

**Contra Costa County  
Public Safety Realignment  
Implementation Plan**

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**Executive Committee**

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## Introduction

To address overcrowding in California's prisons and assist in alleviating the State's financial crisis, the Public Safety Realignment Act (Assembly Bill 109) was signed into law on April 4, 2011. This realignment represented one of the most significant changes to California corrections and public safety in decades. Years of state and local government budget deficits and an unacceptably high recidivism rate for people released from incarceration were all factors of the realignment.

AB 109, whose implementation began in October 2011, transferred the supervision responsibility for people convicted of specified lower level crimes from the California Department of Corrections and Rehabilitation (CDCR) to the 58 counties in California. There were three main considerations of Realignment. The first was the need to address the significant overcrowding in state prisons. Budgetary considerations were also a factor of realignment, as California has the largest and most expensive prison system in the nation. Finally, Realignment sought to improve the recidivism rate and correct the long-standing failures of the California prison system.

As part of AB 109, each county in California was mandated to form an Executive Committee of the Community Corrections Partnership (CCP) and to develop a plan to implement AB 109. This initial Implementation Plan was reviewed and approved by the County Board of Supervisors in 2011, with a subsequent Operations Plan drafted in 2012. Since that time, the Contra Costa County Board of Supervisors, the CCP and its Executive Committee, and various public and private stakeholders and community members have engaged in an intense and fully focused response to this legislation.

The Executive Committee of the CCP is comprised of the Chief Probation Officer as chair, a Chief of Police, the Sheriff, the District Attorney, the Public Defender, a representative from the Superior Court, and the Director of Employment and Human Services. In addition to the seven CCP Members on the Executive Committee, the full CCP also includes agency directors from the Health Services - Behavioral Health, the Workforce Development Board, and Alcohol and Other Drugs Service; the Superintendent of the Contra Costa Office of Education, the; a representative of community-based programs; the County Administrator; and a victim's rights representative.

This revised plan serves as the governing document to AB 109 implementation in Contra Costa County including the roles of the various departments, programs and services available to the realigned population, as well as the allocation of the AB 109 funds that support these efforts. The plan provides valuable updates on strategies and activities and identifies benchmarks for the forthcoming transformative reentry work ahead.

## Executive Summary

### Overview.

Assembly Bill 109 (AB 109), also known as the Public Safety Realignment Act of 2011, realigned three major areas of the criminal justice system by:

- Transferring the responsibility to incarcerate individuals convicted of lower-level crimes (specified non-violent, non-serious, non-sex offenses) from the state prison to local county jails and providing counties with an expanded role to supervise these individuals once they are released from custody;
- Transferring responsibility for post-release supervision of specified individuals in the community (those released from prison after having served a sentence for the conviction of a non-violent, non-serious, and non-sex offense) from the state to the county by creating a new category of supervision called Post-Release Community Supervision (PRCS); and
- Transferring the responsibility of incarceration related to parole and PRCS revocations to local county jails.

AB 109 also tasked the local Community Corrections Partnership (CCP)<sup>1</sup> with recommending a plan to implement this legislation for acceptance by the County Board of Supervisors (BOS). This document represents the most recent Implementation Plan recommended to the BOS by the CCP Executive Committee. While the limited state allocation simply does not provide sufficient funds for everything we would like to include in this plan, the plan goes a long way towards realizing the County's vision of providing its residents with a system of complementary services related to incarceration, supervision, and rehabilitative/re-entry services - as contemplated by the legislature when it passed AB 109 in 2011.

### Budget.

The total amount of projected base funding to be allocated to the County for FY 2020/21 is \$29,272,000. The following is a breakdown of the recommended allocations of this revenue:

**Table 1. Contra Costa County AB 109 Spending Plan, FY2020-2021**

Agency	FY 2020-2021 Budget	Percent of Total FY 2020-2021 Budget
Community Based Contract Services	\$5,503,000	19.5%
Employment and Human Services	\$ 324,017	1.1%
Sheriff's Office	\$8,489,274	30.0%
Probation Department	\$4,289,781	15.2%
Police Chief's Association	\$ 459,527	1.6%

<sup>1</sup> The Community Corrections Partnership was previously established under SB 678.

Health Services	\$ 3,708,257	13.1%
Office of the Public Defender	\$ 3,544,911	12.5%
District Attorney Office	\$1,759,721	6.2%
Superior Court	\$ 203,298	0.7%
Total	\$4,572,950	100%

### *Justice Involved Populations.*

As a result of AB 109, the Probation Department has been given the responsibility to supervise a population of individuals convicted of non-violent, non-serious, non-sex offenses upon their release from custody. This includes both the PRCS population, and those on court imposed mandatory supervision following their release from county jail under 1170(h) of the Penal Code. The county strives to retain these populations in local custody rather than state prison and has been a leader in state with its high use of mandatory supervision. For Contra Costa County, the population of clients were as followed for FY 19/20:

**AB 109 Local Supervision Populations.** Between July 2019 to June 2020, the Probation Department supervised a total of 705 Post Release Community Supervision clients that were released from the prison system onto AB 109. During this same time period a total of 321 individuals were supervised on Mandatory Supervision under Penal Code § 1170(h).

**CDCR COVID-19 Related Early Releases.** Beginning April 2020, the Probation Department was tasked with supervising clients released from CDCR as part of the COVID-19 Early Release Program, and there have been approximately 81 such early releases to date. The increased influx of new clients came at a time when the Department began expanding its use of work from home scheduling to maximize its ability to implement strong social distancing policies. Thus, this increased demand in supervision and service coordination resources expedited the Department's filling of vacancies in the AB109 unit to manage the burden this increase in caseload sizes would put on our Deputy Probation Officers during the pandemic. Probation strives to keep this unit's caseload size below 50 clients. The Probation Department also had to respond to a number of these releases from the COVID-19 Early Release Program on very short to no notice, and are thankful that our prior work to build important relationships with our community partners could be leveraged to ensure that needed services were accessible for our clients and community safety was successfully prioritized for all.

**County jail commitments.** From July 2019 through June 2020 there were a total of 38 commitments to the county jail under PC 1170(h). There was also a total of 755 county jail bookings for parole violations with a total of 284 commitments to jail after sentencing for a sustained parole violation.

### *Implementation Strategies.*

The Community Corrections Partnership has crafted a variety of strategies to maximize community safety and provide AB 109 clients with widespread access to effective reentry programming and social services.

- The *Sheriff's Office* Sheriff's Office manages the three county jail facilities – Martinez Detention Facility, Marsh Creek Detention Facility, and the West County Detention Facility. In collaboration with the Community Corrections Partnership, and consistent with prior jail operational practices, the men and women in the Sheriff's custody at these detention facilities are provided with a wide selection of services opportunities to participate in meaningful programs. The Sheriff's Office, various other public agencies (Office of Education, Probation, Health and Human Services), and several community-based organizations receive funding through AB 109 that is used to provide different types and levels of support to the people incarcerated in our county jails. These reentry services are designed to enhance a person's successful transition from custody back into the community. Among the services and programmatic opportunities provided in our jails are:
  - GED preparation and testing
  - High school diploma completion
  - English as a Second Language training
  - Computer application and design
  - Parenting classes
  - Re-entry / transitional services
  - Woodshop / woodworking skills
  - Engraving/sign/vehicle detailing shop
  - Landscaping
  - Library services
  - Legal Research Services
  - Parenting Classes
  - Alcoholics' and Narcotics' Anonymous classes
  - Domestic Violence Prevention classes
  - Veteran Affairs
  
- The *Probation Department* established specialized units to supervise and case manage its AB 109 client population. This is done by developing individualized treatment plans for each client and providing or referring them to a full range of community-based services. The Department complements the services paid for with AB 109 funding, by leveraging SB 678 funding to provide evidence based housing solutions in partnership with the County's Health, Housing and Homeless Services Division of the Health Services Department (H3) and pre-release planning services provided by CCCOE. Additionally, the Probation Department is the lead agency for the County's Pretrial Services program. This data driven alternative to money bail is an effort joined by the District Attorney, Public Defender, Sheriff, and Superior Court to ensure that the decision to release a person pending trial is based on the assessed risk of a new crime occurring or court dates being missed if the person is ultimately released. Recently, the County's Office of Reentry and Justice has also found a home in the Probation Department. Among other

things, the Department's newest division helps advise on justice reform issues and initiatives, support the County's effort to implement data-driven programs, and encourage partnerships among public agencies and between public agencies and community based organizations in the pursuit of improved public safety outcomes.

- *Health Services* provides clients with access to an array of social services that include substance abuse treatment, forensic mental health services, and homelessness prevention. These services are accessible through the department's array of health clinics, treatment centers, and shelters throughout the county. Health Services also provides clinicians that partner with local law enforcement officers on the County's four Mental Health Evaluation Teams to intervene on calls involving a person with mental illness, and supportive follow-up services thereafter.
- The *District Attorney's Office* provides victim advocacy services to help connect victims of crime with required services. They will also gather information useful for the purposes of setting bail and appropriate release conditions to help reduce local incarceration rates. Furthermore, has recently established new case filing standards that allow the resources of the office to be utilized on crimes that pose the largest threat to public safety, with the utilization of alternative forms of justice like diversion and community courts for less serious violations of the law.
- The *Office of the Public Defender* will implement a range of new programs and services aimed at reducing recidivism and incarceration. These programs include Arraignment Court Early Representation (ACER), enhanced holistic representation through the use of Social Workers, record-clearing and resentencing, early representation for misdemeanor clients, reentry support services, and pretrial support services.

### *Proposed Outcomes.*

To gauge the effectiveness of the County's realignment implementation, the CCP will monitor data related to recidivism and quality of life outcomes for individuals sentenced or supervised under AB 109, and gather feedback from the partners on the impact the Implementation Plan has had on their delivery of services and operation of programs for the AB 109 population.

### **Recommendations**

The Executive Committee submits the following recommendations to the Board of Supervisors, Contra Costa County:

1. ACKNOWLEDGE that the plan recommended here and any future changes to this plan deemed necessary are part of the ever-evolving state of criminal justice and an ongoing commitment to continuous quality improvement in the County's implementation of realignment.

2. RECOGNIZE that the funding formula selected by the state to allocate realignment funding to local government provides Contra Costa County with an amount that is significantly less than other large Bay Area counties which only increases the difficulty in providing the most expansive, innovative, and effective array of rehabilitative/reentry services.
3. RECOGNIZE that there is an ongoing need to secure funding to achieve the outcomes identified in the County's Reentry Strategic Plan that is separate and apart from the funding specifically allocated for criminal justice realignment.
4. RECOGNIZE that this Implementation Plan relies on the availability of a broad array of reentry services that will require additional resources to be sustained on an annualized basis.
5. ACKNOWLEDGE that the Sheriff has the ability to offer a home detention program in lieu of confinement in the County Jail, as specified in section 1203.016 of the California Penal Code, and has the ability to offer an electronic monitoring program, as specified in section 1203.018 of the California Penal Code, for people being held in County Jail in lieu of bail.
7. ADOPT this document as the Contra Costa County Post-Release Community Supervision Strategy and Public Safety Realignment Implementation Plan of 2020.



## Overview of 2011 Public Safety Realignment Act (AB 109)

With the passage of the Public Safety Realignment Act in 2011 (AB 109), the state legislature transferred responsibility for the incarceration and supervision of individuals convicted of non-serious, non-violent, or non-sex offenses from the California Department of Corrections and Rehabilitation to counties. Implementation of AB 109 began October 1, 2011. Just two years prior SB 678 resulted in the creation of a Community Corrections Partnership (CCP) in counties, and AB 109 gave this body an Executive Committee consisting of the Chief Probation Officer of the county as chair, a Chief of Police, the Sheriff, the District Attorney, the Public Defender, a presiding judge or his or her designee, and a representative selected by the Board of Supervisors (BOS) from either the head of the county's social services department, mental health agency, or alcohol and substance abuse program. Furthermore, AB 109 required this Executive Committee to recommend a plan to implement the provisions of the legislation to the BOS for its adoption. Specifically, the law states:

Consistent with local needs and resources, the plan may include recommendations to maximize the effective investment of criminal justice resources in evidence-based correctional sanctions and programs, including but not limited to, day reporting centers, drug courts, residential multi-service centers, mental health treatment programs, electronic and GPS monitoring programs, victims restitution programs, counseling programs, community service programs, educational programs, and work training programs. *California Penal Code § 1230(d)*.

The AB 109 legislation transferred the responsibility for the incarceration and post-release supervision of people who have been convicted of a crime that is non-violent, non-serious, and is not a sexual offense from the state to the county. The average daily population of active cases in the Probation Department's AB 109 supervision unit is approximately 500 clients. They are almost all assessed at medium to high risk of recidivism, and generally require a range of supervision options.

- Split Sentences: Courts are now unable to sentence individuals to a state prison term when their current or prior convictions are all for non-serious, non-violent, and non-sex related crimes. They do have the power, however, to split a sentence to designate how much of the sentence is to be spent in the local jail, and how much of it is to be spent on Mandatory Supervision with the Probation Department upon the person's release.
- Local Post-Release Community Supervision: People released from state prison on or after October 1, 2011 for an eligible crime will be on Post-Release Community Supervision (PRCS) for a period not to exceed 3 years, and in Contra Costa the Probation Department is the designated community supervision agency for PRCS.
- Revocations Heard and Served Locally: Custody time for both Post-Release Community Supervision and parole violations and revocations will be served in local jails (with a maximum revocation sentence of up to 180 days). The Courts have now replaced the Board of Parole Hearings as the entity to hear and decided alleged violations of supervision terms and conditions that could potentially lead to a revocation of a person's

term of PRCS or parole which would usually result in the person being returned to custody.

- Changes to Custody Credits: Most people in local jails will now earn custody credits that equal the amount of days detained (day for day credit).
- Alternative Custody: Penal Code Section 1203.018 authorizes electronic monitoring for a person being held in a local jail in lieu of bail. While a person must usually be held in custody for 60 days after being arraigned on felony charges, or 30 days for misdemeanors, either of these requirements can be waived where the Sheriff determines the person's participation on the program would be consistent with the community's public safety interests. Any program under this penal code section would be implemented in collaboration with the District Attorney's Office and the Superior Court of Contra Costa County.
- Community-Based Accountability: Emphasizes the use of a range of graduated consequences that prioritize community-based solutions over sanctions that involve incarceration.
- Evidence-Based Practices: Emphasizes the use of supervision policies, procedures, programs, and practices that have been subjected to rigorous scientific research and had its outcomes replicated to prove such efforts will reliably produce the outcome expected. When applied to the criminal justice context, such proven approaches exist as the most effective ways to reduce recidivism among individuals under probation, parole, or other form of community-based supervision.

## Local Planning and Oversight

### COMMUNITY CORRECTIONS PARTNERSHIP

There have been demonstrated, and consistent statewide efforts to reduce recidivism by expanding the use of evidence-based practices in the administration of justice. SB 678 (2009) established a Community Corrections Partnership (CCP) in each county to provide the collective wisdom needed for the identification and implementation of new initiatives with evidence of effectively reducing recidivism and enhancing public safety. In addition to the seven members of the Executive Committee described above, Contra Costa County's CCP has seven other members that includes a representative from a community based organization, the Director of the Workforce Development Board, the Alcohol and other Drug Services Director, the Director of the Employment and Human Services Department, the Superintendent of the Contra Costa County Office of Education, and a victims representative. The CCP advises the BOS on the progress being made on the adopted Implementation Plan. The CCP Executive Committee provides oversight by providing the Board of Supervisors advice, no less than annually, on the appropriate funding and programming carry out the various components of the approved Implementation Plan.

## Budget

Contra Costa County is expected to receive \$22,077,678 in base AB 109 funding for FY 2020/21. Maintaining public safety, and effective case management for clients, requires the ability to provide swift responses to a client's assessed needs with the prioritization of those needs understood to be criminogenic. This must be done with a sincere concern for the rights and interests of crime victims, and a sensitivity to well-being of the broader community. Realignment recognizes that careful balance is best achieved by using evidence-based services and professional practices that have been shown to be effective at reducing recidivism and improving public safety.

### *State Funding Formulas.*

The funding amount allocated to each California County in a particular year is made up of a base amount and potential additional revenue in the form of growth funding from the prior year. Since 2015 the base funding amount is based on three criteria. First, 45% of the allocation is based on the number of individuals a jurisdiction has in custody under 1170(h) of the penal code, on PRCS, and on felony probation. Next, another 45% is determined by the size of a jurisdiction's adult population and the number of serious crimes that occur in the jurisdiction. Finally, 10% of the allocated revenue is determined by special factors like poverty, state prison effects, county size, etc. that impact a jurisdiction's ability to implement realignment.

Because the state funds realignment with sales tax proceeds and vehicle license fees, in years where the actual revenue received by the state from these sources exceeds what was projected the proportion in excess is paid out to counties the following year in the form of growth funds. Growth funds are distributed using the formulas below.

- First, \$30,434 (an amount that changes from year to year) is paid to the county for each person they are able to reduce from their prior year's total number of people sent to state prison with a second strike. The total amount paid out to counties under this category is capped at 10% of the total growth funds available.
- Any remaining growth funds are then distributed on a formula that dedicates 80% of remaining growth to a jurisdiction's probation performance and 20% towards its incarceration performance as follows:
  - 60% of growth is dedicated to a county's annual felony probation population minus the annual number of people on felony probation that were revoked to prison or jail. The county receives a share of funding equal to its share of the state probation population without revocations into custody.
  - 20% of growth goes to counties that reduce the proportion of people on felony probation that are revoked to prison or jail. The county receives a share of this funding equal to its share of the total amount of revocation reduction among all qualifying jurisdictions.
  - 10% of growth funding is reserved for counties that send fewer people to prison on new convictions from one year to the next. The county receives

a share of this growth equal to its share of the total reduction in new prison commitments among all qualifying jurisdictions.

- 10% of total growth revenue is also split among counties with a lower rate of incarceration per capita than the statewide rate. The county receives a share of this growth equal to its share of the total reduction in new prison commitments among all qualifying jurisdictions.
- The amount the county is under the statewide rate in proportion to the aggregate amount all qualifying counties are under the statewide rate is used to determine the county's share of this portion of growth funds.

Also, starting with growth funds received for fiscal year 2015-16, the county is required to deposit 10% of such growth funds in a Local Innovation subaccount, and the Board of Supervisors is given authority to determine which allowable use these funds will be dedicated to.

### ***AB 109 Funding Allocations***

In implementing AB 109, the CCP has taken steps to recommend the funding of a variety of activities. These have ranged from more traditional responses to crime like incarceration and prosecution, to innovative alternative interventions such as community court diversion or Mental Health Evaluation Teams. By ensuring funding and services are available in-custody and in the community, the budgets the CCP has recommended seek to provide support to individuals as they travel through different points of the criminal justice continuum. Additionally, by providing significant levels of funding to community-based agencies, the CCP has been able to continuously affirm the value derived from strong public-private partnerships that have formed the foundation of the County's reentry system. Building from the benefits of this experience, the CCP Executive Committee is recommending the BOS approve spending the County's AB 109 allocation as follows:

**Table 2. Contra Costa County AB 109 Spending Plan: One-Time Costs, FY2019-2020 and FY 2020-2021 Annual Budget.**

Agency	FY2019-2020 Budget	Percent of FY2019-2020 Budget	FY2020-2021 Annual Budget	Percent of Annual Budget
Employment and Human Services Department	\$ 352,204	1.2%	\$ 324,017	1.1%
Sheriff's Office	\$8,996,884	30.1%	\$8,489,274	30.0%
Police Chief's Association	\$1,027,565	3.4%	\$ 459,527	1.6%
Probation Department*	\$3,793,409	13%	\$3,938,611	15.2%
Health Services Department	\$3,752,352	12.6%	\$3,708,257	13.1%
Office of the Public Defender	\$3,359,160	11.3%	\$3,544,911	12.5%
District Attorney Office	\$1,886,059	6.3%	\$1,759,721	6.2%
Superior Court	\$ 225,745	0.8%	\$ 203,298	0.7%
County Administrator	\$ 837,915	2.8%	-	-
Contracted Community Based	\$5,548,366	18.6%	\$5,503,000	19.5%

	Services			
<b>Total</b>		<b>\$29,858,546</b>	<b>100%</b>	<b>\$28,281,786</b> <b>100%</b>

\* Probation Budget includes the Pre-Trial Program and Office of Reentry & Justice in FY 20/21

### Proposed Implementation Strategies

AB 109 clients come from one of two sources: (1) Individuals released from state prison that would have normally been placed on parole and (2) clients who will no longer be eligible to be incarcerated in state prison, but who may do time in county jail that is followed by a period of supervision by the Probation Department. While the needs of clients are undoubtedly greater than the resources available, the services and programs described below will certainly go a long way towards helping these individuals successfully reintegrate into the community when they return home from their incarceration in state prison or a local jail. What is presented here stresses the need for the continued use of enhanced resources that include, but are not limited to, those resources at the disposal of the Sheriff, Probation, Health Services, District Attorney, Public Defender, Superior Court, and various community partners.

#### SHERIFF'S OFFICE

The Sheriff's Office manages the three county jail facilities – Martinez Detention Facility, Marsh Creek Detention Facility, and the West County Detention Facility. From July 2019 through June 2020 there were a total of 20,067 bookings into the County's jails collectively. During this timeframe, the more than 1,000 AB 109 related bookings included a total of 38 commitments to the county jail for a sentence under PC 1170(h), 97 bookings for a violations of Mandatory Supervision terms, 295 bookings for a PRCS violation, 59 bookings of a person on PRCS received a flash incarceration into the jail, an additional 755 total county jail bookings for parole violations, and 284 jail commitments to serve a sentence for a sustained parole violation. This ongoing contact with the AB 109 population has provided the Sheriff with ample opportunity to positively impact this population while they are in the custody and care of the department.

To better rehabilitate individuals while they are in jail, and prepare these individuals for a crime-free return to the community upon their release, the Sheriff has used AB 109 as an opportunity to provide an array of services and opportunities to individuals housed in our local jails. This includes investing AB 109 funding into a Jail-to-Community program that funds to two community based organizations (one for men and the other for women) to provide a reentry curriculum to individuals while they are in custody, and supports their transition to supportive services in the community upon their release from custody. Additionally, the Sheriff ensures those incarcerated in local jails have the opportunity to access services for military veterans, Alcoholics Anonymous and Narcotics Anonymous, legal research services, onsite library services, and the chance to work in landscaping or in the jail's engraving and sign making shop. The Sheriff also uses AB 109 funding to supplement funding provided to the Contra Costa Office of Education (CCCOE) for an array of in-custody education and support services related

academic learning, career technical education, and personal development. Some of the services made available through their partnership with CCCOE include:

- Academic Classes
  - Adult Basic Education
  - Adult Secondary Education
  - GED/High School Equivalency Preparation
  - Special education services for those between the ages of 18-21
- Career Technical Education
  - Microsoft Office
  - Basics in Construction Technology
  - Culinary Arts
  - Multi-craft Core Curriculum
  - Woodworking
  - Bicycle Repair
- Life Skills and Personal Development
  - Commitment to Change
  - Substance Abuse Education
  - Parenting Classes
- Game Plan for Success
  - Reentry preparation and transitional services
  - Employment development services

The Sheriff's Office also uses AB 109 funding to support its electronic monitoring (EM) program that is currently offered through the Custody Alternative Facility (CAF) program. No one in this program is charged fees to participate, and the program offers an opportunity for appropriate individuals to get back to loved ones sooner and serve out remaining jail terms in a much less restrictive alternative to incarceration. Those participating on this program meet with staff weekly to review their compliance with the requirements of the program and provide an immediate response to those needing these rules to be reinforced. Those participating on the program will be outfitted with a small GPS device that will provide continuous monitoring of the person to ensure that they are always in an approved location. Some of these devices are part of a Secure Continuous Remote Alcohol Monitor (SCRAM) that is attached to a person, to provide trans-dermal blood alcohol monitoring for individuals with multiple alcohol related arrests such as driving under the influence.

Furthermore, if the judge who sentences a person to serve time in the county jail also approves the person's participation in the County Parole program, the person can apply to the County Parole Board for acceptance into the program. The County Parole Board consists of a Deputy Probation Officer, Sheriff's Office Manager, and a member of the public approved for appointment by the Presiding Judge. If the Board approves the person's early release for participation on the program, once the person is released from custody they will be monitored in the community through the Sheriff's electronic monitoring program for the duration of their County Parole term. Additionally, anyone with a sentence of less than 30 days is eligible to participate on the assigned Work Alternative program where they will be required to pay for the cost of their supervision on work assignments where they will receive credit towards a jail

sentence in exchange for the hours of labor they provide while participating in the alternative to incarceration.

## PROBATION

The Probation Department supervised approximately 1026 AB 109 cases during FY 2019-20. The Department continues to provide services to this population through its dedicated AB 109 unit that is comprised of two Probation Supervisors and 16 Deputy Probation Officers. These Officers supervise those individuals sentenced to a term of Mandatory Supervision under PC 1170(H) or released from state prison to a term of Post-Release Community Supervision (PRCS). Each of Probation's clients are provided with access to a full range of community-based services including:

- Pre-release "reach-in" services (assessments and supervision planning pending release from custody)
- Case management
- Intensive supervision services for the highest need clients (with routine home visits)
- Cognitive behavioral interventions
- Restorative justice programs
- Intensive outpatient support for clients with substance use disorders
- Residential substance abuse treatment
- Outpatient behavioral health treatment
- Community service referrals
- Family strengthening strategies
- Referral to education vocational training/employment services and housing resources

### *AB 109 Supervision Population*

Post-Release Community Supervision (PRCS): Between July 2019 to June 2020, the Probation Department supervised 230 new PRC clients that were released from the prison system onto AB 109. There was a total of 705 such clients under the supervision of the Department at any time during this time period. This resulted in clients ending up in jail a total of 249 times for sustained technical violations, 59 times for flash incarcerations, and 23 times for convictions for new law violations during this period. Lastly, 23 PRCS were ultimately sent to prison (including one person to federal prison) for new crime convictions during this 12-month term.

Mandatory Supervision: Between July 2019 and June 2020 a total of 76 new clients were added to Probation Department caseloads for AB 109 supervision under PC 1170(h). During this same year, the Department supervised a total of 321 of these case types. Clients were returned to jail 85 times for sustained technical violations and a total of 7 times for new law violation convictions. There were also 5 times where new law violations resulted in the person being sent to state prison.

### *Supervision Services*

Probation supervises the AB 109 population with a focus on the use of evidence-based practices that have previously demonstrated success reducing recidivism. This includes using

the ability for a quick discharge from PRCS to incentivize a client's willingness to avail themselves to the variety of supportive services provided. The Department also uses a system of graduated sanctions to promote compliance with appropriate terms and conditions of supervision. In situations where such terms are repeatedly violated, the Department has the ability to utilize flash-incarceration for short-term stays in jail of no more than 10 days, or ask the court to consider revoking supervision which may also result in incarceration in the local jail.

Probation's specialized AB 109 unit has grown from seven (7) deputy probation officers (DPO) in 2011 to the sixteen (16) deputy probation officers that are currently assigned to the unit. One deputy probation officer is tasked with providing pre-release services for the unit which is done by contacting the clients prior to their release from prison or jail to introduce the client to the services available, conduct a risk and needs assessment, and allow the results of that process drive the development of a responsive case plan and individualized referrals to services the client can benefit from when they return home. The remaining probation officers in the unit are spread throughout the county and continue to support the client's completion of the objectives outlined in their case plan. In doing this work, the DPO will actively engage with the client, client's family, and multiple service providers (such as housing, employment, vocational training, education, physical health, behavioral health, and pro-social activities) to collaboratively help a client succeed. By building, then leveraging, strong relationship with the numerous community-based providers and partnering public agencies, clients can benefit from a system of support. Additionally, the Department has worked to develop a system of rewards and responses for probation officers to use as this more balanced approach to supervision has been shown to more effectively result in a client's compliance with imposed terms and conditions.

#### *Evidence-base Service Delivery*

As part of its evidence-based approach to community supervision, the Probation Department has, and continues to, make substantial investments to bring the well-established concepts of risk, need and responsivity (RNR) to life in the day to day work of the Department. Validated RNR risk assessment instruments are used help identify the primary factors that might contribute to the client's future involvement in criminal activities. Once these criminogenic needs are identified, outcomes can be improved when these needs are responded to with the use of culturally, developmentally, linguistically, and gender appropriate interventions that teach new skills and build on a person's strengths to make lasting changes to questionable behaviors. While the Department used the National Council on Crime and Delinquency's (NCCD) Criminal Assessment & Intervention System (CAIS) for years as its assessment of choice, last year Probation switched over to the Ohio Risk Assessment System (ORAS) which has been further enhanced by the Department's complementary use of Core Correctional Practices to maximize the therapeutic potential of the supervision strategies utilized. The Probation Department's experience has been that nearly all the clients in the specialized AB 109 unit have multiple needs and are initially assessed at being medium to high-risk of being involved in future criminal activities. Because of this, a larger proportion of this unit's clients receive a more intensive form of supervision which has led Probation to cap the caseloads in this unit to a maximum ratio of 50:1; clients to a DPO.



*Office of Reentry and Justice*

The Office of Reentry and Justice (ORJ) became a new division of the Probation Department in July 2020. The County established the ORJ in 2017 to further collective efforts to advance Contra Costa County's reputation as a national leader in smart justice. This is accomplished by providing enhanced resources to a very wide array of stakeholders – the Chief Probation Officer, the Board of Supervisors, the CCP, and both public and private agencies – serving as a ready source of project management; research capacity; knowledge of best practices and effective program design; a deep understanding of local resources, efforts, and challenges; proven subject matter expertise; communications development and management; and in-house, ongoing information management and evaluation services.

**HEALTH SERVICES**

Some AB 109 clients of the Health Services Department will have mental health problems, substance use problems and/or will be homeless. These conditions will require intervention to facilitate the person's reintegration into the community and prevent recidivism. For those clients who require assistance, the Health Services Department will provide services through its Behavioral Health Division and its Health, Housing and Homeless Division. Behavioral Health will provide mental health services, through its regional mental health clinics, and substance use treatment through community-based residential and outpatient treatment programs. Homelessness prevention services will be provided through the Health, Housing and Homeless Division. In addition, Benefits Services will support Behavioral Health clients who do not have, but are eligible for, public assistance.

Mental Health Services: The Behavioral Health Services (BHS) Mental Health AB 109 funded team is located in the Forensic Mental Health Services clinic. The team consists of two Mental Health Clinical Specialists (MHCSs), one Registered Nurse (RN), one clerk, and two Community Support Workers (CSWs). In addition, we utilize services for psychiatrist medication assessment and management from our Forensic Mental Health Nurse Practitioner.

Each clinician is assigned to a region of the county (east, central, west). The MHCSs offer individual and group therapies and case management services. These services are offered in the probation department offices, in county mental health clinics, and in the community.

The CSWs offer peer support services in numerous ways, including individual and group Wellness Recovery Action Plan (WRAP) sessions and Seeking Safety groups. In addition, CSWs support probationers in keeping appointments for medical needs, vocational rehabilitation, and/or a variety of community resources they utilize.

In an effort to improve the continuity of care for individuals during and post incarceration, our team members make initial contacts with probationers, when possible, in the county jails. This is in the form of individual assessments for services and/or groups run in custody by our team. These groups include Cognitive Behavioral Social Skills Training (CBSST), WRAP and Seeking Safety. Individual WRAP is also offered in

custody by our CSWs. The team offers MH services at the Re-Entry Success Center in Richmond in the form of group and individual therapy.

BHS has expanded to offering services to individuals on general supervision probation and court probation, in addition to AB 109 probationers. The team is also participating in the Smart Re-Entry Grant program for Transitional Age Youth on probation.

BHS also provides clinicians that partner with local police agencies on Mental Health Evaluation Teams (MHET). MHET exists in each region of the county and is part of the County's holistic AB 109 response. The purpose of these teams is to respond to calls to the police for services where the situation seems to involve a person suffering from mental illness. In addition to the benefits clinicians are able to provide on the scene in moments of crisis, the teams provide follow-up services that enhance opportunities to connect behavioral health consumers to systems of care, help coordinate services to prevent future moments of crisis, and provide support to family members and loved ones that are part of a person's behavioral management plan.

Alcohol and Other Drugs Services: The total number of AB 109 offenders requiring AOD treatment services in Residential or Outpatient Treatment is determined by the severity of substance use following an assessment. In general, criminal justice involved clients require the structure of residential programs, but with the appropriate support clients can succeed in their recovery efforts in outpatient programs. AODS will provide substance use treatment to a total of 60 clients. AB 109 will also fund 2 FTE Substance Abuse Counselors (SACs). One SAC will screen clients referred by Probation Officers at the jail and at Probation Offices. The second SAC will provide onsite services at the West County Reentry Center and at the Martinez Jail supporting the Medical/Mental Health Team for clients receiving Medication Assisted Treatment (MAT) and those with co-occurring disorders. Similarly, 80% of the beds at Uilkema House (Recovery Residence) will be available for AB 109 clients who complete residential treatment.

Health, Housing and Homeless Services: Health Services will also fund two case managers (2 FTEs), a planner/evaluator (.1 FTE), a site supervisor (.1 FTE), and shelter beds (up to 10 beds per night, per year), within the Health, Housing and Homeless Services Program. Case managers will provide one-on-one intensive case management services to assist re-entry residents to successfully integrate back into the community. The planner/evaluator will gather, tabulate, and analyze data relative to services and provide data outcomes. Health Services estimates that up to one hundred (100) re-entry shelter residents will be provided housing services during the reporting period.

Benefits Services: The BHS financial counselors working with the AB 109 clients are cleared to go into the jails. Referrals are sent from the jails, Forensic Mental Health, Probation, Public Defenders office, as well as other entities. The counselors file Medi-Cal applications, Social Security applications, and retrieve necessary documentation to process the claims. Due to the COVID 19 restrictions they are not permitted in the jails currently. The jail staff assist us in obtaining the information and signatures we need to

start the process and we follow up with the client once they are released. The Financial Counselors are going into the field to meet clients following the safety protocols in place.

#### DISTRICT ATTORNEY OFFICE

Since the enactment of AB 109, the District Attorney's Office (DA) has worked diligently to develop expertise in the use of more effective sentencing that relies upon alternatives to incarceration and is informed by the particular risks and needs of each individual. Most recently the DA has started a diversion project in partnership with RYSE and Impact Justice. By using restorative justice to resolve these cases, not only is the effect of a person's behavior on the broader community put front and center, but victims of crime are able to play a more active and critical role in the resolution of the case, and an opportunity for healing is available to everyone involved – even the person responsible for the initial harm. More healing and less harm in the community is more likely to be better for everyone.

In cases with a victim where charges are ultimately filed, a Criminal Justice System Victim Advocate will be available to assist victims of crime, protecting the victim's rights under Marsy's Law, and: (1) assist the victim to obtain a criminal protective order; (2) contact the victim to gather input for setting bail and release conditions during the case; (3) be a liaison with the prosecutor for the duration of the case and disposition; (4) keep the victim informed of court dates, and sentencing hearings; (5) provide court support during court proceedings; (6) provide information concerning the disposition of the case including assisting the victim to register with the Contra Costa County Sheriff's Office's VINE program; (7) assist the victim with gathering information concerning restitution determination, obtaining a restitution order, assisting Probation with restitution information, and collection of restitution order and restitution fines; (8) assist the victim with understanding the process of incarceration in the county jail to serve prison sentences, release of inmates to community-based programs, and alternative post sentencing options; and (9) work with the victim, the prosecutor, and supervising probation officer to assure victim's safety concerns are heard and addressed.

#### OFFICE OF THE PUBLIC DEFENDER

The Office of the Public Defender provides the following programs and services to address the mandate of AB109:

Arrestment Court Early Representation (ACER): This program provides for early representation of in-custody clients at their first court appearance. An attorney and a Legal Assistant are assigned to each arraignment court to screen new clients for representation and provide representation at the first appearance. The program furthers the goals of reducing recidivism, reduction pretrial detention rates, reducing unnecessary court appearances, and facilitating early resolution of cases.

Client Support Services: Through realignment funding, the office has added three Social Workers to enhance our focus on holistic representation. These Social Workers provide social histories and needs assessments for adult clients to support appropriate case dispositions and to refer clients to services that will result in successful case outcomes

and reduce recidivism. Our social workers provide support to aid in release from custody and reduce recidivism by aiding successful pretrial release, reentry, and reintegration. The program furthers the goal of providing and enhancing integrated programs and services for successful reentry.

Clean Slate Services: The Public Defender Clean Slate Unit, partially funded through realignment monies, assists clients in obtaining post-conviction relief, resentencing and record-clearing. The Clean Slate Program engages in extensive community outreach to educate county residents on the expungement services and opportunities available through our office. Record-clearing furthers the goals of reducing recidivism by removing barriers to employment, education and housing.

Early Representation Program: The Early Representation Program consists of three attorneys and three legal assistants who work with persons who have received a citation to appear in court on misdemeanor offenses. We are now collaborating with eight law enforcement agencies countywide in this effort. By providing early representation for these clients, we have significantly reduced the number of arrest warrants that issue for persons who fail to make their first court appearance.

Reentry Program Support: Our AB109 Program Supervisor oversees our reentry program unit and coordinates with various county reentry programs, CBOs, and the greater community to support reentry services for our clients.

Legal Assistants to Support Pretrial Release: Realignment funds support three legal assistants who conduct intake interviews for newly referred clients and gather information necessary to support release, placement in residential treatment, and connection to community-based services for those who come through our arraignment courts.

## SUPERIOR COURT

Under AB 117, a budget trailer bill accompanying the 2011 Budget Act, the Superior Court's role in criminal realignment previously outlined under AB 109 has been substantially narrowed to handle only the final revocation process for a person believed to have violated the terms or conditions of their supervision or parole. The Court intends to continue its performance of its required functions in this limited fashion.

## PERIODIC COMMUNITY CORRECTIONS PARTNERSHIP MEETINGS

The Contra Costa County CCP will meet quarterly to review the County's efforts at implementing the provisions of AB 109, adjust where necessary, and provide the BOS with advice on the appropriate use AB 109 funding each year. The CCP is particularly concerned with the ability of the various partners to document and share the impact their efforts have had on the AB 109 population. The CCP has established a Quality Assurance Committee (QAC) that it will utilize outcomes proposed in this document monitor the individual and collective performance of partners as they work to help people reintegrate into their communities. The

QAC will also be responsible for ensuring that a written report is made available each year that summarizes the activities of each agency receiving funding as part of the implementation of AB 109.

### **Proposed Outcomes**

Contra Costa County justice stakeholders – the community, Sheriff’s Office, Probation, the Superior Court, the Public Defender, District Attorney’s Office, and Health Services – are committed to reducing recidivism and increasing public safety. This Realignment Plan seeks to further these goals by:

- Managing the additional responsibilities resulting from AB 109.
- Implementing a system that protects public safety and utilizes best practices in recidivism reduction.
- Developing a system that uses alternatives to pre-trial and post-conviction incarceration where appropriate.

To gauge effectiveness, the Community Corrections Partnership will gather outcome data likely to include:

- Feedback from CCP partners on the effectiveness of the Realignment Plan
  - Strengths of the local realignment
  - Challenges to the local realignment
  - Recommendations to enhance local realignment
- Recidivism outcomes for AB 109 clients
  - Number of arrests for technical violations
  - Number of arrests for new law violations
  - Number of convictions for technical violations
  - Number of convictions for new law violations
  - Number of flash incarcerations
  - Number of days detained in jail for flash incarcerations
  - Number of county jail sentences for new law violations
  - Number of days sentenced in county jail for new law violations
  - Number of probation revocations
  - Number of clients completing probation
  - Number of clients sentenced to state prison
- Quality of life outcomes for AB 109 clients
  - Number and percent of clients with housing fit for human habitation
  - Number and percent of clients working full and part-time
  - Number and percent of clients enrolled in Medi-Cal
  - Number and percent of clients completing Clean Slate
- Health Outcomes
  - Mental Health

- Number of new clients engaged
- Number of active clients
- Number of active clients, inpatient
- Number of active clients, outpatient
- Number of in custody screenings
- Number of clients successfully exited from forensics to regional clinics
- Number of clients successfully exited with linkage to services
- Number of unsuccessful exits
- Number screened for public benefit eligibility
- Number of SSI enrollments
- Substance Use Disorders
  - Number supervised by Probation that are referred for services
  - Number enrolled in residential treatment
  - Number enrolled in outpatient treatment
  - Number of successful residential discharges
  - Number of successful outpatient discharges
  - Number of unsuccessful discharges from treatment
- Homeless Services
  - Number of in-custody screenings
  - Number of participants engaged for services
  - Number of participants provided services
  - Number of participants exited by type:
    - Successful
    - Unsuccessful
    - Failure to meet program requirements
    - Reincarceration
    - Not responding to engagement attempts
    - Moved
    - Absconding
    - Death