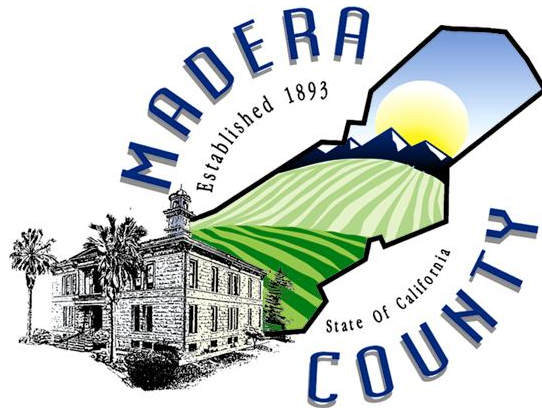


County of Madera

Public Safety Realignment Act of 2011

Local Implementation and Post
Release Supervision Plan



"For too long, the state's prison system has been a revolving door for lower-level offenders and parole violators who are released within months—often before they are even transferred out of a reception center. Cycling these offenders through state prisons wastes money, aggravates crowded conditions, thwarts rehabilitation, and impedes local law enforcement supervision." – Governor Edmund G. Brown, Jr., April 5, 2011.

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Executive Summary

The Problem: Over-incarceration and High Recidivism

The United States incarcerates more people than any country in the world, including the far more populous nation of China. At the start of 2008, the American penal system held more than 2.3 million adults. China was second, with 1.5 million people behind bars, and Russia was a distant third with 890,000 inmates (*according to the Pew Center on the States, 2009*). With an unprecedented 705% growth in prison population between 1973 and 2009, the United States' correctional system is dangerously overcrowded with one in thirty-one American adults under some form of correctional control (*Hanes, 2008*). Total state spending on corrections-including bonds and federal contributions-topped 49 billion in 2007, quadrupling the amount spent just some 20 years earlier; by the end of 2011, it is projected to increase another 50% (*Warren, 2008*).

California vividly symbolizes the financial perils of the state prison business: prior to 1980 they incarcerated less than 25,000 inmates, and spent 675 million annually on state corrections or about 3% of California's general fund. By 2008, state inmate population exceeded 168,000 and spending topped 10 billion or about 11.5% of the state's general fund (*Kowal, 2011*). According to the California Department of Corrections and Rehabilitation, parolees returning to prison or committed for a new crime accounted for only 10% of the entire inmate population in 1977. However, by 2009, the number had skyrocketed to an alarming 77%. In 2003, the Little Hoover Commission concluded that the state's parole system was nothing short of a "billion-dollar failure." The state's unacceptable recidivism rates coupled with prison overcrowding and exorbitant spending has sparked legislative and judicial action.

The Mandates: Lawsuits and New Legislation

In November 2006, plaintiffs filed a motion to convene a three-judge panel in *Plata v. Schwarzenegger* under the Prison Litigation Reform Act (PLRA) of 1996, claiming that overcrowded conditions in California Department of Corrections and Rehabilitation (CDCR) prisons resulted in unconstitutional medical care. *Plata* is a consolidation of two class-action lawsuits brought against the State over medical care for inmates. The second lawsuit, *Coleman v. Schwarzenegger*, involving mental health services for prisoners, was initially filed in 1991. Both claim that care for inmates violates the Eighth Amendment of the U.S. Constitution, which prohibits cruel and unusual punishment of the incarcerated.

After various legal proceedings and a month-long trial in 2008, the Three-Judge Panel ordered on August 4, 2009, that California cap its in-state prison population in adult institutions at 137.5 percent of bed design capacity within two years. Such a system-wide population cap would require a population reduction of approximately 40,000 inmates. The California Community Corrections Performance Incentive Act of 2009 or Senate Bill 678 was signed by then Governor Schwarzenegger on October 11, 2009. This bill recognized the historic underfunding of adult probation and the nexus between lack of funding and poor outcomes. Therefore sustainable funding was established based on improved probation outcomes as measured by a reduction in probation failures committed to prison. The bill also created a Community Corrections Partnership Committee and its members as an advisory group for Probation's adult services programs.

In the midst of a floundering economy and a battered state budget, the Public Safety Realignment Act encompassed in Assembly Bill 109 (and subsequent clarifying language) stands to substantially impact local criminal justice systems and communities. Signed by Governor Brown on April 4, 2011, these reform efforts offer California a unique opportunity to address the long-standing issues related to the management of the correctional population at both state and local levels. Prospectively applied to all offenders sentenced after October 1, 2011, AB 109 redefines a felony enabling California to close the revolving door of low-level inmates churning in and out of state prison. The legislation assigns new local responsibilities for managing adult offenders by affording maximum flexibility and control to county jurisdictions. These bills also established an executive committee made up of members from the Community Corrections Partnership Committee consisting of the Chief Probation Officer (chairperson), a Chief of Police, the Sheriff, the Presiding Judge or designee, the Public Defender, and either the Director of Social Services, Mental Health, or Alcohol & Drug Programs.

The Solution: County-level, Evidence Based Practice, Programs & Alternatives to Incarceration

California's high recidivism rates are clearly unacceptable. High rates of recidivism mean more new crimes and more new victims, and higher incarceration levels. Incarceration is expensive, and, especially for low-risk populations, counterproductive. That is, there is evidence that it can produce more crime over the long run than it reduces. Evidence-based practices, programs and alternatives to incarceration have been proven to reduce recidivism. Contrary to the "get tough on crime" proponents, evidence-based practice is not an intellectual exercise for academics but rather a pragmatic application of what is known to work with offenders to meet rehabilitative goals while in custody and in the community. Evidence-based practice is an informed strategy of assessment and programming that targets risk, need, and responsivity in order to manage offender risk. Furthermore, evidence-based programs and alternatives to incarceration is not a "getting soft" approach to crime rather it is holding offenders accountable for their behavior and providing the opportunities needed to become pro-social.

1. INTRODUCTION

Each county in California has been charged with a historic task as certain current and future state prisoners now become the responsibility of the local jurisdictions. The magnitude of responsibility, scale of supervision requirements, and management scope of offender population required at the county level by AB 109 necessitates a paradigmatic shift in philosophy and approach. Once AB 109 became law, the probation department took the lead in researching, developing and overseeing Madera County's Local AB 109 plan. It was decided early on to not only pursue a plan that met the requirements of AB 109, but a plan that was comprehensive and inclusive of all services available for offenders in Madera County. This document would be a reference guide for the present and a road map for the future.

Probation met with local entities in both the public and private sector in order to document the services available as well as determine the impact and gaps in resources AB 109 would have on the local community. Once all the research was completed and the individual meetings were done, the information was presented to the Community Corrections Partnership Committee and memorialized in the proposed plan.

Each county has a Community Corrections Partnership (CCP) Committee consisting of local experts providing the expertise, education, and knowledge necessary to not only develop the current plan, but be the driving force behind that plan and all adult offender services. These agencies possess services needed by these offenders to successfully reintegrate back into the community and the CCP is responsible for developing and implementing a local action and post release supervision implementation plan based on the needs of the local offender and the requirements of the Public Safety Realignment Act of 2011.

Your local CCP recommends Madera County implement AB 109 in an evidence-based supervision model with dual supervision programs serving post release offenders and offenders that would otherwise be sentenced to state prison. Approved by the Executive Committee of the CCP, the plan is now before the Board of Supervisors for final approval. Unless rejected by a 4/5ths vote, the plan is deemed approved. Contained herein is the recommended Public Safety Realignment 2011 Local Implementation Plan by your Community Corrections Partnership Committee.

2. PUBLIC SAFETY REALIGNMENT ACT OF 2011 (AB 109)

On April 4, 2011, Governor Brown signed Assembly Bill (AB) 109, the Public Safety Realignment Act, in an effort to address overcrowding in California's prisons and assist in alleviating the state's financial crisis. On October 1, 2011, AB109 prospectively transfers responsibility for supervising specified lower level inmates and parolees from the California Department of Corrections and Rehabilitation (CDCR) to counties.

California Penal Code Section 3450 (Postrelease Community Supervision Act)

The Legislature finds and declares all of the following:

- (1) The Legislature reaffirms its commitment to reducing recidivism among criminal offenders.
- (2) Despite the dramatic increase in corrections spending over the past two decades, national reincarceration rates for people released from prison remain unchanged or have worsened. National data show that about 40 percent of released individuals are reincarcerated within three years. In California, the recidivism rate for persons who have served time in prison is even greater than the national average.
- (3) Criminal justice policies that rely on the reincarceration of parolees for technical violations do not result in improved public safety.
- (4) California must reinvest its criminal justice resources to support community corrections programs and evidence-based practices that will achieve improved public safety returns on this state's substantial investment in its criminal justice system.
- (5) Realigning the postrelease supervision of certain felons reentering the community after serving a prison term to local community corrections programs, which are strengthened through community-based punishment, evidence-based practices, and improved supervision strategies, will improve public safety outcomes among adult felon parolees and will facilitate their successful reintegration back into society.
- (6) Community corrections programs require a partnership between local public safety entities and the county to provide and expand the use of community-based punishment for offenders paroled from state prison. Each county's local Community Corrections Partnership, as established in paragraph (2) of subdivision (b) of Section 1230, should play a critical role in developing programs and ensuring appropriate outcomes for persons subject to postrelease community supervision.
- (7) Fiscal policy and correctional practices should align to promote a justice reinvestment strategy that fits each county. "Justice Reinvestment" is a data-driven approach to reduce corrections and related criminal justice spending and reinvest savings in strategies designed to increase public safety. The purpose of justice

reinvestment is to manage and allocate criminal justice populations more cost effectively, generating savings that can be reinvested in evidence-based strategies that increase public safety while holding offenders accountable.

- (8) "Community-based punishment" means evidence-based correctional sanctions and programming encompassing a range of custodial and noncustodial responses to criminal or noncompliant offender activity. Intermediate sanctions may be provided by local public safety entities directly or through public or private correctional service providers and include, but are not limited to, the following:
- (A) Short-term "flash" incarceration in jail for a period of not more than ten days.
 - (B) Intensive community supervision.
 - (C) Home detention with electronic monitoring or GPS monitoring.
 - (D) Mandatory community service.
 - (E) Restorative justice programs, such as mandatory victim restitution and victim-offender reconciliation.
 - (F) Work, training, or education in a furlough program pursuant to Section 1208.
 - (G) Work, in lieu of confinement, in a work release program pursuant to Section 4024.2.
 - (H) Day reporting.
 - (I) Mandatory residential or nonresidential substance abuse treatment programs.
 - (J) Mandatory random drug testing.
 - (K) Mother-infant care programs.
 - (L) Community-based residential programs offering structure, supervision, drug treatment, alcohol treatment, literacy programming, employment counseling, psychological counseling, mental health treatment, or any combination of these and other interventions.
- (9) "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.

Key elements of AB 109

- A. **Shift of Responsibility:** All non-violent, non-serious and non-sex offenders (3 N's) will serve their sentences in the county jail instead of state prisons. There were 60 additional crimes that were added to the 3 nons list at the request of law enforcement. Counties may contract back with the state to house these inmates, but it is anticipated it will be cost prohibitive. The cost may exceed \$100,000 per inmate per year.
- B. **Redefining Felonies:** Revises the definition of a felony to include certain crimes that are punishable in jail for 16 months, 2, or 3 years. Some offenses, including serious, violent and sex-offenses, are excluded and sentences will continue to be served in state prison.
- C. **Local Post-Release Community Supervision:** Offenders released from state prison on or after October 1, 2011, after serving a sentence for an eligible offense, shall be subject to, a period not to exceed 3 years, post-release community supervision, provided by a county agency designated by the Board of Supervisors.

"On July 26, 2011, the County's Board of Supervisors designated the probation department as the county agency responsible for the supervision of parolees released under AB 109 Post-Release Community Supervision."
- D. **Revocations Heard and Served Locally:** The local courts will conduct parole revocation hearings for those offenders on post-release community supervision. Parole revocation hearings for those offenders who do not come within the provisions of the 3N's will continue to be heard by the Board of Prison Hearings until July 2013, at which time all revocation hearings will become the responsibility of the local courts. All offenders whether under state or local jurisdiction will serve their revocation sentences in the local jail and have a maximum revocation sentence of 180 days.
- E. **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.
- F. **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.
- G. **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.
- H. **Contracting Back:** Authorizes Counties to contract back with the state for housing of prisoners. Currently they anticipate a fee of \$77 per day for State Prison and \$46.19 for fire camps.

3. RELATED BILLS

Assembly Bill 87 (AB 87): This bill provides counties with one-time funds for the implementation of the provisions of AB 109, to cover costs associated with planning, hiring, retention, data improvements, and contracting costs. AB 87 also includes provisions for funding to the District Attorney’s Office and Public Defenders Officer to cover cost associated with revocation of parole hearings.

Assembly Bill 89 (AB 89): This bill dedicates a portion (\$12) of the Vehicle License Fee (VLF) to the Local Revenue Fund (LRF).

Assembly Bill 111 (AB 111): This bill gives counties additional flexibility to access funding to increase local jail capacity for the implementation of realignment.

Assembly Bill 117 (AB 117): Amends the Executive Committee of the Community Corrections Partnership to include:

1. Chief Probation Officer , Chairman
2. Chief of Police
3. Sheriff
4. District Attorney
5. Public Defender
6. Presiding Judge or his or her designee
7. Department head from Mental Health, Social Services, or Alcohol and Drug

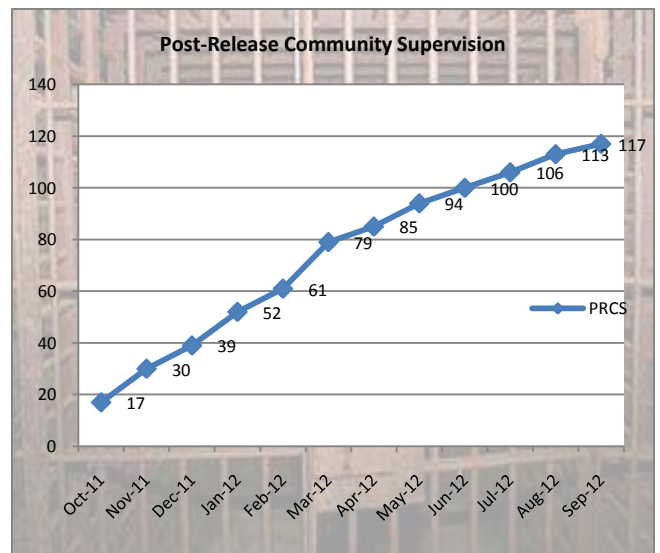
Assembly Bill 118 (AB 118): This bill outlines the financial structure for allocation of the funds to various accounts. It establishes the Local Revenue Fund 2011 (LRF) for receiving revenue and appropriates from the LRF to the counties. It also directs the deposits of revenues associated with 1.0625 percent of the state’s sales tax rate to be deposited into the LRF. The bill also implements sufficient protections to provide continued funding and mandated protection for the state and local government.

4. CALIFORNIA DEPARTMENT OF CORRECTIONS’ REPORT

The California Department of Correction and Rehabilitation (CDCR) estimates Madera County’s “average daily population” (ADP) of these offenders at full roll out will be:

1. Post-release Community Supervision (PRCS):	281
2. Non-Serious, Non-Violent, Non-Sex Offender (3N’s) :	111
3. PCS-Parole Violators (PCSPV):	<u>24</u>
TOTAL	416

Projected Institution discharges to Post-release Community Supervision to Madera County for the first 12 months; CDCR July 6, 2011



At full implementation nearly 400 offenders will be under probation’s jurisdiction, requiring the full range of supervision, sanctions and service resources available through the department and county. According to CDCR information approximately seventy (70) PRCS will be released by the end of 2011 to local probation supervision and incrementally increasing to approximately one hundred (100) by the end of fiscal year 2011-12. This population is diverse and includes offenders who have been convicted of various crimes including property, drug, gang, and domestic violence.

CDCR Parolee Population Facts *recidivism measured by tracking arrests, convictions and returns to prison.*

- Nearly three quarters of felons who recidivate did so within a year of release.
- Most recidivists returned to prison for parole violations.

- After three years, re-released felons returned to prison at a rate of 16.8 percentage points higher than those released for the first time.
- Females have a three-year return to prison rate of 58 percent, which is approximately 10 percentage points lower than that of males.
- In general recidivism rates declined with age. Among inmates ages 18 to 24 when released in fiscal year 2005-06, nearly 75 percent returned to prison within 3 years, compared to about 67 percent ages 40 to 44 and 46 percent of those 60 years of age and older.
- Inmates committed to prison for a property crime consistently recidivate at a higher rate than those committed for other types of crime including crimes against persons, drug crimes and other crimes.
- Inmates designated as serious or violent offenders recidivate at a lower rate than those who are not.
- Inmates designated as participating in mental health program while in prison recidivate at rates 8 to 11 percent higher than other felons.
- Recidivism rates increase with length of stay up to 19 months to 24 months and decrease thereafter. Offenders with a length of stay 19 to 24 months recidivate at the highest rate (71.5 %).
- As the total number of stays increase, recidivism rates for those with more total stays increase with each additional stay at CDCR institutions.¹

5. LOCAL PLANNING AND OVERSIGHT

COMMUNITY CORRECTIONS PARTNERSHIP

Senate Bill 678 (SB 678) was signed into law November 4, 2009. With the historic passage of SB 678 came the Community Corrections Partnership (CCP). However, the significance of SB 678 was much more than the establishment of the CCP; since that time California has seen a paradigmatic shift in philosophy and unprecedented systemic changes in community corrections. There have been statewide efforts to expand the use of evidence based practices (EBP) in sentencing and probation practices and programs, and to reduce the number of probationers being sent to prison after a violation of probation.

Originally sanctioned as an advisory body for implementation of adult programming in probation, the CCP was amended thru AB 109 to include an executive committee charged with the responsibility of developing a local plan for realignment. The executive committee members were subsequently amended on June 29, 2011, thru AB 117. Responsibilities include:

1. Development & submission of Local Realignment Plan
2. Continuous quality improvement
3. Community resource planning & sustainability
4. Collection of baseline data to measure against desired future outcomes
5. Analysis and maintenance of services for adult offender population
6. Fiduciary oversight & fiscal responsibility for the funding associated with AB 109
7. Evaluation of and recommended modifications to programs and systemic process and programs

EXECUTIVE COMMITTEE

Member	Agency
Rick Dupree	Probation Department
Honorable Joseph A. Soldani	Superior Court
John Anderson	Sheriff's Department
Mike Kime	Madera Police Department
Michael Keitz	District Attorney's office
Mike Fitzgerald	Ciummo & Associates
Janice Melton	Behavioral Health

COMMITTEE MEMBERS & OTHER KEY PARTNERS

Member	Agency
Frank Bigelow	Board of Supervisors
Honorable Mitchell C. Rigby	Superior Court
Eric Fleming	County Administration
Kevin Fries	County Administration
Frank Bernard	Sheriff's Department
Manuel Perez	Department of Corrections
John E. Fisher	Department of Corrections
Gerald King	Department of Corrections
Robert Salas	Madera Police Department
Miguel Valdovinos	District Attorney
Mike Fitzgerald	Ciummo & Associates
Bob Hirth	Alternate Public Defender's Office
Janice Melton	Behavioral Health
Van Do Reynoso	Public Health
Kelly Woodard	Social Services
Debbie Blakenship	Social Services
Cecelia Massetti	County Office of Education
Steve Carney	County Office of Education
Alyson Crafton	County Office of Education
Jay Carroll	Rescue Mission
Sylvia Rodriguez	State Parole
Leticia Lujan	County Action Partnership
Elaine Craig	Workforce Investment Board
Tracie Scott Contreras	Workforce Investment Board
Linda Perez	Probation Department
Paul Deorian	Probation Department
Lenal Tune	Probation Department
Shelley Stinnett	Probation Department

The planning group has been meeting monthly since May 29, 2011, discussing services, alternatives to incarceration, programming, and funding methodology necessary to implement the plan. The substantive policy and operational plan and draft budget was voted on and approved by the Executive Committee on September 14, 2011.

6. FUNDING

There are four (4) sources of funding for local public safety as a result of AB 109 including local funds, planning funds, training funds, and funds for the District Attorney/Public Defender. There is actually a fifth funding source for local Courts through the Administrative Office of the Courts, however that amount has yet to be determined and, since they are a state agency, will not be addressed in this plan.

- A. The level of local funding available through AB109 is based on a weighted formula containing three elements:
 1. 60% based on estimated average daily population (ADP) of offenders meeting AB109 eligibility criteria
 2. 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
 3. 10% based on the SB 678 distribution formula
- B. Planning funds were based on a county categorization of population of small, medium, or large. Since Madera County is considered a small county, they received the minimum of \$100,000. It is also noted these are one time funds but the County has up to three years to expend the funds.
- C. Training Funds were based on Madera County's percentage (0.004765) established under AB 118 from a total fund of 25 million dollars. Madera County's share is \$119,125.

- D. Assembly Bill 118 established funding for the District Attorney’s Office and the Public Defender to help mitigate the impact of violations of parole under AB 109. The first year funding is \$60,516; however for a full year, the funding would be \$80,688.

Source	FY 2011-12	Subsequent Years
AB109 Funding	\$1,688,203	\$2,100,000
AB 109 Planning Funds	\$100,000	Balance
AB 109 Training Funds	\$119,125	Balance
AB 118-DA/PD	\$60,516	\$80,688
TOTAL	\$1,967,894	\$2,192,806*

*Does not include any remaining funds from the training or planning grants

The first year funding is based on an October 1, 2011, implementation through June 30, 2012, and will be provided to the County after the Realignment Plan is approved by the Board of Supervisors. CSAC and the Department of Finance will revisit the formula for future years.

There is no sunset date currently on funding for public safety realignment; in fact, there are provisions within the law that allow for full funding even when revenues fail to meet expectations. Regardless, the Community Corrections Partnership Committee has concerns that current or future funding could be jeopardized if the state’s revenue fails to meet projected expectations. It is also the Committee’s desire to build up a reserve of funds within (5) years that will permit program sustainability for a minimum of (12) months in case there was a partial reduction or complete elimination of funding. This contingency plan would give all entities ample time to secure other funding, phase out programs, or transfer staff to other viable budgets.

Furthermore, the County of Madera has made a commitment to residents to provide effective services in a fiscally efficient manner. Part of that commitment is to ensure those residents utilizing certain services are as well financially responsible for use of those services. The Committee is supportive of that commitment and will coordinate with Revenue Services to ensure the proper reimbursement of services rendered. Not only is the offender held financially responsible for their crimes but it will continually strengthen the financial resolve of the program.

OTHER FUNDING FOR NON REALIGNED OFFENDERS

The Probation Department will utilize funding earned and experiences learned in the methods of effective EBP supervision from the recent successes of "California Community Corrections Performance Incentive Act of 2009" (SB 678), where the Department received performance based funding related to the supervision of adult felony offenders. Annually, state funding will be allocated to Madera County through the Community Corrections Performance Incentives Fund (CCPIF). The legislation gives broad discretion to probation departments in selecting and implementing evidence-based practices to maximize return on investment and improve outcomes with more effective supervision of probationers, which ultimately impacts commitments to state prison.

The Probation Department’s use of evidence based supervision practices has successfully reduced the number of probationers being sent from Madera County to state prison for probation violations, from a three-year average of 187 (2006-2008) to 76 in 2010. These funds will be directed toward providing services and supervision costs for approximately 500 existing high risk felony probationers. SB 678 currently funds the department’s Day Reporting Center (DRC) as well as a risk & needs assessment and reporting kiosks for monthly reporting forms. These funds and programs can be used for offenders, mitigating the impact on the AB 109 funding stream thus creating surplus funds for other public safety agencies.

7. EVIDENCE BASED PRACTICES (EBP)

Until recently, community corrections had suffered from a lack of research that identified proven methods of reducing offender recidivism. Recent research efforts based on meta analysis have broken through this barrier and are now providing the field with indications of how to better reduce recidivism. This research indicates that certain programs and intervention strategies, when applied to a variety of offender populations, reliably produce sustained reductions in recidivism. This same research literature suggests that few community supervision agencies (probation, parole, residential community corrections) in the U.S. are using these effective interventions and their related concepts/principles.

The conventional approach to supervision in this country emphasizes individual accountability from offenders and their supervising officers without consistently providing the skills, tools, and resources that science indicates are necessary to accomplish risk and recidivism reduction. Despite the evidence that indicates otherwise, officers continue to be trained and expected to meet minimal contact standards which stress rates of contacts and largely ignore the opportunities these contacts have for effectively reinforcing behavioral change. Officers and offenders are not so much clearly directed what to do, as what not to do.

An integrated and strategic model for evidence-based practice is necessary to adequately bridge the gap between current practice and evidence supported practice in community corrections. Evidence-based practice is a significant trend throughout all human service fields that emphasize outcomes. Interventions within corrections are considered effective when they reduce offender risk and subsequent recidivism and therefore make a positive long-term contribution to public safety. This section of the plan presents a model or framework based on a set of principles for effective offender interventions within the County of Madera. Models provide us with tangible reference points as we face unfamiliar tasks and experiences.

There is a voluminous body of solid research showing that certain “evidence-based” sentencing and corrections practices do work and can reduce crime rates as effectively as prisons at much lower cost. We should not ignore the opportunity to reduce offender recidivism and resulting high crime rates through use of these cost-effective evidence-based practices.

What is Evidence Based Practices and What Works? Evidence Based Practices (EBP) are interventions for which there is consistent scientific evidence showing improved outcomes. In the offender rehabilitation arena, EBP are principles that have been empirically proven to improve offender outcomes and reduce recidivism.

A. PRINCIPALS OF EVIDENCE BASED PRACTICE

1. Target criminogenic risk and need
2. Cognitive/behavioral in nature
3. Incorporate social-learning practices
4. Balanced integrated approach to sanctions and interventions
5. Incorporate the principle of responsivity
6. Therapeutic integrity

B. CORE CONCEPTS OF EVIDENCE BASED PRACTICE

According to literature prepared by the National Institute of Corrections and many others in the field, the research indicates that for a correctional system to be effective at reducing recidivism it must adhere to three core concepts:

1. Collaboration between all criminal justice partners.
2. Organizational development – the plan must have the buy-in by all organizations involved.
3. All partners involved need to engage in evidence based practices.

The following are the elements needed for effective EBP.

C. COMPONENTS OF EVIDENCE BASED PRACTICE

It is important to understand that the following six components are all integrated.² They all depend on each other to work.

1. **Risk/needs assessment** - Resources should only be expended on offenders at high and medium risk for reoffending. It should be “hands off” the low risk offenders. In order to determine who is at high risk for reoffending, the offender must undergo an objective risk assessment, using a validated risk assessment instrument. Validated means that, over time, the tool has been proven to be predictive of who will reoffend, and who will not.

Next, those at high and medium risk for recidivism need to go through a criminogenic needs assessment. “Criminogenic” needs are defined as those factors in an offender’s life that contributed to their breaking of the law but are not related to standard causal factors like physical needs, such as food and shelter, or a fiscal need, such as employment. A few examples of criminogenic needs that have been statistically proven to be associated with reoffending are:

- Having an antisocial peer group
- Having drug and alcohol dependency
- Lack of self-control
- An anti-social belief system

Not having a job, not having a place to live, or having low self esteem are, by themselves, not criminogenic needs. This would therefore not have an effect on the offender's future risk of committing a crime.

2. **Individual motivators** - The next step is to assess the offender for what motivates him or her on an individual basis. This information is used to “self-motivate” the offender toward change.
3. **Target the appropriate intervention** - The research says that we will do more harm than good to put an offender in a treatment program that they don’t need. Effective interventions for offenders that are in custody should be structured in

such a way as to take up 40-70% of high-risk offenders' time for 3-9 months, depending on their risk level. This actually leaves most jail inmates out of being treated while in custody.

4. **Rewire the brain** - Evidence-based programming that emphasizes cognitive-behavioral strategies and is delivered by well-trained staff has been proven successful. Skills are not just taught to the offender, but are practiced or role-played. This takes time and repetition. It is nothing less than rewiring the brain through repetitive practice of pro-social behaviors.
5. **Increase positive reinforcement** - What has been found to be most effective is a four to one ratio of positive reinforcement over sanctions. This can simply take the form of verbal recognition of positive behavior.
- **Ongoing support** - Once the offender is released, the most important factor becomes ongoing support in the community. As stated above, an offender's peer group is the number one leading factor as to whether or not the individual will re-offend. Even more than staying away from drugs, it is tough to stay away from old "friends" and family on the outside. Those deeply entrenched in a gang culture have the greatest challenge. This is why most offenders fail and it is the main factor outside the jail or prison's control.²

D. OTHER GUIDING PRINCIPLES

1. **Risk Principle** - Prioritize primary supervision and treatment resources for offenders who are at higher risk to re-offend. Research indicates that supervision and treatment resources that are focused on lower-risk offenders tend to produce little if any net positive effect on recidivism rates. Reducing the recidivism rates of these higher risk offenders reaps a much larger *bang-for-the buck*. Successfully addressing this population requires smaller caseloads, the application of well developed case plans, and placement of offenders into sufficiently intense cognitive-behavioral interventions that target their specific criminogenic needs.
2. **Criminogenic Need Principle** - Address offenders' greatest criminogenic needs. Offenders have a variety of needs, some of which are directly linked to criminal behavior. These criminogenic needs are *dynamic risk* factors that, when addressed or changed, affect the offender's risk for recidivism. Examples of criminogenic needs are: criminal personality; antisocial attitudes, values, and beliefs; low self control; criminal peers; substance abuse; and dysfunctional family. Based on an assessment of the offender, these criminogenic needs can be prioritized so that services are focused on the greatest criminogenic needs.
3. **Responsivity Principle** - Responsivity requires that we consider individual characteristics when matching offenders to services. These characteristics include, but are not limited to: culture, gender, motivational stages, developmental stages, and learning styles. These factors influence an offender's responsiveness to different types of treatment. The principle of responsivity also requires that offenders be provided with treatment that is proven effective with the offender population. Providing appropriate responsivity to offenders involves selecting services in accordance with these factors, including:
 - Matching treatment type to offender; and
 - Matching style and methods of communication with offender's stage of change readiness.
4. **Dosage** - Providing appropriate doses of services, pro-social structure, and supervision is a strategic application of resources. Higher risk offenders require significantly more initial structure and services than lower risk offenders. During the initial three to nine months post-release, 40%-70% of their free time should be clearly occupied with delineated routine and appropriate services, such as outpatient treatment, employment assistance, education, etc.
5. **Treatment Principle** - Cognitive-behavioral types of treatment should be applied as an integral part of the sentence/sanction process. Integrate treatment into sentence/sanction requirements through assertive case management (taking a proactive and strategic approach to supervision and case planning). Delivering targeted and timely treatment interventions will provide the greatest long-term benefit to the offender, the victim, and the community. This does not necessarily apply to lower risk offenders, who should be diverted from the criminal justice and corrections systems whenever possible.
6. **Skill Train with Directed Practice** (using cognitive-behavioral treatment methods) - Provide evidence-based programming that emphasizes cognitive behavioral strategies and is delivered by well trained staff. To successfully deliver this treatment to offenders, staff must understand antisocial thinking, social learning, and appropriate communication techniques.
7. **Increase Positive Reinforcement** - When learning new skills and making behavioral changes, human beings appear to respond better and maintain learned behaviors for longer periods of time, when approached with *carrots* rather than

sticks. Behaviorists recommend applying a much higher ratio of positive reinforcements to negative reinforcements in order to better achieve sustained behavioral change. Research indicates that a ratio of four positive reinforcements to every one negative reinforcement is optimal for promoting behavior changes. Increasing positive reinforcement should not be done at the expense of or undermine administering swift, certain, and real responses for negative and unacceptable behavior. However, with exposure to clear rules that are consistently (and swiftly) enforced with appropriate graduated consequences, offenders and people in general, will tend to comply in the direction of the most rewards and least punishments.

8. **Engage On-going Support in Natural Communities** - Realign and actively engage pro-social supports for offenders in their communities. Research indicates that many successful interventions with extreme populations (e.g., inner city substance abusers, homeless, dual diagnosed) actively recruit and use family members, spouses, and supportive others in the offender's immediate environment to positively reinforce desired new behaviors. This Community Reinforcement Approach (CRA) has been found effective for a variety of behaviors (e.g., unemployment, alcoholism, substance abuse, and marital conflicts). In addition, relatively recent research now indicates the efficacy of twelve step programs, faith based activities, and restorative justice initiatives that are geared towards improving bonds and ties to pro-social community members.
9. **Assessment Tools are the core of Evidence Based Practices** - Actuarial risk/needs assessment tools use hard data about past cases to identify the offender characteristics most closely associated with the likelihood of future criminality. When "validated" through testing on a known correctional population, they are much more accurate than human judgment in predicting the risk of an offender's recidivism. Use of accurate risk assessment information is critical in making a number of important case management decisions, including consideration of the:
 - Offender's suitability for diversion from prosecution;
 - Most appropriate conditions of probation to be imposed;
 - Offender's amenability to treatment;
 - Most appropriate treatment or level of supervision to be imposed;
 - Most appropriate sanction or behavioral control mechanism to be imposed;
 - Decision whether to revoke probation; and the
 - Kind of sanction or additional treatment to be ordered upon a violation.
10. **Motivational Interviewing** - Motivational Interviewing (MI) is a directive, client-centered approach for eliciting behavior change by helping offenders explore and resolve ambivalence. It is a more focused and goal directed approach to working with individuals. It is an evidence based practice that has been shown to effectively change behaviors.

E. TYPES OF COGNITIVE APPROACHES

There are two main types of cognitive programs: cognitive skills, and cognitive restructuring.

1. **Cognitive skill** training is based on the premise that offenders have never learned the thinking skills required to function productively and responsibly in society. This skill deficit is remedied by systematic training in skills, such as problem solving, negotiation, assertiveness, anger control, and social skills focused on specific situations, like making a complaint or asking for help.
 2. **Cognitive restructuring** is based on the premise that offenders have learned destructive attitudes and thinking habits that point them to criminal behavior. Cognitive restructuring consists of identifying the specific attitudes and ways of thinking that point to criminality and systematically replacing them with new attitudes and ways of thinking. Both cognitive strategies take an objective and systematic approach to change.
- Cognitive behavioral programs are generally the most effective programming interventions for high risk offenders. The net value (cost of program less the savings derived from preventing crime) of the average targeted, evidence-based cognitive behavioral program, using a cost/benefit formula is \$10,299 per adult offender.³

To further clarify what EBP is, we need to look at what it is **not**.

EBP is not:

- A "coddle the offender" program
- Just being nice to offenders
- No offender accountability
- Soft on Crime

- Counseling or clinical emphasis
- A fad or trend – the “latest” thing
- Just a program to implement
- Liberal policy
- No law enforcement component

8. PROBATION DEPARTMENT

IMPLEMENTATION STRATEGIES

Probation plans to implement an Evidence Based Supervision Model that serves two (2) populations; 1) the Post-Release Community Supervision offenders; and 2) the Non-Sex, Non-Violent, Non-Serious (3Ns) population. These two populations will be under the supervision of the probation department and will also be serving sentences in the local jail facility. The plan will be used to address the needs of the offender while ensuring public safety. The plan is designed to ensure that community supervision and outreach services are effective in promoting positive offender behavioral change in an effort to reduce recidivism and State Prison commitments. We believe these strategies will net the greatest outcomes for offender and the community and will ensure public safety.

The proposed strategies that follow take into consideration the multifaceted needs of the realigned population, and the resources necessary to achieve desired public safety outcomes. A cornerstone of all of these strategies is a validated risk and needs assessment and individualized rehabilitation case plans made possible through the CAIS (Correctional Assessment and Intervention System) assessment tool that will be implemented with guidance from National Council on Crime and Delinquency, and administered by Probation’s Adult Service Division and shared with relevant partners.

A. EVIDENCE-BASED SUPERVISION MODELS

Probation contracted with Behavioral Interventions in August of 2010 to implement a Day Reporting Program (DRP). The DRP model was linked directly to the implementation of the nationally recognized evidenced-based supervision model and its core principles. The principles of effective interventions, the use validated assessment tools, the application of motivational interviewing techniques, and the facilitation of Cognitive Behavior Therapy (CBT) interventions has shown positive effects on our targeted populations. The Department plans to continue following this model of success with offenders. Probation proposes contracting with BI for additional Day Reporting Center capacity of approximately 25 slots to accommodate the new population of offenders. The (DRC) can provide an additional correctional intervention for probation staff to utilize to provide evidenced based services to this population.

B. IMPLEMENTATION PLAN

Probation will develop an offender classification system to target the realigned population by:

1. Implementing post release community supervision requirements,
2. Creating phases of rehabilitation,
3. Establishing a case supervision management process with procedures designed to incorporate EBP principles for effective intensive interventions, and
4. Promoting the objective of producing sustained reductions in recidivism.

To effectively manage the projected 392 offenders from the California Department of Corrections and Rehabilitation (CDCR), probation supervision programs will be designed to focus on the appropriate level of supervision based on levels of risk and intervention strategies, including the best in evidence-based practices (EBP) as determined by the Correctional Assessment Intervention System (CAIS) risk/needs assessment and case plan.

C. PROPOSED STRATEGIES FOR POST-RELEASE OFFENDERS

Probation has been designated as the county agency responsible for administering programs directed to the post-release community supervision population. This includes the full range of options for community supervision including:

1. Intensive community supervision (with routine home visits),
2. Electronic monitoring,
3. Day reporting,
4. Outpatient substance abuse,

5. Outpatient behavioral health treatment,
6. Residential treatment programs,
7. Batterer's intervention,
8. Drug & alcohol testing,
9. Cognitive behavioral interventions,
10. Community service,
11. Pre-release planning orientation which shall include:
 - Assessments and supervision planning prior to release from custody,
 - Referrals to education, vocational training/employment services, and housing resources,

Graduated sanction strategies for violating supervision conditions will include:

1. Imposition of up to 10 days jail (flash incarceration),
2. Increased supervision and reporting requirements,
3. Increased drug and alcohol testing,
4. Referrals to other services including:
 - Community service,
 - Self-help alcohol and drug treatment such as Narcotic Anonymous and Celebrate Recovery, and
 - Inpatient programs.

The term of post-release community supervision for parolees released from state prison will not exceed three years, and these offenders may be discharged following as little as 6 months of successful community supervision. Offenders may be revoked for up to 180 days, however all revocations will be served in the local jail. Post-release community supervision will be consistent with evidence-based practices demonstrated to reduce recidivism, and probation will utilize the risk/needs assessments to determine appropriate case planning strategies and appropriate terms and conditions of post-release supervision.

Over the past eighteen months Probation has invested heavily in establishing evidence-based supervision and intervention practices proven effective in reducing recidivism and improving outcomes. The majority of probation staff has been trained in the EBP principles and is actively practicing the model. At the forefront of the EBP probation supervision are concepts of risk, need and responsivity (the practice of assessing and identifying criminogenic risk factors contributing to ongoing criminal behavior, which can be changed through application of culturally, developmentally and gender appropriate interventions, teaching new skills and building on offender strengths to mitigate criminality).

Risk and need factors will be assessed prior to sentencing using the CAIS assessment tool. The CAIS will provide an objective assessment to gauge the offender's risk level for future criminality, and is a reliable component that guides probation staff in tailoring supervision, treatment and services for optimal rehabilitative results. The information gathered through the assessment will also guide sentencing recommendations and will determine the level of supervision the probationer requires. The assessment will identify the type of evidence based treatment and services the probationer needs to be successful on supervision, promoting dual goals of reducing the risk of re-offense and increasing pro-social functioning and self-sufficiency.

Probation staff will administer the CAIS risk/needs assessment tool to every post-release community offender – consistent with the above referenced principles – and an Individual Change Action Plan (ICAP) will be developed based on information obtained through the assessment. The CAIS assessment tool and the Individual Change Action Plan (ICAP) will guide supervision intensity, treatment/program referrals, case management efforts and offender activities. The National Council on Crime and Delinquency's CAIS assessment tool was chosen because of the vendor's reputation in the field of criminal justice.

The National Council on Crime and Delinquency is the nation's oldest non-profit criminal justice research organization. NCCD is unique in its ability to provide consultation to probation departments on the research behind Evidence-Based Practices (EBP) and has volumes of research to assure the validity of the assessments. NCCD combines the best research and assessments available to assist agencies in dealing with complex issues of offender supervision and treatment. The case planning component of the CAIS facilitates creation of case plans based on assessment results that target prioritized criminogenic needs and compliments evidence based offender supervision practices.

Additionally, a system of rewards and responses to violations of post-release conditions of supervision is being developed for use with the post-release community supervision population, and ultimately will drive intervention

decisions with all offenders under supervision. The use of a rewards and response decision matrix will provide guidance to probation officers regarding the type of intermediate sanction to impose in responding to violations. This strategy requires probation officers to consider offender risk and criminogenic need factors, severity of the violation, and their behavior before determining the most appropriate graduated sanction response.

Probation's Day Reporting Program currently utilizes a system of sanctions and rewards and the program has been successful with our probationer population. The probation department is proposing the addition of (25) Day Reporting Center slots for the realigned population. The current contract with Behavioral Interventions Inc., for the Day Reporting Program allows the department to expand the number of participants over time and billing per participant as the number of participants grows.

D. GRADUATED SANCTIONS PROGRAM

A key component of successfully implementing AB109 relies on creating an effective violation hearing process combined with consistent imposition of graduated sanctions in response to violations of supervision conditions. A violations sanctions matrix is a structured decision-making tool that guides the appropriate response to a particular offender for a particular violation. Probation believes a sanctions system establishes a decision-making structure for probation staff to ensure swiftness, proportionality and consistency in responses to violations, thus providing for consistency in the decision making process from probation officer to probation officer. Conversely, when an offender achieves a certain milestone in supervision, (e.g., completes substance abuse treatment), the probation officer needs to identify an appropriate reward (incentive).

Probation has been in the process of reviewing various graduated sanctions programs and processes. The department will be collaborating with probation departments in the Central Valley to determine the best sanctions matrix system utilized by other agencies across the state and nation. The department is currently reviewing systems and sanction matrix' currently used by the Pennsylvania Department of Corrections, the Oregon Department of Corrections and the Napa County Probation Department. A methodology of this type is important given the fact a provision in AB109 allows discharge of post-release community supervision following six months of violation-free supervision.

1. GOALS OF STRUCTURED SANCTIONS

- a. To comprehensively and effectively respond to the management of offender non-compliance and protecting the public by responding with swiftness, fairness and certainty.
- b. To reduce the number of violators who require revocation by responding to violating behavior before it reaches a level of seriousness requiring incarceration and by making sure all appropriate intermediate community alternatives are used before revocation process is instituted.
- c. To insure that similar violators who commit similar violations are similarly punished
- d. To reduce the cost to the public associated with court conducted probation violation hearings and effect future cost reductions in judicial/court time, indigent defense, district attorney time, probation/parole officer time.
- e. To set priorities for the use of criminal justice resources and provide more consistent use of intermediate punishments

2. HOW IT WORKS

- a. An offender fails to follow a condition of supervision, such as missing appointments, failing to enroll in treatment, drug use, failing to follow directives, absconding from supervision.
- b. The probation officer has the authority to impose a swift and sure sanction without going to court or other decision making body.
- c. The length of the sanction is determined by a grid that takes into account the risk level of the offender, prior violations, and the seriousness of the violation(s).
- d. Sanctions can include a range of intermediate sanctions such as residential treatment, work release, house arrest, and community service referral to self-help, other community resources and may include jail time.

3. GUIDING PRINCIPALS OF STRUCTURED SANCTIONS

- a. Response to violations of supervision must be swift, sure, consistent and fair.
- b. Response to violations shall be commensurate to the seriousness of the behavior while considering risk to public safety.
- c. Similar responses for similar types of offenders that commit similar types of violations.

- d. Responses shall consider evidence based practices:
 - Custodial sanctions alone are not effective in lowering recidivism
 - Shorter custodial sanctions are no less effective in lowering recidivism
 - Custodial sanctions should have a rehabilitative component included
 - Non-custodial sanctions are often times as effective as custodial sanctions
 - Treatment and rehabilitative resources combined with surveillance and enforcement, are most effective in reducing recidivism
- e. Sanctions/interventions shall be imposed with consideration given to effective capacity of local jail facilities and local resource availability.
- f. Sanctions/interventions shall be imposed at the lowest appropriate level of authority.
- g. The least restrictive sanction/intervention required to gain compliance shall be imposed.
- h. Supervising Probation officers are most appropriate level of authority to determine sanction/intervention response to offender behavior.
- i. Appropriate use of administrative sanctions/interventions will make supervision more effective and will enhance public safety, resulting in fewer offenders being returned for revocation of supervision.
- j. A range of sanctions/interventions including, but not limited to jail, should be available and **when appropriate** should be exhausted before recommending offenders for revocation on non-criminal violations of supervision.
- k. Sanctions/interventions should be progressive in nature, taking into account the seriousness of the violation and threat to public safety.

4. SANCTIONS

Probation will actively explore a variety of alternatives to incarceration for use in managing the post-release community supervision population and responding to violations. Probation will draw upon this experience to craft appropriate alternative custody options to address criminogenic risk factors, hold offenders accountable, and enhance community safety. It is envisioned that violations of post-release supervision could be handled through a triad of sanctions to create greater consistency and ensure application of evidence-based sanctioning principles. The following are some of the sanctions, services and intervention the probation department proposes utilizing in response to violations of post-release conditions:

- a. **Verbal Reprimand** - Counseling or a reprimand is the most common response for a violation of conditional release supervision. This practice involves the use of motivational interviewing techniques to confronting the offender with the alleged violation, expressing concern and assisting the offender to develop problem solving and self-reflection skills.
- b. **Written Warning with contract** - additional post-release supervision conditions commensurate with violation as determined appropriate for added compliance.
- c. **Imposition of curfew** - the violator will be required to return to his/her place of residence at a time as determined by the probation officer.
- d. **Increased Reporting Requirements** - The offender will be required to report in person to the assigned probation officer on a schedule as determined by the probation officer. The reporting may be increased commensurate with the seriousness of the violation. For a low range violation, the offender will be required to report one additional time per month, for medium range violation, two to three additional reporting times required per month and for a high level violation, the offender may be required to report a minimum of three additional days to a maximum of once per day or as the probation officer deems appropriate to garner compliance and prevent violation relapse.
- e. **Courage to Change CBT Intervention** - Offenders participate in the evidence-based Cognitive Behavioral Therapy (CBT) curriculum that was developed by The Change Company, "Courage to Change." This curriculum addresses the criminogenic risk factors of through a developed process known as *Interactive Journaling*. Interactive Journaling is a structured and experiential writing process that motivates and guides offenders in their decisions to make positive life changes. A probation officer will be trained in administering and assisting the offender with this curriculum and process.
- f. **Increased Urinalysis and/or breathalyzer testing** - the violator will be required to report to probation for testing at the frequency level determined by the probation officer to foster compliance and prevent relapse.
- g. **Require or increase attendance of self-help program** - the violator will be required to in enroll in and attend at the frequency level determined by the probation officer to foster compliance and prevent relapse.

- h. **Community Service** - Offenders are supervised and assigned to work at county government locations or private nonprofit agencies - clear trails, weed or maintain county grounds, parks, paint buildings, collect roadside trash or other types of manual labor.
- i. **Referral to Day Reporting Center** - is a highly structured four phase program that requires the offender to report to a central location three times per week where (s)he files a written daily schedule showing how each hour of the day will be spent - at work, in treatment and so forth. The offender must obey a curfew, perform community work, and submit to random drug testing. Day reporting includes programs such as alcohol/drug groups, employment readiness and education and cognitive behavioral therapy (CBT).
- j. **Intensive & Special Supervision** - Offender may be seen up to five times per week, be on curfew, have frequent employment checks, increased testing for drugs and alcohol, and increased unannounced visits at home by DPO.
- k. **Electronic Monitoring** - Offender spends most of the time at home with a small transmitter attached to wrist or ankle. A very specific schedule is required and a computer alerts officers whenever the offender is not where he/she is supposed to be. Global Positioning System (GPS) monitoring may be required for high range violations.
- l. **Flash Incarceration** – the offender will serve up to 10 days in jail. This sanction can be used throughout the period of supervised release.
- m. **JEEP Program** - Jail Employment and Education Program (JEEP) for in-custody inmates. The offender who will serve a minimum of 60 days, and will be required to participate in the program. Upon release the offender will be placed in the Day Reporting Program for a continuum of treatment and services.

5. OTHER SERVICES/INTERVENTIONS/REFERRALS

- a. **Outpatient Substance Abuse Treatment** - Group and/or individual treatment to address alcohol and drug issues. Some treatment may be very intensive, meeting on a daily basis or may be conducted in a day treatment model.
- b. **Residential Substance Abuse Treatment** - More intensive treatment in a residential facility. Ranges from 180 to 365 days.
- c. **Behavioral Health Treatment** - Includes general counseling, evaluations, and services for mental/emotionally disturbed and other seriously mentally ill offenders.
- d. **Anger Replacement Therapy** - A program delivered in a group setting that teaches methods to control anger productively. Probation staff has been trained to deliver this intervention.
- e. **Cognitive Behavioral Therapy** - A program that addresses flaws in how an offender thinks to assist in interrupting criminal thinking patterns. Probation staff will be trained to deliver this intervention.
- f. **Sex Offender Treatment** – Containment Model individual treatment, often in relapse prevention, to assist in providing behavior control to sex offenders. Treatment is generally long in duration.
- g. **Employment** - Assist offenders in obtaining and keeping jobs.
- h. **Education** - Assist offenders in obtaining Basic Education, GED, or advanced certificates.
- i. **Transition Services** - Pre-release services to connect the offender with housing, treatment, employment and other services before release from prison to reduce likelihood of failure.

E. COMMUNITY SUPERVISION

Probation will have the responsibility for pre-release planning with all inmates releasing from county jail and state prison to post-release community supervision status. Ideally the assessment and planning activities performed by specially trained staff will occur 60 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 developed with a goal of connecting the offender to needed services prior to his/her release from incarceration. To ensure limited resources are appropriately directed and effectively coordinated, these staff will work closely with jail program staff, prison counselors, local community treatment providers and a social services eligibility worker.

The target populations are high risk, and moderate to high risk offenders as measured by the Correctional Assessment Intervention System (CAIS) risk assessment tool.

1. CASE SUPERVISION PROCESS AND PROCEDURES

All offenders will be assigned a supervision level and assessed for treatment needs within the first thirty (30) days during which time the assessment is verified. Due to the high risk of offenders re-offending during the first months of community supervision, services will generally be frontloaded. The offender will receive intense supervision by reporting no less than twice per month to their assigned DPO during this period of time.

The offender will first receive an orientation reviewing community supervision conditions and other requirements. The offender will receive a CAIS assessment that identifies the offender's criminogenic needs. A case plan driven by criminogenic needs, as identified by the CAIS, will be developed to address and reduce those needs by targeting specific interventions.

To further illustrate how the CAIS is used in identifying needs, an offender with a high score in the "Alcohol/Drug Problem" domain indicates the need for substance abuse treatment. In order to effectively address criminogenic needs and the risk factors that lead to recidivism, treatment should promote stable and lasting pro-social life changes. The CAIS assessment keys on eight central criminogenic needs in order to determine risk and how these needs can be addressed, as well as identifying strengths.

The central targeted needs are listed below:

- a. Criminal History
- b. Education/Employment
- c. Family/Marital
- d. Leisure/Recreation
- e. Companions
- f. Alcohol/Drug Problem
- g. Pro-criminal Attitude/Orientation
- h. Anti-social Pattern

Once an offender's criminogenic needs are identified and rated as to which should receive immediate treatment, appropriate referrals to qualified treatment programs will be matched to the client's needs in order to capitalize on research-backed treatment interventions. Evidence based practice clearly demonstrates that effective treatment and reduction of criminogenic needs correlates to reduced recidivism. The CAIS assessment enables the Department to identify and address the needs of the offender.

2. CASE PLANNING

After completion of the CAIS assessment tool, the results will be used to identify the appropriate level of service and treatments to include an array of services such as:

- a. Cognitive Behavioral Therapy (Service provider);
- b. Mental Health services as needed (BHS Service provider);
- c. Substance Abuse Treatment (BHS Service provider);
- d. Education Services (Day Reporting Center or other service provider);
- e. Employment Services (Day Reporting Center or other service provider);

The overall goal is to develop a plan to reduce the "criminogenic needs" and risk score of adults at risk of re-offending, which will assist offenders in finding stable employment/income and housing. Part of the program fidelity process includes the task of reassessing at various stages of treatment to ensure program effectiveness and offender compliance.

Case Management Reference Guide

- a. A Deputy Probation Officer will schedule first office visit and if necessary will schedule the CAIS assessment.
- b. CAIS assessment will be conducted by a Probation Technician and baseline assessment data will be captured and recorded in the CE case management database.
- c. During the first meeting the offender will be given a general overview of the Post-release Community Supervision Program expectations and overview of EBP interventions offered.
- d. The second contact will occur within 21 days of case assignment, the DPO and offender will begin the case planning process with information obtained from the CAIS. The DPO will utilize motivational interviewing (MI) techniques to engage the offender in problem solving strategies.
- e. The DPO will identify the dosage of rehabilitative services that will support meeting the case plan goals.
- f. The DPO will develop a preliminary Individual Change Action Plan (ICAP) and will review and develop a collaborative plan with the offender during their next meeting.
- g. Based on the case planning efforts, the DPO will provide the offender with the ICAP and give appropriate referrals for services and schedule subsequent office appointment in accordance with the supervision level.

- h. During the office visits, the DPO will discuss progress and assist the offender with the development of personal short term goals.
- i. The DPO will exercise graduated sanctions as necessary to assist the offender to regain compliance with conditions of supervised release.
- j. The DPO will monitor the offender's progress throughout the supervision period and update the ICAP as needed to ensure the provision of the EBP interventions and other activities are assisting the offender in his/her rehabilitative efforts.

Case Evaluation, Outcome Measures and Preparation for Supervision Step-down or Discharge

The CAIS assessment tool is initially conducted within the first weeks of supervision. The scores will be captured as baseline data. The scores will identify the criminogenic risk/needs and responsivity factors which will aid in tailoring the appropriate case plan that showcases needed services. Subsequently, when the offender has successfully adhered to the supervision the CAIS will be re-administered. The scores will be used to review and compare analysis in conjunction with the earlier administered pre-test. The results will be reviewed to assess the overall changes in criminogenic needs and risk of offender.

The DPO will take the following steps:

- a. DPO will refer the offender for CAIS re-assessment upon the successful completion of the ICAP.
- b. DPO will assist the offender in developing a relapse prevention plan.
- c. DPO will make a recommendation for termination or reassignment to a regular, moderate, or high risk supervision caseload.
- d. Based upon the step-down approval, the DPO will schedule an exit conference with the offender and the offender's family members who will offer support.
- e. The offender will be instructed to report to assigned officer for further supervision.
- f. If appropriate, the DPO may return the case to court for early termination of supervision.

3. CASELOAD SIZE AND LEVEL OF SUPERVISION

In order to achieve program goals, deputy probation officers (DPO) will be responsible for managing caseloads consisting of no more than (50) high risk , level one (1) offenders. The (50) to (1) ratio is slightly higher than the (40) to (1) ratio recommended by the American Probation and Parole Association (APPA), however, the Chief Probation Officers of California (CPOC) have discussed the ratio size and most counties are using the (50) to (1) or similar ratio.

The initial Level-1 supervision will be 6 months (approximately) and DPO's will meet with offenders a minimum 2-3 times a month. Upon completion of the 6 months, a case review will be conducted to determine whether the offender can move to Level-2. Level-2 (moderate to high risk offenders) will be under supervision during the next 6 months (approximately). DPO's will meet with offender 1-2 times per month and, upon successful compliance, the offender's supervision will be modified for the remaining time and the DPO will meet with the offender one (1) time per month.

Additionally, a specialized Deputy Probation Officer (DPO) assignment is proposed in collaboration with the Madera County Gang Enforcement Team (MadGET). A MADGET taskforce sub-unit will conduct mobile "field checks" and apprehend offenders when necessary. These "field checks" may occur at various locations such as an offender's home, work, school, treatment or other applicable locations. All offenders will receive two (2) field visits conducted every month during the first sixty (60) days of supervision and one (1) field visit every month thereafter until discharge from supervision. The taskforce is highly visible and the DPO assigned to the taskforce will have the ability to concentrate solely on direct enforcement and provide additional support to realigned case-carrying DPO staff. The caseload DPO's will have the ability provide immediate referrals to the Taskforce DPO regarding offender's non-compliance, e.g., missed appointments, absconding, anonymous tips or requests for searches and drug testing.

4. CONTINUED QUALITY ASSURANCE

The Madera County Probation Department will incorporate a quality assurance component to the implementation plan of AB 109, which will include EBP methods in the training of staff, application of performance functions, creation of data analysis, completion of observation procedures, delivery of services and execution of case management practices.

9. DEPARTMENT OF CORRECTIONS

CAPACITY PLANNING-JAIL BEDS

The Madera County Department of Corrections (MDOC) is a State certified 419 bed facility that houses sentenced and pre-sentenced male and female inmates. MDOC is responsible for the coordination of all programs and services related to the institutional punishment, care, treatment and rehabilitation of inmates, including inmate screening, classification, medical care, and alternative sentencing programs.

Housing Modules range from temporary holding, general population, administrative segregation, protective custody, maximum security, and medical unit. The MDOC currently offers several programs to inmates including Work Furlough with electronic monitoring; County Parole with weekly reporting, community service details for county parolees, adult education (GED), and faith based programs such as Celebrate Recovery, Christ Behind the Walls, Chaplaincy support, and bible studies.

A. PROJECTED REALIGNED OFFENDER POPULATION

Based on state projections, the jail's average daily population will include (24) parole violators if serving an average 30-day sentence. Furthermore, if all current state prisoners serving sentences in state prisons would have been sentenced under realignment, the jail would have an additional (111) inmates for a total population under realignment of (135) additional offenders.

The additional inmates include:

1. Those convicted of a felony now sentenced to county jail in lieu of state prison;
2. Violators of post-release community supervision;
3. Violators of state parole up to 180 days
4. Offenders sanctioned with flash incarceration of up to 10 days for each violation.

With the expansion of the current jail still (24) months away and with their average daily population always hovering near or at maximum levels, there is no current capacity to handle the potential volume of inmates if all were to serve their entire sentence in-custody. Therefore, capacity planning is an important component of the local AB 109 plan. With a hybrid model being recommended for the realigned offender, and other additional alternatives to incarceration being proposed, the impact of the offender on the jail's population will be greatly mitigated.

However, there will still be an impact on the jail's population and the above-mentioned proposals do nothing to relieve the current offenders incarcerated in the Department of Corrections. Since there are usually four times as many pre-trial offenders as there are post-sentence offenders in the Jail, solutions should target that population.

B. PRE-TRIAL RELEASE PROGRAM

On July 26, 2011, the Board of Supervisors approved a pre-trial release program. A full pretrial release program generally involves the provision of information to Judges in the form of a detention assessment to assist them in making pretrial release/detention decisions, as well as monitoring and supervision of persons released from custody while awaiting disposition of criminal charges. The goal of a pretrial service program is to:

1. Maximize the release of pretrial defendants from detention.
2. Maintain a high appearance rate for court hearings.
3. Maintain a low rate of (new criminality or criminal activity) new crime after defendants are released.

Through a recently signed addendum to the County's current contract with BI for electronic monitoring services, the cost for pre-trial electronic monitoring services has been established as well as setting the foundation for a full-service, pre-trial program in Madera County. Probation is in the process of developing a Pretrial Services Detention Assessment based on a model first developed by the State of Virginia, and policies and procedures for the implementation of the program.

The Pretrial Services Unit would provide verified community ties information for those recently arrested on felony and/or misdemeanor offenses. The staff would conduct a detention assessment, and an investigation into each

defendant's ties to the community, potential danger to the community, reliability for attending court dates, and prepare a written report for each defendant interviewed.

The Judges would use this information to determine suitability for Own Recognizance (O.R.) and Supervised Own Recognizance (S.O.R.) releases, as well as to establish bail, and determine probable cause to detain. Own Recognizance releases are those that are granted upon the defendant's promise to appear at scheduled court appearances and to abide by any conditions set by the court, instead of requiring the posting of cash bail or other financial bond. Supervised Own Recognizance releases have been granted a release that is based upon the defendant's agreement to abide by specific conditions set by the Court. Own Recognizance releases and Supervised Own Recognizance releases are granted at the discretion of the Court.

The use of electronic monitoring as an alternative to detention is cost effective as the jail's current cost is \$73 a day to house an inmate; electronic monitoring would be a minimum of \$10 a day. Additional components of the electronic monitoring such as Global Positioning System (GPS) and Transdermal Alcohol Detector (TAD) would add to the cost per day but provide a much higher level of supervision and mitigate potential harm to the community.

C. JAIL EDUCATION AND EMPLOYMENT PROGRAM (J.E.E.P.)

Further analysis is necessary once AB109 is implemented to accurately determine the impact on jail beds, alternative incarceration programs and inmate transportation. Based on current population trends there is limited capacity for additional inmates. With the projected population 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, GED program, employment readiness, life skills and cognitive therapy groups are considered necessary as part of a comprehensive plan.

The Probation Department and the Department of Corrections are proposing a collaborative effort to provide services to those inmates serving long term sentences. The Jail Education and Employment Program (JEEP) is a program currently utilized in the Napa County Jail. The inmates are given the opportunity to participate in evidence based programming which includes cognitive behavioral therapy, GED preparation, employment readiness skills, business etiquette, and problem solving. Offenders will be assigned to programming based on the risk and needs assessment conducted by the probation department and treatment needs assessment conducted by the Behavioral Health Services' alcohol and drug assessment. The Jail will collaborate with Probation, Behavioral Health, Courts and CDCR parole personnel to provide programs and services to inmates serving time in jail for a parole revocation to the extent possible within funding constraints.

D. ADDITIONAL ALTERNATIVES TO INCARCERATION

The Department of Corrections (DOC) and the Probation Department will work collaboratively to provide a number of alternatives to incarceration and supervise offenders in these alternatives while they remain in the constructive custody of the DOC. These alternatives to incarceration are frequently utilized to transition inmates back into the community. Increased reliance on alternatives to incarceration is necessary in order to manage anticipated population increases under AB109. These additional alternatives provided for by AB109 legislation include voluntary and involuntary home detention and electronic monitoring for the pretrial population.

Penal Code Section 1203.018 will allow DOC to release prisoners being held in lieu of bail in the county jail to an electronic monitoring program under specific circumstances. The Director of Corrections 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.

Additionally, AB109 provides legal mechanisms to use alternatives to incarceration for sentenced populations. In Madera County, these alternatives will include electronic monitoring, home detention, residential treatment beds, work furlough, county parole, substance abuse services, employment and educational services, and transitional housing. An inmate under the supervision of the probation department may be provided multiple services as determined by their individual assessment needs. All jail programming and alternatives to incarceration managed by the Jail and Probation will be made available to offenders providing they meet eligibility criteria and space is available.

Other alternatives to incarceration may include:

- Jail citation release for misdemeanor cases per 863.6 PC
- Release without Charge per 849(b) PC

E. COUNTY PAROLE

Implementation and utilization of County Parole Board of Commissioners for offenders sentenced under Realignment:

Offenders sentenced to the jail time under Realignment will be eligible for release once a specified minimum incarceration period has been served by the inmate. The offender may be considered for county parole suitability and their case reviewed by the County Parole Board of Commissioners. The County Parole Board of Commissioners consists of the Chief Probation Officer or designee, the Director of Corrections or designee and a member of the citizenry of the County who is appointed by the Presiding Judge of the Superior Court.

The County Parole Board of Commissioners will review the offender's pre-sentence report, the gravity of the commitment crime, criminal history, danger to the public safety, institution disciplinary reports, prior performance under probation or parole supervision, employment and housing status upon release and status of in-custody programs and services participation. If the offender is determined to be suitable for release, the probation officer assigned to the case will conduct a transitional release assessment and plan. If eligible, the probation officer will include a timeline and plan for the offender, to transition from the county jail to an appropriate alternative to incarceration. Probation will supervise offenders in alternative incarceration programs and will provide a swift response if the offender absconds or violates conditions of their release.

At least 30 to 60 days prior to the offender's date of release from DOC, probation staff will meet with the offender to prepare a pre-release assessment and Pre-Release Plan (PRP). The Probation Officer assigned to the case will ensure a smooth transition at the time of the offender's release. Changes may be made to the preliminary transition plan at any time while the offender is in custody.

The development of a pre-release plan is essential for the offender's successful integration into the community. The plan will address the criminogenic and social needs, risk level and case management strategies to effectuate the offender's successful reintegration into the community and provide a structured and strategic plan for the offender. The pre-release plan will review and determine available housing, treatment and program options for the offender. The immediate placement in appropriate treatment is critical to meet the offender's substance abuse, mental health or dual diagnosis treatment needs. Arrangements for housing and family support are also an essential element of the offender's successful transition. The connection to appropriate community health and welfare benefits needs will also be addressed in the plan.

10. DISTRICT ATTORNEY

The realignment of public safety will have an impact on the workload of the District Attorney as well as the sentencing options available to resolve cases. The District Attorney should anticipate impacts in (3) areas:

A. VIOLATION OF POST RELEASE COMMUNITY SUPERVISION/PAROLE

Prison realignment will increase the number of persons placed on probation because of insufficient resources available to support traditional incarceration. An increase in probationers will result in more violation of probation hearings thereby requiring additional services from District Attorney Staff.

Jurisdiction for violations of post-release community supervision ("Parole Revocation Hearings") is being transferred to the Madera Superior Court from the Board of Parole Hearings. While this change will alter jurisdiction, traditional Revocation hearings were brought by lay parole supervision staff. Since the probation department will be assuming the supervision role the necessity for involvement of the District Attorney should remain unchanged. However, should circumstances change and alter the District Attorney's involvement, additional District Attorney staffing will be necessary to support this function.

B. PROTRACTION OF CASES

The number of appearances on certain cases could increase because getting agreement on appropriate sentences may be protracted; thereby lengthening the time it takes for those cases to resolve. Since certain crimes mandate the sentence be served locally, the offender may be less willing to resolve the case. However, it could be that other, less-serious cases could resolve quicker since the offender is in no fear of serving time in state prison

C. ALTERNATIVE SENTENCING

In as much as state prison will not be a sentencing option for non-serious, non-violent, non-sex offender crimes, the District Attorney will make sentencing recommendations as deemed appropriate taking into consideration alternative sentencing options, their ultimate efficacy and the public safety.

11. PUBLIC DEFENDER SERVICES

Ciummo & Associates may explore the establishment of a specialized assignment on Realignment. The assigned attorney would work exclusively with the realigned offender population, and provide services to those individuals who will now qualify for county jail and alternative program placement sentences under AB 109. The attorney assigned to the Realignment cases would work with Probation and the District Attorney to explore alternative sentencing strategies and identifying clients who are eligible for programs under AB 109.

The attorney would also advise other attorneys on alternative sentencing strategies. They would collaborate with the Probation Department to help identify new referrals and to discuss progress of clients who are receiving services. They may also seek appropriate placements and programs for individuals under realignment.

Under AB 118, the Legislature provided funding for the Public Defender to handle the additional workload. The number of hearings, as well as the court's protocol for handling the hearings, will determine the resources required. An additional attorney may be required to provide representation at these hearings. In addition, they may need to accelerate the pre-trial review and screening of cases to assist with the alleviation of jail bed-space.

12. SUPERIOR COURT

Under AB117, a budget trailer bill accompanying the 2011 Budget Act, the Superior Court's role in criminal realignment previously outlined under AB109 has been substantially narrowed to handle only the final revocation process for offenders who violate their terms or conditions of post-release community supervision or parole. The Court will assume responsibility for post-release community supervision revocation hearings beginning in 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 estimates, the total parole and post-release supervision population expected to be serving revocations sentences in local custody is estimated to be 61 on any given day. The state budget appropriated funds for the Judicial Branch to undertake this new function and the Court's allocation will be finalized in late August 2011. The Administrative Offices of the Court (AOC) will assist the Judicial Branch by developing the implementation plan and final revocation procedures and documents.

13. DEPARTMENT OF BEHAVIORAL HEALTH SERVICES

TREATMENT SERVICES FOR OFFENDERS UNDER COMMUNITY SUPERVISION

It is expected that a significant number of offenders under post-release community supervision will require substance abuse and/or mental health interventions for successful integration into community life and to prevent recidivism. Recent data analysis indicates nearly 80% of the incarcerated population has substance abuse problems requiring treatment interventions. According to CDCR in 2007, the statewide mentally ill parolee population was 952 and mentally ill parolees account for approximately 20% of the overall parolee population. Currently offenders participating in CDCR's Mental Health Delivery System are designated into two categories dependent on their diagnosis and or symptoms related to mental illness. The two designations are:

- **Enhanced Outpatient Program (EOP)** – offenders designated EOP require increased mental health care and are housed separately from the prison's general population.
- **Correctional Clinical Case Management System (CCCMS)** – offenders designated CCCMS require minimal mental health care and are typically housed within the prison's general population.

According to a CDCR "2010 Adult Institutions Outcome Evaluation Report," offenders participating in mental health program recidivate at rates 8 to 11 percent higher than other felons. Thus, arranging treatment services in advance of an offender's release is a critical risk reduction activity. Therefore, a pre-release assessment would be beneficial to determine level of mental dysfunction, required treatment and dosage.

In addition to the challenges of mental health issues many offenders will present to our system, even more prevalent is the substance abuser. Substance abuse is a major contributor to incarceration and recidivism. The Prison Journal contains reports on prison based treatment studies in California. The studies indicate that corrections-based treatment policy should emphasize a continuum of care model from the institution to the community. The most recent data which followed offenders who paroled in 2005-06 for a one-year and a two-year period demonstrates that the recidivism rate was reduced for offenders who completed in-prison substance abuse treatment programs – with a more substantial reduction in recidivism for offenders completing in-prison followed by community-based substance abuse treatment programs.⁴

The Behavioral Health Department has a history of serving the offender population with innovative and evidence based treatment services targeting the myriad of mental health and substance abuse related needs that affect this population. BHS will provide care coordination, individualized client based services, and treatment for individuals who will be out-of-custody and under post-release community supervision. Therefore a system of care comprising of the following is proposed:

Forensic Assertive Community Treatment (FACT) Program

A. Goal of the FACT program

The goal of the FACT program is to reduce recidivism of individuals with mental illness and/or substance abuse and increase the individual's tenure in the community; reduce incarcerations, reduce hospital/residential admissions, decrease symptoms and improve the individual's quality of life. The FACT program will seek to break the revolving door cycle of individuals who often end up incarcerated or hospitalized due to their untreated psychiatric or addictive disorders. The FACT program's sole focus will be to provide these individuals with services and supports which will allow them to stabilize and remain safely in the community.

B. Program Model

Madera County BHS will use the Forensic Assertive Community Treatment (FACT) approach to treatment services in its AB 109 program. This is the same treatment model that BHS used in the MIOCR (Mentally Ill Offender Crime Reduction) Program, which was in operation in Madera County in 2007-09 before its funding base lapsed in September 2009. FACT is a modified version of the Assertive Community Treatment (ACT) Model. This model was chosen because it has been proven to be effective in helping mentally ill adults with multiple problems, which include substance abuse, to remain in the community, out of psychiatric hospitals and other locked institutions, and greatly improve their quality of life and treatment outcomes. In addition, ACT has been shown to increase residence stability, promote independent living and continuity of care, and increase family and participant satisfaction. There are several guiding principles for ACT systems, called "Principles of ACT." These include:

- Highly individualized services
- Integration
- Emphasis on vocational expectations
- Psycho educational services
- Community Attention to health care needs

C. Staffing

The BHS Madera FACT team will consist of: 0.05 FTE Division Manager, 0.20 FTE Supervising Mental Health Clinician, 1.00 FTE Licensed/Prelicensed Clinician, 1.00 FTE Case Manager, 2.00 FTE Certified Alcohol and Drug Counselors, 0.50 FTE Program Assistant, 0.50 Community Service Liaison (CSL), 0.05 FTE Psychiatrist, and 0.40 FTE Medical Records/Data Support personnel. Since it is anticipated that many of the FACT program participants will need substance abuse services, this proposal includes 2.00 FTE Certified Alcohol and Drug Counselors to cover the service areas in Madera County, which includes the community of Chowchilla. The FACT team will also include representatives from Probation, Department of Corrections, and any other law enforcement or social service agency representative who is involved in providing supervision and/or services to the participant(s). It is estimated that up to 40 individuals will be able to be served in the FACT program. The FACT team will report to and provide quarterly or as needed reports to the CCP.

D. Treatment Services

The FACT program will offer a continuum of treatment that will last a minimum of 12 months. Since all treatment plans will be individualized according to diagnosis and participant need, the phases of treatment will vary for each individual and will be time-unlimited. Services will also be flexible and change as the need changes. Treatment services may include:

- Mental Health, Substance Abuse and/or Co-occurring Disorder individual outpatient treatment (cognitive behavioral, motivational interviewing, dialectical behavioral treatment).
- Mental Health, Substance Abuse and/or Co-occurring Disorder group outpatient treatment (cognitive behavioral, motivational interviewing, dialectical behavioral treatment).
- Family counseling/education
- Psychiatric evaluation and medication
- Case Management services focusing on rehabilitation, socialization, skill training, education, and employment.
- 24/7 Crisis Services
- Short stays in residential or detoxification treatment facilities (contract)
- Short stays in psychiatric facilities (contract) for stabilization
- Attendance at self help groups in the community

All treatment planning will follow the Best Practice **APIC** (Assess, Plan, Identify and Coordinate) framework which is a type of reentry strategy which is considered a best practice approach by the GAINS Center. The GAINS Center works to help States develop collaboration among criminal justice and behavioral health systems. APIC is a four step tool which integrates the mental health, criminal justice, and substance-abuse treatment systems. APIC can be used before an individual is released back into the community or post release. The Madera FACT program will use the APIC framework primarily when a person has been released back to Madera, their County of origin. The first step involves **assessing** the participant's (offender) psychosocial, behavioral, and medical needs and strengths, as well as public safety risk of the participant.

The second step includes gathering all useful information that is necessary to create a treatment **plan**. The plan will be sensitive to any special needs a participant may have around cultural identity, primary language, gender and age. Developing a treatment plan which addresses a participant's short and long term needs will include connecting the participant with appropriate services, involving family members in the planning process, and initiating benefit applications/reinstatements. It would also include ensuring the participant has appropriate medication, has proper clothing, food, housing and resources to obtain adequate nutrition, transportation to appointments, and if necessary, plans for child care.

The third step involves **identifying** and locating specific community resources to ensure that the participant has treatment and support services that are appropriate for his/her level of medical/mental/substance abuse disability. The final step entails **coordination** through a case manager who will assist the participant through linkage and brokerage services with other community resources.

E. Under Development

The Madera County Probation Department and BHS are currently in discourse on ways to incorporate the proposed FACT program substance abusers into the existing Madera County Felony Drug Court and to develop a new Mental Health Court which would target offenders who have been diagnosed with a mental illness or co-occurring mental health and substance abuse disorders. Mental Health Courts require collaboration of the criminal justice and mental health systems and involve judges, prosecutors, defense attorneys, and other court personnel.

The primary goal of a Mental Health Court program is to decrease the frequency of contacts with the criminal justice system by providing mentally ill and dual disordered individuals with mental health resources that would improve their social functioning and link them to employment, housing, treatment, and support services. The FACT program outlined here would fit well with the purposes of a Mental Health Court. There are potential grants that would help support this type of court through the Bureau of Justice Assistance (BJA) which BHS and the Probation Department will explore over the next few months while the FACT program becomes operational.

The probation department and the Behavioral Health Services Department also propose providing evidence based substance abuse treatment service through a continuum of care. In-custody offenders will be provided an opportunity to participate in substance abuse treatment through a contract with Behavioral Interventions Inc. The substance abuse

counseling will be a component of the Jail Employment and Education Program (JEEP). The treatment through the continuum of care for offenders to participate in out-of-custody substance abuse treatment services will be provided by the BHS Department.

14. DEPARTMENT OF SOCIAL SERVICES

RESOURCES AND SERVICES FOR OFFENDERS UNDER POST-RELEASE SUPERVISION

The Department of Social Services will assess and determine eligibility for public assistance programs designed to meet the basic needs of the offender population. Social Services will provide resource and referral services, which will include referrals to other agencies, i.e. food bank, housing authority, CAPMC, First Five, etc. Social Services assists individuals/families in finding workable solutions to daily-living challenges as they make important transitions in their lives by providing services and access to benefits to some of the eventual 392 people who will be out of custody on post-release community supervision.

It is projected that the number of offenders in need of social services will be approximately 25 to 30 percent of the 392 individuals which is approximately 118 and of that number, 20% (24) individuals will be in need of some type of public assistance. Of the 392 individuals estimated to be shifted to local supervision, the Probation Department believes this may be a conservative estimate given that some offenders likely list address that are temporary in nature, such as couch surfing and merely receiving mail at reported residences.

Social Services Adult Assistance Programs include, CalWORKs, CalFresh (Food Stamps) and Medi-Cal. CalWORKs provides cash assistance and welfare-to-work services for low-income adults with dependent children. CalFresh (formerly Food Stamps) is a monthly benefit that can be used to purchase food. Medi-Cal is health coverage for low-income children, pregnant women, seniors and persons with disabilities. Individuals who are screened for Medi-Cal and determined to be ineligible are referred to other state and local subsidized health care programs. Services for seniors and persons with disabilities, including in-home supportive services, are also available.

The Department of Social Services has agreed to partner with the probation department and will provide one staff person, four to eight hours per week, to assess the needs and determine eligibility of offenders and their families. In order to provide accessible services to this population, Social Services eligibility staff will conduct on-site intake appointments and screening for public assistance and will provide referrals to other resources in the community. Social Services will have staff time study to eligibility programs and funding will come from their allocations, therefore leaving AB109 funding available for direct services.

15. COMMUNITY ACTION PARTNERSHIP OF MADERA COUNTY

ADDITIONAL RESOURCES FOR OFFENDERS UNDER POST-RELEASE SUPERVISION

Note: The realigned population will have very limited access to these programs as most restrict eligibility to families with dependent children, are operating at maximum capacity, and/or are short-term programs. Eligibility for these resources would be determined by the CAPC as they would for the general public.

CAPMC has committed to providing an intake person who will be stationed at the probation department once or twice per month as needed, to assist these new offenders as well as standard probationers with questions and completion of the application process for services outlined below.

- A. Madera County Community Action Partnership rental assistance Program:** This program provides one-time rental assistance grants of up to \$600 that can cover items such as back rent, security deposit, and moving costs. Applicants must meet eligibility criteria, including income criteria, and/or at imminent risk of eviction. Rent subsidy clients must also be able to cover the difference between the subsidy amount and the market rent rate on their unit. MCAP receives funds from FEMA to provide this resource. They were not funded for 2011.
- B. Shunammite House:** This housing consists of five three bedroom units. This is a supportive housing program for chronically homeless women with mental and/or physical disabilities. To qualify for this assistance the person must be homeless for an entire year or four separate periods of homelessness during a three year period.
- C. Low Income Energy Assistance Program (LHEAP):** Provides a once a year credit toward utilities bill and weatherization of home for eligible households.
- D. Relief for Energy Assistance through Community Help (REACH Program):** Provides for assistance with PG&E bill for people who are imminent risk of discontinuation of utilities service. This program has a \$500 maximum assistance allowance. Funding is provided through donations from PG&E and the Public Utilities Commission.

- E. **Alternative Payment Program:** This program provides no cost and subsidized childcare for families who are employed, attending school, job training or conducting employment search activities.
- F. **Strengthening Families Program:** This program consists of two parenting models that assist parents and families in improving parenting skills and family relationships in the home. Both training models aim to enhance confidence in parenting and delivery of effective methods to strengthen family relationships.
- G. **Head Start Programs:** Head Start is a comprehensive program that comprehensive education, medical and dental screenings, nutrition, social services, parent involvement services to low income families.
 - **The Madera/Mariposa Head Start Program** provides early education and other services to low-income children and families from Madera, Mariposa, Chowchilla, Fairmead, Oakhurst and North Fork.
 - **Madera Migrant/Seasonal Head Start Program** provides early education and other services to low-income children of migrant or seasonal families in Madera. The families must have proof of relocation – migration for seasonal employment.
- H. **Child Care Resource and Referral Service:** This program assists parents, providers and local communities with locating, planning and providing affordable, quality child care. MCAP provides various trainings, including CPR and First Aid for the community.
- I. **Victim Services:** Provides assistance to victims of domestic violence, sexual assault and other victims of crime. The program provides a 24-hour crisis hotline, crisis intervention, counseling, and court appearance support, assistance with temporary restraining orders, transportation, community education, and advocacy services.
- J. **Transportation Programs:**
 - **Eastern Madera County Senior Bus Transportation Program:** Must be 55 or older and resident of Oakhurst, Bass Lake, Coarsegold and Ahwahnee to be eligible. Provides transportation to doctor’s appointments, nutrition centers and stores in the area.
 - **Medical Escort Program:** Provides transportation to medical appointments from Eastern Madera County to Madera, Fresno and Clovis. \$10 round trip fee is charged.
 - **Dial-a-ride:** Demand response transportation service. Provides local round-trip transportation within the Madera City limits for a two dollar fee.
 - **Madera Area Express (MAX):** The MAX has three fixed bus routes in Madera and it connects with Madera County Connection.
 - **Madera County Connection:** Provides regional bus service in the County of Madera. It connects with Madera Area Express (MAX), Fresno Area Express (FAX) at the Valley Children’s Hospital bus stop.

16. MADERA RESCUE MISSION

The Madera Rescue Mission (MRM) is a faith based non-profit organization. The mission is located at 332 Elm Street on the Southeast area of the Madera city limits. The MRM is funded entirely through private donations and grants. The MRM provides crisis services to the homeless, hungry, addicted and abused in the community. Research indicates communities where rescue mission type shelters have been established experience a decrease in crime related to vandalism, trespassing and burglary. The services provided by the MRM have evolved over the years and include, Family Emergency Shelter, Single Women’s Emergency Shelter, Women’s Transitional Living Program, Men’s Transitional Living Program and the Men’s Overnight Emergency Shelter Program.

The MRM Family Emergency Shelter Program and Women’s Emergency Shelter provides shelter for single women or women with children for up to 14 weeks. The 32 bed facility built with grant funds provides three meals per day, clothing, spiritual counseling and linkage to other resources in the community.

The women’s and men’s transitional living program is a 12 month program that provides shelter, alcohol and drug counseling, anger management counseling and spiritual counseling. The program involves elements of personal responsibility and an internal transformation of values. The residents are also assigned to perform community service or work details on the grounds of the mission. They perform duties such as grounds maintenance, cleaning, cooking and serving meals and food and clothing distribution.

The MRM also provides shelter and services to couples with children. The MRM has three two- bedroom units on the grounds where families can stay up to 14 weeks. The same services provided to other residents are available to families.

The men’s 80 bed over-night emergency shelter program is for men 18 years of age and over. The MRM provides spiritual counseling, dinner and breakfast, shower and sleeping accommodations. The men are required to leave after breakfast but may return for lunch and again return for dinner and shelter for the night. During the winter the over-night shelter is usually at capacity.

The MRM services to the community also include daily meals, distribution of food, clothing, diapers and baby formula. The Mission is also open to the public as a cooling and warming center during periods of inclement weather. The MRM also provides opportunities for people with community service obligations to perform community service hours at the Mission through various types of projects and daily service oriented tasks. The realigned offender population will have the same access to shelter and services as any other needy resident of the community.

TRANSITIONAL HOUSING FOR REALIGNED OFFENDER

The probation department's preliminary plans with the MRM include a collaborative effort to develop and implement services necessary to assist positive reentry for offenders in the community by providing a re-entry/transitional living program. The proposal includes utilizing a residence located on the grounds of the MRM for that purpose. The home is a single story structure that was donated to the mission by the former owner of the residence. Preliminary discussions with the MRM indicated they would be interested in a collaborative partnership to provide housing and services to these offenders.

It is estimated that fourteen percent of these offenders require some type of transitional housing. Adequate housing can become a significant barrier to the offender's successful post-release adjustment and reduction of recidivism. Research indicates that providing offenders with intensive programming focused on criminogenic needs fosters successful parole transition and allows for better equipped reintegration into their communities. An assessment of the offender would be conducted prior to release to determine criminogenic and other social needs. Based upon the housing and service needs, the program length would be a minimum of three months to a maximum of twelve months. The probation department proposes providing some funding for the remodeling of the residence to accommodate approximately 10 to 12 males. The probation department would also propose providing funding for an on-site advisor to manage the residence and oversee the program and residents. The home advisor would act as a liaison between the post-release participants and the probation department. In order to provide the delivery of services and support, the probation department would train probation staff in specialties of cognitive behavioral therapy, life skills, job readiness and educational services to provide service to the realigned offender population. The probation department would also provide supervision and random drug and alcohol testing.

The probation department is proposing contracting with the Behavioral Health Department or another service provider for onsite alcohol and drug counseling services. The probation department envisions expanding the re-entry/transitional living program to include a vocational training component. An assessment of the local job market and meetings with local companies/employers would be conducted to identify vocational training needs to develop the skill sets and abilities required by potential employers.

17. WORKFORCE DEVELOPMENT OFFICE/WORKFORCE ASSISTANCE CENTER

The Madera County Workforce Assistance Center is a partnership of community agencies specializing in meeting the job readiness and placement needs of the residents of the county. The program provides assistance to employment seekers who desire to achieve skill building and employment goals. The vocational and career specialists assist with identification of skills, career interests and abilities. The One-Stop program provides the following:

- A. Orientation
- B. Job skills assessment
- C. Career Coaching
- D. Skill development services and workshops
- E. Resource Center - provides access to job searches, on-line applications, resume preparation, phone, fax, copier and printer
- F. Job placement assistance
- G. GED preparation
- H. Job Training (on-the-job-training & vocational training)

Research indicates that obtaining and maintaining employment is an essential element of an offender's successful reentry into society and that involvement in job readiness and vocational training while incarcerated can lower recidivism by up to twenty percent.⁵

The Madera County Workforce Investment Board, through a contract with CDCR, provides a job readiness and job skills program to inmates housed at the Valley State Prison for Women in Chowchilla. The program provides 70 hours of instruction in a curriculum, delivered in three and one half hour blocks within a four-week time frame. The purpose of the program is to provide inmates with job readiness and skill building that will assist their eventual transition into the community. The participants are referred to the voluntary program approximately 120 days prior to their expected release date. The program provides information to the inmates about the available employment resources and linkage to One-Stop Career Centers in their community of residence. The program curriculum also contains elements of cognitive based therapy which aligns with the probation department's EBP model and philosophy. The program curriculum consists of the following:

- | | |
|------------------------|--------------------------------|
| A. Transition Planning | E. Winning Resumes |
| B. Job Search, Part I | F. The Interview |
| C. Job search, Part II | G. One-Stop Center Orientation |
| D. Job Applications | H. Financial Literacy |

The probation department would like to partner with the WDO to replicate the aforementioned employment transitional program and offer it to the realigned female offender population anticipated to be housed in the department of corrections. Preliminary discussions with WDO indicate they would provide a 0.20 FTE personnel to administer the course. The course would be condensed to provide only the core elements of the curriculum. The WDO would receive permission to utilize the same curriculum they are using with the CDCR inmates or they would develop and use their own curriculum.

The offender's opportunity for successful re-entry would be enhanced as upon release they would be equipped to navigate the services and would have established connections with the Work Assistance Center staff. The assigned DPO would have a point of contact at the WDO and would work in coordination with WAC staff to ensure the offender's follow through with the opportunities made available through the WDO services and programs.

18. MADERA COUNTY TASKFORCE

MADGET was established in February 2006 under the direction of Madera County officials as gang violence in the Madera County area began to grow out of control. Working cooperatively, participating agencies came together to form a team to effectively enforce the laws of the State of California, and applicable federal laws relating to violent crime, street terrorism and gang related crime. MADGET has focused its efforts toward the suppression, intervention, and prevention of violent crime and gangs. Use of this task force concept is intended to ensure well-coordinated violent crime and gang enforcement regionally and increase the flow of violent offender and gang related intelligence information between the various law enforcement agencies.

MADGET is responsible for cities located in and all areas of Madera County. MADGET's primary responsibility is the identification, arrest, and prosecution of gang members and/or associates within Madera County. Additionally, the MADGET targets the following types of investigations:

- A. Identify and target gang members for arrest and prosecution
- B. Conduct intense supervision of gang members on probation or parole
- C. Collection and dissemination of gang intelligence
- D. Gather information for gang enhancement prosecution
- E. Testify as gang experts in court
- F. Conduct directed enforcement details throughout the County of Madera
- G. Utilize confidential informants to conduct controlled purchases of firearms from gang members and/or associates

MADGET was originally comprised of officers from the Madera Police Department (MPD); one deputy from the Madera County Sheriff's Department (MCSO); one officer from the Chowchilla Police Department (CPD), one officer from the Madera County Probation Department; one officer from the Madera County Department of Corrections (MCDOC), a deputy district attorney from the Madera County District Attorney's Office (DA); and a secretary from the Madera Police Department (MPD).

In 2008, the task force received "Gang Reduction Intervention and Prevention Initiative" (CalGrip) state grant which provided funding for two additional Madera Police Officers, a Sheriff's Deputy, and a probation officer. However, the funding was discontinued in 2010, causing MADGET to lose those additional positions. In addition, in 2008 Chowchilla Police Department discontinued funding the police officer on the MADGET team due to budget constraints. The Madera County Department of Corrections is also in the process of defunding their officer assigned to the task force due to county budget constraints. Due to these proposed staff cuts, MADGET will be left with one MPD officer, one Sheriff's deputy, one probation officer, and a DOJ commander, for a total of four task force agents.

Furthermore, the Community Corrections Partnership Committee is extremely concerned about the viability of the Taskforce because of the defunding of the Bureau of Narcotics Enforcement (BNE). This State agency provides funding and, more importantly, local leadership and other valuable resources currently unavailable through other county or city entities. Unfortunately, this agency was defunded in the most recent state budget and their future is uncertain. The only certainty is the need for a local task force and the commitment of the Committee to ensure their continued existence.

Since the inception of the taskforce, the team has made a significant impact on gang activity within the County of Madera. Gang violence has decreased tremendously since the formation of MADGET and it is feared that without the resources needed to continue combating gang violence, the progress that has been made will be nullified and gang violence will increase.

REALIGNED OFFENDER SUB-UNIT

The Department of Justice proposes a joint venture with the probation department, Madera Department of Correction and the Madera Police Department to develop a team that would also serve to provide direct enforcement for the realigned population who will be under the supervision of the probation department. AB109 funding would fund a correctional officer, a police officer and a probation officer which will compliment the current staffing level. The team would have the ability to work collaboratively with probation and the other partner agencies to impact gang violence and other criminal activity in the County of Madera.

The officers assigned to the task force would be a sub-unit of MADGET and will address issues related to the community release compliance of realigned offenders released under probation's supervision. The team would be a fully functional taskforce that would have the ability to conduct searches to ensure compliance of offenders. The team would also be able to continue with directed enforcement details, gang investigations, and preparing gang enhancements for expert court testimony. Additionally, the task force would work in conjunction with probation officers assigned to the realigned caseloads to ensure compliance and supervision of offenders. This intensive supervision approach will create an extra layer of offender accountability, supervision and public safety. The team will have the ability to execute immediate response to offender non-compliance. The team can combine proactive and reactive enforcement of the offender's conditions of release. The team can provide responses to information and knowledge about offenders in emergency situations that may arise and will have the ability to mitigate the need for incarceration through appropriate early interventions. The team will also provide investigation, surveillance, searches and warrant sweeps.

The assigned officers will complete training in conjunction with probation staff related to evidence based practices, including the principles of EBP and Motivational Interviewing.

19. DEPARTMENT OF PUBLIC HEALTH

HEALTH SERVICES FOR OFFENDERS UNDER POST-RELEASE SUPERVISION

The Department of Public Health acts to control communicable diseases and provide preventive education and care for the residents of Madera County. The DPH has identified some programs that are available to realigned offenders who have health issues and needs. The DPH also provides referrals to community resources related to health issues. This offender population will have access to all programs available to the general public. The following include programs available through the DPH:

- A. Immunization Clinics
- B. STD Community Intervention Program
- C. Special Clinics – sexually transmitted infections
- D. HIV/AIDS program
- E. Tuberculosis testing and treatment
- F. WIC Program for pregnant females and children

Research indicates that due to the epidemiology of hepatitis C (HVC) a higher percentage of inmates are HVC infected. This presents some challenges as the treatment is very expensive and requires the patient's total abstinence from alcohol and illegal drug use for effective treatment and long term sustained health. This offender population would benefit from screening and treatment if necessary. All offender populations would also benefit from prevention education programs. The Public Health Director and probation will explore the need and cost of such education and treatment.

20. MADERA HOUSING AUTHORITY

The HA contracts with several nonprofit service providers (SSI) clients have priority for placement. Each site has onsite property management and case managers who provide service referrals. Unit availability is driven by turnover of existing tenants. A limited number of the offenders paroled to Madera under AB109 may be able to access this housing through the regular referral process, but HA cannot guarantee that a particular number will be served or that post-release offenders and their families in need of housing will be able to access housing in a timely manner.

21. MADERA COMMUNITY COLLEGE CENTER

The Madera Center offers numerous education and vocational opportunities. However, there are three programs that may be of specific interest to the realigned offender population as the courses are short term and provide certification for marketable job skills without substantial monetary or time investment from the student. The three programs consist of the Maintenance Mechanic, Welding and Office Technology programs. The MCCC also has a LVN to RN program that requires a higher level of commitment and time to complete.

- A. **Maintenance Mechanic Certification Program** is one semester that encompasses numerous short courses. The courses provide an introduction to careers in manufacturing and basic mechanical and welding skills required by industrial worksites. The program also includes instruction in job preparation, technical report writing, and pneumatic, hydraulic and electric fundamentals. The students will receive a certificate after successful completion of the course work. The student can enhance their skills by attending an advanced welding program.
- B. **Welding Program** is a one semester course that offers instruction in basic gas and arc welding. The course also covers safety procedures required to work in an industrial environment.
- C. **Office Technology Program** is a two to three semester program that offers courses in computer basics, computer software systems, word processing and spreadsheet software. Students can enhance their office skills for jobs in the medical field as the program also offers a course in medical terminology. Students can also enhance their job readiness skills for the labor market with additional courses that assist with job interview preparedness, job retention and responsibilities.
- D. **Licensed Vocational Nursing Program** is a three semester program and Registered Nurse program is significantly lengthier. Students must complete the prerequisite LVN program to be eligible for courses related to the RN program.

Students may be eligible to receive financial aid or apply for a Board of Governor Fee Waiver (BOGFW). However, the health and parking fee of \$17 each and the cost of text books are not included in the waiver. Students may be eligible to receive some financial assistance through the Madera Workforce Development Office (WDO).

The Educational Opportunity Program (EOP) also provides financial, social and academic assistance to low-income, under-prepared, welfare-dependent and single head of household students. EOP services include emergency loans, CARE grants, scholarships, counseling, tutoring, priority registration, progress monitoring, cultural enrichment programs, and achievement recognition.

The Madera Center has developed an Early Alert/Progress Monitoring System to identify students with potential academic and performance difficulties. The program enables professors to notify the student's advisor when it appears the student is in distress and requires intervention. The goal is to identify students who are having difficulty early in the semester to provide assistance in a timely manner to ensure the students' academic success.

The Madera Center also provides no cost tutoring services to students who need additional academic assistance. The goal of the program is to assist students to become strong independent learners, by working with them to improve their subject understanding, study skills, and test preparation. Tutoring is accessible to students by appointment or by drop-in at the tutorial center. A computer lab and the campus library are available to students every day from 8 a.m. to 8 p.m.

The probation department will utilize the Madera Center educational resources for the realigned and other probationer populations desiring to obtain or enhance their vocational and academic skills. The probation department will utilize the CAIS assessment to determine the offender's academic and vocational needs. The offender will be referred to an academic advisor for review of career goals and the course work necessary to achieve the goals. The Madera Center is willing to provide a point of contact advisor who will be assigned to work with the realigned population. The probation department will develop a referral document and system to refer offender whom the DPO has evaluated and determined is motivated to achieve higher education and has met certain probation conditions and milestones. The probation department believes the most logical referee would be offenders who are in the final phase of the Day Reporting Center program and who have already proven a high level of success and achievement.

22. GAPS IN SERVICES AND BARRIERS IDENTIFIED

The realigned population will require independent housing and a possible solution would be rent subsidy as an alternative to transitional housing program for addressing the needs of this population, particularly as regards increasing opportunities for this population to access more permanent housing. As aforementioned, the probation department and the Madera Rescue Mission are discussing a possible collaboration to provide transitional housing for the realigned population.

The possession of a valid driver's license is a barrier to obtaining employment for this population. The public defender reported that many offenders have difficulty obtaining their license due to unpaid traffic tickets. A suggested resolution would be an amnesty period to allow these offenders to clear their traffic fines at a reduced rate and/or allow for community service in lieu of the fines.

A significant barrier to successful re-entry and completion of the supervision period is the lack of employment opportunities for these offenders. The current job market is extremely forbidding for the general public and, for the realigned population, it becomes even more difficult. The stigma of a criminal history and the lack of marketable skills becomes a hindrance for obtaining gainful employment for this population. The services provided through the Day Reporting Center and referrals to the Madera Work Assistance Center will help mitigate the impact, as employment and education services will be available to the realigned population. In addition, the DRC employment and education staff will seek and developing collaborative partnerships with employers in the community who are willing to provide employment opportunities for these offenders. In addition, the probation department is proposing a partnership with the Workforce Development Office to provide work readiness and career building skills curriculum to the incarcerated realigned female population.

23. OUTCOMES

A. 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.

B. OUTCOMES MEASURES

The Realignment Plan seeks to achieve the following three outcomes:

1. Implementation of a system that promotes public safety and utilizes best practices in recidivism reduction.
2. Implementation of a system that effectively utilizes alternatives to pre-trial and post-conviction incarceration where appropriate.
3. To achieve these outcomes, partners will need to develop and track several outcome measures. Examples of potential outcome measures include:
 - a. Partner feedback on effectiveness of mechanisms in place to collaboratively address realignment issues as they arise.
 - b. Recidivism rates for non-violent, non-serious, and non-sex offenders.
 - c. Recidivism rates for offenders under Madera's jurisdiction.
 - d. Number and type of offenders sentenced to county jail and "county prison".
 - e. Number and type of offenders sentenced to probation or alternative programs.
 - f. Number and type of offenders successfully completing post-release community supervision.

Data collection will begin October 1, 2011, however, it is unlikely that all the data gathering and analysis tools will be in place by that time, and the first three months can be considered an "implementation period" for which data may not be complete. It is anticipated that the third quarter (January – March 2012) will be the first full quarter for which reliable data may be available. Analysis and reporting of this data will be conducted in the fourth quarter (April – June 2012) and used as much as possible to establish programming for fiscal year 2012-13. This data will be compiled in a report and submitted by the Community Corrections Partnership Committee chairman and presented to the Committee on a quarterly basis.

The potential outcome measures will be discussed and developed among the partners as the realignment plan is implemented. It is proposed that an outside evaluator develop and implement the outcome measures tracking system and prepare an annual report due October 1 of the subsequent fiscal year. The probation department has contracted with NCCD to provide the CAIS assessment. NCCD has the capability, knowledge and resources to provide evaluation process for programs. As NCCD's assessment tool will be capturing the baseline assessment data and the exit assessment data, it would prove logical and efficient for NCCD to provide the outcomes data, program evaluation information and reporting.

24. BUDGET FISCAL YEAR 2011-12

As the ground work for this plan evolved, each entity provided details of the impact on their services as well as the financial cost of that impact. Furthermore, entities provided information on what financial resources were needed to close internal gaps in services that would exist after October 1, 2011. Unfortunately request for services needed exceeded the projected budget for AB 109 by over one-million dollars. After vigorous discussions, the CCP has recommended the budget and approved expenditures be based on a zero-based budget (ZBB).

ZBB is an approach to planning and decision-making which reverses the working process of traditional budgeting, and utilizes the identification of a task or tasks and then funding resources to complete the task independent of current resourcing. It identifies alternative and efficient methods of utilizing limited resources and provides a credible rationale for reallocating resources by focusing on a systematic review and justification of the funding and performance levels of current programs.

Annually the CCP will have to prepare a plan and budget from scratch with no pre-authorized funds. Unlike the traditional (incremental) budgeting in which past sales and expenditure trends are assumed to continue, ZBB requires each activity to be justified on the basis of cost-benefit analysis, assumes that no present commitment exists, and that there is no balance to be carried forward. By forcing the activities to be ranked according to priority, the ZBB process provides a systematic basis for resource allocation. Although more labor intensive than traditional budgeting, the efficient allocation of resources based on needs and benefits rather than history will maximize resources more efficiently and effectively.

25. RECOMMENDATIONS TO BOARD OF SUPERVISORS

The Executive Committee of the Community Corrections Partnership submits the following recommendations to the Board of Supervisors of the County of Madera

- A. Consider and adopt Public Safety Realignment 2011 Local Implementation Plan herein, as the County of Madera's Public Safety Realignment plan as required by Penal Code Section 1230.1, and the Post-release Community Supervision strategy as required by Penal Code Section 3451 as added by the Post-Release Community Supervision Act of 2011 contained in AB109. This Plan contains recommendations, strategies, services, and goals for implementation including using both funds allocated by the State as well as additional resources within the County to successfully implement the plan.
- B. Direct the Community Corrections Partnership Committee to develop a budget based on the County's adopted Public Safety Realignment 2011 Local Implementation Plan and, after it has been approved by the Community Corrections Partnership Executive Committee, bring it before the Board of Supervisors for consideration.
- C. Direct the Community Corrections Partnership Committee to pursue any contracts, amendments, memorandums of understandings, or leases as needed to carry out the recommendations, strategies, services, and goals of the County's adopted Public Safety Realignment 2011 Local Implementation Plan and, after approval by the Community Corrections Partnership Executive Committee, bring before the Board of Supervisors for consideration.
- D. Direct the Community Corrections Partnership Committee to develop resolutions amending the Madera County Code to add the following amendments and, after approval by the Community Corrections Partnership Executive Committee, bring before the Board of Supervisors for consideration.

1. Electronic Monitoring Program for Sentenced Offenders

The Correctional Administrator is authorized to offer an Electronic Monitoring Program, as specified in Section 1203.016 of the California Penal Code, in which offenders committed to the County Jail or other County correctional facility or offenders participating in a Work Furlough program may voluntarily participate or involuntarily be placed in Electronic Monitoring Home Detention Program during their sentence in lieu of confinement in the County Jail, pursuant to Section 1203.016 of the Penal Code.

2. Electronic Monitoring Program in Lieu of Bail

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

3. Electronic Monitoring Program for Offenders Sentenced under AB 109

The Chief Probation Officer is authorized to offer an electronic monitoring program to individuals who are granted probation or are under post-release community supervision as a sanction for violating supervision conditions, as specified in Sections 3450(b)(8)(C) of the California Penal Code.

26. ATTACHMENTS

Attachment A – Matrix of description of services considered/responsible agency and projected cost
Attachment B – Matrix of short & long term costs of requested services
Attachment C – Violation Grid used by Napa County Probation
Attachment D – Realignment Flow Chart

27. GLOSSARY OF TERMS

AB109 - Public Safety Realignment Act of 2011
ADP – Average Daily Population
AOC – Administrative Offices of the Court
BPH - Board of Parole Hearings
CAIS - Correctional Assessment Intervention System
CalWORKs - Cash assistance and welfare-to-work services for low-income adults with dependent children.
CalFresh - (formerly Food Stamps) - a monthly benefit that can be used to purchase food.
CAPMC – Community Action Partnership of Madera County
CBT – Cognitive Behavioral Therapy
CCP - Community Corrections Partnership
CDCR – California Department of Corrections and Rehabilitation
CCPIF - Community Corrections Performance Incentive Fund
DPH – Department of Public Health
DPO – Deputy Probation Officer
DPOS – Deputy Probation Officer Supervisor
DRC – Day Reporting Center
DSS – Department of Social Services
EBP – Evidence Based Practices
EM - Electronic Monitoring
FTE Full-Time Equivalent
GPS – Global Positioning System
HD - Home Detention
ICAP Individualized Action Change Plan
JEEP – Jail Education and Employment Program
MadGET – Madera Gang Enforcement Team
MCCC – Madera Community College Center
MCDA - Madera County District Attorney
Medi-Cal - Health coverage for low-income children, pregnant women, seniors and persons with disabilities.
MRM – Madera Rescue Mission
NCCD – National Council on Crime and Delinquency
PC - California Penal Code
PD - Public Defender
PRCS - Post-release Community Supervision
PRP – Pre-release Plan
PV - Probation or Post-release Community Supervision Violation
MPD Madera Police Department
SDPO – Senior Deputy Probation Officer
TAD – Trans-dermal Alcohol Detector
WDO – Workforce Development Office
ZZB – Zero Based Budget

28. ENDNOTES

1. California Department of Corrections and Rehabilitation Office of Research Office of Research, "CDCR Today", "2010 Outcome Evaluation Report", November 2, 2010, Adult Research Branch http://www.cdcr.ca.gov/adult_research_branch
2. Doug Hooley, "6 evidence-based practices proven to lower recidivism", CorrectionsOne News, March 30, 2010, March 4, 2011, www.correctionsonline.com.
3. National Institute of Corrections (NIC) "A Framework for Evidence Based Decision Making in Local Criminal Justice Systems, 7 Ways to Reduce Recidivism."
4. Simpson, D.D., Wexler, H.K., & Inciardi, J.A. (Eds.) (September/December, 1999). Special issue on drug treatment outcomes for correctional settings, parts 1 & 2. *The Prison Journal*, 79 (3/4). 2 (Hiller, M. L., Knight, K., & Simpson, D. D. (1999). Prison-based substance abuse treatment, residential aftercare and recidivism. *Addiction*, 94(6), 833-842.
5. Christopher Stafford, Georgetown Journal on Poverty Law & Policy "Finding Work: How to Approach the Intersection of Prisoner Reentry, Employment, and Recidivism.", Vol.XIII, Number 2, Summer 2006, <https://articleworks.cadmus.com/geolaw>

Attachment A

Service	Description	Responsible Agency	Service Cost	
			Year 1	Annual
Community-Based Residential Program	Provide correctional interventions for offenders in a non-custodial, residential setting. Treatment components should target the various offender criminogenic needs (<i>anti-social attitudes, anti-social peers, anti-social personality pattern, family dysfunction, low levels of educational/vocational achievement, lack of pro-social leisure activities, and substance abuse</i>). It should be noted that most often outcomes are maximized in community settings.	Madera Rescue Mission	\$25,000	\$75,000
Community Corrections Supervision	Provide correctional interventions for offenders in a non-custodial setting under traditional supervision (<i>50 to 1 Ratio</i>). Treatment components should target the various offender criminogenic needs (<i>anti-social attitudes, anti-social peers, anti-social personality pattern, family dysfunction, low levels of educational/vocational achievement, lack of pro-social leisure activities, and substance abuse</i>). It should be noted that most often outcomes are maximized in community settings.	Probation Department	\$253,368	\$764,869
Community Service Program	Offenders have the opportunity to complete community service in an effort to repay their debt to society and mobilize their work for maximum impact on the community.	Department of Corrections	\$0	NMR
Flash Incarceration	Flash incarceration entails a brief jail stay (up to 10 days consecutive) to motivate treatment and probation compliance. This method receives strong theoretical support base on the notion that sanctions must be swift, specific, consistent, and use the least amount of punishment necessary to achieve a desired behavioral change. Research indicates the most important elements are swiftness and certainty, but as severity increases, the correlation with behavior change does not necessarily increase. Flash incarceration can allow for application of minimal jail bed “resources” with maximum impact, if done swiftly, and in conjunction with a system of graduated sanctions that allows for certain response to known violations.	Probation Department Department of Corrections	\$27,332	\$182,208
General Education Diploma (GED) Program	Prepares offenders whose grade equivalency is 9 to 12 for the GED test and is intended to outfit individuals with skills needed to succeed. Offerings typically range from adult basic skills to secondary instruction that enables participants to gain high school level academic proficiency.	Madera Adult School	NMR	NMR

NMR: Needs More Research

Attachment A

Service	Description	Responsible Agency	Service Cost	
			Year 1	Annual
Graduated Sanctions for Violations of Probation	Gives the supervising probation officer authority to respond to violation behaviors in a way that utilizes alternative sanctions and responses to reinforce behavior without relying solely on court responses or custodial sanction. Offenders can be held accountable while reducing reliance on jail beds and other system costs.	Probation Department	Included in Community Supervision costs	Included in Community Supervision costs
Increasing Available Jail Beds/Pre-Trial Electronic Monitoring Program	Staff would conduct validated detention assessment from the State of Virginia on all pre-trial candidates to increase the number of jail beds available to house offenders under AB 109 while alternative sanctions are being assessed. Participants (pre-trial defendants assessed as low risk to recidivate and high probability to make Court appearances) wear devices that passively or actively monitor their whereabouts for compliance purposes.	Probation Department Department of Corrections	\$176,433	\$809,085
Intensive & Special Supervision (ISS)	Provides close monitoring of offenders in the community by assigned probation officers (up to 5 times per week). ISS typically couples increased surveillance with targeted rehabilitative treatments.	Probation Department	Included in Community Supervision costs	Included in Community Supervision costs
Law Enforcement/ Probation Partnerships	This strategy creates a sub-unit of the Madera County Gang Task Force (MadGET) utilizing front-line law enforcement. The strategy would rely on building upon existing practices of front line law enforcement personnel supporting Probation Officers in the enforcement/compliance related functions of supervision of the community corrections population. It is one of many possible partnership strategies that could be utilized to mitigate the impacts of AB109 on local communities.	Probation Department Sheriff Department Madera Police Department, Department of Corrections DOJ-BNE-CHP Chowchilla Police Department	\$155,537	\$222,756
Augmentation to the District Attorney	The District Attorney requests financial support to fund a Deputy District Attorney and a Program Assistant to mitigate the additional workload created by AB 109.	Madera District Attorney	\$75,804	\$111,136
Mandatory Drug Testing	Requires offenders to report to a predetermined location to submit periodic urinalysis.	Probation Department	Included in Community Supervision costs	Included in Community Supervision costs

Attachment A

Service	Description	Responsible Agency	Service Cost	
			Year 1	Annual
Mandatory Substance Abuse Treatment	Offenders are required to attend mandatory substance abuse treatment (out-patient).	Eastern Madera County: Cornerstone Counseling Services	\$26,250	\$35,000
		Chowchilla: Unknown	See box below	See box below
		Madera: Unknown	See box below	See box below
Forensic Assertive Community Treatment (FACT) Program	Reduce recidivism of individuals with mental illness and/or substance abuse and increase the individual's tenure in the community as well as keep them out of psychiatric hospitals and institutions; program utilizes treatment model used by Mentally Ill Offender Crime Reduction (MIOCR) grant.	Behavioral Health Department	\$308,042	\$441,339
Low-Moderate Risk Community Monitoring	Utilization of a kiosk reporting/monitoring system to assist in supervising clients assessed as being low-moderate risk to re-offend. Such a system is designed to support probation officers and management in supervising caseloads. The goal of the system is to effectively apply the latest technology to automate, streamline and simplify the process of managing Probationer cases and ensure timely compliance with program guidelines.	Probation Department	Paid by SB 678	Paid by SB 678
Assess offender for eligibility for Public Assistance	Determine offenders' eligibility for public assistance. Will conduct on-site weekly intake appointments and provide referrals to other resources.	Department of Social Services	\$0	NMR
Additional Resources for offender	Determine offenders' eligibility for additional sources of public assistance and programs resources. Will conduct on-site monthly or bi-monthly intake appointments and provide referrals to other resources.	Community Action Partnership of Madera County (CAPMC)	\$0	NMR
Job Readiness Program	Program provides assistance to employment seekers who desire to achieve skill building and employment goals.	Workforce Development Office	\$10,000	\$20,000
In-custody Programming	Jail Employment and Education Program (JEEP) for in-custody offenders. The offender who will serve a minimum of 60 days, and will be required to participate in the program. Upon release the offender will transition into the Day Reporting Center for a continuum of treatment and services.	Behavioral Interventions, Inc Department of Corrections Probation Department	\$42,000	\$126,000

NMR: Needs More Research

Attachment A

Service	Description	Responsible Agency	Service Cost	
			Year 1	Annual
Vocational Education Program	Provides offenders with real-world vocational skills and expertise necessary to obtain employment upon community re-entry.	Madera Community College Center (MCCC)	\$10,000	\$20,000
Day Reporting Center (DRC)	Offenders report to a secure nonresidential facility monitored by probation officers or contracted staff. Individuals perform community services and receive treatment targeted toward criminogenic needs and in support of the offenders needs-assessment-driven case plan. Offenders must adhere to curfews; submit to random drug tests, complete community service and/or remain employed or in school.	Probation Department	\$33,753	\$225,023
Electronic Monitoring (EM) Including Transdermal Alcohol detector (TAD) and Global Positioning System(GPS)	Participants wear devices that monitor their proximity to their residence to ensure that they are in a designated location when required. The primary goals are: 1) reintegration; 2) accountability; 3) monitoring; 4) jail-overcrowding. Use of electronic monitoring can allow lower-risk offenders to be released from secure custody while maintaining employment, housing, education, and family ties as well meeting accountability-related requirements.	Probation Department	\$12,461	\$83,070
Drug Court— Increasing Capacity	The primary goal of drug court is to efficiently administer drug treatment programs. Focus should be exclusively on high risk offenders whose primary criminogenic needs include substance abuse.	Probation Department	\$0	NMR
Analysis & Evaluation of systemic changes (AB 109)	Annual analysis and evaluation of program and services dedicated to AB 109 offender to determine effectiveness and need for program as well as systemic changes.	National Council on Crime & Delinquency (NCCD)	\$40,000	\$40,000

NMR: Needs More Research

Attachment B

Service	Agency	AB 109 Funding Allocation	Training Grant (AB 109)	Planning Grant (AB109)	DA/PD Funding AB 118	SB 678	Total Fiscal Year 2011-12	Long Term Annual Cost
Local AB 109 Plan Development	Probation			\$97,546			\$97,546	\$0
Women's Program	Workforce Development	\$10,000					\$10,000	\$40,000
JEEP Program	Behavioral Interventions	\$42,000					\$42,000	\$126,000
Vocational Training	Madera Community College	\$10,000					\$10,000	\$20,000
Residential Program	Madera Rescue Mission	\$25,000					\$25,000	\$75,000
Community Corrections Supervision AB 109	Probation	\$178,992	\$74,376				\$253,368	\$764,879
Flash Incarceration	Corrections	\$27,332					\$27,332	\$182,208
Bed space AB 109 & Pre-Trial EM Program	Probation	\$67,920	\$12,591				\$80,511	\$169,605
	Behavioral Interventions	\$17,082					\$17,082	\$113,880
	Corrections	\$78,840					\$78,840	\$525,600
AB 109 Task Force	Madera PD	\$105,792					\$105,792	\$153,030
	Corrections	\$49,745					\$49,745	\$69,726
District Attorney	District Attorney	\$75,804			\$30,257		\$106,061	\$111,136 ¹
Substance Abuse Counseling	Eastern Madera County: Cornerstone	\$26,250					\$26,250	\$35,000
	Behavioral Health Madera/Chowchilla ²	\$0					\$0	\$0
FACT Program	Behavioral Health	\$295,451	\$12,591				\$308,132	\$441,339
Day Reporting Center	Behavioral Interventions	\$33,753				\$464,000	\$497,753	\$225,023
Electronic Monitoring Program	Behavioral Interventions	\$12,461					\$12,461	\$83,070
Analysis & Evaluation	NCCD	\$40,000					\$40,000	\$40,000
A-87	Madera County	\$25,000					\$25,000	\$100,000
Sub-Total		\$1,121,422	\$99,558	\$97,546	\$30,257	\$464,000	\$1,812,873	\$3,275,496
Contingency Fund	CCP	\$523,182	\$19,567	\$2,454			\$575,370	
Total Funding		\$1,644,604	\$119,125	\$100,000	\$60,514	\$464,000	\$2,388,243	\$2,192,806
Balance		\$0	\$0	\$0	\$30,257	\$0	\$30,257	<\$1,082,690>

¹ AB 118 Funding of \$40,343 not included

² Service provided by FACT program

Napa County Probation Department Positive Response Grid		Criminal History	Education/Employ	Family/Marital	Leisure/Recreation	Companions	Alcohol/Drug	Attitude/Orientation	Pro-criminal	Antisocial Pattern	
Behavior		Suggested Responses									
Keeping appointment Completing registration requirement Enrolling in program/school Engaging with family Applying for benefits Securing transportation Being present at Court Hearing Using pro-active communication improved social skills Improved physical health/hygiene Wearing neutral colors Diminished use of profanity Positive collateral contacts/reports	Low	Verbal affirmation									
		Note card with message									
		Awesome Jar									
		Bus Pass									
		Travel Pass									
		Tracking process/successes									
		pro-social function									
		personalized stickers									
		Decreased testing									
		Sobriety High School diploma/GED Drivers License Program Attendance/Participation New Pro-Social Activity Making Restitution /Fine payment Paying Child Support Associating with pro-social peers Violation free for period of time Self-referral to program Positive attitude Coping skills Stable relationships Dealing with difficult situations well Phasing up in program	Medium	Low Responses PLUS:							
Decrease frequency of reporting											
Mail-in/Phone-in											
Storyboard - Wall of Fame											
Gift cards											
Certificate of accomplishment											
Letter of support											
Curfew changes											
Program scholarships											
Treatment rewards card											
Graduation ceremony											
Lower supervision level											
Waiving/reducing fines											
Positive feedback to Court											
Getting a job Completing a program Honesty Secure & maintain housing Case plan goal/objective completion Tattoo removal Taking prescription medication Display appreciation for others Express genuine remorse Membership in organization Self-sufficiency	High	Low & Medium Responses PLUS:									
		Early discharge									
		Reduction to misdemeanor									
		Reduction to summary/informal									
		Reduction of community service									
		Modification of treatment									
		Modification of probation terms									
		Public Recognition									
		Gift cards - higher amount									

