

**PLUMAS COUNTY**

**PUBLIC SAFETY REALIGNMENT  
&  
POST RELEASE COMMUNITY SUPERVISION**

**2011 IMPLEMENTATION PLAN**

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

Honorable Ira Kaufman, Judge (designated by Presiding Judge)

Sharon Reinert, Chief Probation Officer (Chair)

Douglas Prouty, Public Defender

David Hollister, District Attorney

Mimi Hall, Alcohol & Drug Administrator

Greg Hagwood, Sheriff

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## **MISSION STATEMENT**

The overriding principles of this plan are to create an implementation plan protecting public safety and using public funds in a responsible and efficient manner.

## **SUMMARY OF PUBLIC SAFETY REALIGNMENT (AB109)**

The 2011 Public Safety Realignment included in AB109 (and subsequent clarifying legislation) will no doubt have a substantial impact to local criminal justice systems and communities. This legislation represents the most significant reform to California Sentencing law in a generation and substantially changes the fundamental aspects of the prosecution, incarceration and supervision of criminals in Plumas County. Essentially, Public Safety Realignment shifts the responsibility for incarceration and supervision of a broad range of felons from the state to the counties. The stated objectives of Public Safety Realignment include addressing the growing cost of the state's prison system, decreasing the state's 70% recidivist rate and reducing the state's inmate capacity. Prospectively applied to all offenders sentenced after October 1, 2011, Public Safety Realignment redefines a felony transferring incarceration obligations for certain felons from the state to the county.

The legislation specifically assigns new local responsibilities for managing adult offenders by affording maximum flexibility and control to county jurisdictions. However, if managed poorly, the shift of the population and associated deinstitutionalization of offenders could have a negative impact on local public safety. On the other hand, this reform effort offers California a unique opportunity to address long-standing issues related to the management of the correctional population at both the state and local levels.

This document provides an initial plan assisting Plumas County in the transitional activities necessary to successfully implement the requirements of Public Safety Realignment during the first year of the system reform effort.

### **Key elements of AB109 include:**

- **Redefining Felonies:** Revises the definition of a felony to include certain crimes that are punishable in jail for 16 months, 2 years, or 3 years. Some offenses, including serious, violent, and sex offenses, are excluded and sentences will continue to be served in state prison; however, the excluded offenders will be subject to probation rather than parole supervision upon release from prison.

- **Local Post-release Community Supervision:** Offenders released from state prison on or after October 1, 2011, after serving a sentence for an eligible offense shall be subject to, for a period not to exceed 3 years, post-release community supervision provided by an agency approved by the County's Board of Supervisors (BOS) (on July 19, 2011, the Board appointed the Probation Department as the supervising agency).
- **Revocations Heard and Served Locally:** Post-release community supervision and parole revocations will be served in local jails (up to 180 days), with the exception of paroled 'lifers' who have a revocation term of greater than 30 days. The Courts will hear formal revocations of post-release community supervision while the Board of Parole will conduct parole violation hearings in jail.
- **Changes to Custody Credits:** Jail inmates will be able to earn four days of credit for every two days served. Time spent on home detention (i.e., electronic monitoring) is credited as time spent in jail custody. This means inmates will be required to serve 50% of their sentence in custody, minus any credits for time served prior to their sentence as determined by the Court, instead of two-thirds of their sentence, which is the current law.
- **Alternative Custody:** Penal Code Section 1203.018 authorizes electronic monitoring for inmates being held in the county jail in lieu of bail. Eligible inmates must first be held in custody for 60 days post-arraignment for felony offenses, or 30 days for those charged with misdemeanor offenses.
- **Target Population:** The post-release community supervision population, released from prison to community supervision, is the responsibility of local Probation Departments and is inclusive of non-violent, non-serious, non-high-risk sex offenders (as determined by CDCR). This population **can** have serious or violent offenses in their criminal history. The population that will serve their prison sentences locally includes the non-violent, non-serious, non-sex-offender group. These population groups are referred to as the non-nons or N<sup>3</sup>s.
- **Community Based Sanctions:** Authorizes counties to use a range of community-based punishment and intermediate sanctions other than jail incarceration alone or traditional routine probation supervision.

## **Community Corrections Partnership (CCP)**

The Community Corrections Partnership is codified into law in Section 1230 of the California Penal Code and guides counties in the implementation of a plan addressing Public Safety Realignment. The main provisions of Section 1230 are:

•(b) The plan shall be voted on by an executive committee of each county's Community Corrections Partnership consisting of the Chief Probation Officer of the county as chair, the Sheriff, the District Attorney, the Public Defender, Presiding Judge or her designee, and the department representative listed in either Section 1230(b)(2)(G), 1230(b)(2)(H), or 1230(b)(2)(J) as designated by the County Board of Supervisors for purposes related to the development and presentation of the plan (on July 19, 2011, the Board of Supervisors appointed Mimi Hall, AOD Administrator).

In Plumas County, the Executive CCP committee is comprised of:

Sharon Reinert, Chief Probation Officer, Chair  
Honorable Ira Kaufman, Judge (appointed by presiding Judge)  
David Hollister, District Attorney  
Greg Hagwood, Sheriff  
Mimi Hall, AOD Administrator  
Douglas Prouty, Public Defender

In addition, the following persons are members of the CCP Committee:

Glenn Harris, Superintendent of Plumas Unified School District  
Gayla Trumbo, Director of Human Resources  
Jon Kennedy, Board of Supervisors  
Victoria Metcalf, Literacy Coordinator  
Victim Witness Services  
Brent Cunningham, The Alliance for Workforce Development  
John Sebold, Director of Mental Health  
Elliott Smart, Director of Social Services  
Mike McLeod, Director of Veteran's Services  
Joan Parkin, Incarcerated Adult Distance Coordinator, Feather River Community College

•(c) The plan shall be deemed accepted by the County Board of Supervisors unless rejected by a vote of 4/5ths in which case the plan goes back to the Community Corrections Partnership for further consideration.

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

In preparing this implementation plan, the CCP has strived to create an implementation plan protecting public safety and using public funds in a responsible and efficient manner. The CCP Executive Committee will advise on the progress of the Implementation Plan. Chaired by the Chief Probation Officer, the executive committee will oversee the realignment process and advise the Board of Supervisors in determining funding and programming for the various components of the plan.

## **Research Supporting Evidence-Based Correctional Programming**

There is growing support among criminal justice practitioners and scholars regarding the effectiveness of evidence-based programs on the reduction of recidivism. Evidence-based practices are based on five primary principles. These principles address the questions of who, what and how to apply the most effective correctional interventions.

1. The Risk Principle (who) – Target resources to higher risk offenders. Ideally, sufficient resources would be applied to supervise, case manage and treat high- and moderate-risk offenders appropriately.
2. The Need Principle (what) – Apply interventions that target each offender’s particular criminogenic needs. Criminogenic needs are those areas that are dynamic (can be changed) and have been scientifically demonstrated to be correlated with likelihood to re-offend. These factors include: antisocial attitudes and beliefs, antisocial peers, antisocial personality pattern, lack of positive family support, low levels of education or employment success, lack of pro-social leisure activities, and substance abuse.
3. The Responsivity Principle – Interventions should be applied based on the individual characteristics of the offender that may affect how he/she may respond to the given intervention. Such characteristics include mental health issues, medical issues, intelligence level, readiness for change, etc.
4. The Treatment Principle – The most effective correctional interventions are behavioral, focusing on factors that influence behavior, are action-oriented, and are appropriately reinforced. These include cognitive-behavioral approaches, structured social learning where new skills and behaviors are modeled, and family based approaches where the family is trained in new skills and techniques.
5. The Fidelity Principle – Ensure that evidence-based programs are implemented as designed, often including structured measurements of model-adherence, extensive quality assurance mechanisms, pre/post evaluation, and other methodologies for ensuring fidelity.

## **COMMUNITY CORRECTIONS PARTNERS** **IMPLEMENTATION STRATEGY AND AGENCY SUMMARIES**

The proposed strategies that follow take into consideration the multifaceted needs of the realignment population, and the resources necessary to maximize public safety while using public funds in a responsible and efficient manner. Each agency summary strives to address realignment needs in the areas of court operations, incarceration and incarceration alternatives and supervision.

### **PROBATION DEPARTMENT**

The Probation Department will continue to utilize evidence-based practices implemented via Senate Bill 678, "Recidivism Reduction Program". The goal of the program is to reduce prison incarceration and recidivism by instructing felony adult probationers in evidence-based practices (i.e., motivational interviewing, cognitive restructuring, etc). All Probation Department staff involved in the utilization of the Static Risk Assessment Offender Needs Guide (STRONG) risk/needs assessment tool will be highly trained in its implementation, including refresher courses, and closely monitored by the Supervising Probation Officer/Chief Probation Officer.

The STRONG accomplishes four basic objectives:

1. Determining an offender's level of risk for re-offending as a way to target resources to higher-risk offenders.
2. Identifying the risk and protective factors linked to criminal behavior so the rehabilitative effort can be tailored to address the offender's unique assessment profile.
3. Developing an automated case plan focused on reducing risk factors and increasing protective factors.
4. Allowing Probation Officers to determine if targeted factors change as a result of the interventions.

The Static Risk Assessment (STR) piece of the tool predicts the offender's risk to re-offend and assists Probation Officers in determining the most appropriate supervision level. The Offenders Need Guide (ONG) has the following purposes:

- Identifying factors that place the offender at risk to re-offend
- Identifying the areas of strength specific to the offender and family
- Developing a case plan targeting the areas of need
- Making targeted, cost-effective service referrals that minimize the offender's exposure to new or existing risk factors
- Monitoring the offender's success
- Assisting the Court at sentencing

To ensure quality assurance and valid outcome measures, the Department will contract with a consultant highly knowledgeable of the STRONG risk/needs assessment tool. Data will be compiled using a Probation-specific case management system, which will be purchased using realignment dollars. The data tracking tool currently available in Plumas County is limited and historical data is incomplete, making it difficult to establish any baseline against which to measure desired future outcomes. Data input, monitoring and report development will be conducted by a .5 FTE Fiscal Officer position (which will be paid for using SB678 dollars).

Probation Officers are trained to have a broad knowledge of the criminal justice system, their roles, relationships, and responsibilities to the Courts, community, and the offenders under their supervision. Enforcing offenders' court orders, community safety and offender rehabilitation are their top priorities. However, Probation Officer safety is also of concern. Plumas County is a rural community and is composed of geographical areas that are remote and/or clustered with offenders. As a result, the Probation Department will seek a statement of support from the Board of Supervisors, at a future date and as a stand-alone agenda item, to update officer-safety equipment and arm specific Probation Officers. This, too, will afford Probation Officers the opportunity to provide intensive field supervision without having to depend on the availability of other law-enforcement agencies; thus, promoting both Officer and public safety.

Furthermore, specific Probation Officers will be trained to facilitate evidence-based groups, such as Cognitive Behavior Programs, Anger Management, Thinking for a Change, etc. These groups will be scheduled and held at various locations throughout Plumas County. A minimum of one Probation Assistant will be hired to assist in coordinating these groups, as well as assist offenders in securing housing, financial and medical support, mental health and AOD services, education, employment, life skills, transportation, etc.

The Probation Department will contract with, and the Probation Assistant will partner with, Community Based Organizations to ensure appropriate referrals and services are made and offenders engage in all services available to them in the community. These public and private organizations include, but are not limited to, the following:

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PLUMAS COUNTY COMMUNITY BASED ORGANIZATIONS

Name	City	Phone	Service	Contact	Notes	Fee
Plumas County Literacy	Quincy		Education	David Van Winkle	10 student jail max	
FRC	Quincy		Education	Joan Parkin	Director of Incarcerated Students Program	
Passages			Legal services (Wills, trusts, legal notices) Caregiver/respice contracted through PRS Ombudsmen-advocate for skilled nursing, mistreatment, abuse HEAP application assistance-heat exemptions HICAP, health insurance/Medicare counseling		Seniors 60 or older and the disabled	
United Methodist Church			Food pantry Community Garden			
EDD			Hiring incentives (if an ex-felon is hired within one year of release, the EDD will provide theft insurance free of charge for six months and business tax credits.			
Business and Career Network (formerly Alliance for Workforce Development)		283-1606	Job postings Computer lab/online jobs Resume assistance Referrals to partner agencies such as PRS, DSS One on one employment goals assessment Employment workshops GED skill level assessment Youth program 17-21 Skills upgrade training Internships, work experience, on the job training	Brent Cunningham		
Vineyard Christian Fellowship	Chester	258-2534	AA/NA			
Community United Methodist	Chester	258-2345	AA/NA	Yong Ray Kim, Pastor		

**PLUMAS COUNTY COMMUNITY BASED ORGANIZATIONS (Continued)**

<b>Name</b>	<b>City</b>	<b>Phone</b>	<b>Service</b>	<b>Contact</b>	<b>Notes</b>	<b>Fee</b>
Wesleyan	Chester	258-2359	Coat & boot drive Chester food bank	Nick Miller, Pastor		
Lake Almanor Community Church	Chester	596-3683	Addictive meetings Food pantry, clothes closet, firewood	Ken Goodban, Pastor		
ABC Center	Chester	258-4280				
Lake Almanor Fitness	Chester	258-3900	Incentives			
<b>Name</b>	<b>City</b>	<b>Phone</b>	<b>Service</b>	<b>Contact</b>	<b>Notes</b>	<b>Fee</b>
First Baptist Church	Greenville	248-7714	AA, Salvation Army, gas for court	Frank Carrion, Pastor		
Food Factory	Chester					
Sierra Meadows	Chester		Low income housing			
Pine Tree Apartments	Chester		Low income housing			
Christian Life Fellowship	Quincy	283-0345				
First Baptist Church	Quincy	283-1160				
Starlight Missionary Baptist	Quincy	283-1505				
St. John's Catholic Church	Quincy	283-0890				
Springs of Hope	Quincy	283-4673				
Church of Christ	Quincy	283-1191				
Latter Day Saints	Quincy	283-2170				
Meadow Valley Community Church	Quincy	283-5927				
Christ the King Episcopal	Quincy	283-0254				
Jehovah's Witnesses	Quincy	283-0142				
Our Savior Lutheran	Quincy	283-2546				
Calvary Chapel	Quincy	283-4463				
Center for Spiritual Living	Quincy	283-9690				
Seventh Day Adventists	Quincy	283-3092				
Assembly of God	Portola	832-4710				
Portola Station Baptist	Portola	832-4334				

PLUMAS COUNTY COMMUNITY BASED ORGANIZATIONS (Continued)

Name	City	Phone	Service	Contact	Notes	Fee
Holy Family Church	Portola	832-5006				
Jehovah's Witnesses	Portola	832-4181				
St. Luke's Lutheran	Portola	832-1805				
Sierra Valley Christian	Portola	832-5630				
Graeagle Community Church	Portola	836-2405		Mike Preston, Pastor		
United Methodist Church	Portola	832-4979				
Plumas Rural Services		283-3611		Michelle Piller		
Plumas Crisis Intervention and Resource Center		283-5515		Dennis Thibeault		

The Probation Department will partner with the Superior Court, District Attorney and Public Health to increase the capacity of Plumas County's highly successful Drug Court to approximately 50 participants. In doing so, the impacted criminal justice partners will also reevaluate the Drug Court acceptance criteria so as to acknowledge the reality of needed resources extending beyond traditional crime classifications.

The Probation Department will also be expanding on its Electronic Monitoring Program to help alleviate jail overcrowding. A Probation Officer will be hired to monitor this caseload to ensure compliance with home detention; thereby, enhancing public safety. Additionally, an additional Probation Officer will be hired to supervise a high-risk caseload. (Both Probation Officers will be paid through SB678 funding.) Currently, the Probation Officer monitoring the high-risk caseload has approximately 58 offenders, which is too large to effectively manage. The Department's goal is to have a minimum of two high-risk caseloads with no more than 40 offenders per caseload; CDCR's recommendation is no more than 20 offenders per caseload. However, given the funding appropriated to Plumas County for realignment, that goal will be difficult to achieve.

Probation Department staff, working in conjunction with the Superior Court, District Attorney and Public Defender, will also be utilizing a program of graduated sanctions and incentives. Sanctions will be swift and appropriate to the offender's violation. Intermediate sanctions (those that do not require the filing of a revocation petition can include, but are not limited to, community service work and program participation,) will also be implemented. Research has proven that immediate sanctions are significantly more effective than those that are prolonged. Furthermore, the more time a high-risk offender's time can be occupied reduces the risk of recidivism.

An example of an intermediate sanction is community outreach. A group of supervised offenders will be directed to participate in a work project providing additional services to the community and assist in already established community resources. Service may vary from providing firewood to those in need who reside in the community to assisting in local food drives. Community outreach allows offenders to build job references, work experience and serve the community in which that offender resides.

## **SHERIFF'S OFFICE**

The realignment of state prisoners and the shifting of parole violators being housed in county jail facilities will substantially increase Plumas County Sheriff's Office costs associated with housing, processing, feeding, and out-of-custody supervision. It is also anticipated there will be substantial increase in inmate health care costs as the average length of stay for inmate population increases.

The Board of Parole Hearings will begin conducting parole hearings at the county jail facility beginning on October 1, 2011, under AB 109. This process adds additional stress to an already understaffed and inadequate facility. Additionally, those offenders found in violation of their parole terms will be housed for their violations in the county jail facility for up to 180 days; thereby, adding to the risk of overpopulating the jail and increasing costs in an unprecedented manner.

With the potential increase in the inmate population, the Sheriff's Office will oversee and monitor additional needs of the correctional facility; such as training, equipment, and staffing.

As a result of possible overcrowding and additional expenses in the county jail, alternative measures of incarceration will be implemented. Electronic monitoring or some variation for pre-trial offenders will be researched, and only those that do not present a risk to public safety will be considered for the program. Work and educational programs, both in-custody and out-of-custody, for sentenced inmates will be explored; as well as house arrest electronic monitoring programs.

In addition to the current patrol and correctional staff, the Sheriff's Office will provide a full-time deputy sheriff to monitor the inmates enrolled in these programs. This deputy sheriff will also assist the Probation Department with its offender monitoring programs and needs, work both patrol and corrections, and serve as a liaison between the Courts, District Attorney's Office, and Probation.

The Sheriff's Office, Probation, and the District Attorney's Office will work closely to develop a MOU that will qualify offenders for the various programs. It will be essential to develop and monitor alternative custody programs very closely in the future, and to utilize the programs which produce positive results.

## **DISTRICT ATTORNEY'S OFFICE**

The Plumas County District Attorney's Office is committed to vigorously, fairly and compassionately seeking justice every day. Part and parcel of this dedication is their desire to assure those who live, work and play in Plumas County are able to do so in a safe and just community. On October 1, 2011, the District Attorney's Office's mission will be challenged as The 2011 Realignment Legislation Addressing Public Safety goes into effect.

Nearly 500 criminal statutes were amended to create realignment. Avoiding this sweeping change was the fundamental principle that public safety "is the first responsibility of local government" as found in Article XIII, Section 35 of the California Constitution. The Plumas County District Attorney's Office takes this mandate seriously.

### **Scope of Plumas County District Attorney's Office**

The District Attorney's Office receives criminal referrals from a multitude of law enforcement agencies, including the Plumas County Sheriff's Office, California Highway Patrol, Department of Fish and Game, etc. The actions the District Attorney's Office takes directly impacts many other entities including the Superior Court, Retained and Contract Attorneys, the Plumas County Correctional Facility and the Plumas County Probation Department. While the Superior Court sentences defendants, the Probation Department supervises defendants and the Correctional Facility houses defendants, none of these entities can perform their necessary functions without action from the District Attorney's Office. Equally important, the quality of work performed by the District Attorney's Office directly impacts the sentence, supervision and incarceration of defendants within the Plumas County criminal justice system.

### **New Obligations / Changes**

Undoubtedly, realignment will create a substantial change in every step of a prosecution. We have every right to expect an increase in our workload and a new dynamic challenging our efforts to maintain the public's safety in a fair and just manner.

In meeting this challenge the Plumas County District Attorney's Office is addressing the following:

- Providing training for our public safety partners and the general public about realignment
- Assisting with preparation and implementation of new rules related to realignment (ex.: Sheriff's Home Detention PC § 1203.016 and Electronic Surveillance PC § 1203.018)
- Review and Recommendations of Problematic Provisions to Prevent County Liability (ex.: "flash incarceration" and "contracting back")
- Prosecution of Post Release Community Supervision Revocations
- Preparation of prosecution for Parole Revocations 7/13
- Updating felony plea form and process of taking felony pleas
- Assisting with the preparation of "prison prior" packets per PC § 969b

- Update complaint language (PC § 1170(h) eligibility)
- Updating case management system to respond to realignment
- Assuring compliance with the constitutional rights of crime victims (*Marsy's Rights*)
- Provide appropriate staffing for all criminal courts in light of increasing caseloads
- Staff and appear during the Drug Court calendar and provide support to allow Drug Court to numerically increase to a level consistent with the needs created by realignment

### Other Services Rendered to Assist Public Safety Partners with Realignment

The Plumas County District Attorney's Office recognizes the strain public safety realignment will place on its partners and will continue in assisting other agencies to meet their obligations. Among the services presently being provided as realignments implementation begins include:

- Assist probation by filing juvenile petitions
- Assist investigating agencies by conducting further investigations
- Maintaining real time communication with correctional facility re: inmate population
- Participation in a Drug Court program, which will expand to approximately 50 participants.

### Policy changes

The 2011 Criminal Justice Realignment legislation inherently causes all prosecutors' offices to review and re-work how they meet their constitutional obligations. In implementing realignment, the District Attorney's Office expects to undertake a substantial review and make appropriate changes in areas such as:

- Charging considerations
- Disposition considerations
- Review of pending cases
- Bail setting
- Revocations practices

### Assessing Realignment

Perhaps the greatest need in implementation is the ability to monitor the impact of realignment on the criminal justice system and public safety. Appropriate monitoring allows public safety partners to identify successes and correct deficiencies in realignment implementation.

To this end, the Plumas County District Attorney's Office is in a unique position to provide a meaningful statistical evaluation of the implementation of realignment. This evaluation will focus on the recidivism rate at the outset and use ProsecutorbyKarpel, the District Attorney's new case management system.

In providing system-wide access to data for realignment implementation and evaluation, potential benefits include:

- Maintain case management system w/ unique adaptations for Criminal Justice Realignment (complaint language, statistical composition of criminal cases, disposition details)
- Integrate law enforcement agencies and probation to receive and contribute to the overall efficiency and accuracy of the case management system
- Allow the dissemination of accurate information to our public safety partners as we are confronted by evolving parameters of sentences under realignment
- Prepare appropriate reports to monitor recidivism as well as uniformity in prosecution and sentencing

### Funding Request

The District Attorney's Office is requesting realignment funding as outlined in the incorporated budget to meet the challenges and new obligations previously set forth. This compensation will offset increased obligations directly related to public safety realignment including, but not limited to, elevating the utilization of the case management system to monitor realignment, servicing increased court calendars, attending and facilitating coordination meetings with public safety and criminal justice partners, maintaining on-call status to assist with jail crowding issues, etc.

### **PUBLIC DEFENDER**

There are currently four private attorneys who have a contract with Plumas County to handle those cases where the Court appoints a public defender for criminal defendants. The cases include all aspects, hearings, and trials of felony and misdemeanor charges for adults and juvenile defendants. The contract public defenders also represent adult criminal defendants regarding various probation violations, as well as those defendants participating in the Drug Court and Proposition 36 drug probation programs.

It is anticipated that Realignment will have a significant impact on the workload of the public defenders in the following areas:

First, the public defenders will now be responsible for handling all post-conviction/post-release community supervision violation hearings, which will now also include hearings formerly heard by the Board of Parole Hearings. The volume of hearings, as well as the Court's protocol for handling the hearings, will determine the amount of additional work required.

Second, in light of the fact local authorities will have additional responsibilities to track and monitor offenders after conviction, the number of appearances and length of representation of defendants on post release community supervision may increase under Realignment.

Lastly, the public defenders must now develop expertise in alternative sentencing as well as working closely with other criminal justice and community agencies to make certain that sentencing under the Realignment statutes follows those mandates established by that legislation. Each public defender will have to undergo training on the court procedures and representation of defendants under the Realignment provisions.

### **Financial Impact**

The public defenders are currently under contract with Plumas County through May 31, 2012, at which time the attorneys can assess the additional workload which is anticipated under the Realignment legislation and address that issue during the contract negotiations. Currently, under the Realignment legislation the sum of \$5,512.00 has been allocated for any impact on the District Attorney and Public Defender offices of Plumas County.

### **SUPERIOR COURT**

Under the terms of AB109 the Superior Court is responsible for conducting final revocation hearings for those offenders who do not meet the terms of post release community supervision. The Court is authorized to have either a judge or an appointed hearing officer preside over these revocation hearings. The possible consequences of these revocation hearings include 1) modified conditions of post release community supervision, 2) imposition of no more than 180 days in County Jail, or 3) referral of the defendant to an evidence-based program.

The Superior Court is also responsible for the imposition of the new sentencing guidelines for those defendants who would have previously been sentenced to state prison for a term of up to three years. Sentencing options include 1) time served in County Jail, 2) probation, 3) split sentence (time in county jail and a period of post sentence community release), or other alternative custody options.

### **PUBLIC HEALTH / ALCOHOL AND DRUG**

#### **Plumas County Public Health Agency Alcohol and Drug Programs**

After nearly three years without providing publicly funded alcohol and drug services, the Plumas County Board of Supervisors designated Plumas County Public Health Agency (PCPHA) as the county department designated to implement a continuum of alcohol and other drug services across the spectrum of prevention, treatment, recovery and continuing care services. PCPHA is currently in the planning stages of developing these comprehensive services, which includes coordination and collaboration with the Plumas County Community Corrections Partnership and multiple sectors of the community. Although a completed strategic plan for the provision of alcohol and other drug services is not yet complete, several significant elements of services related to supporting Public Safety Realignment requirements have been identified for further consideration:

## **Substance Use Disorder (SUD) Treatment**

Plumas County currently has inmates and probationers with SUD and a high level of related issues, and this population is expected to increase as a result of Public Safety Realignment. To effectively treat and rehabilitate these individuals, a comprehensive substance use disorder program is proposed that provides services within the jail that are linked to continuation of services upon release. Additionally, individuals on probation and under post release community supervision and prison commitments ordered to serve time locally with mandatory supervision (split sentence) shall have access to the same services. The goal is to provide all offenders with the right services, in the right place, at the right time.

Access to services such as residential and outpatient treatment, social and health services, family support services, and transitional housing will be provided by staff of the PCPHA Health Education and Nursing Divisions, as well as through contracts with community based treatment providers and existing county and community based services.

Coordinated Case Management – PCPHA has the ability to provide comprehensive case management utilizing its own staff through funding other partners to coordinate treatment needs. The organization has health educators and nurse case managers with experience serving on multidisciplinary teams. In addition, PCPHA provides jail nursing services and will further explore with CCP ways to use current resources to facilitate quality case management that continues beyond an offender’s formal incarceration or supervision.

Transitional Housing - Short term, transitional housing is a key element to insure offenders have stability and shelter and reduce the likelihood of reoffending. Furthermore, transitional housing must be integrated into a SUD treatment continuum and supportive of such treatment including, but not limited to, ancillary services such as peer recovery support coaching and mentoring.

It is recommended that any clients housed in facilities supported by county alcohol and other drug funds must be actively engaged in SUD treatment and recovery support services. PCPHA will provide monitoring and oversight of county funded transitional housing and develop for State approval a local process of certifying and assuring that transitional housing services meet the criteria described above. PCPHA will strive to collaborate with local non-governmental organizations and private enterprise to leverage resources for transitional housing programs.

Assessment and screening – Every client will be given a comprehensive substance abuse assessment administered by a licensed or certified alcohol and other drug counselor or a Registered Addiction Specialist. A protocol will be developed with CCP in which treatment recommendations for clients who screen positive for medical, educational, mental health, vocational, or other needs will be appropriately forwarded to the appropriate entity, such as a multi-disciplinary team, case manager, probation officer, or correctional officer. All clients who qualify, whether in custody or under supervision, will be referred to an appropriate provider for residential treatment, outpatient treatment, transitional housing, and/or continuing case management and care.

Interagency and Community Collaboration - The issues affecting substance use and abuse affect individuals, families, and communities as well as the criminal justice, education, health care, and health and human services systems. PCPHA acknowledges these issues will be effectively addressed by a collaborative approach. The agency will strive to maximize the collective impact of a comprehensive network of programs, services, strategies, and activities to address issues related to substance use disorders that cross many diverse sectors of the community.

As PCPHA makes progress towards developing a comprehensive service delivery plan that includes substance use disorder services for populations served by the criminal justice system as well as the community at large, the CCP plan will be updated to include relevant components of the Alcohol, Tobacco and Other Drug Continuum of Services Strategic Plan.

Specifically, PCPHA's planning efforts will be coordinated relevant elements of the Plumas County CCP plan, and include the Ten Key Components of Effective Drug Courts:

Key Component #1- Drug courts integrate alcohol and other drug treatment services with justice system case processing.

Key Component #2- Using a non-adversarial approach, prosecution and defense counsel promote public safety while protecting participants' due process rights.

Key Component #3- Eligible participants are identified early and promptly placed in the drug court program.

Key Component #4- Drug courts provide access to a continuum of alcohol, drug, and other related treatment and rehabilitation services.

Key Component #5- Abstinence is monitored by frequent alcohol and other drug testing.

Key Component #6- A coordinated strategy governs drug court responses to participants' compliance.

Key Component #7- Ongoing judicial interaction with each drug court participant is essential.

Key Component #8- Monitoring and evaluation measure the achievement of program goals and gauge effectiveness.

Key Component #9- Continuing interdisciplinary education promotes effective drug court planning, implementation, and operations.

Key Component #10- Forging partnerships among drug courts, public agencies, and community-based organizations generates local support and enhances drug

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## **MENTAL HEALTH**

It is beyond dispute Plumas County has a present, and growing, demand for mental health services for its inmate and probationary population. It is imperative appropriate mental health services are available and are to be provided to those incarcerated and supervised in Plumas County. It is equally important these same resources are made available to this population even if they suffer from a dual/cross diagnosis and co-occurring disorders.

The Plumas County Sheriff's Office provides mental health services for inmates through an MOU with the Plumas County Mental Health Department, (PCMHD). The MOU outlines categories of behavior and responses per each category. In addition to urgent response assessments PCMHD provides general non urgent mental health services to inmates, including individual counseling, psychiatric evaluation and psychiatric medication monitoring. With the implementation of AB 109 PCMHD will provide services consistent with the current MOU.

With regard to individuals released from the jail to the community or from prison to the community, PCMHD will provide services consistent with that of community members. Such services include an assessment followed by a determination of "medical necessity." The Medical Necessity standard essentially determines if a person has an eligible mental health condition, appropriate functional impairments and guides the determination of what treatments they qualify for. When individuals do meet the medical necessity requirements services may include individual treatment planning, individual therapy, medication evaluation, medication monitoring, case management services, crisis stabilization and emergency hospitalization. Individuals with severe chronic mental health conditions may qualify for Drop in Center services, board and care services and rehabilitation/socialization groups.

The potential impact of AB 109 on the availability of mental health services is unknown and difficult to predict at this time. Mental Health funding has dramatically decreased over the past few years and the fiscal stability of mental health funding is dependent upon providing services to Medi Cal eligible adults and children and efficiently recovering Federal funding for the provision of services. Long term stability of service delivery will be dependent upon assuring that released inmates that qualify for Medi Cal are efficiently enrolled for Medi Cal or Medi Care to help offset a portion of the associated costs of their care. Adult Medi Cal pays under 50% of actual cost of services for adults, but this is significantly better than zero funding associated with most individuals released from correctional facilities.

It's important to note that pre- and post-release cognitive behavioral treatment programs, anger control groups, interpersonal problem solving groups, and moral reconnection treatments all have strong research support for dramatically decreasing recidivism and to the degree AB 109 money is directed to effectively provide these services there would likely be a decreased impact on general mental health services. One year post implementation, it would be advisable to review the fiscal and service delivery impacts of AB 109 on the mental health system.

Additionally, in coordination with the AOD Administrator, the Departments of Health and Human Services and the Probation Department, a program will be developed specifically to address the needs of the AB109 offenders. The mission of the AB 109 Coordinated Care Program is to provide coordinated substance abuse and mental health assessments and treatment for offenders with both substance abuse and mental health disorders. The goal is to provide a single point of entry to assure that clients can easily and efficiently access the services of a behavioral health specialist. This structure will support ease of monitoring and tracking of clients and ensure compliance to court orders with an overall goal of reducing recidivism. This partnership will address the problem of recurring arrests of individuals diagnosed with mental illness who are also dealing with substance use disorders. Collaborative partners include county Mental Health and Alcohol and Drug providers, the Probation Department, Social Services, criminal justice system and community service providers. The criteria for accessing the Coordinated Care Program include a diagnosis of specific mental health disorders and co-occurring disorders. The behavioral health specialist will have the capacity to coordinate and facilitate services including case management services to assist clients with housing, medical and mental health appointments, employment, and other needed services.

The Coordinated Care Program will be funded by leveraging existing resources from County Alcohol and Drug programs, Mental Health Services, and AB 109 funding, with each funding stream providing approximately a third of the cost of the total program.

## **CURRENT DEFENDANT POPULATION & FUNDING**

Initial statistics provided by the state concerning projected incarceration and supervision obligations stemming from the 2011 Realignment Legislation Addressing Public Safety proved wholly inaccurate.

Understanding the necessity of analyzing accurate statistical information to assess our future needs, members of the Community Corrections Partnership have undertaken a review of criminal cases demonstrating incarceration and supervision during the fiscal year 2010-11.

This review has revealed the following:

### **Incarceration Needs Under Realignment**

During the fiscal year 2010-11, 34 defendants were sentenced to state prison. Had realignment been in place 24 would have remained in county jail to serve their sentence. Of the 24, the average sentence was 24.33 months. During this same time period, 455 defendants were sentenced to county jail as a term of probation. The average county jail sentence was 39.127 days. In assessing the need for incarceration space it should also be noted that in addition to those serving PC § 1170(h) sentences (state prison sentences now served in county jail) and county jail time servers, the Plumas County Correctional Facility also houses inmates being held for probation violations, parole revocations, warrants, immigration holds, etc.

## **Jail Capacity**

The Plumas County Correctional Facility has 67 beds to house inmates. This correctional facility, however, is outdated and designed in a linear fashion so as to create safety and housing issues for staff. Based on the fluctuations in the male and female population, problem inmates and the classification of inmates, the jail capacity can rapidly decrease.

## **Supervision Needs Under Realignment**

During the fiscal year 2010-11, there were 569 total grants of probation. Of these, 460 were summary probation grants, 93 were formal probation grants, 11 were probations granted pursuant to Proposition 36, and 5 defendants were placed on formal probation and assigned to Drug Court. In addition, the state has projected Plumas County will receive 21 additional offenders requiring supervision under post release community supervision between October 1, 2011 and June 30, 2013. The CCP Executive Committee believe this number to be conservative, especially in light of the fact the Probation Department has already received twelve (12) offender packets instead of the four (5) projected by the State by the end of December 2011.

## **Projected Funding**

The formula establishing a statewide allotment was developed by the State Department of Finance and agreed to by County Administrative Officers (CAO) and the California State Association of Counties (CSAC). The level of funding is based on a weighted formula containing three elements:

- 60%: Average Daily Population (ADP) of offenders meeting AB109 eligibility criteria;
- 30%: U.S. Census Data pertaining to total population of adults in the county;
- 10%: SB678 Prison reduction outcomes

Based on this formula, Plumas County is projected to receive \$264,616 for FY 2011-12 for training, program implementation and sustainability, recruitment, etc. Furthermore, approximately 69 additional offenders will be either sentenced to service time in county jail and/or released under the supervision of the Probation Department. This number does not include those offenders who will be ordered to serve time on parole violations in the County Jail. Funding includes:

Post-release Community Supervision/Local Incarceration	\$153,766
AB109 Planning Grant	\$100,000
AB109 Training and Implementation	<u>\$ 10,850</u>
	<b>\$264,616</b>

Funding in the amount of \$5,512, to be divided by the District Attorney and Public Defender for revocation activities, is not included in the above calculation. Funding for Plumas County Superior Court operations is to be determined by the Department Of Finance and Administrative Office of the Courts.

The post-release community supervision funding formula is based on an October 1, 2011, implementation through June 30, 2012, and is for the first year only. CSAC/CAOs and the Department of Finance will revisit the formula for future years. State funding for planning, training, and implementation is expected to be provided to counties prior to October 1, 2011. Thereafter, annual state funding for community supervision will be allocated to Plumas County's Community Corrections Performance Incentive Fund (CCPIF). This fund was established by SB678 (2009), the California Community Corrections Performance Incentives Act. SB678 gives broad discretion to probation departments in selecting and implementing evidence based practices to maximize return on investment and improve outcomes with more effective supervision of probationers, which ultimately impacts commitments to state prison.

In addition to the above-stated funding allocation for the implementation of AB109 in Plumas County, another funding stream available to enhance services and promote successful rehabilitation of a segment of this population are the Drug Court Grants, which total approximately \$192,000. Increasingly, research is demonstrating that treatment for drug-addicted offenders during and after incarceration can have a significant, beneficial effect on future drug use, criminal behavior, and social functioning. Combining criminal justice system and community treatment and support services for offenders reduces the risk of both recidivism to drug-related criminal behavior and relapse to drug use.

## **IMPLEMENTATION PLAN AND BUDGET**

### **Community Outreach and Education**

Part and parcel of a successful implementation of realignment is to provide an appropriate outreach and education program for the public. Given the drastic shifting of incarceration and supervision responsibilities from the state to the county, it is imperative the public understand the rationale and intent, as well as the potential benefits and deficiencies of realignment as it impacts public safety.

To this end, during the months leading up to realignment implementation, the Plumas County Sheriff and District Attorney have held public meetings concerning public safety realignment in Chester, Quincy, Graeagle and Portola. Additionally, numerous articles have appeared throughout Plumas County in Feather River Publishing newspapers detailing realignment. These articles have been based on presentations and/or interviews by members of the CCP Executive Committee. Members of the CCP Executive Committee have also undertaken educating the public about realignment through local radio interviews. Finally, the District Attorney has briefed both the Plumas County Board of Supervisors and the Portola City Council concerning realignment and implementation.

## **Initial Budget Request**

The CCP is presently requesting the following budget be approved. It is understood this budget, much like this document, is the reflection of a living and evolving process. Intentionally, the CCP has chosen not to allocate the totality of its apportionment but, rather, direct only a portion of said funds so as to allow for rapid readjustment as Public Safety Realignment and its impact is better understood.

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**PLUMAS COUNTY  
AB 109 REALIGNMENT PROPOSED BUDGET FY 11/12**

DESCRIPTION	UNITS	COST	TOTAL
<b>SALARIES &amp; BENEFITS</b>			<b>\$56,499</b>
SO – Entry Level Sworn	1	\$40,499	
DA – Realignment Database Management		\$16,000	
<b>SERVICE &amp; SUPPLIES</b>			<b>\$84,672</b>
PR – Software Licenses		\$22,300	
PR - Safety Equipment-New	4	\$12,179	
PR – Training		\$10,000	
PR – Case Management System	1	\$19,295	
SO – Training		\$6,298	
DA – Training		\$4,000	
PR – Incentives – PRCS		\$6,000	
PR – Drug Testing		\$2,500	
PR – Computer	2	\$1,600	
PR – Reference Manuals/Code Books	1	\$500	
<b>CONTRACT SERVICES / COMMUNITY BASED ORGANIZATIONS</b>			<b>\$108,450</b>
AB109 Coordinated Care Program (MH and AOD Match)		\$48,000	
PR - Mental Health		\$25,000	
PR - AOD Services		\$25,000	
PR – Housing		\$10,450	
			<b>\$249,621</b>
Post Release Community Supervision (PRCS)		\$153,766	
AB 109 Planning Grant		\$100,000	
AB 109 Training and Implementation Activities		\$10,850	
District Attorney / Public Defender (PCS representation)		\$5,512	Not included in total allocation
<b>FY 11/12 TOTAL ALLOCATION</b>		<b>\$264,616</b>	<b>Remaining Balance \$14,995</b>

## **MONITORING AND CONTROL**

Data necessary to develop baselines and measure anticipated outcomes will be gathered by the organization responsible for a particular program. This data will be compiled into a report and submitted to the CCP Chair. The data will be aggregated and used to develop reports (in collaboration with the reporting agency or agencies), which will be used to monitor implementation success. The CCP Chair will present this data along with implementation and planning updates to the CCP committee on a quarterly basis. The same type of data and status reporting will be presented to the Board of Supervisors on a semi-annual basis.

### **Systems Integration**

Establishing and maintaining a systems-wide approach to managing adult offenders must bring to bear all of the necessary resources and services, both public and private, and requires equally broad ongoing formal partnerships and ongoing assessment.

It is recommended that partners establish formal collaborations to insure a maximum degree of long range cooperation and administrative planning in order to provide for the health, safety and security of the community and offenders. As a collaborative, local partners will seek to maximize the capacity of major community institutions, nonprofit organizations, community coalitions and service organizations, families, and youth in the areas of assessment, collaboration, and resource development. Partners will also recognize that the issues affecting the criminal justice system and the community are multifaceted, affect offenders as well as families and the community, and will be effectively addressed by a collaborative approach. In doing so, this initiative will maximize the collective impact of a comprehensive network of programs, services, strategies, and activities to address issues that cross many diverse sectors of the community.

The following guiding principles will serve as the framework for providing a comprehensive continuum of services to support successful outcomes for criminal offenders:

**Fiscal Practices:** Agencies are encouraged to access and leverage alternate public and private funding streams to maximize the availability of services, such as fees, grants, donations, etc.

**Evidence-Based Approaches:** Agencies providing safety net, prevention, early intervention, treatment and recovery services shall utilize evidence-based, culturally relevant strategies and assess fidelity annually.

**Continuous Quality Improvement:** Agencies/individuals providing treatment services for substance use disorders shall conduct quality assurance activities, which at a minimum shall include reviews of criminal justice system client charts at least quarterly.

Agencies/individuals shall engage in regular evaluation activities, including coordinating with an independent evaluator and relevant contract management staff, to assess progress in achieving the desired outcomes and identify the need for course corrections if necessary.

Assessment: Prospective treatment service clients, as well as current treatment service clients being recommended for another level of services, shall be coordinated. All clients receiving treatment for substance use disorders shall receive post treatment monitoring and support. Follow-up with clients shall be at 3 months, 6 months and 1 year post discharge from a level of service to assess client progress and provide linkages to recovery support services as needed.

A successful model will integrate criminal justice and treatment and community services in a unified approach in which public and community based services work as a team with criminal justice on plans and implementation of screening, placement, testing, monitoring, supervision, as well as the systematic use of sanctions and rewards.

Multidisciplinary teams are essential to oversee the implementation of broad reaching system enhancements. Valuable information comes from having the right stakeholders at the table and a collaborative, deliberative process in place to assess a multitude of policy considerations.

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## SUMMARY OF REALIGNMENT COMPONENTS

Population Affected	Component of Public Safety Realignment	Local Plan
<b>Release from State Prison</b>	State prisoners serving sentences for non-violent, non-serious, and non-high-risk sex offenses (as defined by CDCR) with one of these offenses in their criminal history will be placed on county post-release community supervision instead of state parole. The Court will adjudicate violations of county post-release community supervision.	The Probation Department is designated as the administrator of county post-release community supervision.
<b>On State Parole</b>	Violations of State Parole will be adjudicated by Board of Parole hearings inside the County Jail	The Sheriff will provide a venue for Parole Board hearings.
<b>Currently Held Pretrial in County Jail</b>	Certain inmates may be released pre-trial on electronic monitoring	The Sheriff is designated as administrator of electronic monitoring for pre-trial inmates (see PC 1203.018)
<b>Currently Sentenced in County Jail</b>	Certain sentenced inmates may be placed on home detention	The Sheriff has the authority to so place after consideration of recommendations by the Superior Court and District Attorney. Probation is designated as administrator of electronic monitoring for sentenced inmates (see PC 1203.016)
<b>Measures and Outcomes</b>	Establish outcome measures related to court operations, incarceration and supervision as altered by realignment	The Probation Department and District Attorney's Office are designated to develop research design, collect data, and report on outcomes associated with realignment.
<b>Evidence Based Practices and Treatment</b>	Each of the involved agencies, including those participating in the CCP, will support and/or assist in the implementation of the following activities, practices, and efforts. This support and assistance will not compromise public safety or fiscal responsibility	<ul style="list-style-type: none"> <li>● Alternative Sanctions</li> <li>● Vocational Training</li> <li>● Educational Training</li> <li>● Multi-agency Operations</li> <li>● MH and AOD Services</li> <li>● Housing</li> <li>● Financial Assistance</li> <li>● Intermediate Sanctions</li> </ul>

## **CONCLUSION**

As a result of the implementation of the 2011 Public Safety Realignment legislation, it is obvious the practices of the Superior Court, District Attorney's Office, Sheriff's Office and the Probation Department will significantly change. The challenges ahead will be vast, but the stakeholders involved in the implementation of this plan have shown a tremendous commitment to developing a collaborative partnership, promoting public safety and maintaining fiscal responsibility. Realignment legislation provides an opportunity for Plumas County to enhance services provided to the new populations of clients served locally in hopes of creating successful rehabilitation and community integration programs. However, as public safety realignment continues to evolve, this document will be considered a living document subject to change, as needed. Any modification to this Community Corrections Partnership Plan or additional funding requests will be approved by the CCP Executive Committee and submitted to the Board of Supervisors for approval.