

County of Monterey  
Public Safety Realignment Update  
FY 2012-13

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**BACKGROUND**

The Public Safety Realignment Act of 2011 constitutes a significant system change shifting to local jurisdictions the custody, supervision and rehabilitation of certain adult offender populations. The tight implementation timeline of such a profound change and uncertainties about funding, operational impacts, and effects on public safety intensified an already challenging situation.

On October 4<sup>th</sup>, 2011 the Board of Supervisors approved Monterey County's "Public Safety Realignment & Post Release Community Supervision Plan," a framework for the implementation of AB 109 and AB 117 mandates at the local level.

The plan identified implementation strategies to:

- a. Address the multifaceted criminogenic needs of offender populations, recognizing that major impacts would affect the Sheriff for custody, and Probation for supervision
- b. Align resources to support implementation strategies, with an emphasis on evidence-based practices
- c. Optimize the use of available resources to achieve desired public safety and offender rehabilitation outcomes.

The crafting, adoption and implementation of the plan demonstrated a comprehensive, system-wide approach based on the collaboration of all major stakeholders, convergence of different perspectives, and a commitment to an integrated and comprehensive solution.

Stakeholders included government agencies, such as the Sheriff's Office, Probation, Health/Behavioral Health, Social and Employment Services, District Attorney and Public Defender; the County Board of Supervisors; other law enforcement agencies; the Superior Courts; a variety of service providers; and representatives of the local community.

As the fiscal and operational impacts of this massive change could not be quantified in such a short time, Monterey County adopted a prudent and conservative approach with a phased implementation strategy, allocating responsibly the available resources, adding staffing incrementally, and creating a substantial reserve for out-of county custody beds in case of need. The Monterey County Jail was already filled over capacity and no additional beds could be utilized for the additional inmates serving a local sentence.

After the first year of operation, Monterey County was in a better position to assess clients' needs, workloads and local impacts, and was able to reallocate some funding from custody to support in-custody programs and alternatives to detention.

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**THE LOCAL PLAN**

The Monterey County plan is based on a framework of four integrated focus areas: 1) supervisions and alternatives to detention; 2) rehabilitative and treatment services; 3) custody; and 4) courts/ justice partners.

Supervision strategies:

- Evidence-based supervision practices, such as case classification and caseload restructure based on risk of recidivism
- Implementation of a risk and need assessment tool
- Use of evidence-based curricula, such as Motivational Interviewing (MI) and interactive journaling
- Use of graduated sanctions, including flash incarceration
- Use of incentives
- Creation of a Reentry Assessment Center

Alternatives to Detention strategies:

- Expansion of Own Recognizance (OR) policy
- Expansion of Electronic Monitoring (EM) to include EM on involuntary basis
- Creation of a Pretrial Services program

Rehabilitative and Treatment services strategies:

- Expansion of Day Reporting Center, managed by Behavioral Interventions (B.I.)
- Coordination, referral and access to services
- Expansion of support services, such as housing, employment, public assistance
- Administration of psychosocial assessment by Behavioral Health
- Referral and linkage to mental health and substance abuse programs
- Expansion of outpatient and residential substance abuse treatment services
- Creation of housing resources
- Creation of a Reentry Services Center

Custody strategies:

- Maximize use of jail beds with alternatives to incarceration, such as pretrial services or involuntary home detention, whenever possible
- Implement legislative change for enhanced credits – offenders serving in jail 50% of their sentence, instead of 66%
- Utilize beds in out-of-county detention facilities on as-needed basis
- Expansion of in-custody treatment and rehabilitative programs

Courts/ Justice Partners strategies:

- Manage additional Revocations (effective July 1, 2013)

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**PLAN IMPLEMENTATION**

Implementation of the initial plan was divided in phases, Phase I to be completed during the first year of operation, fiscal year (FY) 2011-12, and Phase II scheduled during FY 2012-13.

**Phase I – FY 2011-12**

<b>PURPOSE AREA</b>	<b>ACCOMPLISHMENTS</b>
Plan Creation	<ul style="list-style-type: none"> <li>▪ Defined strategies, designed and prepared plan, approved plan</li> </ul>
Training and Staffing	<ul style="list-style-type: none"> <li>▪ Trained Probation Officers working with adult offenders on Ohio Risk Assessment System (ORAS) tool</li> <li>▪ Trained staff on evidence-based curricula               <ul style="list-style-type: none"> <li>○ Motivational Interviewing</li> <li>○ Trauma Informed Treatment</li> <li>○ Seeking Safety</li> <li>○ Courage to Change</li> </ul> </li> <li>▪ Added and filled positions incrementally, as groups of offenders were transferred to local authority</li> </ul>
Alternatives to Detention	<ul style="list-style-type: none"> <li>▪ Revised and expanded Own Recognizance (OR) policy</li> <li>▪ Expanded Electronic Monitoring program to include involuntary status</li> </ul>
Evidence-based Supervision	<ul style="list-style-type: none"> <li>▪ Revised Adult Supervision protocol</li> <li>▪ Reorganized caseloads based on classification               <ul style="list-style-type: none"> <li>○ Intensive supervision caseloads capped at 60</li> </ul> </li> <li>▪ Implemented use of ORAS assessments</li> <li>▪ Adopted matrix for different levels of intervention based on criminogenic needs</li> <li>▪ Established graduated sanctions</li> <li>▪ Initiated incentive program</li> <li>▪ Created the Reentry Assessment Center</li> </ul>
Treatment and Rehabilitation	<ul style="list-style-type: none"> <li>▪ Expanded capacity of the Day Reporting Center from 50 to 100 on-going participants</li> <li>▪ Coordinated with service providers of substance abuse services to identify current capacity</li> <li>▪ Allocated additional resources to expand substance abuse services</li> <li>▪ Administered BH psychosocial assessment</li> </ul>
Custody	<ul style="list-style-type: none"> <li>▪ Managed available jail beds maintaining the existing capacity without need of out-of-county custody beds</li> </ul>
Data Collection and Evaluation	<ul style="list-style-type: none"> <li>▪ Allocated resources to data collection and evolution</li> <li>▪ Identified evaluation team</li> <li>▪ Preliminary meetings with stakeholders</li> <li>▪ Evaluated current data collection and technology capacity</li> <li>▪ Identified needs and established data elements and parameters</li> </ul>

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**Phase II - FY 2012-13 – On-going**

<b>PURPOSE AREA</b>	<b>ACCOMPLISHMENTS</b>	<b>STATUS</b>
Training	<ul style="list-style-type: none"> <li>▪ Created “in-house” certified ORAS trainers</li> </ul>	<ul style="list-style-type: none"> <li>▪ Completed</li> </ul>
Alternatives to Detention	<ul style="list-style-type: none"> <li>▪ Implemented Pretrial Services</li> <li>▪ Implemented an Adult Placement Program for residential treatment (value added, with local funding)</li> </ul>	<ul style="list-style-type: none"> <li>▪ Completed</li> <li>▪ Completed</li> </ul>
Evidence-based Supervision	<ul style="list-style-type: none"> <li>▪ Implemented Case Plan based on assessment results and criminogenic needs</li> <li>▪ Established a phone reporting system for moderate and low-risk offenders               <ul style="list-style-type: none"> <li>○ OffenderLink</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>▪ Completed</li> <li>▪ Completed</li> </ul>
Evidence-based Sentencing	<ul style="list-style-type: none"> <li>▪ Participated in AOC training with Judge Couzens and Justice Bigelow to the local Courts on evidence-based sentencing</li> <li>▪ Revise presentence investigation template, format and info to include assessment results and to recommend appropriate terms and conditions that address criminogenic needs</li> <li>▪ Incorporate evidence-based sentencing practices</li> </ul>	<ul style="list-style-type: none"> <li>▪ Completed</li> <li>▪ In progress</li> <li>▪ In progress</li> </ul>
Treatment and Rehabilitation	<ul style="list-style-type: none"> <li>▪ Open a Reentry Services Center (RSC)</li> <li>▪ Expanded outpatient and residential treatment substance abuse services</li> </ul>	<ul style="list-style-type: none"> <li>▪ Tenant improvements on RCS site to be completed by end of FY</li> <li>▪ Completed</li> </ul>
Custody	<ul style="list-style-type: none"> <li>▪ Pursue jail facility expansion project for additional beds and program space</li> </ul>	<ul style="list-style-type: none"> <li>▪ In progress; long-term</li> </ul>
In-custody Programs	<ul style="list-style-type: none"> <li>▪ Expand substance abuse services to jail inmates               <ul style="list-style-type: none"> <li>○ Introspect program</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>▪ Initiated</li> </ul>
Data Collection and Evaluation	<ul style="list-style-type: none"> <li>▪ Courts agreed to share data with evaluators</li> <li>▪ Produced first year statistics</li> <li>▪ Evaluators to establish benchmarks</li> <li>▪ Working with service partners to collect data</li> <li>▪ Prepare preliminary evaluation</li> </ul>	<ul style="list-style-type: none"> <li>▪ Completed</li> <li>▪ Completed</li> <li>▪ In progress</li> <li>▪ In progress</li> <li>▪ In progress</li> </ul>

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**STRENGTHS**

- Passing of constitutional amendment to solidify funding to counties for public safety realignment
- History of successful collaboration among stakeholders: Sheriff's, Probation, Health/Behavioral Health, Social and Employment Services, District Attorney and Public Defender; other law enforcement agencies, BOS and the Courts
- History of successful collaboration and networking with local providers of services to adult offenders
- Cohesive strategies for plan implementation on tight deadlines
- Continue to pursue the jail expansion project for additional beds and program space

**CHALLENGES**

- Timing required for tenant improvements at site selected for Reentry Services Center
- High level of criminogenic needs for realigned populations
- Logistics of managing additional parole revocations
- Change management for paradigm shift toward evidence-based practices: supervision, programming and sentencing
- Technological, legal and financial constraint for sharing of data
- Outdated jail facility, inadequate in terms of both bed capacity and space for in-custody programs

**Attachments:**

- BOS Public Safety Realignment Phase II Budget FY 12-13
- Criminal Justice Realignment One Year Review (10/01/11 to 09/30/12) report



# Monterey County

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## Board Report

Legistar File Number: 12-889

Introduced: 9/14/2012

Current Status: Agenda Ready

Version: 1

Matter Type: General Agenda Item

- a. Authorize the Auditor-Controller to increase revenues and appropriations totaling \$4,500,278 in multiple departments in Fiscal Year 2012-13 from the State AB109 Public Safety Realignment (4/5ths vote required); and
- b. Authorize the CAO's Office to add 7.0 FTE positions in Probation's Budget PRO001; 2.0 FTE in Sheriff's Office Budget SHE003; and 1.0 FTE in Health Department's Budget HEA012, for a total of 10 new positions.

### RECOMMENDATION:

It is recommended that the Board of Supervisors:

- a. Authorize the Auditor-Controller to increase revenues and appropriations totaling \$4,500,278 in multiple departments in Fiscal Year 2012-13 from the State AB109 Public Safety Realignment (4/5ths vote required); specifically:
  - \$675,393 in Fund 001 for Probation Department - PRO001
  - \$2,893,525 in Fund 001 for Sheriff's Office - SHE003
  - \$106,666 in Fund 001 for Department of Social and Employment Services (DSES) - SOC004
  - \$824,694 in Fund 023 for Health Department - HEA012
- b. Authorize the CAO's Office to add 7.0 FTE positions in Probation's Budget PRO001; 2.0 FTE in Sheriff's Office Budget SHE003; and 1.0 FTE in Health Department's Budget HEA012, for a total of 10 new positions.

### SUMMARY:

The Probation Department, as lead agency for the implementation of the AB 109 Public Safety Realignment, is recommending increasing revenues and appropriations and adding new positions for Phase II implementation of AB 109 Public Safety Realignment during FY 2012-13.

### DISCUSSION:

In FY 11-12 the County of Monterey was allocated a total of \$4,406,336 for planning, startup and a 9-month program; this amount also included \$137,897 allocated to the legal Departments, District Attorney and Public Defender.

Monterey County will receive a total of \$8,087,217 annualized during the current fiscal year, an increase of \$3,680,881 over the prior year: \$7,931,442 for custody, supervision, and rehabilitative services, and \$155,775 allocated to the legal Departments. Further, an estimated positive balance of \$1,624,278 is rolled over to FY 12-13 from the prior year, due to a prudent phased approach - gradually incrementing services upon the release of offenders to local authority - and the conservative fiscal management of available resources.

The funding increase will: a) cover a longer budget period (one year instead of 9 months); b) expand treatment and rehabilitative services, both inpatient and outpatient, as well as housing and job subsidies for clients; c) establish a new Pretrial Services Unit and expand Court Investigations and Community Corrections supervision; and d) allocate additional funding for out-of-county custody beds, offender transportation, and data collection efforts.

A total of \$9,555,720 will be shared between the Health Department, DSES, Probation and the Sheriff's Office to continue the implementation of the core strategies identified by the plan: custody, alternatives to custody, community supervision, and treatment and rehabilitation.

Below is the allocation breakdown of services and additional staffing of 10.0 FTE positions by Department:

- \$933,318 to the Health Department - Behavioral Health Bureau, to continue to provide offenders' psychosocial assessments, and both outpatient and residential treatment services through contracted drug and alcohol treatment providers. This includes a new 1.0 FTE Senior Psychiatric Social Worker to support the above mentioned assessments and services.
- \$752,266 to DSES for employment services and housing. The Department will use an existing 1.0 FTE WIB Program Representative II position to provide case management services, including ongoing personal, educational and career counseling, assess the employment needs and abilities of referred individuals, and develop service strategies that encompass appropriate training, placement and other job-related services, including placement in subsidized employment opportunities.
- \$3,063,119 to Probation for: a) alternatives to detention and electronic monitoring services; b) community supervision, including new high-risk caseloads; c) program compliance and fiscal support; d) pretrial services, and e) staff training. The new Pretrial Services component will assist in reducing jail population by placing eligible offenders on detention alternatives. New positions include: 4.00 FTE Probation Officer (PO) II, 1.00 FTE Probation Officer III, 1.00 FTE Probation Services Manager (PSM), and 1.00 FTE Office Assistant (OA) II.
- \$1,122,000 will be allocated to Probation as service administrator, specifically: \$1,080,000 for the ongoing operations at the Adult Day Reporting Center, and \$42,000 for program evaluation services.
- \$3,685,017 to the Sheriff's Office for: a) offender classification services in its Custody Bureau; b) additional jail beds; and c) maintaining custody measures and/or for alternatives to detention, as needs unfold. This includes a new 1.00 FTE Deputy Sheriff position for transportation, and 1.00 FTE Criminal Intelligence Specialist for AB 109 data collection requirements.

As a separate allocation, \$155,775 will be shared equally between the District Attorney and the Public Defender, to provide legal services as detailed in the Monterey County Public Safety & Post Release Community Supervision plan.

OTHER AGENCY INVOLVEMENT:

The Community Corrections Partnership (CCP) has approved the recommended budget totaling \$9,555,720 (Attachment A) for FY 2012-13. The Budget Committee has reviewed and supports this recommendation.

**FINANCING:**

Public Safety Realignment funding is allocated to counties by legislative mandate in restricted revenue accounts, and distributed by the State through monthly deposits. The recommended actions allocate resources from the State to four County Departments: Probation, Health, Department of Social and Employment Services (DSES), and Sheriff's Office.

Probation is the lead agency and fiscal agent for the funding; monies allocated to the County partners are reimbursed upon validation of eligible expenses, on a cost-applied basis. The D.A. and Public Defender will manage their dedicated legal account.

The majority of State funding has already been included in FY 12-13 budgets for the various Departments, who are now seeking to recognize revenue and increase appropriations for the remaining balance of the year, as indicated below:

FUND	Department	Already Contained In FY 12-13 Budget	Requested Increase FY 12-13	Total Allocation
023	Health/ BH	\$108,624	\$824,694	\$933,318
001	DSES	\$645,600	\$106,666	\$752,266
001	Probation	\$3,509,726	\$675,393	\$4,185,119
001	Sheriff	<u>\$791,492</u>	<u>\$2,893,525</u>	<u>\$3,685,017</u>
	TOTAL	\$5,055,442	\$4,500,278	\$9,555,720

The recommended positions will be added as follows:

FUND	Department	Position Title	Class Code	FTE
023	Health/ BH	Sr. Psychiatric Social Worker	60B25	1.0
001	Probation	Probation Services Manager	60F84	1.0
001	Probation	Probation Officer III	60F23	1.0
001	Probation	Probation Officer II	60F22	4.0
001	Probation	Office Assistant II	80E21	1.0
001	Sheriff	Deputy Sheriff - Corrections	36E21	1.0
001	Sheriff	Criminal Intelligence Specialist	14H33	<u>1.0</u>
	TOTAL			10.0

There is no additional cost to the County General Fund Contribution (GFC) with the recommended action.

Prepared by: Marisa Fiori, Management Analyst III, ext. 1100

Approved by: Manuel Real, Chief Probation Officer, ext.3913

*Manisa Fiori for Manuel Real*

Approved by: Scott Miller, Sheriff, ext. 3856

*Scott Miller*

Approved by: Ray Bullock, Director of Health, ext. 4526

*for Ray Bullock by Susan McGee*

Approved by: Elliott Robinson, Director of Social and Employment Services, ext. 4448

*Elliott Robinson*

Attachments: Attachment A: Public Safety Budget Allocations FY 12-13



FY2012-13 AB109 Recommended Budget		Attachment A	
BY COUNTY DEPARTMENT			
Strategy	Agency	Existing Staffing	Requested Staffing
		AB109 12-Month Budget	AB109 12-Month Budget
Assessment	Behavioral Health	1.0 FTE Psychiatric Social Worker II	1.0 FTE Senior Psychiatric Social Worker II
			199,569
Treatment - Pharmacy	Behavioral Health		22,000
Outpatient Treatment	Behavioral Health		250,000
Residential Treatment - Substance Abuse	Behavioral Health		322,761
Residential Treatment - Dual Diagnosis	Behavioral Health		138,988
		Subtotal Behavioral Health	933,318
Employment	DSES-OET	2.0 FTE Workforce Investment Board Representative II	645,600
Housing	DSES-OET		106,666
		Subtotal DSES-OET	752,266
Alternative to Detention	Probation	1.0 FTE Probation Officer III 2.0 FTE Probation Officer II	392,201
Supervision	Probation	6.0 FTE Probation Officer II	808,332
Pre-trial Services/Community Corrections	Probation		795,393
		4.0 FTE Probation Officer II 1.0 FTE Probation Officer III 1.0 Probation Services Manager 1.0 Office Assistant II	41,200
Training	Probation		802,000
Alternative to Detention-Electronic Monitoring	Probation		223,993
Data Evaluation/Administration/Fiscal Compliance	Probation	1.0 FTE Management Analyst III 1.0 FTE Accountant I	Subtotal Probation
			3,063,119
Adult Day Reporting Center	Probation-Service Administrator		1,080,000
Data Evaluation	Probation-Service Administrator		42,000
		Subtotal Probation - Service Administrator	1,122,000
Custody-Supervision	Sheriff	1.0 FTE Deputy Sheriff - Classification	143,650
Custody-Transportation & Data Evaluation	Sheriff		256,400
		1.0 FTE Deputy Sheriff -Transport 1.0 FTE Criminal Intelligence Specialist	647,842
Custody-Parole Beds in-county	Sheriff		2,637,125
Custody-Additional Jail Beds	Sheriff		Subtotal Sheriff
			3,685,017
<b>Total Funding</b>		<b>15.0 FTEs</b>	<b>9,555,720</b>
		<b>10.0 FTEs</b>	<b>9,555,720</b>