daily population increase of 38 at full implementation. The additional inmates include (1) those convicted of a felony now sentenced to 16 months, 2 years, or 3 years in county jail in lieu of state prison; (2) violators of postrelease community supervision; (3) violators of state parole up to 180 days (an exception is that paroled lifers with revocation terms greater than 30 days will serve time in state prison); and (4) postrelease community supervisees sanctioned with flash incarceration of up to 10 days for each violation.

The most significant immediate impact will be the violators of state parole who will now remain in the custody of LCSO for up to 180 days. CDCR is counting on this shift to cause a reduction in their inmate population. The reduction in CDCR population will cause an increase in county jail populations. The impacts to LCSO related to these offenders are estimated to be an increased average daily population of 6. These offenders have failed to program under the supervision of State Parole, are less likely to comply with program requirements in the jail, and will increase the risk of assault on jail personnel, and other inmates.

The estimates listed above are based on data provided by CDCR; however, LCSO anticipates the actual population increase to be greater than the State projections. The state's population projections are based on average daily population (ADP) along with some assumptions from the department of finance. The ADP is calculated based upon one inmate in one bed for an entire year. ADP does not account for "surge" population. ADP is based on the equilibrium that is reached once a population stabilizes and new bookings balance out against releases. Historically, CDCR experiences intake surges in the months of August, October, March and June. Intake peaks in these months and drops to its lowest numbers in November and February. It is the balance of the high months and lows that combine for the ADP, but during periods of peak intake, our surge capacity will exceed the 38 beds that CDCR is projecting at Full Implementation. The newest CDCR data expect that Lassen County will average 3 new felony commitments each month for the next two years and one new parole violator per month. Those four inmates per month will cause us to gain 48 new inmates this first year alone. The length of sentence will vary, but ultimately the confinement period will dictate the true population increase. The state ADP projections are also based on the department of finance assumption that offenders sentenced to less than 3 years will only serve 6 months in custody. Considering the felonies in question are eligible for a sentence of 16 months (minimum), 2 years (mid-term), or 3 years (upper term); if an offender received maximum credit reductions for good conduct / work credits, the

sentences would reduce to 8 months, 1 year, or 18 months respectively. Department of Finance is relying heavily on alternative sentencing for felony offenders to reach the low estimate of 6 months in custody on a felony offense. Additionally, for those offenders sentenced to more than 3 years, department of finance estimates an average length of stay at 24 months. Again, this could prove a dangerous assumption relying on alternatives to physical custody. The primary purposes of realignment are to reduce overcrowding (in prisons) cut costs (for state prisons) and reduce recidivism. Therefore, if these estimates are incorrect, local government should presume that the state will have made the error in a direction most favorable to the state; not to local governments.

It is also noteworthy to consider; the state is making "alternative to custody" assumptions for population management on felony offenders now committed to county jails. Historically, these alternatives have not been available as population controls for felony prison inmates. The legislature made these alternatives available, while at the same time transferring these offenders to local custody. These, never before available options are now the responsibility of local officials. Sheriffs' personnel will have to consider potential release options on felony offenders that have not been tried in the past. The state effectively crafted a pilot project to release felons back into our communities but placed local officials in a position to bear the burden if this experiment fails.

The Sheriff wants to try to implement the provisions of AB109 as intended by the legislature, but his primary responsibility will be to maintain the security of our communities.

PROJECTED IMPACTS ON CUSTODY PROGRAMS

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

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

This new population may potentially have significant impact on our inmate transportation. Any / all new inmates entering our local jail system will require transportation to or from courts and medical appointments. There will also be increases in the transportation demand specific to parole and PRCS violators. Historically, if a parole violator was taken into custody in any local jurisdiction, they were booked in the local facility, transferred to prison where the prison transportation system moved them throughout the state. Moving forward, these violators will stay in county jails for their entire period of incarceration. Since CDCR will no longer be involved in the housing and transportation of these inmates, this burden will shift entirely to local jails. Lassen County will help move inmates to / from our county as part of the new parole violator shift to local custody. Additionally, there could be increased incarceration costs and a drop in revenues for parole violators. Historically, counties were able to bill the state for daily incarceration costs for state parole violators. Moving forward, the state has no responsibility or jurisdiction over local violators. There is potential for one county to directly bill another county for daily housing costs of parole violators. This issue is still unsettled amongst California Sheriffs, but based on housing and budgetary constraints in each county; billing between counties for bed space and / or transportation could take place in the future. Considering these additional costs, Lassen County has to be prepared to move as soon as allowable under state law to reclaim our parole violators in other counties. We also have to be prepared to release / transport back parole violators from other jurisdictions as soon as possible to avert any additional housing, medical, or prescription drug costs.

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

ahead of misdemeanor offenders. All incarcerated persons will be considered for programs in jail.

PROPOSED STRATEGIES FOR COUNTY INMATES

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

County Jail

The Sheriff's Office currently operates a 156 bed jail, and has up to 164 beds available in what was previously a Community Correctional Facility.

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

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

Community Programs & Alternatives to Incarceration

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

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

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

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

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

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

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

LCSO will supervise people in alternative to incarceration programs through a highly visible community presence and random site checks. LCSO will provide a swift response if a person absconds or violates conditions of their participation in the program. Increased staffing for Community Programs will likely be needed to ensure strong enforcement and maximize community safety. In the future the Sheriff would like to work with the Lassen County Probation Department and the Susanville Police Department to develop a multi agency compliance team that would monitor offenders in postrelease community supervision and alternative to incarceration programs.

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

OTHER ITEMS OF LOCAL CONCERN

Fire Camps

Many of the inmates who will be realigned to county custody are of the classification that currently serves in fire camps that are run jointly by CDCR and Cal Fire. In Lassen County we have Antelope Camp and Intermountain Camp. These camps provide an invaluable public safety resource to our communities, and are important to our local economy. The Sheriff and his staff have been engaged in discussions around the state related to fire camps, and will continue to be present at these meetings and lobby on behalf of Lassen County.

Funding and Development of Realignment

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

II. DISTRICT ATTORNEY

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

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

First, and in addition to normal responsibilities, LCDA anticipates that prosecutors evaluating felony cases for disposition and sentencing purposes will need to refocus their assessments on the new sentencing options presented by realignment. Initially, this will be

a training issue bringing the deputy district attorney's current on the mandatory and permissive components of realignment. Likewise, it is often the case that prosecutors, in the case of such a dramatic shift in the law, will be required to spend considerable additional amounts of time with members of the defense bar in negotiating these cases, as the defense bar educates itself on the advantages presented to their respective clients afforded by realignment. This will likely increase the number of court appearances per case and the average time it takes to work out individual cases.

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

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

LCDA PLAN TO PREPARE FOR REALIGNMENT

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

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

III. PUBLIC DEFENDER

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

This plan contains limited resources to provide representation to individuals facing "postrelease community supervision" violation hearings. The volume of hearings, as well as

the court's protocol for handling the hearings, will determine the resources required. Additional personnel may be required to provide representation at these hearings.

IV. SUPERIOR COURT – FINAL REVOCATION HEARINGS

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

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

V. ADULT PROBATION

PROJECTED ADDITIONAL NUMBER OF OFFENDERS ON POST RELEASE COMMUNITY SUPERVISION

According to CDCR projections, the Adult Probation Department estimates there will be an average daily population increase of 26 community supervised offenders upon full implementation. These projections include inmates released from state prison who would have otherwise been placed on state parole and offenders who have served their prison sentences at the county level.

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.

PROPOSED STRATEGIES FOR POST-RELEASE POPULATION

The Probation Department has been designated as the county agency responsible for administering programs related to the Post Release Community Supervision (PRCS) population. This includes options for community supervision to include, but not limited to, intensive supervision (with routine home visits), home detention with electronic monitoring, residential substance abuse treatment, outpatient behavioral health treatment, such as substance abuse, mental health, batterer's intervention, substance abuse testing, community service, family strengthening strategies, pre-release services consisting of assessments and supervision planning prior to release from prison or jail, and referral to

educational institutions/programs, vocational training/employment services and housing resources.

Post Release Community Supervision Unit

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

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

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

Given the anticipated high-risk level of post release community supervision offenders, the Probation Department projects additional Deputy Probation Officers are needed to provide more intensive supervision of this offender population. The Probation Department is

motivated to take creative and innovative steps during a time of budgetary crisis in order to accommodate the specialized needs of the AB109 population. However, the Probation Department faces many challenges given the rural location of the community which presents difficulty in program and treatment services availability.

In addition to the intensive supervision and collaborative case planning mentioned above, the Probation Department will actively explore a variety of alternatives to incarceration for use in managing the Post Release Community Supervision population and responding to violations. This will be accomplished by utilizing appropriate alternative custody options to address criminogenic risk factors, hold the offender accountable, and enhance community safety. It is envisioned that violations of post-release supervision could be handled in PAC or a similar court to create greater consistency and ensure application of evidence-based sanctioning principles.

Reentry Division and Pre-release Team

In regards to incarcerated offenders under the jurisdiction of the Sheriff and in collaborative efforts with the Sheriff's Department, the Probation Department will assist in the development of a classification system to target the AB109 population. The classification committee, comprised of the Community Programs Coordinator, jail program staff and a Probation Department representative, will administer the classification system. The classification committee will conduct a case review and determine eligibility for alternative options. If eligible, an appropriate and comprehensive plan will be created which will assist with the inmate's transition from incarceration to an alternative solution. Furthermore, at least 60 days prior to the inmate's date of release from local custody, the Community Programs Coordinator will confer with Probation Department Pre-Release staff regarding the inmate's re-entry transition and supervision case plan.

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

VI. HEALTH AND HUMAN SERVICES

Lassen County Health and Social Services Agency provides services to people with severe and persistent mental illness who meet the eligibility criteria under the State managed care contract, Medi-cal or CMSP. The Alcohol and Drug Department is Drug Medi-cal certified using structured outpatient groups based upon the frequency of the individual needs. Both departments use established sliding fee schedules for eligible participant's ability to pay.

Both departments appear to have existing capacity to serve post release AB 109 clients using the established contracted services system and hourly unit rates. Availability will be defined for purchase through inter-departmental Memorandums of Understanding (MOU's) between HSS and Law Enforcement for people who do not meet the criteria mentioned above. The MOU's are yet to be established. Employment services are available through the Business and Career Network while Public Health offers clinics for adult and children vaccinations, TB monitoring and HIV case management (coordinated with Alcohol and Drug).

AB109 PUBLIC SAFETY REALIGNMENT - PROPOSED BUDGETS

Fund 138 - County Local Revenue Fund Budget Unit 0551 - Local Community Corrections

Proposed Budget Line Items - Budget Unit 0551	Total
1. Salaries and Benefits	\$205,814
2. Operating Transfer Out (AB 109 Programs)	\$213,956
3. Operating Transfer Out (One-Time Implementation & Training Monies)	\$92,150
TOTAL	\$511,920

Salaries and Benefits:

One Deputy Probation Officer II (1 FTE)	= \$ 30,667
One Deputy Probation Officer II (.5 FTE)	= \$ 21,287
One Probation Assistant (.75 FTE)	= \$ 19,085
Two ADF Policy/Program Planners (Extra Help)	= \$ 35,000
Two ADF Correctional Officers (2 FTE)	= \$ 99,775
TOTAL SALARIES AND BENEFITS	= \$205,814

The Probation Department and Sheriff's Department, collectively, are proposing the above mentioned staffing changes based on the impact Public Safety Realignment will have on both departments.

The Probation Department is requesting to hire one full-time Deputy Probation Officer II to be housed primarily at the Adult Detention Facility to be a member of the inmate classification team and oversee the transition of the Post-Release Supervision population. With the addition of a new Deputy Probation Officer, Probation is proposing to retain a current Deputy Probation Officer II funding half a full time equivalent (FTE) position through Fund 138 to assist with any overflow of the Post Release Supervision caseload. It is also imperative to include this half FTE to commence working with ADF staff members as of October 1, 2011, until the full time position is hired. The Probation Department estimates the new position to be filled by December 2011. In addition, the Probation Department is requesting to hire a Probation Assistant to be assigned administrative duties under the Post Release Supervision caseload. The Probation Assistant would also be responsible to compile statistical information to report performance outcomes. The Probation Assistant position would be staffed at .75 FTE.

The Sheriff's Department is requesting to reinstate two Correctional Officer positions within the Adult Detention Facility having previously been eliminated due to the closing of the State portion of the facility. One of the two Correctional Officers would be designated

as the Community Programs Coordinator within the Adult Detention Facility and the other Correctional Officer's responsibilities would include assisting with the increased workload in the jail, transportation duties, and other duties as assigned. In addition to the Correctional Officers, the Sheriff's Department is requesting retain two retiree annuitants, using a portion of the one-time implementation allocation, to assist in the development of policies and programs of the Classification Committee and to assist the Deputy Probation Officer regarding re-entry requirements for the Post-Release Community Supervision population.

Fund 138 – Local Revenue Fund
Budget Unit 0552 – District Attorney & Public Defender

Budget Unit 0552	Total
1. Operating Transfer Out	
- District Attorney (Fund 145-0431)	\$6,896
- Public Defender (Fund 145-0372)	\$6896
TOTAL	\$13,792

The FY 2011-12 AB 109 allocation for District Attorney and Public Defender activities designated with regards to revocations has been appropriated in the FY 2011-12 Budget for Lassen County recently adopted on August 30, 2011.

PROPOSED OUTCOMES

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

OUTCOMES MEASURES

The Realignment Plan seeks to achieve the following three outcomes:

1. Implementation of a streamlined and efficient system in Lassen County to manage our additional responsibilities under realignment.
2. Implementation of a system that protects public safety and utilizes best practices in recidivism reduction.
3. Implementation of a system that effectively utilizes alternatives to pre-trial and post-conviction incarceration where appropriate.

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

- Lassen County partners feedback on effectiveness of mechanisms in place to collaboratively address realignment issues as they arise
- Recidivism rates for non-violent, non-serious, non-sex offenders
- Recidivism rates for parolees now under probation's jurisdiction
- Number and type of offenders sentenced to county jail and state prison
- Number and type of offenders sentenced to probation or alternative programs

Potential measures will be discussed and developed in future meetings among the Lassen County partners.

GLOSSARY OF TERMS

AB109	Public Safety Realignment of 2011
ADP	Average Daily Population
AOC	Administration of the Courts
CAO	County Administrative Officer
CCP	Community Corrections Partnership
CDCR	California Department of Corrections and Rehabilitation
CSAC	California State Association of Counties
EM	Electronic Monitoring
FTE	Full-Time Equivalent
GPS	Global Positioning System
HSS	Health & Social Services
LCDA	Lassen County District Attorney
LCSO	Lassen County Sheriff's Office
MOU	Memorandum of Understanding
PC	California Penal Code
PRCS	Post Release Community Supervision
SB678	California Community Corrections Performance Incentives Act