

# County of Placer



## **PUBLIC SAFETY REALIGNMENT ACT**

### **AB 109**

### **2021 Update**

#### **Executive Committee of the Community Corrections Partnership**

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This Public Safety Realignment Act 2011 Update was developed and approved by the Executive Committee of the Placer County Community Corrections Partnership (CCP), their designees and other key partners. The CCP respectfully submits this plan to the Placer County Board of Supervisors and requests their approval.

## **INTRODUCTION**

In 2011, the Placer County criminal justice partners faced a significant challenge with the passing of Assembly Bill 109 and Assembly Bill 117, referred to as Criminal Justice Realignment. Both bills created extensive changes to existing law, which reduced the number of offenders incarcerated in State prisons and “realigned” these offenders to local jurisdictions. Local stakeholders formed an Executive Community Corrections Partnership (CCP) to create the county implementation plan. The CCP developed a collaborative and innovative plan that considered impacts on all areas of operation while keeping public safety at the forefront. The Board approved the original CCP plan on January 10, 2012. Since the initial implementation, the criminal justice partners continue to work together while making programmatic adjustments as needed to ensure offenders in the criminal justice system are given the opportunity to receive the appropriate level of accountability and rehabilitative services. AB 109 funding has increased since implementation. However, our percentage based funding approach remains consistent with the original plan. This approach provides flexibility so we can make adjustments as needed in order to meet the needs of the populations supervised.

The funding approach is as follows:

1.	Placer County Probation	25.67%
2.	Placer County Sheriff/Corrections	51.02%
3.	Placer County District Attorney	4.09%
4.	Placer County Contract Public Defense Services	4.35%
5.	Placer County Health and Human Services	14.87%
6.	County-City Law Enforcement Collaborative (SIU)	\$400,000

In addition to the AB 109 funding, the County continues to provide additional financial support to our justice partners to support our citizens and community. The Community Corrections Partnership has created a revised plan to update our progress and services in response to Criminal Justice Realignment.

### **Key Elements of AB 109**

The key elements surrounding AB 109 include:

1. Redefining Felonies and shifting offenders to local jails for incarceration
2. Redirecting offenders formally supervised by State Parole to local probation departments
3. The ability to utilize Flash Incarceration to redirect offender behavior
4. Parole Revocation to serve custody time in local county jails.
5. Changes to local incarceration conduct credits
6. Expanded use of Alternative to Custody programs
7. Authorizes the use of incremental sanctions to redirect behavior

## **DEPARTMENTAL IMPACTS AND IMPLEMENTATION STRATEGIES**

### ***Placer County Probation Department***

The Probation Department is designated as the County agency responsible for implementing Post Release Community Supervision as specified in Section 3451 of the California Penal Code and continues to provide the following related services as outlined in the original CCP plan:

- Prepare Presentence Investigation Reports
- Risk and Needs Assessments
- Referrals to treatment, educational, and vocational services
- Arrest and Flash Incarceration
- Imposition of sanctions that are consistent with evidence based practices and the intent of AB 109 and SB 678
- Facilitate collaborative operations with local law enforcement agencies
- Participate in Mental Health Court
- Collaboration with CDCR on returnees

- Continue to conduct own recognizance and pretrial assessments on offenders detained in the jail
- Continue to supervise and operate the Electronic Monitoring and Adult Work Release programs
- Supervise and operate the Pretrial Supervision Program
- Pretrial Probation Officers assigned to both jails
- HHS Practitioners embedded at the Probation Department
- Alcohol and other Drugs screenings
- Mental Health evaluations
- Treatment Services – Residential and outpatient oversight
- Supervision – Recommended high risk caseload ratios 50 to 1
- Probation to identify and make programmatic changes as needed

Since implementing the original plan and with the support of the Board of Supervisors, the Probation Department has made significant programmatic changes to support the appropriate supervision and continuum of services to the offender population. On February 15, 2015, the Board of Supervisors approved and funded the Placer Re-Entry Program (PREP). The program was designed to enhance services to the offender population while holding them accountable to the terms and conditions of supervision. In addition, PREP also includes the Northern California Construction Training Program designed to help offenders become trained in the field and obtain employment upon their release from custody. Today, there are approximately 200 participants enrolled in PREP at our three locations (Roseville, Auburn, and Tahoe). PREP continues to make adjustments as needed and provide essential services to the offender population as they re-enter the community.

Those programs include:

- **Classes at PREP**
- Anger Management
- Courage to Change
- Getting it Right
- Moral Reconciliation Therapy
- Moving Through Grief
- Moving Beyond Co-Dependency
- PC1000-Diversion Program for Drug Offense
- Seeking Safety
- Theft Education
- Wellness and Recovery
- 52 Week Parenting

- 52 Week Batter's Treatment
- **Referrals to Community Services**
  - Alcohol and Drug Assessment/Treatment
  - Child Support
  - Clean Slate Clinic
  - Employment Services
  - General Assistance and SSDI Benefits
  - Golden Sierra Job Training Agency
  - AMI Housing
  - Medi-Cal
  - Mental Health
  - Placer County Office of Education-High School Diploma
  - Reduced fee/no fee CA Identification Cards
  - Revenue Services
  - Sierra College
- **Other Services**
  - Clothes closet
  - Computer lab
  - Transportation assistance (bus passes)

Since realignment, the Probation Department has made significant adjustments to our programs to meet the needs of our justice system while providing the least restrictive options for offenders. Therefore, our alternatives to incarceration programs continue to include Electronic Monitoring, Work Release for sentenced offenders, and Pretrial Services for those pending the court process. GPS supervision and the use of Secure Remote Alcohol Monitoring (SCRAM) continue to increase while providing essential community supervision, providing relief to the jail population in order to house the individuals posing the most significant risk to our community. Currently, there are 761 individuals being supervised on our alternative to incarceration programs.

Collaborative case planning, our onsite HHS practitioners, and our partnership with the Adult System of Care continues to be the focal point of this active engagement approach involving the offender, their family, the probation officer, law enforcement, and multiple service providers (e.g., housing, employment, vocational training, education,

physical health, nutritional supports, behavioral health, and pro-social activities). Individual factors such as strengths, risk factors, needs, learning style, culture, language, and ethnicity are integral to determining appropriate interventions and services. In addition to these important considerations, the risk/needs assessment and case plans help determine the level of supervision required and identifies the types of evidence based treatment and services the offender needs in order to be successful.

Regarding high risk offender accountability, we continue to assign our most serious offenders to the SIU caseload and conduct random afterhours compliance checks when appropriate. Further, to meet the increased numbers of high risk offenders released to our community, we have assigned a probation officer to the Roseville Police Department's Crime Suppression Unit. This officer assigned to the task force also supervises a high risk caseload comprised of Roseville's most serious/high risk offenders.

In conclusion, the Probation department recognizes that each person under our supervision is unique and requires a specialized case plan in order to reach the best possible outcomes. Therefore, we will continue our risk based supervision approach, providing accountability and supervision services to the populations served. Adjustments will be made based on the offender population's needs and changing legislation to provide for a safer community into the future.

### ***Placer County Sheriff's Office***

#### **Updated AB 109 Impacts to Jail Operations**

At the implementation of the original plan in 2011, the Sheriff's Office operated one jail facility in Auburn. The plan noted the need for increased programming opportunities, a restoration of staffing positions, and a need for additional bedspace as the Average Daily Population (ADP) was anticipated to increase. Since implementation of the

original plan, the Sheriff's Office has opened the South Placer Jail in Roseville, which increased total operational bedspace to 855. The phased opening of the South Placer Jail in 2015 provided significant programming opportunity increases between the two facilities, as well as greatly increased medical capabilities to provide for inmate care.

The programming opportunities include:

- Distance learning in mathematics, reading and writing, computer science, anger management, parenting, substance abuse, offender corrections, offender responsibility, employment, and cognitive awareness
- Training programs in landscaping, gardening, screen printing, food safety, sewing, and embroidery
- Alcohol and Narcotics Anonymous
- Onsite GED completion

Since the implementation in 2011, the Placer County Jail System has experienced the expected increase in the ADP of inmates sentenced under Realignment. The current ADP of 602 inmates contains on average 20% that are directly related to Realignment. Despite the added capabilities that the opening of the South Placer Jail provided, the population of inmates who would otherwise be housed at a state facility have caused continued impacts to jail operations, which include:

- Increased medical care costs, to include outside doctor appointments, long term care, etc.
- Increased inmate sophistication
- Increased inmate on inmate altercations
- Increased inmate on staff altercations
- Increased narcotics inside facilities
- Increased transportation costs
- Increased inmate programming costs
- Increased complication of the inmate classification system
- Increased releasing (pre-trial and sentenced) of "lower-level" inmates to facilitate housing of Realignment inmates

The staffing increases of the original plan have been incorporated into the correctional system as a whole and coincided with the opening of the South Placer Jail. However, as the ADP has increased, the impacts of Realignment have increased proportionally at the same time. The Corrections Division continues to find itself relying on staffing



provided in the original CCP plan. The Sheriff's Office will continue to provide professional custody and care of those confined within our jail facilities.

### ***Placer County District Attorney***

The statutory changes to crimes and sentencing in 2011 known as "Realignment" have had a significant impact on the workload at the Placer County District Attorney's Office (PCDA) as predicted a decade ago. Since realignment, this office has seen a general increase in the amount of work assigned to each prosecutor, both in terms of caseloads, court appearances, and in advocating for appropriate sentencing outcomes for each criminal case.

One significant change ushered in by Realignment was the shifting of responsibility for the handling of post-sentence violations (previously known as parole violations, now known as violations of Post Release Community Supervision (PRCS). Prior to Realignment, when a felony offender was sentenced to state prison, that person would be placed on parole upon release. If a parolee was alleged to have violated parole, that parole violation would be handled by the state parole system through a process known as a *Morrissey* Hearing.

This process was radically changed with Realignment. Beginning in 2011, many felons sentenced to state prison were released under a form of supervision now known as "Post Release Community Supervision" (PRCS). Under Realignment, individuals alleged to have violated PRCS are entitled to have their violation litigated in superior court, and the PCDA is responsible for prosecuting those violations from start to finish. As expected 10 years ago, this statutory change has resulted in an increased caseload for all of our felony attorneys and support staff.

Realignment also impacted overall case resolution. It was predicted in 2011: "...the PCDA must now develop expertise in alternative sentencing with a reduced level of reliance on incarceration." Over the course of the previous decade, and certainly increasing under the current administration, PCDA prosecutors have sought to work

closely with Probation and the courts to fashion criminal dispositions that utilize evidence-based alternatives to state prison incarceration while maximizing accountability and public safety. Over the course of the past 18 months, PCDA staff and Probation staff have participated in training programs focusing on the availability of various pre-sentence and post-conviction programs for offenders. Realignment has required that prosecutors learn how best to use novel sentencing approaches in resolving criminal cases, and accordingly PCDA staff must be adequately trained and equipped to advocate for the best outcomes for county residents.

The process of realignment was just the start of a massive criminal justice reform that began in 2010 and continues to this day. The Placer County District Attorney's Office will continue to work with our criminal justice partners to advocate for just, equitable, and fair outcomes for every offender in order to protect the citizens of Placer County.

### ***Placer County Public Defender***

The Placer County Public Defender (Koukol & Associates) established a specialized assignment on Realignment. The assigned attorney works exclusively with the realigned offender population and provides 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 works with Probation and the District Attorney to explore alternative sentencing strategies and identifying clients who are eligible for programs under AB 109.

### ***Placer County Department of Health and Human Services***

Health and Human Services (HHS) serves the Post Release Community Supervision offenders, the locally sentenced (non) offenders, formal probationers, informal probationers, and jail inmates.

### **Behavior Modification Classes**

There are several programs currently in use in Placer County to modify criminal behavior. Several providers offer DUI related courses, anger management classes, batterers treatment programs, and parenting programs. These programs will continue to be used as a means to educate offenders and modify criminal behavior when deemed appropriate by the Court or Probation. The costs associated with these programs are either paid for by the offender on a sliding scale basis or funded through county or community programs.

### **Mental Health**

Placer County Health and Human Services provides services to people with severe and persistent mental illness who meet the eligibility criteria under the State managed care contract with Medi-Cal. Services include psychiatric care, group and individual counseling, service coordination (case management) and housing support. In addition, the Placer County Superior Court, in cooperation with HHS, Placer County Probation, the PCDA and the Public Defender's Office, operate a Mental Health Court. This court is available to eligible offenders who engage in evidence-based treatment programs that target the unique needs of the offender as a term of their probation.

### **Existing Resources and Services for Offenders on Supervised Release**

HHS will continue to assess and determine eligibility for public assistance programs designed to meet the basic needs of the offender population. HHS provides resources and referral services, which include referrals to other agencies, i.e. food banks, housing services, First Five, etc. HHS will continue assist individuals/families with finding solutions to daily-living challenges as they make important transitions in their lives by providing services and access to benefits. These services 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.

### **Alcohol and Drug Treatment**

The Adult System of Care, within HHS, provides three full-time mental health professionals who are co-located with Placer County Probation. These practitioners provide direct services to the probation population; which includes, assessing for both mental health and substance use disorders, collaborating with probation and local courts, referrals for SUD and mental health treatment, and linkage services when community resources are needed.

Co-location with Placer Probation greatly improves access to treatment and county resources. Staff complete all necessary intake paperwork and clinical assessments to quickly link probationers to substance use and mental health treatment. In essence, these co-located staff act as an additional access point for HHS services and work in tandem with probation to link court involved clients with treatment. Services are offered at probation sites, ASOC clinic locations, within local jails, and within the community. HHS services are not based upon the participants ability to pay and are funded through Medi Cal, various grant and local funds, or by an established sliding fee schedule for eligible participants. All levels of service, both mental health and substance use disorder treatment, are available to court involved clients.

HHS staff in connection with the Probation Department conduct jail-based assessments to determine offender needs. Upon completion of an assessment, HHS practitioners assist supervision teams with the development of treatment goals and the identification of intervention programs. All residential and outpatient treatment programs adhere to accepted evidence-based standards and practices. When referred by the Court, probation and HHS practitioners determine the type of interventions needed for probationers. The CCP funded Practitioners are exclusively used for the criminal justice population on any level of supervised release, including those in custody.

During FY 20-21, the three CCP funded HHS practitioners served 184 probationers. In terms of substance use treatment, 118 of these probationers were referred to residential treatment with an average length of stay of 38 days. 69 clients were linked with shared living environments (i.e. Recovery Residence's) for continued SUD support. Average length of stays within these programs were 27 days per probationer with total of 1,863 funded days for the program as a whole. Group counseling, individual counseling, case management and withdrawal management services are also funded. In total, \$315,572.14 in direct services were funded using CCP resources during FY 20-21.

### **Evidence Based Program Accounting**

Given the profile of these offenders' emphasis will be placed on evidence-based programs such as drug treatment, mental health treatment and behavioral modification programs, education, and jobs skills. The Evidence Based Program accounting will be managed by the Probation Department and may only be used for the treatment of criminal offenders. Any alternate use of these funds must be approved by the CCP. Probation will ensure a complete accounting of all HHS CCP funds expended on evidence-based programming to include the type of program, the provider of the program, an offender identifier and the cost of the program.

## **COLLABORATIVE IMPLEMENTATION STRATEGIES**

### ***Special Investigation Unit***

Since October 1, 2011, Placer County's local criminal justice system has been and will continue to be responsible for monitoring offenders paroled from state prison. These offenders (PRCS) are being released on Community Supervision. Many of these individuals have a long, history of criminal behavior, some including serious and violent offenses, and have served multiple prior prison terms. Some within this group have demonstrated by their past behavior that they pose a significant risk of reoffending, a

significant risk to public safety and a significant risk to the safety of law enforcement officers. It is also these individuals who may have the greatest impact on local crime rates and therefore cause the greatest impact to local law enforcement agencies. Accordingly, these offenders need to be afforded the highest level of monitoring and supervision to insure they are complying with the terms of their release.

This high level of monitoring has been the responsibility of the Placer County Probation Department. Given the criminal backgrounds of these offenders the CCP recognized the need to have a collaborative law enforcement effort within the County to assist Probation in the monitoring and supervision of the PRCS population. The infrastructure for this unit currently existed within the Special Investigations Unit (SIU) of Placer County which is organized and managed by the Bureau of Narcotics Enforcement of the State of California.

SIU is currently a drugs, weapons and significant safety risk task force for Placer County located in the City of Roseville and is comprised of a Department of Justice (DOJ) Special Agent Supervisor as the Commander, two Deputy Sheriffs from the Placer County Sheriff's Department; a Deputy Probation Officer from the Placer County Probation Department; one Police Officer each from the Rocklin Police Department, Roseville Police Department, and Auburn Police Department, and a clerical aid from the Placer County District Attorney's Office. All personnel assigned to SIU report to the SIU Commander.

In response to Public Safety Realignment, SIU expanded its mission to include assisting Probation in the monitoring of PRCS offenders within our county. SIU provided compliance monitoring checks with random home visits, and searches. The team members facilitated and lead warrant apprehension activities, responded to high level GPS alerts, and assisted local municipal law enforcement and allied agencies with operations or incidents related to the realigned offender population. The Probation Department allocated a case load of the most dangerous and high-risk offenders to the probation officer assigned to SIU.

## **CLOSING STATEMENT**

The Community Corrections Partnership Executive Committee is pleased to report that the above plan and recommendations for the implementation of the Public Safety Realignment Act AB 109 2011 Implementation Plan set a positive foundation in assisting our clients. The unique funding formula based on a percentage share of available funding agreed upon in the initial plan, and continued through this revision, ensures partners can respond to dynamic economic circumstances with as much stability as possible in our efforts to best serve our community. We have created strong partnerships with ongoing communication from the committee. The CCP will continue to make future recommendations that maintain the high level of public safety that the citizens of Placer County have come to expect. The CCP's commitment to maintaining staffing levels, funding and services as outlined in the plan, and ensuring the safety of our community will continue throughout the years to come.