

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

828



FROM: Probation Department

SUBMITTAL DATE:
February 9, 2012

SUBJECT: Approval of the local Community Corrections Partnership Public Safety Realignment and Post-release Community Supervision Final Plan for the implementation of AB 109, Criminal Justice Alignment.

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve the local Community Corrections Partnership Public Safety Realignment and Post-release Community Supervision Final Implementation Plan pursuant to AB 109, Criminal Justice Alignment Act, AB 117, the Criminal Justice Realignment and AB 118, the Local Revenue Fund.

BACKGROUND: AB 109 changed the definition of a felony as it relates to sentencing, and mandated specific changes to public safety by shifting responsibility for offenders whose most recent crimes are non-serious, non-violent and determined to not be a high-risk sex offense (non, non, non or N3) from the California Department of Corrections and Rehabilitation to counties effective October 1, 2011. All N3 offenders completing state prison terms are now supervised by Probation rather than Parole. Locally supervised offenders who violate the terms of their supervision are revoked and sent to jail instead of prison. Local judges commit N3 defendants to the county jail for a full term according to the applicable sentencing law, or a hybrid term which (continued to Page 2)

[Handwritten Signature]

Alan M. Crogan
Chief Probation Officer

FINANCIAL DATA	Current F.Y. Total Cost:	\$ N/A	In Current Year Budget:	N/A
	Current F.Y. Net County Cost:	\$ N/A	Budget Adjustment:	N/A
	Annual Net County Cost:	\$ N/A	For Fiscal Year:	FY 11/12

SOURCE OF FUNDS: N/A	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION: APPROVE

BY: *[Handwritten Signature]*
Elizabeth J. Olson

County Executive Office Signature

FORM APPROVED COUNTY COUNSEL
BY: *[Handwritten Signature]* DAVID H.K. HUFF
DATE: 2/16/2012
riminal Concurrence

Dep't Recomm.: Consent Policy
Per Exec. Ofc.: Consent Policy

3.42

SUBJECT: Approval of the local Community Corrections Partnership Public Safety Realignment and Post-release Community Supervision Final Plan for the implementation of AB 109, Criminal Justice Alignment

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combines the legal sentencing term with a period of mandatory probation. Sentence enhancements apply and day for day credits are given for all county jail sentences. As detailed in the attached plan and summary, AB 109 has already adversely impacted county jails and Probation Department high-risk caseloads in the short time since its implementation.

The Community Corrections Partnership Executive Committee (CCPEC), chaired by the Chief Probation Officer, developed a local plan for the implementation of the 2011 Public Safety Realignment as required by AB 109. On August 15, 2011, the Probation Department conducted a workshop for the Board of Supervisors and presented an overview and a preliminary plan for implementation of AB 109. On August 16, 2011, the Board of Supervisors approved the preliminary plan (agenda item 3.70). At that time, the Probation Department notified the Board of Supervisors that the CCPEC would return to the Board in early 2012 with a Public Safety Realignment and Post-release Community Supervision final implementation plan for approval.

Subsequently, the Board of Supervisors approved preliminary implementation plans from the other CCPEC agencies: Sheriff's Department, October 18, 2011, Agenda 3.42; District Attorney, December 6, 2011, Agenda 3.10; Public Defender, December 6, 2011, Agenda 3.26; and Department of Mental Health, December 6, 2011, Agenda 3.23.

On February 7, 2012, the attached Public Safety Realignment and Post-release Community Supervision 2011 Implementation Plan, pursuant to AB 109, Criminal Justice Alignment, as stated in this Form 11, was approved by the Community Corrections Executive Committee. This document incorporates all the previously approved CCPEC agency plans into one final comprehensive plan that includes updated statistical and program information since October 1, 2011.

County of Riverside
Public Safety Realignment & Post-release Community Supervision
Final Implementation Plan - Executive Summary

The Community Corrections Partnership Executive Committee (CCPEC) recognizes the overall intent of the Public Safety Realignment Act, Assembly Bill 109, which took effect October 1, 2011, and their responsibility for the program elements contained in this Final Implementation Plan. The CCPEC also recognizes the scale of requirements and financial constraints, as well as the broader opportunity to provide a higher level of justice system effectiveness and public safety. All of the key departments and agencies involved in the implementation process have collaboratively worked together to create a process where there will be sharing of information, avoidance of duplication of services and providing needed services to this population.

To date, the greatest impact of the initial stage of realignment implementation has been on our jail system and Probation Department high-risk caseloads. As of January 23, 2012, the Riverside Sheriff's Department (RSD) reported that since October 1, 2011, there were 570 non-violent, non-serious and non-high risk sex offenders (N3) sentenced to jail commitments or split sentences. Of these, 106 have received commitments of three (3) years or more. In the first year of implementation, projections indicate that approximately 1,850 offenders will be sentenced to straight commitments and split sentences. There are also N3 sentenced offenders whose commitments carry over into following years. Post-release Community Supervision (PRCS) offenders and parolees are required to serve their violation time in the custody of the Sheriff. Of 1,494 parolees in custody for parole violations, 870 had technical violations and 624 had new charges. Parolees convicted of a new N3 offense will serve time locally as opposed to state prison. Of the 58 PRCS offenders in custody on violations, 19 were for new offenses. The numbers will be higher as more PRCS offenders are released from Department of Corrections and Rehabilitation (CDCR). Approximately 4% of the current Probation supervised PRCS population have violated their PRCS grant by committing a new offense. The Sheriff reported that jails are 95% full and are at maximum capacity, resulting in the implementation of early releases and returning sentenced parolees back to the supervision of State Parole.

Many counties have experienced a greater number of PRCS offenders than initially projected by CDCR impacting the County's ability to effectively plan. This also has created a direct impact on Probation and the RSD jail system. CDCR recently acknowledged that their projections were underestimated due to not anticipating the number of parole violators who, after serving custody time for their violations, would be released to the counties on PRCS if their offense was an N3 crime. CDCR projected that Riverside County would receive 936 PRCS offenders from October 1, 2011, to January 31, 2012. Riverside County actually received 1,134, or 198 more PRCS offenders than projected, for an approximate

County of Riverside
Public Safety Realignment & Post-release Community Supervision
Final Implementation Plan - Executive Summary

21% increase in the number of offenders received for the first four months of implementation.

Additionally, of the PRCS population being supervised by Probation the number of offenders being assessed at high risk via the COMPAS Risk and Needs assessment is 65% (40% initially estimated), medium risk is 22% (31% initially estimated) and low risk is 13% (29% initially estimated). The higher risk scores require a higher number of high risk caseloads than initially anticipated.

The workloads of the District Attorney, Public Defender and Court have increased but the full impact of AB 109 has not yet been realized. There is currently one (1) Judge handling the PRCS violation hearings in Riverside. This is expected to expand to the Desert and Southwest Courts as the numbers of PRCS offenders increases. At present the majority of the PRCS violations are being resolved at the settlement conference stage. As the AB 109 population in Riverside County increases the direct impact on these departments will become more apparent.

The impact on the Health and Human Services (HHS) component, lead by the Department of Mental Health, is complex and far reaching. The HHS county departments are currently developing the processes and means of identifying and servicing the AB 109 population. The Department of Mental Health estimates that 60-80% of the PRCS caseload will need mental health and/or drug and alcohol treatment. They have discovered that the needs and challenges of this population are greater than initially anticipated. This includes, but is not limited too: mental health, including severely mentally ill/disabled, with some individuals requiring conservatorship; individuals with health issues, from moderate to severe; eligibility for services; housing; and substance abuse. One of the greatest challenges has been treatment and housing for severely mentally ill individuals and sex offenders who are released directly to Emergency Treatment Services (ETS) from prison for assessment.

The Post-release Community Supervision Accountability Team (PRCSAT), headed by the Police component, is currently in the process of forming teams to assist the Probation Department with holding the AB 109 population accountable by assisting with Probation sweeps and locating offenders who abscond with warrants. PRCSAT will have a direct impact on community safety.

In FY 2011/12, the funding allocations being received by Riverside County include: the Criminal Justice Alignment/Local Community Corrections Account program allocation which is designated for the Probation and Sheriff's Department (\$21,074,467) and the Criminal Justice Alignment funds for one-time hiring, training and retention allocation (\$1,487,050). There are separate funding streams for the District Attorney and Public Defender (\$755,421), the Superior

**County of Riverside
Public Safety Realignment & Post-release Community Supervision
Final Implementation Plan - Executive Summary**

Court (\$662,000), and the AB 109 Planning Grant (\$200,000). The total combined funding for Riverside County and the Riverside Superior Court is \$24,178,938. The District Attorney, Public Defender and the Superior Court amounts are separately managed funds by each respective agency and are not available for distribution by the CCPEC. At meetings in August and October 2011 the CCPEC allocated funds for the Riverside County realignment effort (\$21,074,467 and \$1,487,050) to the member agencies as follows:

Summary of Agency Distributions

FY 2011/12

<i>Department</i>	<i>Allocation</i>	<i>Contingency @ 3.5%</i>	<i>One time fund Distribution*</i>	<i>Total Allocation</i>
Probation	\$ 5,638,441	\$(197,345)	\$ 397,858	\$ 5,838,954
Sheriff District	\$ 9,700,000	\$(339,500)	\$ 684,448	\$10,044,948
Attorney Public	\$ 570,109	\$ (19,954)	\$ 40,228	\$ 590,383
Defender	\$ 435,917	\$ (15,257)	\$ 30,759	\$ 451,419
Mental Health	\$ 4,000,000	\$(140,000)	\$ 282,247	\$ 4,142,247
Police	\$ 730,000	\$ (25,550)	\$ 51,510	\$ 755,960
<i>Subtotal</i>	\$21,074,467	\$(737,606)	\$1,487,050	\$21,823,911

*One time funds include planning, hiring and training dollars

The CCPEC determined that state funding would be considered a six-month allocation, sufficient to begin realignment, but insufficient to support efforts beyond June 30, 2012. The Governor's proposed budget for FY 12/13 includes realignment funding and the current estimate is that Riverside County will receive approximately \$53 million. The Sheriff's Department Corrections and the Probation Adult Field Services are most critically impacted by implementation of realignment efforts.

Overall, the CCPEC will continue to collectively and collaboratively implement the Realignment Plan and will ensure continued inter-agency cooperation to implement its provisions. The CCPEC will continue to meet to identify needed additions and/or modifications to the plan as determined by individual departments, to evaluate the Plan's effectiveness, and to assess the resource needs associated with its successful implementation. The Plan should be viewed as a living document, which will be appended on an ongoing basis by the CCPEC.



County of Riverside
Public Safety Realignment
&
Post-release Community Supervision

Final Implementation Plan
February 7, 2012

Executive Committee of the Community Corrections Partnership

Alan M. Crogan, Chief Probation Officer, Chair
Sherrill Ellsworth, Presiding Judge
Paul Zellerbach, District Attorney
Gary Windom, Public Defender
Stanley Sniff, Sheriff
Jerry Wengerd, Director, Department of Mental Health
Patrick Williams, Chief, Police Department

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OVERVIEW OF 2011 PUBLIC SAFETY REALIGNMENT ACT (AB 109)

In an effort 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. AB 109 transferred responsibility for supervising specified lower level inmates and parolees from the California Department of Corrections and Rehabilitation (CDCR) to the counties. Implementation of the Public Safety Realignment Act took effect on October 1, 2011.

Additionally, Section 1230.1 (a) of the California Penal Code was amended to read "Each county local Community Corrections Partnership established pursuant to subdivision (b) of Section 1230 shall recommend a local plan to the County Board of Supervisors for the implementation of the 2011 public safety realignment. (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, a Chief of Police, the Sheriff, the District Attorney, the Public Defender, presiding Judge or his 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. (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 multiservice centers, mental health treatment programs, electronic and GPS monitoring programs, victim restitution programs, counseling programs, community service programs, educational programs, and work training programs."

Although AB 109 delineates a funding formula for implementation of this legislation, it appears that this initial funding is inadequate to accomplish the specified objectives of realignment or to establish the framework necessary to implement the Community Corrections Partnership within the aggressive time line set by the State of California.

The Riverside County Community Corrections Partnership is concerned that the State of California significantly underestimated the population to be realigned in Riverside County. The funding appears disproportionate to the task required which inhibits the Community Corrections Partnership from fully providing the safest possible realignment for our community. In order to provide maximum safety within our community, this plan will ensure offenders are held accountable by placing an emphasis on incarceration and supervision, while at the same time providing services to offenders that will ensure the highest probability of succeeding.

Riverside County has a long history of providing innovative, quality alternatives to incarceration, problem solving courts, progressive prosecutorial programs, holistic indigent defense, rehabilitative in-custody programming, and evidence-based supervision and post-release services. Local partners will continue to build upon our successful models and

implement promising new practices to responsibly meet the diverse needs of these additional individuals.

KEY ELEMENTS OF AB 109:

Target Populations:

- A. Post-release Community Supervision (PRCS): Effective October 1, 2011, the PRCS population, released from prison to community supervision, became the responsibility of local probation departments, or agency as designated by the county Board of Supervisors, and is inclusive of non-violent, non-serious, non-high risk sex offenders with a prior history of committing violent crimes pursuant to Penal Code Section 667.5(c), and/or serious crimes pursuant to Penal Code Section 1192.7(c), or sex offenses requiring registration pursuant to Penal Code Section 290. The population that will serve their "prison" sentences locally includes the non-violent, non-serious, non-high risk sex offender group. The California Department of Finance, to establish the funding formula, estimated Riverside County's "average daily population" (ADP) of PRCS offenders at 1,601. The ADP means that this will be Riverside County's average population of PRCS offenders on any given day.

Prior to October 1, 2011, CDCR projected that 1,688 offenders would be released on Post-release Community Supervision (PRCS) to Riverside County Adult Probation during the balance of the current fiscal year (10/01/11-6/30/12), requiring the full range of supervision, sanctions and service resources available through the probation department. In December, 2011, CDCR recalculated these projections to 1,965 offenders in the first year, or an approximate 17% increase in what was initially projected for the first year.

Impacting the County's ability to effectively plan, CDCR recently acknowledged that their projections were underestimated with a greater number of offenders being released to the counties than anticipated. Many counties reported receiving a higher number of offenders than what was projected. Riverside County actually received 198 more PRCS offenders than anticipated in the months of October 2011, through January 2012, for an approximate 21% increase in the number of offenders received for the first four months of implementation.

- B. Local Detention of Non-violent, Non-serious and Non-high Risk Sex Offenders (N3): In addition to the PRCS population, Riverside County will be responsible for the N3 local population that can no longer be sentenced to state prison if convicted of a felony. CDCR reports that in 2010, there were 3,550 people sentenced to state prison from Riverside County. Based on percentages of the total number of people sentenced to state prison statewide in 2010, approximately 70% of this population was committed on N3 charges. Based on this information, it was estimated that approximately 2,517 offenders who would have gone to state prison before AB 109 took effect will be required to serve this sentence in local jail confinement.

As of January 23, 2012, the Sheriff's Department reported that since October 1, 2011, there were 570 N3 offenders sentenced to jail commitments or split sentences. 106 of these have received commitments of three (3) years or more. In the first year of implementation, projections indicate that approximately 1,850 offenders will be sentenced to straight commitments and split sentences. There are also N3 sentenced offenders whose commitments carry over into following years. PRCS offenders and parolees are required to serve their violation time in the custody of the Sheriff. Of 1,494 parolees in custody for parole violations, 870 had technical violations and 624 had new charges. Parolees convicted of a new N3 offense will serve time locally as opposed to state prison. Of the 58 PRCS offenders in custody on violations, 19 were for new offenses. A clearer picture of the AB 109 impact will be known after the first year of implementation. It is anticipated that the numbers will be higher as more PRCS offenders are released from CDCR. Approximately 4% of the current Probation supervised PRCS population has violated their PRCS grant by committing a new offense. The Sheriff reported that the jails are 95% full and are at maximum capacity, resulting in the implementation of early releases and returning sentenced parolees back to the supervision of State Parole.

Additional key elements of AB 109 include:

- Redefining Felony Punishments: The definition of a felony was revised to include certain crimes that are punishable in jail for 16 months, 2 years, or 3 years, rather than state prison. Some offenses, including serious, violent and certain sex-offenses, are excluded and sentences will continue to be served in state 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 a period of supervision not to exceed 3 years, Post-release Community Supervision provided by a county agency designated by that county's Board of Supervisors. These offenders can be released from PRCS as early as six (6) months if they are compliant with their PRCS conditions and sustained no new law violations. The law also requires their release from PRCS after one (1) year if they are compliant with their PRCS conditions and sustained no new law violations.
- Revocations Heard & Served Locally: Post-release Community Supervision and parole revocations will be served in local jails (by law maximum revocation sentence is up to 180 days), with the exception of paroled 'lifers' who have a revocation term of greater than 30 days. The Courts will hear revocations of Post-release Community Supervision effective October 1, 2011. Meanwhile the Board of Parole Hearings will continue to hear state parole violation hearings until this responsibility is transferred to the Courts on July 1, 2013.
- Changes to Custody Credits: Jail inmates will be able to earn day for day conduct credits (one day credit for one day served). Time spent on home detention (i.e., electronic monitoring) is credited as time spent in jail custody.

- Alternative Custody: Penal Code Section 1203.018 authorizes electronic monitoring for inmates being held in the county jail in lieu of bail. Eligible inmates charged with felonies must first be held in custody for 60 days post-arraignment, or 30 days for those charged with misdemeanor offenses.
- Community-Based Punishment: Authorizes counties to use a range of community-based punishment and intermediate sanctions other than jail incarceration alone or traditional routine probation supervision. This includes, but is not limited to, flash incarceration, electronic monitoring/house arrest, community service and full time work release or part time weekend programs.

Summary of Realignment Components & Local Legislative Recommendations

Population Affected (effective date of October 1, 2011)	Component of Public Safety Realignment	Local Legislative Recommendations
Released from State Prison	State prisoners serving sentences for non-violent, non-serious and non-high risk sex offenses with one of these offenses in their criminal history will be placed on county Post-release Community Supervision instead of state parole. The Superior Court began adjudicating violations of county Post-release Community Supervision effective October 1, 2011.	July 26, 2011: The Board of Supervisors designated Riverside County Probation as the agency to administrate supervision of the county Post-release Community Supervision population.
On State Parole	Violations of State Parole will be adjudicated by Board of Parole Hearings (BPH) inside county jail. Parolees, except for those serving life sentences, will serve any confinement time for parole violations in local jail. The Court assumes responsibility for state parole violation hearings effective July 1, 2013.	
Currently Held Pretrial in County Jail	Certain inmates may be released pre-trial on electronic monitoring.	The Board of Supervisors previously designated the Sheriff as administrator of electronic monitoring
Currently Sentenced in County Jail	Certain inmates may be placed on home detention.	The Board of Supervisors previously designated the Sheriff as administrator of Home Detention for inmates
Realigned Local Incarceration and Post-release Community Supervision Population	Establish outcome measures related to local incarcerated inmates and Post-release Community Supervision populations (per AB 109).	The Riverside County Probation Department will fund a Research Analyst position to develop a research design, collect data and report to the Board of Supervisors on the outcomes associated with AB 109.

LOCAL PLANNING AND OVERSIGHT

COMMUNITY CORRECTIONS PARTNERSHIP

In the last two years, there have been statewide efforts to expand the use of evidence-based practices in sentencing and probation practices, and to reduce the state prison population. SB 678 (2009) established a Community Corrections Partnership (CCP) in each county, chaired by the Chief Probation Officer, charged with advising on the implementation of SB 678 funded initiatives. AB 109 (2011) established an Executive Committee of the CCP charged with development of a 2011 Realignment Implementation Plan that will recommend a programming plan for the realigned population, for consideration and adoption by the Board of Supervisors.

The CCP Executive Committee will advise on the progress of the Implementation Plan. Chaired by the Chief Probation Officer, the CCP 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. Voting members of the Executive Committee include: The Presiding Judge or designee (appointed by the Presiding Judge); Chief Probation Officer (chairperson); County Sheriff; District Attorney; Chief of Police; Public Defender; and Director of County Social Services/Mental/Public Health (as determined by the Board of Supervisors). On July 26, 2011, the Board of Supervisors designated the Director of the Department Mental Health as the official member. This final plan was developed by CCP Executive Committee members, their designees and other key partners:

Alan M. Crogan, Chief, Probation Department, Chair
Sherri Carter, Executive Officer, Superior Court
Donna Dahl, Assistant Director, Department of Mental Health
Creg Datig, Chief Deputy District Attorney
Sherrill Ellsworth, Presiding Judge
Patricia Gus, Assistant Division Director, Probation Department
Andrea Greer, Chief Deputy Field Services, Probation Department
Mark Hake, Assistant Chief Probation Officer, Probation Department
Bryce Hulstrom, Chief Deputy Field Services, Probation Department
William Palmer, Division Director, Probation Department
Stanley Sniff, Sheriff
Steve Thetford, Assistant Sheriff, Sheriff's Department
Christine Voss, Assistant Public Defender
Colleen Walker, Undersheriff
Jerry Wengerd, Director, Department of Mental Health
Patrick Williams, Chief, Desert Hot Springs Police Department
Gary Windom, Public Defender
Paul Zellerbach, District Attorney

A CCP Executive Committee Work Group, Chaired by Probation, was established and has been meeting to discuss funding methodology, policies and programming necessary to

implement the AB 109 implementation strategy plan. The following sub-work groups were established to address pertinent issues:

- **Operational Effectiveness Sub-Work Group:** Chaired by a representative of the Sheriff's Department, this group is comprised of representatives from the Sheriff and Probation, including representatives from each department's Information Technology (IT) units. The key focus is to create interfacing in each department's computer systems programs for the sharing of offender information which will include the COMPAS risk/needs assessment instrument, Probation's client management system-Juvenile and Adult Management System (JAMS) and the Sheriff's offender management system-Jail Information Management System (JIMS). The goal is to create the ability to exchange critical information between the two departments and avoid duplication of processes.
- **PRCS & Parole Hearings Sub-Work Group:** Chaired by a representative of the Court, this group is comprised of representatives from the Court, Sheriff, Public Defender, District Attorney, and Probation. This sub-work group collaboratively focuses on the development of court protocols and procedures for the violation of the PRCS offender process, including development of forms used by the Sheriff and Probation.
- **Health and Human Services Sub-Work Group:** Chaired by a representative of the Department of Mental Health, is comprised of representatives from Riverside County Public Health, the Departments of Social Services and Mental Health (which includes Substance Abuse Services) and the Riverside County Regional Medical Center. This sub-work group is collaboratively working on meeting the service needs of the PRCS population, including addressing issues relating to housing. Probation has also been a participant in the process.
- **PRCS Accountability Team:** Chaired by Patrick Williams, Chief of the Desert Hot Springs Police Department, the group is comprised of police chiefs from eleven (11) police departments in Riverside County. Their focus has been on the development of the Post-release Community Supervision Accountability Team (PRCSAT) to assist with sweeps coordinated by Probation and apprehending high risk PRCS offenders on warrant status and at-large in the community.
- **Day Reporting Center Sub-Work Group:** Chaired by a representative from Probation, this sub-group was recently formed to explore the development of three geographically located Day Reporting Centers in Riverside County. Agencies participating include representatives from Probation, Sheriff, Mental Health (including Substance Abuse Services), Riverside County Office of Education, Workforce Development, Department of Public Social Services, Department of Public Health, Riverside County Regional Medical Center (RCRMC), and RCRMC Detention Health Services.

The CCP Executive Committee has undertaken its planning and oversight role collaboratively, with input from all stakeholders, consistent with the Realignment objectives of ensuring public safety, reducing recidivism, and promoting community-based alternatives to incarceration. The CCP Executive Committee has sought input from the broader array of community-based providers and interest groups that will be critical to ensuring the successful implementation of the realignment initiative. Community meetings have been regularly scheduled and have been attended by representatives from various organizations that may provide direct services to the realigned population. These meetings have provided the CCP Executive Committee with an opportunity to hear directly and regularly from key non-County partners.

The CCP Executive Committee is committed to AB 109's stated intent of increasing public safety by reducing recidivism of the adult offender through reinvestment in community-based corrections programs, and utilization of evidence-based strategies that increase public safety while holding the offender accountable.

The CCP Executive Committee will collectively and collaboratively implement the Realignment Plan and will ensure continued inter-agency cooperation to implement its provisions. The CCP Executive Committee will continue to meet to identify needed additions and/or modifications to the plan as determined by individual departments, to evaluate the Plan's effectiveness, and to assess the resource needs associated with its successful implementation. As such, the Plan should be viewed as a living document, which will be appended on an ongoing basis, as the CCP Executive Committee institutionalizes the framework delineated in the Plan through the development of operational protocols, procedures and guidelines.

PROJECTED FUNDING

The Average Daily Population (ADP) was established by the Department of Finance, based on information from CDCR, to determine the funding formula. CDCR initially projected that in the first fiscal year (October 1, 2011-June 30, 2012) Riverside County would receive 1,688 PRCS offenders. CDCR recently adjusted this projection to 1,965 PRCS offenders, or an increase of approximately 17%. The Riverside County Probation Department projects the actual ADP to be higher, at 1,873 or 17% higher than CDCR's original projection. Based on these current projections, this reflects that the Department of Finance underestimated the ADP based on erroneous data from CDCR. The ADP was used to determine our current funding formula.

The formula establishing statewide funding allotments for AB 109 implementation in Fiscal Year (FY) 2011/12 assumes \$25,000 per offender for six months of local incarceration, with each of these offenders allocated \$2,275 for rehabilitative services while incarcerated or in alternative incarceration programs. This same level of funding will be made available for parole violators serving a 60-day revocation, albeit on a pro-rated basis. Offenders on Post-release Community Supervision are funded at \$3,500 per person for community supervision and \$2,275 per person for rehabilitative services (for a maximum of 18 months). The above formula establishing a statewide allotment was developed by the State Department of

Finance and agreed to by County Administrative Officers (CAO) and California State Association of Counties (CSAC).

The level of local funding available through AB 109 is based on a weighted formula containing three elements:

- 60% based on estimated average daily population (ADP) of offenders meeting AB 109 eligibility criteria
- 30% based on U.S. Census Data pertaining to the total population of adults (18-64) in the County as a percentage of the statewide population; and
- 10% based on the SB 678 distribution formula

Based on this formula Riverside County is projected to receive \$21,074,467 for FY 2011-12 to serve approximately 1,601 (ADP) additional PRCS offenders at any point in time and 2,517 eligible offenders who will be incarcerated locally instead of being sent to state prison. This number does not include the state parolees that will be serving any violation of parole time in county jail. This funding includes:

Post -release Community Supervision (PRCS)/local incarceration	\$ 21,074,467
AB 109 Planning grant	\$ 200,000
AB 109 Training and implementation activities	\$ 1,487,050

TOTAL **\$22,761,517**

In addition, the District Attorney/Public Defender received a separate funding allocation of \$755,421, and the Superior Court operations received \$662,000. These amounts are separately managed by these agencies and do not fall under the CCPEC's purview. Therefore, they are listed separately in the Summary of Agency Budget Proposals (see Attachments A, Schedule A).

The funding formula is based on an October 1, 2011, implementation through June 30, 2012, and is for the first year only. CSAC/CAO's and the Department of Finance will revisit the formula for future years.

On August 2, 2011, the CCPEC approved a preliminary allocation of \$6,459,465 to the Probation Department for implementation of the PRCS plan. On September 26, 2011, the CCPEC received budget requests and presentations from the Sheriff's Department, Department of Mental Health, local Police Chiefs, the District Attorney and Public Defender. The budget requests (including the Probation Department's, preliminary allocation) exceeded the available funding. The CCPEC referred the matter for further discussion and recommendations to be returned to the CPPEC on October 11, 2011. Attention was given to the Probation Department's review of staffing for pre-sentence investigations and reports since the Courts stated that they did not require additional reports for the N3 population. Probation staffing was temporarily reduced, but not eliminated, from 102 to 91 positions with \$730,000 of the Probation Department's allocated budget being reallocated to the local

police department entity for creation of the Post-release Community Supervision Accountability Team (PRCSAT). The Sheriff's Department also expressed a willingness to reallocate \$1 million of their budget request and provided additional funding for the District Attorney and the Public Defender. The Courts did not request additional funding beyond their designated allocation.

The budget developed and approved by the CCPEC on October 11, 2011, provides a conservative approach along with a contingency fund of \$737,606 due to the numerous variables and unknown factors each agency is managing during the early implementation of AB109. A 3.5% share of each agency's allocation is to be set aside to assist in establishing this fund.

JUSTICE REINVESTMENT

PC 3450(b) (7), as added by AB 109, states that "fiscal policy and correctional practices should align to promote a justice reinvestment strategy that fits each county." AB 109 defines justice reinvestment as "a data-driven approach to reduce corrections and related criminal justice spending and reinvest savings in strategies designed to increase public safety." Riverside County plans to utilize evidence-based practices and make use of alternative custody options.

IMPLEMENTATION STRATEGIES

I. PROBATION DEPARTMENT

With the passage of SB 678 in 2009, which created the Evidence-based Probation Supervision Program (EBPSP), the Riverside County Probation Department has incorporated evidence-based practices and services with targeted high risk offenders within the probation population. The goal of EBPSP is to reduce prison incarceration and recidivism by utilizing evidence-based practices with this population. This includes effective interventions and supervision, validated risk/needs tools and instruments, motivational interviewing techniques, Cognitive Behavior Therapy (CBT), utilization of the services of other county agencies and community based organizations (CBO).

SB 678 and AB 109 is the State of California's answer to addressing the overcrowding in state prison. AB 109 is the direct result of a decision by the US Supreme Court on May 23, 2011, regarding two Federal lawsuits, Coleman and Plata, requiring that the State of California reduce the state prison population by 33,000 inmates within two years of the decision. The United States Supreme Court found that prison overcrowding and inmate/staff ratios contributed to inadequate services, and upheld a previous decision by the Federal Court of Appeals which found that the California Department of Corrections and Rehabilitation (CDCR) had violated the 8th Amendment to the US Constitution, i.e. cruel and unusual punishment with the inmate population.

What is significant to note, however, is the premise that all of these state prisoners being released on PRCS are non-violent or non-serious offenders is misleading. The determination

of who qualifies as a non-violent, non-serious and non-high risk sex offender (N3) by the California Department of Corrections and Rehabilitation (CDCR) is based on the controlling case. A state prisoner may have been sent to state prison for a violent or serious felony offense and received a consecutive sentence for a N3 offense. By operation of law the sentence on the principal offense, the violent or serious crime must be served first with the custody time owed on the N3 crime being served last. As a result the controlling case becomes the last case, or N3 offense, and these violent or serious offenders are being released to the counties on PRCS. Many of these offenders also have a prior history of committing violent or serious crimes but because their current crime is a N3 offense they qualify for PRCS supervision.

Supervision Plan

The Riverside County Probation Department is implementing AB 109 with an evidence-based supervision model that mirrors the Evidence-Based Probation Supervision Program that was established through passage of SB 678. Supervision services are provided to those identified as low level state prison Post-release offenders and non-violent, non-serious, and non-high risk sex offenders (N3) that would otherwise be sentenced to state prison. The Riverside County Probation Department is targeting the AB 109 population implementing Post-release Community Supervision requirements and establishing a case management process with procedures designed to incorporate evidence-based principles for effective interventions with the goal of reducing recidivism. This same principle will be applied to the split sentenced, or supervised release, offenders. To effectively case manage this population the Riverside County Probation Department has designed a three tiered system focusing on the appropriate supervision level based on the levels of risk and intervention strategies as determined by a risk/needs assessment (Correctional Offender Management Profiling for Alternative Sanctions-COMPAS). Offenders will be categorized as Low, Medium, or High risk and assigned to a corresponding caseload accordingly.

The following risk levels will be determined by administering the COMPAS Risk/Needs Assessment instrument:

- Low Risk: Offenders who score low in risk/needs will be assigned to banked caseloads and/or required to report any changes via a Kiosk system.
- Medium Caseloads: Offenders who score medium in risk/needs will be placed on medium risk caseloads.
- High Risk: There are two types of high risk caseloads, conventional and armed. Offenders who assess high in either risk or needs will be placed on high risk caseloads. Offenders who score high in the COMPAS violence component will be placed on an armed caseload for officer safety.

After completion of the COMPAS assessment, each offender assessing medium or high risk will have a case plan developed to target criminogenic needs through referrals to evidence-based services offered within the community. COMPAS also identifies the need for

participation in the Courage to Change Interactive Journaling System (cognitive group facilitation) facilitated by deputy probation officers. Low risk offenders will not be provided these services unless a problem surfaces warranting intervention during their period of supervision.

Based upon assumptions, projections, and data provided by the state, the Probation Department anticipated the added supervision responsibility for an average daily population of approximately 1,601 post-release offenders and 2,517 low level (N3) offenders beginning October 1, 2011. Based upon statistics provided by the California Department of Corrections and Rehabilitation it was anticipated the breakdown of offenders by crime type would be as follows:

- 46% Property Offense (theft)
- 36% Drug Offense
- 8% Possession of Weapon
- 6% Other
- 4% DUI

Currently, the breakdown of active felony adult probationers supervised by Riverside County Probation by crime type is:

- 29% Property Offenses
- 38% Drug Offenses
- 21% Crimes Against Persons
- 6% Other
- 4% Weapon Offenses
- 2% DUI

The projections from CDCR represent the PRCS population projected to be release to Riverside County through July 2013. The above breakdown of offenses was provided as a comparison to what historically, the typical types of offenses are being supervised on probation.

The Post-release Community Supervision (PRCS) population will receive services consistent with evidence-based supervision practices which include the following:

- Supervision Intake (File Review)
- COMPAS Risk/Needs assessment administered by an assessment team
- Assignment to a supervision level based upon assessment results
- Development of a supervision case plan
- Motivational Interviewing
- Courage to Change (CBT) curriculum
- Referrals to services according to criminogenic needs (Mental Health, Substance Abuse, Education, and Employment Services)
- Graduated Sanctions as needed to promote rehabilitation

Prior to the release of the Post-release Community Supervision (PRCS) population from state prison, CDCR sends a Pre-release Packet case file with release plan documents to the Supervision Intake Unit of the Riverside County Probation Department. Staff assigned to the Intake Unit create a supervision file, review each offender's case materials, indicate additional specific terms of release, verify residence in Riverside County and indicate the probation office the offender will report to upon release. This information is returned to CDCR to be included in the conditions of release signed by the offender prior to release.

All PRCS offenders are required to report to a designated probation office following release from prison for assessment and caseload assignment. Assessment team staff located in each region of the county are responsible for the initial office contact with each PRCS offender. Terms of release are reviewed and the COMPAS assessment is administered on all PRCS offenders. Following the assessment the PRCS offender will be assigned to a specific caseload based upon risk/needs assessment results.

The majority of the local N3 population will not be referred for a pre-sentence investigation and report by the Courts. Case management is similar to that provided to the local felony probation population. A three question Proxy pre-assessment instrument will be administered on the N3 population and those who receive a score of high risk will receive a full COMPAS risk/needs assessment. Thereafter, services provided and contact frequency will mirror that received by the PRCS population. Offenders assigned to low or medium risk supervision that experience difficulty complying with terms of their supervision type or are in need of additional services will be reassessed and assigned to a higher level of supervision.

Program Data

Critical to the implementation of AB 109 is the collection of data concerning this population, specifically when it comes to future funding from the State of California. Collection and analysis of critical data is imperative to provide an accurate picture of the actual impact of AB 109 on Riverside County, especially when implementation has been based on projections not only from the State of California but from the following county departments: Probation; Sheriff; District Attorney; Public Defender; Mental Health (Health and Human Services group); the Post-release Community Supervision Accountability Team (local law enforcement); and the Court. Each department/entity will be responsible for keeping statistics concerning their operations and tracking the actual cost of providing services to the AB 109 population.

The following Probation Department statistics present a picture of the PRCS population received as of January 20, 2012. It is noted that this is a constantly fluid population where statistics can change periodically.

The Riverside County Probation Department has received 1,648 pre-release packets on PRCS offenders from CDCR as of January 18, 2012. Of these, 74 were rejected either because they were ineligible for PRCS supervision and belonged to parole or were sent to Riverside County in error. Nine (9) were transferred to other counties. Of the remaining

1,565 packets received that Probation is responsible for, 189 are pending transfer or awaiting acceptance of transfer to other counties and 20 reported residing out of state requiring a request for Interstate Compact Services. Packets received to date are for PRCS offenders with release dates as far in advance as July 2014, with the average being released between now and July 2012. A query of offense types was conducted on the pre-release PRCS packets received from CDCR. The breakdown of offenders is as follows:

- 42% - Property Offense (theft)-offense types include vehicle theft, grand theft, burglary, receiving stolen property, embezzlement, identity theft, check fraud, etc.
- 30% - Drug Offense-offense types include possession, sales, manufacturing, transportation, possession of drugs in jail/prison, etc.
- 11% - Crimes Against Persons-offense types include domestic violence, child endangerment/abuse, assault, assault on a peace officer, elder abuse, driving under the influence with injury, etc
- 9% - Possession of Weapon-offenses types include firearms, possession of body armor by a felon, possession of ammunition, possession of illegal martial arts weapons, possession of weapons in prison, etc.
- 6% - Other-offense types include vandalism, conspiracy to commit a crime, accessory, evading arrest, failure to register as a sex offender, hit and run, etc.
- 2% - DUI-those offenders convicted of felony driving under the influence offenses.

As of January 20, 2012, there were 880 offenders assigned to PRCS caseloads. Of these, 71 were split sentence offenders (N3) and 809 were PRCS offenders.

As of January 20, 2012, there were 64 outstanding warrants for PRCS offenders. 63 of these were for failure to report after their release from prison and one for the commission of a new offense.

As of January 20, 2012, the Probation Department has flash incarcerated 29 offenders, which represents approximately 4% of the population. All available alternatives and other sanctions are explored prior to imposing flash incarceration for up to ten (10) days.

A review of the offender address information provided in the PRCS Pre-release Packets received from CDCR reflects that approximately 15% (247) of the PRCS population report being homeless. This is one key area being addressed by the CCPEC Health and Human Services Sub-Work Group and other county agencies dealing with homeless issues.

Approximately 21% (346) of the PRCS population self-reports having a substance abuse problem, either alcohol or drug or a combination of both.

Approximately 16% (263) of PRCS offenders are reported having mental health issues from mild to severe, with at least one being developmentally disabled. The Department of Mental Health reports approximately 5% of these individuals suffer from severe mental health issues requiring significant intervention from the Department of Mental Health and Probation.

The average education level for this population is the 9th grade.

Approximately 23% (379) of the PRCS population are either gang members or affiliated with gangs.

Recent analysis of the PRCS population being supervised by Probation reflects that the number of offenders being assessed at high risk via the COMPAS Risk Needs assessment is higher than anticipated. It was initially estimated, based on the probation population that approximately 40% would assess at high risk, 31% medium risk and 29% low risk. The higher risk scores require an adjustment in the number of high risk caseloads initially anticipated. Analysis of the assessments completed on the PRCS population reflects the following:

Out of 511 assessments completed:

- High Risk 65% (333)
- Medium Risk 22% (107)
- Low Risk 13% (71)

Community Based Treatment Services

The Riverside County Probation Department is currently exploring development of a Day Reporting Center (DRC) to address the needs of not only the PRCS population, but the entire probation population including those individuals placed on supervised release (split sentence, N3 population). A work group of key stakeholders has been formed to explore establishing Day Reporting Centers geographically throughout the county (Riverside, Desert and Southwest regions) to best provide services to these individuals, including exploration of the costs of various options.

Through the Request for Proposal (RFP) process the Probation Department will seek the participation of community based treatment providers for needed services. This includes mental health and substance abuse treatment, housing, domestic violence, child abuse, sex offender treatment, referrals for vocational, educational, job preparation services and assistance in removing barriers to employment.

Contracted treatment providers will be required to utilize evidence-based practices and treatment models throughout the continuum of services. Mental Health providers will be required to administer mental health assessments, develop treatment plans and administer follow up assessments to measure an offender's progress. Substance abuse providers will be required to administer assessments that measure addiction severity to identify the level of abuse and type of treatment required.

The Department will continue to work with domestic violence and child abuse batterer's treatment providers throughout the county to assist in becoming evidence-based providers. Through current standards set by Probation these providers will be mandated to utilize assessment tools and pre and post testing to determine offender progress.

Education, vocational, and job readiness services will be provided by contractors who will be required to administer educational assessments, vocational readiness and skills assessments. Referrals to adult education classes, community college, vocational training or employment will be part of their case plans.

Budget Narrative

Full implementation of AB 109 will occur over a one year period and require the addition of 73 sworn staff and 29 non-sworn staff to the department. The total annual budget for this level of staff is estimated at \$9,581,088, including \$8,323,000 for salaries and benefits, \$963,288 for services and supplies, and \$294,800 for estimated leased space. In addition, there are one-time start-up costs of \$1,198,182 for services and supplies and \$1,305,200 for leased space tenant improvements. With the addition of 102 positions for AB 109 and the effective date of October 1, 2011, the CCP Executive Committee approved the equivalent of approximately six months of anticipated expenditures at \$6,459,465 for FY 2011-12.

The original proposed plan required the Riverside County Probation Department to increase personnel with the addition of 102 full time positions. Staffing size was reduced, but not eliminated, to 91 positions to create funding for the Post-release Community Supervision Accountability Team (PRCSAT) developed by the Police contingent.

The hiring process will be prioritized and staggered over a one year period. Initial focus on administrative infrastructure positions, staffing of Intake and Assessment units and a first phase of supervision staff is necessary to meet the demands of the state imposed implementation date of October 1, 2011. Estimates from CDCR indicated beginning October 1, 2011, the Department will receive approximately 235 PRCS offenders per month for the first 4 months. Intake, Assessment units and supervision staff were in place by October 1, 2011. Administrative positions are necessary to develop policy, provide training, establish data collection practice, modify the department's Juvenile and Adult Management System (JAMS), pursue contracts through the RFP process, and oversee implementation. Phase two of hiring will focus on establishing the full compliment of supervision staff and the hiring of sworn staff for development of a Transportation Unit. By June 2012, projections indicate that over 1,688 PRCS offenders will have been released from state prison. CDCR revised that projection to 1,965 PRCS offenders, an approximate 17% increase. A two month sampling of PRCS offenders released indicates that we have experienced an 11% increase over what has been anticipated for those two months.

Personnel Descriptions

Two (2) Executive Secretaries are responsible for providing secretarial support to one Assistant Chief Probation Officer and two Chief Deputy Probation Officers. This addition was necessary as the department added the Assistant Chief position and expanding from three to four Chief Deputy positions.

Nine (9) Supervising Probation Officers are responsible for the direct supervision of Senior and Deputy Probation Officer staff assigned to the intake, assessment, investigation, and

supervision units. It is noted one Supervising Probation Officer will be assigned to the Special Projects Division to assist with the implementation and one Supervising Probation Officer will be assigned to Personnel to assist with the hiring of AB 109 staff including background investigations.

Twelve (12) Senior Probation Officers are added to the department in various capacities. Three will be assigned to Administrative and Business Services: One will assist with hiring and conducting background investigations and two will coordinate training that includes basic core training for new staff as well as the evidence-based practices training necessary to implement AB 109. The other nine Senior Probation Officers will be assigned to lead staff in supervision and assist with evidenced-based programming.

Forty-three (43) Deputy Probation Officers are added to the department and will be assigned to the intake, investigation, and assessment units. Twenty Deputy Probation Officers will be responsible for direct supervision, maintenance and monitoring including department provided evidence-based programming for PRCS offenders.

Three (3) Probation Specialists provide support services to Senior and Deputy Probation Officers, conduct evaluative and advisory services for PRCS offenders and perform other related duties as assigned with supervision and monitoring.

Thirteen (13) Office Assistant III's are responsible for clerical services and duties assigned to the intake, assessment, investigation and supervision units. This will include file and case processing, record management, composition of reports and correspondences, and data tracking.

One (1) Principal Accountant will administer the grant, directing the fiscal, accounting and auditing activities, and supervising the preparation of complex reports for accounting and fiscal records.

One (1) Sr. Administrative Analyst will determine contract service needs, prepare solicitations and develop eligibility criteria for competitive bid processes, ensure contract compliance and oversee grant applications and implementation.

One (1) Administrative Services Analyst II will be responsible for preparing statements of work, assisting in the competitive bid process, reviewing contract proposals, writing and negotiating contract language and terms, and researching availability and applicability of additional grant funding programs.

One (1) IT Applications Developer II will be responsible for writing and testing programming codes for new and current applications, interfacing systems with the department's Juvenile and Adult Management System (JAMS) and COMPAS, and conducting systems analysis on development projects.

One (1) Research Analyst will be added to plan, organize, and coordinate research, including the development of research models to measure the effectiveness of evidenced-based

departmental programs. In addition, they will develop data collection procedures and reporting formats necessary for implementing research and program evaluations.

One (1) IT User Technician II will be responsible to troubleshoot resolutions to desktop communication problems, remote system connections, software and/or equipment errors and coach users in correcting reported problems relating to the COMPAS and JAMS systems.

One (1) Senior Human Resources Clerk will be assigned to coordinate the processing of human resource transaction forms, employee insurance forms, payroll attendance reports, and maintenance of human resource records. They will assist in the processing of benefit enrollment, changes in employee benefits, preparation of human resource transactions, and interpretation of human resource policies, procedures and regulations resulting from the hiring of new staff.

Two (2) Revenue Recovery Technician II's will be added to perform routine revenue and recovery work for restitution. This will also include gathering and verifying clients' financial status for the recovery of current and delinquent accounts for the Enhanced Collections Division.

II. SHERIFF'S DEPARTMENT

REALIGNMENT

On October 01, 2011, the California State Realignment Plan, known as AB 109, went into effect. AB 109 completely changed the concept of "corrections" throughout the state of California. Under AB 109, persons convicted of non-violent, non-serious and non-high risk sex offenses (referred to as "New Commits") were sentenced to serve their time in county jails instead of state prisons. In addition to the New Commits, all parole violators now serve their revocation sentences in the county jails.

AB 109 made additional changes impacting county criminal justice systems. Inmates currently in state prison for a "non-non-non" offense are no longer released on parole. Instead, they are released under the status of "Post-release Community Supervision" (PRCS) and monitored by the Probation Department instead of State parole. Persons who violate their PRCS release conditions are now processed by the Probation Department and serve their revocation time in county jails instead of returning to a state prison under pre-AB 109 conditions.

It was initially projected, based upon jail and court data from 2010, that as a result of AB 109, the Riverside County Sheriff's Department's (RSD) jails would now be required to hold an additional 5,740 inmates each year (3,483 parole/PRCS violators and 2,257 New Commits). In addition to having to house these additional inmates, all of them would have sentences that would be longer than the standard 90-day sentence length that was the county jail standard prior to the implementation of AB 109. Inmates sent to county jails under AB 109 were supposed to serve sentences of 1-3 years; however, a special clause in AB 109 created a new sentencing law, Penal Code Section 1170(h), which allows these inmates to receive

sentencing enhancements and serve consecutive sentences which greatly exceeded the promised 1-3 year time frames.

Based upon the initial data and interpretations of AB 109, the RSD Corrections Division projected that the RSD jails would reach maximum capacity by the end of December, 2011. The RSD Corrections Division devised and implemented a data gathering system reference AB 109 inmates with the intent of monitoring what the actual impacts of AB 109 were going to be on the RSD Corrections Division.

Since the implementation of AB 109, the negative impact of AB 109 has been greater than initially projected. Current data has revealed that New Commits are receiving sentences well in excess of the initial projection of 180 to 548 days (1-3 years divided by two for good time/work time credits). New Commits, as a result of 1170(h) PC, are receiving enhanced and consecutive sentences well in excess of 1-3 years, with approximately 20% of these inmates receiving sentences of more than 3 years. One inmate received a sentence of 1 year and 4 months for a drug sales conviction but was then also sentenced to four 3-year enhancements and a one 1-year enhancement to be served consecutively for a total of 14 years and 4 months. These enhanced sentences have resulted in these inmates being sentenced to spend an average of 630 days (good time/work time credits already applied) in the RSD jails. These sentences are significantly longer than originally projected.

Parole and PRCS violators would normally have stayed in RSD jails for a period of 1-2 days then transferred to a state prison for processing. Under AB 109, these inmates now remain with us through their parole or PRCS revocation hearings (10-45 days) and then serve their revocation sentences in our jails (30 to 90 days). RSD jails are now receiving an average of 200 parole/PRCS inmates each month.

Inmates who would not have been sent to our jails prior to AB 109 currently occupy more than 18% of beds within the jail system (670 AB 109 inmates). The RSD Corrections Division has done a good job of managing jail bed space since the inception of AB 109. This effort has resulted in the RSD Corrections Division being able to maintain open beds in the jail past the initial maximum capacity date of December 30, 2011. The revised projections indicate that the RSD jails will reach maximum capacity during the first to second week of January 2012.

The longer than projected sentences in conjunction with the increased number of inmates is resulting in more inmates staying for periods longer than projected. These longer than projected lengths of stay are significantly increasing the negative impacts of AB 109 upon the Riverside County jail system, over and above the impacts originally projected prior to its implementation.

IMPACT and RESPONSE PLAN

Jail Operations

The RSD Corrections Division operates five (5) jails spread throughout the county. The total capacity for the 5 jails is 3,906 inmates. The primary function of these jails is to house pre-trial detainees and convicted/sentenced misdemeanor inmates. Due to the limited number of beds, the Corrections Division often has to transport several hundred inmates each weekday into the various courts throughout the county. All five jails operate under the laws established under Titles 15 and 24 of the California Government Code. These two titles provide direction regarding inmate housing ratios, space ratios, rules of conduct, inmates' rights, and dietary needs amongst other operational requirements imposed by the State on county jails.

In 1993, the Federal court imposed a population limit order on the RSD Corrections system. This order forced the RSD to start a program of building and operating more jail space. Despite this program and the creation of additional jail beds during the past 18 years, the RSD jail system, with its 5 jails, is still too small to support the Riverside County Criminal Justice system's needs and the continually growing County population. As an example, the RSD jail system has a total of 3,906 available beds serving a County population of approximately 2 million residents. San Bernardino County's corrections system currently has more than 6,000 beds serving approximately the same number of residents.

Prior to the implementation of AB 109 on October 1, 2011, the RSD jails were operating at an occupancy rate of approximately 85%. This less-than-maximum occupancy rate was the result of several factors including improved headcount management, an overall drop in crime throughout the nation, an improved case management system in the Riverside County courts, and the recent additions at the Larry D. Smith Correctional Facility in Banning (SCF). These factors provided temporary vacant inmate beds prior to AB 109.

Upon the implementation of AB 109, the RSD jail system started to fill immediately. For the first 6 weeks, the number of inmates in the RSD jail system increased 5% every 2 weeks. Within 2 weeks, the RSD had to begin filling temporary vacant inmate beds and we are now operating at full capacity.

The filling of the temporary vacant inmate beds requires the critical staffing levels necessary to operate and monitor this increased population. RSD asked for and received authorization to fill 38 empty correctional deputy positions and assign them to Floor Operations. RSD also began the hiring process for 22 additional correctional deputies to account for staffing attrition. All five jails will require full staffing since all five jails will be at maximum capacity.

Jails operating at maximum capacity must be fully staffed to ensure the safety of the staff and the inmates and ensure compliance with Title 15 regulations. Increased tension in crowded jail conditions can and do escalate into violence within the facility leading to staff and inmate injuries. This leads to additional medical, workers compensation, civil liability, and overtime costs.

AB 109 required that all Parole revocation hearings be conducted at county jails. Additional RSD personnel are needed to staff and monitor these hearings. AB 109 also mandated hearings for PRCS inmates with the Probation Department serving as the hearing officer. In order to minimize the negative impacts to the Courts and the Probation Department, it was agreed that all PRCS hearings be heard at the Riverside Hall of Justice. This requires RSD to transport inmates to Riverside from other jails for these hearings. It is anticipated that these hearings will grow in number and eventually the hearings will be expanded to the Indio and Southwest Court facilities.

These additional hearings for parole and PRCS inmates have placed an additional burden on the RSD jails. Prior to AB 109, Parole would occasionally hold one type of hearing, known as a "Morrissey" hearing, within the RSD jails. Additional Parole hearings, such as "Valdivia" and "Revocation" hearings were often conducted in the state prison facilities after the inmates were transferred out of RSD custody. Parole is now conducting all of these hearings in the RSD facilities and no longer conducts these hearing in the state prisons. This has significantly increased the burden placed upon Floor Operations and transportation personnel.

Jail personnel are required to move inmates to the different hearing locations within the jails and the Riverside Hall of Justice. These inmate movements include transfers from one jail to another and in-house movement of inmates from holding areas to the actual hearing rooms. Staff must also stand-by during these hearings to monitor the inmates during the hearing and provide security for the civilian personnel conducting them. The additional personnel and vehicle needs related to these hearings have generated extra costs for the RSD.

Headcount Management Unit (HMU)

The HMU was started in 2007 due to the severe overcrowding experienced by the RSD Corrections Division at that time. More than 6,000 inmates were released early due to the need to stay within compliance of the 1993 federal court order limiting our inmate population. Utilizing a division-wide strategy, HMU was able to help maximize the number of beds available to house inmates coming into the RSD jails. HMU also maximized the efficiency of the RSD Corrections transportation operations to ensure that the movements of more than 500 inmates each weekday were completed smoothly and on-time for the Riverside County Courts.

As a result of AB 109, HMU must now manage 4 new groups of inmates – New Commits, parolees, flash incarcerations and PRCS violators. AB 109 also required the compilation and reporting of additional statistics regarding AB 109 inmates to ensure future funding. In addition to tracking the new AB 109 inmates and their impacts, HMU will be required to research and identify inmates who qualify for early release as per the 1993 Federal court order to alleviate the jail overcrowding projected to begin in January 2012. Due to this increased demand, HMU had to be expanded by the addition of 4 correctional deputies.

Riverside Alternative Sentencing Program (RASP)

RASP currently operates as the Work Release Program (WRP) and the Secure Electronic Confinement Program (SECP). Both operations are operated from an office location at the Larry Smith Correctional Facility. The WRP provides the courts with an out-of-custody sentencing option. Participants in the program are assigned to perform labor functions at various government or client work sites.

SECP is an upgrade from WRP. Participants assigned to WRP may opt to be assigned to SECP and pay a fee for the upgrade. Instead of performing labor functions in WRP, the participants can choose to serve their time in home detention with electronic monitoring by SECP. Currently, all participants in the WRP/SECP program are voluntary and therefore can be charged a fee for the service.

AB 109 will change the current method of operation dramatically. As an alternative to “fed kicking” inmates and releasing them early due to the jails being full, the RSD has developed a strategy involving the utilization of RASP as a “virtual jail.” Inmates who would have been released early with no oversight would actually be transferred to RASP and placed on home detention with electronic monitoring. This would allow the criminal justice system to retain a degree of oversight over the inmates and still sanction them for their criminal behavior. Those inmates who failed to complete the program would be taken back into custody by the RSD. The forcing of inmates into this system would negate the ability of the RSD to collect fees from the inmates as per State law.

RASP staffing will need to increase to meet this increase in participants. RASP currently processes several thousand participants each year. The forced addition of several thousand more participants will significantly increase the workload. In addition, these non-volunteer inmates will require more oversight to ensure their compliance with the program and the safety of the community. RASP is in the process of adding 13 additional correctional deputies and 1 sergeant to the staff. Additional staffing may be required after further review.

Sheriffs Inmate Training and Education Bureau (SITE-B)

SITE-B provides specialized training, education and counseling services to RSD inmates. These programs include vocational training (construction, culinary, printing, etc.), behavioral counseling (drug addiction, anger management, domestic violence, etc.), and formal education (GED). SITE-B focuses on helping inmates to develop life skills so the inmates have a better chance to succeed in society when they are released from custody and not return to a life of crime.

AB 109 will have a significant impact on this operation. The type of inmates housed in RSD jails will change and so will their rehabilitation needs. In the past, SITE-B has had a limited number of participants since many inmates are not in the jail's custody long enough to complete the programs. SITE-B's staffing and operations reflected this reduced inmate group. The AB 109 inmates will be staying in our custody for longer periods of time, thus increasing the pool of inmates who can complete the programs.

SITE-B is in the process of hiring 21 additional staff members. The new personnel include correctional deputies to monitor the inmates while they are in class/training and counselors to help develop treatment programs for the participating inmates. New staff will also be deployed to each jail with the intent of expanding the programs to all 5 facilities.

SITE-B's mission will also be expanded. It will be tasked with conducting assessments of large sections of the inmate population. These assessments will help to identify the risks and needs associated with each inmate. This will assist the SITE-B personnel in developing the proper treatment program for each inmate. These assessments will also be utilized to help RASP staffing determine which inmates provide the least amount of risk to the community upon transfer to the "virtual jail" and being released on electronic monitoring.

Collaboration

RASP will work in conjunction with SITE-B and the Probation Department to provide education, training and counseling services to inmates while they are in the custody and supervision of the RSD. The intent of this collaboration is to reduce recidivism within the Riverside County inmate population, thus reducing crime in the community and decreasing the number of persons returning to RSD jails. This reduction in returning inmates will help to reduce the negative impacts of AB 109.

Both RASP and SITE-B will work in partnership with Probation to deliver coordinated services and programs. The coordinated delivery of these services and programs will reduce redundancy and increase the effectiveness of these programs. Currently, the Probation Department and RSD are developing joint data base systems that will reduce labor and information technology costs in the future. The RSD and Probation Department have also joined together on a single contract with one vendor for electronic ankle bracelet monitoring services, thus reducing the costs associated with having and monitoring two separate contracts.

COSTS

The impacts of AB 109 have resulted in significant cost increases to the RSD Corrections Division. Staffing levels for Floor Operations needed to be increased to handle the increased work load created by the increased number of inmates being housed in the jails. Additional increases to the staffing of HMU, RASP and SITE-B were required due to the increased requirement to provide services to AB 109 inmates.

These increased costs were projected to be more than \$10,000,000 for the implementation of the RSD's AB 109 response plan. The initial funding allowed RSD to begin the needed hiring of additional personnel for Floor Operations, SITE-B, RASP along with the support costs. Additional costs, also incurred as a result of the realignment, includes cost associated with feeding, clothing, transporting, and housing these inmates who would have otherwise gone to state prison.

While the money provided by the CCP Executive council was sufficient to start hiring additional staff, it is not sufficient to cover the actual annual costs incurred by the RSD. Once the appropriate staff is hired, the staffing cost alone is approximately \$21.4 million per year.

The utilization of electronic monitoring/home detention as an option to in-custody jail housing for inmates will create additional costs. It is projected that an annual cost of \$4.5 million will be required to pay for the monitoring services annually. Currently, inmates who agree to participate in the program voluntarily can be billed for the cost of the service as per State law. However, also per the same State law, inmates who are forced to utilize home detention/electronic monitoring cannot be charged for the service and the County is required to pay for this service.

An additional cost that must be accounted for is the potential of contracting for in-custody bed space from the California Department of Corrections and Rehabilitation (CDCR). The RSD AB 109 response plan includes the possible utilization of CDCR as a contract vendor for in-custody beds. The utilization of CDCR as a contract vendor would also include the placement of RSD inmates in State fire camps via contract with CDCR.

Contracting with CDCR for general population and fire camp bed space is a viable option, but is currently not considered to be cost effective. CDCR has established and set significant limitations on the type of inmates that they will accept (no medical issues, no medication, and no parolees). A recent review of our inmate population indicated that as many as 90% of our current inmates would not qualify for housing at CDCR or fire camps. The quoted daily rates of \$47 (fire camps) to \$78 (general population) per inmate far exceed the cost of the RASP program (approximately \$10 per day per inmate). The cost of contracting with CDCR has not been firmly established, but is projected to be approximately \$35 million each year.

Based upon the above information, RSD's actual costs related to AB 109 could reach approximately \$60.9 million per year.

III. DISTRICT ATTORNEY

Last year, Governor Edmund G. Brown Jr. signed Assembly Bills 109 and 117, commonly referred to as Public Safety Realignment. The intent of the legislation was to reduce both recidivism and the number of inmates housed in the state's prison system by giving local authorities control of certain classes of offenders, generally those offenders who have committed non-violent, non-serious, non-registered sex crimes. As a result of the legislation, since October 1, 2011, offenders convicted of one of the "three non's" have been incarcerated in our local jails, instead of state prisons, and have been supervised after their release by our Probation Department, rather than the California Department of Corrections and Rehabilitation. Additionally, offenders who violate the terms of their release are now being prosecuted in Superior Court by the District Attorney.

Funding

In addition to the legislation creating Realignment, Governor Brown signed multiple trailer bills

to secure funding for the current fiscal year.

As it relates specifically to the District Attorney's Office, by law, the District Attorney and the Public Defender share equally in the fund specially designated for them. Accordingly, each office receives \$377,710.50.

Further, the Community Corrections Partnership Executive Committee (CCPEC) determined that the District Attorney would receive \$570,109 from the Post-Release Community Supervision & Local Incarceration fund, minus \$19,954 for the creation of a contingency fund. This represents a 2.71% share of the \$21,074,467, and is to be used specifically to fund prosecution efforts related to violations of Post-Release Community Supervision. Additionally, the District Attorney has received \$40,228 from the one-time money funding sources to support training.

The total amount allocated from the CCPEC is \$590,383, and the total amount allocated from all Realignment funding sources for the current fiscal year is \$968,093.50.

Post-Release Community Supervision Hearings

The District Attorney is using the funding for one-time and on-going costs generally to support prosecution efforts related to the implementation of Realignment, specifically to prosecute violations of Post-release Community Supervision (PRCS) as filed in the Superior Court by the Probation Department. As a result of Realignment, the District Attorney will now be responsible for prosecuting many violations of PRCS. Such responsibility, and the accompanying workload, has never been vested with the District Attorney. The jurisdiction of the Board of Parole Hearings for these post-release supervision matters is being transferred to the Superior Court, and violation hearings are to be prepared and prosecuted by the District Attorney.

To successfully handle these matters, the District Attorney's plan involves assigning three senior prosecutors supported by one senior investigator, one investigative technician, one paralegal, and three legal support assistants. It is anticipated that these nine full-time positions will be required to handle the new caseload countywide at an additional cost of \$1,288,205 annually.

- Three (3) Experienced Prosecutors will be tasked with representing the People of the State of California in prosecuting violations of Post-release Community Supervision as filed in the Superior Court by the Probation Department. The District Attorney will be re-assigning experienced prosecutors to address this need, and has hired new prosecutors to back-fill those positions.
- One (1) Senior Investigator will be assigned to offer investigative support to the attorneys assigned to prosecute the PRCS violations. Specifically, this investigator will be tasked with supplementing the investigations performed by the Probation Department, and help the attorneys prepare the cases in anticipation of conducting the violation hearings.

- One (1) Investigative Technician will be assigned to offer more technical investigative assistance to the attorneys and the investigator. Specifically, the investigative technician will be tasked with serving subpoenas as needed to secure the presence of witnesses at the violation hearings, as well as retrieving physical evidence (audio/video recordings, photographs, etc.) and documentary evidence (certified copies of prior convictions and/or inmate files from the California Department of Corrections and Rehabilitation) from a variety of sources.
- One (1) Paralegal will be assigned to support all of the attorneys handling hearings on violations of PRCS. Specifically, the paralegal will support the attorneys with legal research and case organization.
- Three (3) Legal Support Assistants will be assigned as support to handle the PRCS files from creation until completion. These clerical positions will receive notification from the Court of the filing of PRCS violations, and will be responsible for inputting the case in our case management system, creating and building the physical file, and tracking the file throughout the Office after each court appearance. Additionally, these staff members will be responsible for keeping accurate statistics related to PRCS violations, as well as tracking any increase in the volume of cases generally that can be linked to Realignment.

For the purposes of this plan, it is important to remember that funding was secured from both the State and the CCPEC for the specific purpose of representing the public safety interest in prosecuting those individuals who have violated the terms of their supervised release from prison. Accordingly, it is only the personnel assigned to those hearings, and for which funding has been approved by the CCPEC and endorsed by the Board of Supervisors, that is being described above. The District Attorney believes that there will be an undetermined impact on the volume of new cases as a collateral consequence of Realignment. It must be noted that the funding allocated to and received by the County of Riverside (and each of the agencies to whom the funds will be distributed for purposes of implementing Realignment) provides funding for services only through the conclusion of the current fiscal year, ending June 30, 2012. The Governor has indicated his intent to seek to extend funding for Realignment by way of a ballot measure that will be presented to the voters for the November 2012 election. While the District Attorney is committed to protecting the public and will work to meet whatever demand is placed on the Office as a result of Realignment, the need for increased staffing, and the accompanying need for additional funding, is a matter that will be discussed in future planning cycles. The ability of the District Attorney's Office to provide required services will be dependent on the continued availability of necessary funding.

Training for a New Way of Thinking

Realignment represents the most significant change in the criminal justice system in more than thirty years. Put simply, the sentencing laws that prosecutors have applied throughout their careers have been almost completely rewritten in the span of a few short months. Our duty to represent the People of the State of California requires us to learn and master the

intricacies of these new laws at an accelerated pace. As a result, the District Attorney's Office has engaged in significant training and regularly holds strategy roundtables so as to quickly develop expertise in the new sentencing laws and alternative sentencing options, as well as work closely with criminal justice partners to ensure the availability of effective sentencing that does not necessarily rely on incarceration. What the public currently knows as prison (out-of-community incarceration in state-run secured facilities) will be excluded as a sentence option for a large number of offenses. Given that, the incarceration option for many returned and excluded offenders will now only be the local county jail, and reliance only on local incarceration in lieu of traditional prison time will ultimately overburden the County jail system, as described by the Sheriff. To hold these offenders accountable and, more importantly, to protect the public, the District Attorney's Office has increased and expanded in-house and out-sourced training.

In early September, the District Attorney's Training Unit presented an introductory training for over three hundred attorneys. This group included not only prosecutors, but also criminal defense attorneys, both public and private. While the education of defense attorneys may seem an odd role for a prosecutor's office, the reality is that all criminal justice partners need to be educated on the laws for the system to run smoothly. In late September, the Training Unit presented a more advanced training specifically designed for prosecutors, calling on the expertise of a retired judge who is recognized statewide as an expert on the new sentencing laws. In October 2011, the Training Unit developed a program to prepare our prosecutors for the Post-Release Community Supervision hearings. This was yet another complicated endeavor given the fact that local prosecutors had never been responsible for such hearings, and the laws governing such hearings were rewritten.

The Training Unit is not alone in preparing prosecutors for the demands of this new system. The District Attorney's Writs and Appeals Unit, which is assigned to offer advanced legal support to our prosecutors, has developed a "Courtroom Guide to Realignment" that has been placed in each of the calendar courts and also provided to law enforcement agencies, and offers valuable information to our prosecutors when they need it most.

The District Attorney has created an internal Realignment Working Group that meets regularly to discuss issues related to the implementation of this plan. This committee is comprised of members of the District Attorney's Executive Management Team, and is chaired by the Assistant District Attorney for Operations in the Western and Southwest Divisions. At each meeting, the District Attorney's Realignment protocols and procedures are reviewed to determine if the Office is meeting the needs of the public, the courts, and our criminal justice partners. This committee is able to identify problems and develop solutions in real time to ensure that our commitment to public safety is met.

Additionally, in support of the spirit of Realignment, and in recognition that many defendants charged with certain low level misdemeanors will likely suffer little if any consequences as a result of their conduct, the District Attorney has begun the process of developing a new Diversion Program for certain misdemeanor offenders. This new program, which the District Attorney hopes to begin in early 2012, would identify certain misdemeanants and offer them the opportunity to make restitution and participate in educational classes targeted to

correcting their behavior, with the goal of having their criminal matter dismissed upon successful completion of the program. Programs such as these have been successful in reducing both recidivism and the burden on the justice system in counties such as Orange and Sacramento.

The mandates of Realignment present an uncharted territory which will require constant monitoring and flexibility by the District Attorney.

Conclusion

Winston Churchill said that “difficulties mastered are opportunities won.” The Governor’s Realignment plan, however well intentioned, presents many difficulties for all of the partners in the criminal justice system. Moreover, the ramifications of these new laws, and the impact on the citizens of Riverside County, are difficult to predict. To simply bemoan these potential consequences of Realignment serves no legitimate purpose, and in fact will destroy whatever opportunity we have in working together to ensure that our citizens remain safe and secure. It is the District Attorney’s intention to make every effort to enforce the law as written, and work with statewide legislators to improve the law whenever and wherever possible.

IV. PUBLIC DEFENDER

Realignment as a result of AB 109 has modified the workload of the Law Office of the Public Defender as clients who previously were handled through the state parole system are now handled locally and more complex dispositions need to be arranged to appropriately sentence clients on the county level. The Public Defender works cooperatively with other agencies to avoid duplication of services and an effective division of the workload while balancing the legal rights of this client base. Our implementation plan requires that we address three distinct populations:

1.) New charges

Clients with qualifying offenses who would have been sentenced to state prison and had their rehabilitation needs assessed and addressed by the California Department of Corrections and Rehabilitation (CDCR) now remain in the county of Riverside to serve their sentence. These individuals can be sentenced under two distinct formulas that have altered the overall structure of felony sentencing.

- This significant change in sentencing laws has been and continues to be addressed by Public Defender staff trainings.
- The Public Defender works cooperatively with other agencies to determine the most appropriate placement or alternative sentence available for these clients to ensure that they receive the appropriate disposition for their case, any rehabilitation available is utilized, and the jails do not become overcrowded.
- Public Defender Social Worker assistance is common to assist with appropriate assessment of treatment needs, referrals, and transportation.

- These cases occur county-wide in nearly every courtroom and as a result are handled by nearly all of our current lawyers and staff at various times.
- These are clients that we would have represented prior to AB 109 but because many of their dispositions have become more complicated we have set up a data tracking system that allows us to track these cases, their outcome, and any added workload that results over time.
- No specific additional AB 109 staff is used at this time, however data is tracked to determine which services and resources can be attributed to AB 109. AB 109 funding for training is on-going.

2.) Prison sentences served locally

Many clients previously sentenced to State Prison can now receive split sentences, also known as hybrid sentences or supervised release by the Court, to be served locally. Prior to AB 109, when a person was sent to State Prison the courts lost jurisdiction over the case and had no further involvement. As a result of AB 109 Realignment, these individuals can now be housed in our jail and returned to the community through split sentences monitored by the Probation Department. Should these individuals violate the conditions of their release, they return to our local courts to adjudicate those violations.

- Violations are filed and prosecuted county-wide. Attorneys assigned in each of our calendar departments absorb these additional cases, jail visits, court appearances, and potential hearings.
- Public Defender Social Worker intervention will be utilized often to put together more intensive services so that these clients can be more successful in the community rather than resorting to being placed in the county jail for extended periods.
- Because split sentences typically mean that the person will first spend a period in jail before being released into the community we expect that the number of these violations will grow substantially in the coming months. Most of those receiving this type of disposition are still in custody at this time. We will continue to track this caseload and as the numbers progressively grow, the work will be assigned to designated AB 109 staff as the cases can no longer be absorbed by current staff.
- Hours are being tracked to account for AB 109 funding of this workload.

3.) Parolees released to Riverside County pursuant to AB 109

Individuals who are released from prison and qualify under AB 109 are now supervised locally under Post-release Community Supervision (PRCS). Those who violate the terms of their PRCS are now addressed in our local courts and represented by the Public Defender. We previously did not represent individuals in hearings after they were sentenced to State Prison. Beginning in 2013, we will be responsible for the Parole population as well as the PRCS population. We anticipate the implementation plan to be similar for both populations although the volume will increase significantly at that time.

- In anticipation of this new responsibility we have provided additional training to prepare for representation of clients in this new area of law.

- At this time all parole violations are funneled through the Riverside Hall of Justice regardless of where the case originated throughout the county.
- One full-time lawyer has been designated to handle all of these cases county-wide.
- Communication has been established between probation and the lawyer so that we can quickly respond to alleged violations. We will visit the client wherever they are housed throughout the county to make attempts to resolve appropriate cases early. This alleviates court appearances, transportation of clients, and extended stays in jail when appropriate.
- If cases cannot be resolved the lawyer makes court appearances to negotiate or litigate cases.
- All justice partners continue to meet to resolve new issues as they arise in order to keep the process as efficient as possible while ensuring that our clients' legal rights are met.
- Social Worker assistance will be utilized to refer these individuals to treatment and other social programs to assist them with their needs while released in the community including drug treatment, housing, and mental health referrals.
- In the early stages, we have yet to see the numbers reach their full volume. As the numbers grow, the courts may utilize a regional approach for handling these cases and at that time we are prepared to designate up to 3 lawyers as well as corresponding support staff to accommodate handling the cases geographically.
- Legal Support Assistants are used to track these cases internally to determine the number of appearances made, services provided, and overall workload for the Public Defender.
- The Legal Support Assistant also facilitates communication and tracking of documents between our office, the courts, and probation.
- One attorney (DPD IV) has been designated from AB 109 funding to handle these cases. All other staff time is tracked to account for AB 109 funding as part of this caseload.

In the early stages of Realignment the Law Offices of the Public Defender has had the opportunity to prepare systems and training for handling these new cases. Those individuals that were released from prison and jail since October 1, 2011, have just begun to have violations associated with their cases. As a result, our involvement in the process is only just beginning. The data regarding management of this population will be clearer after more time has passed and more clients are sentenced and released under this legislation. At that time our plan may need to expand or be modified to accommodate the changing volume and needs.

V. MENTAL HEALTH (Health and Human Services Work Group)

Ongoing Planning Efforts

Riverside County Public Health, the Departments of Social Services and Mental Health (which includes Substance Abuse Services) plus the Riverside County Regional Medical Center have developed a Health and Human Services (HHS) work group that continues to plan for addressing the needs of the AB 109 population. The agencies recognize the

importance and challenges in serving this population and yet the opportunity to truly address needs which can assist in reducing criminal activity. This work group meets every two weeks with Probation to plan and implement services geared toward this population.

The HHS workgroup is also working on a means to track the service needs and issues surfacing in the AB 109 population. Information has often been delayed or incomplete on individuals released from prison so that planning for meeting of service needs has been difficult. Up to this point then only the more obvious and severe needs are being addressed. A list of comprehensive questions is being developed that Probation can ask new prison releases to get more complete service need information. The plan is also to do a one time survey of the newly jailed AB 109 population regarding service needs. This information will be used to quantify the amounts, types and costs of services the population requires. This will aid in planning for development of needed services and creating better access routes to services.

The agencies are encouraging a Day Reporting Center, or "one stop shop" concept so that services can be brought to the population when they report in to Probation. Continuing discussion with Probation about the planning of these centers will be critical for the agencies so the sites located will be usable by the agencies. These sites then can provide individuals an initial contact with services and allow for benefit applications and easily accessible information on resources.

In addition there is a sub work group on housing that is working in collaboration with the Discharge Committee of the United States Department of Housing and Urban Development (HUD) Continuum of Care to identify and develop transitional housing for the population. This group includes all the public agencies involved with housing such as Housing Authority, Social Services, Economic Development Agency, Mental Health and Veteran's Services. In addition management staff from Detention Health, Mental Health and Substance Abuse programs is meeting regularly with the Sheriff's Department to develop services for the AB 109 population who are in jail for both short and long term stays.

Tracking Costs and Services Provided

Each agency is working on developing mechanisms to be able to track the cost of services provided since one difficulty is being able to identify the impact of AB 109 on the county and to identify the cost of additional needed services and the funding required to provide it. This information can then be used for planning purposes, for demonstrating the impact of AB 109 on Riverside County resources and for building a case for requesting increased funds from the state for this realigned program.

Training and Resource Materials

The agencies are working on staff training for the Probation and Sheriffs' Department regarding services that currently can be accessed through the various Departments. Thus those staff will have a better understanding of the services available and eligibility criteria. Written resource information in easily understandable format is also being developed for use

by staff including benefits application information. A list of current housing options has already been developed.

Client Services

\$4.2 million of the FY 11-12 AB 109 funds have been allocated this fiscal year to provide health and human services to the AB 109 population and it has been budgeted within the Mental Health Department. Efforts to create service access are ongoing and staffing has been requested by Mental Health to provide mental health and substance abuse services including on site assistance to Probation to identify needs of individuals newly out of prison under AB 109. Social Services and the health agencies are in the process of determining the services that will be required from them.

The Departments have provided specific staff as points of contact to assist Probation staff with new releases who have urgent health or mental health needs and to problem solve unique problems of individuals as they are identified. Also as "One Stop Shops" (day reporting centers) are developed there will be opportunity for Public Health, Social Services and Mental Health to have staff on site to help engage individuals into service and to provide direct information to individuals and families. MISP (Medically Indigent Services Program) staff will also be available on site.

Mental Health/Substance Abuse

Residential and hospital treatment: Information from CDCR originally was that 5% of the released population would have severe mental health problems and up to 80% have substance abuse problems. However those with severe mental health problems have been the main impact on the county. Thus far there have been five (5) individuals needing acute psychiatric hospitalization immediately at RCRMC's Arlington campus upon transport from the prison. These individuals have been especially challenging since they have high risk of violent behavior in the hospital setting, thus putting other more vulnerable patients at risk. Other individuals have had serious problems requiring timely evaluation and crisis residential care once they arrive in the county. Crisis residential services within Mental Health are being developed to handle this need. Other Long Term Care/ mental health residential treatment options such as IMDs (Institutes for Mental Disease) and State Hospital placement are also being initially identified as needed. A history of violence and sexual offenses is already creating barriers to finding placement. Staffing for the filing and investigation to determine need for conservatorship will be required to involuntarily place individuals in locked facilities. One individual has already been placed on conservatorship. Also, limited information on the individuals needing services including their history and past behavior has made placement more difficult, however, identification of resources and the process and areas of responsibility between Departments are developing. Substance abuse residential care is also now being provided to several individuals. Funding has been budgeted to provide these high cost services through contracts.

Outpatient Treatment: Mental Health has budgeted staff who are currently being hired to work onsite in the Probation reporting centers to evaluate those with mental health and

substance abuse needs as they report to Probation following prison release. Individuals in need are now referred to the current Department clinics thus impacting an already overloaded system. However as staff funded under AB 109 are hired there will be outpatient programs co-located in regional substance abuse clinics where the AB 109 population can receive mental health and substance abuse assessment, peer support, medication and group treatment using current evidence based treatments. This will then relieve the pressure of this population on existing mental health clinics. Also, specialized intensive treatment teams are being created and staffed for those in the community who need intensive treatment and case management, which, in conjunction with Probation, will provide close monitoring and extensive and frequent support.

Jail Services: Staff are being hired to provide assessment and crisis support for the expanded jail population resulting from AB 109. In addition, new staff will provide medication services and group treatment of mental health and substance abuse problems for those needing ongoing treatment while sentenced to the jail for long term stays. The ability of the Sheriff's Department to locate the AB 109 population with long term stays only into one or two sites will be critical to providing ongoing health and mental health services to those with serious and chronic problems.

Health

An individual has been identified by Public Health as liaison for assistance with urgent health services and problem solving of individual's specialized physical health problems. Outpatient services will currently be provided within existing health clinics and will be tracked to identify need and cost to the county. RCRMC will provide medical and psychiatric emergency outpatient primary and specialty services and acute hospitalization services and will likewise track cost and need.

An Urban Institute Justice Policy Center research study published in February 2008¹ documented the health challenges facing men and women being released from prison. This report was discussed with Riverside County Detention Health personnel who indicated the major findings are consistent with the health issues currently experienced by inmates in the county's jail system. Listed below are some of the study's key findings:

- Most of the individuals released from prison (84% of men and 92% of women) reported having chronic health conditions requiring treatment or management.
- About 40% of men and 60% of women indicated they had a combination of physical health, mental health, and substance abuse issues.
- Almost two-thirds of men and women reported active substance abuse in the six months prior to their incarceration.
- Almost 50% of men and 66% of women had been diagnosed with a chronic physical health condition. Most commonly cited health problems included high blood pressure, hepatitis, asthma, diabetes, arthritis, and HIV/AIDS.

¹ "Health and Prisoner Reentry: How Physical, Mental, and Substance Abuse Conditions Shape the Process of Reintegration," Kamala Mallik-Kane and Christy A. Visher, Urban Institute Justice Policy Center, February 2008.

- Individuals with physical and mental health conditions were heavy utilizers of health care services. Within eight to ten months of their release from prison, over 7 in 10 individuals had accessed some type of health care services; 30% had used emergency room services and 20% had been hospitalized.

Based upon this study and the discussions with Detention Health staff, it is anticipated that many AB 109 individuals will have physical health issues in addition to mental health and/or substance abuse issues that will need to be addressed. CHA and RCRMC will provide information to Probation Department staff to distribute to AB 109 individuals about the availability of county health care services, including clinic and hospital site locations, hours of operation, list of services, and other important information.

There are plans to place a public health nurse at the Probation Department's primary receiving centers to conduct a brief health screening and provide appropriate referrals on AB 109 individuals to identify any urgent or possible public health-related communicable threats such as active TB. Those with primary physical health issues will be referred to one of the CHA Ambulatory Care Centers, RCRMC's primary care clinics or other appropriate medical clinic, such as the Veterans Administration, for further evaluation. Once evaluated, individuals with medical conditions requiring specialty care treatment may be referred to the appropriate RCRMC specialty clinic. RCRMC's Emergency Department will be available to provide emergency services as needed on a 24/7 basis. As noted in the Mental Health/Substance Abuse section of this report, some AB 109 individuals have required acute psychiatric hospitalization upon their release from prison. RCRMC's Arlington campus will provide 24 hour psychiatric emergency treatment services (ETS), including evaluation, crisis intervention, and referrals for acute psychiatric hospitalization at its inpatient treatment facility (ITF).

Social Services

Information is being provided to Probation staff about the services and benefits application process available through the Department of Public Social Services (DPSS). Services, such as CalWORKs (cash aid), CalFresh (previously known as Food Stamps), Medi-Cal, and General Relief assistance, are currently provided through the existing community based DPSS district offices to eligible AB 109 individuals as part of the general applicant population. A mechanism for tracking services specifically provided to the AB 109 population is under development.

DPSS will continue to accept and process all applications for assistance received from AB 109 individuals at any of the DPSS district office locations throughout the county. Once the "one stop shops" are established, DPSS will provide designated staff on site to provide direct service information to AB 109 individuals and their families. Applications for services can also be submitted electronically via C4yourself.com. Additionally, DPSS has four Family Resource Centers in the cities of Desert Hot Springs, Mecca, Perris and Riverside that can be used to refer clients and their families for other supportive services. The Family Resource Centers work collaboratively with community partners to provide an array of services and activities that are integrated, comprehensive, flexible, and responsive to community identified needs. The following are core services provided:

- Parenting Skills: Acquiring knowledge and developing skills to become an effective parent.
- Self-Sufficiency: Job and career development for adults and youth, how to conduct a job search, how to obtain job training.
- Community Action: Community development, human services advocacy, farm worker services.
- Child Abuse Prevention Services: Awareness of what constitutes abuse, how to report, where to get help, sharing responsibility for child safety, permanency, child and family well-being. Delivered services may include: differential response; anger management; individual group and family counseling; domestic violence intervention; in-home demonstration services; kinship support services, public health, and alcohol or other drug treatment.
- Resource Development, Information & Referral Services: Learning where support resources exist, linkage to professional services, how to get help for themselves and for family members, senior services, how to locate transitional housing, legal aid services.
- Education and Literacy: Reading and writing skills, English as a Second Language, educational services.
- Life Skills: Home management skills, budgeting, how to shop, driver's education.

DPSS has requested and received a data extract that would help us match any potential post-release community supervision offenders with open Child Protective Services cases and/or foster homes. The plan is to use this data extract of addresses of the current AB 109 offenders to identify any potential risk to children and the need to obtain further information from the Probation office on these individuals. DPSS is also concerned about cases where individuals formerly charged with domestic violence may be returning to the home where the violence occurred. A mechanism or tool for identifying these situations will need to be developed.

Other

Housing resources are being reviewed and need expansion for the population since stability in housing is a critical deterrent to future crime. The need for funding to support individual's housing is being discussed through various work groups and determination made about the use of limited AB 109 funds for ongoing housing support. Employment services are also a concern and Probation continues to work with the existing resources to address this issue. Work will be ongoing in each of these areas of need.

Challenges and Opportunities

One of the greatest current challenges is being able to determine overall needs of this new population in order to plan for services and determine impact on the county resources. The current prison record review process has gaps and delays which make it hard to immediately identify the specific needs of the individuals in the AB 109 population who report to Probation. As the current review process becomes more standardized, as clinical staff is hired to screen and assess and as the CDCR referral process improves this will become easier. However tracking of needs and costs of the population that just shows up at existing service offices on their own without specific referral will remain difficult. Further it will continue to be important to focus on engaging the population to follow up with needed services such as mental health and substance abuse services that then impacts their risk of recidivism. Thus the real impact of the AB 109 population on the county's human services system will continue to be difficult to quantify for some time.

However, as individuals are identified and services are provided then the long term health, mental health and substance abuse treatment needs and costs, especially for those with severe and chronic diseases, will become clearer. Referrals of severely ill individuals have already begun to show potential for severe impact on existing resources in the community. Another issue is that even if additional funding is available, there are limitations to creating additional service capacity. This is primarily due to lack of available appropriate facilities and lack of community support for serving these individuals in local neighborhoods.

Community resistance and lack of resources for housing and employment of those with criminal records will be magnified as there is increased awareness of individuals' needs and efforts made to access resources. Further, some of the resources that Parole has provided in the community through contracts will be reduced over time so the county must then decide if those resources can be replaced through local efforts or continued through local funding.

On the positive side, as individuals are screened and monitored by law enforcement and services staff, as service needs are tracked, as housing and employment resources are developed and as services are provided, there will be the opportunity to directly impact the lives of individuals and families in the community thus reducing the risk of criminal recidivism. Through contacts with the AB 109 population there will be opportunity to provide support for families. This is critical since there is a parent returning home which creates family stress and can increase domestic violence and abuse. Parole previously provided the bulk of whatever mental health treatment services were available. Parolees were not otherwise specifically served or tracked in the county system, thus the needs and the impact of this population was not known and often poorly addressed. Now with individuals identified by the county and with appropriate resources, the county system will be able to know about and provide the interventions needed to reduce recidivism and ensure appropriate care. Thus through this program there is an opportunity to focus resources in a way that positively impacts the financial and human cost to families and society of repeated criminal behavior. Adequate funding of course is key to producing this outcome.

VI. SUPERIOR COURT

The Criminal Justice Realignment Act makes significant changes to felony sentencing laws, awarding of custody credits, and assigns courts a new and significant role in the revocation process for offenders released from state prison that violate their terms or conditions of Post-release Community Supervision (PRCS) or parole.

Beginning October 1, 2011, AB 109 transfers responsibility for supervising specific low level inmates and parolees from the California Department of Corrections and Rehabilitation (CDCR) to counties by the local supervising agency, the Probation Department in Riverside County. Under Assembly Bill 117, a budget trailer bill accompanying the Budget Act of 2011, the Court's role under criminal realignment previously outlined under AB 109 has been substantially narrowed to handle only the final revocation process for offenders who violate the terms or conditions of Post-release Community Supervision (PRCS) or state parole supervision.

Before a petition for revocation of post-release supervision may be filed with the Court, Probation has an affirmative duty under criminal justice realignment to assess and determine whether intermediate sanctions not requiring court involvement is appropriate. Probation has significant authority to respond to violations of supervision with a variety of intermediate sanctions, including but not limited to "flash incarceration" in the county jail for up to 10 days, without court involvement. The Court has no jurisdiction or required role until a Petition for Revocation of Community Supervision has been filed by Probation.

Effective October 1, 2011, petitions for revocation of post-release community supervision may be filed by Probation in the Superior Court in the jurisdiction in which the violator is being supervised. The Court, in collaboration with other Community Corrections Partnership Executive Committee (CCPEC) agencies, has established an effective workflow² to assume responsibility for the PRCS revocation proceedings in accordance with specific rules of court³ and a mandatory petition form the Judicial Council has adopted to establish uniform statewide revocation procedures.

The CCPEC agencies have agreed to file all petitions and hold all revocation hearings centrally at the Riverside Hall of Justice. As the caseload volume increases, a regional model may be contemplated in the future. Until then, a single Revocation Hearing Officer has been designated to handle this new caseload and hearings related to PCS revocation proceedings.

Upon receipt of a *Petition for Revocation of Community Supervision*⁴ from Probation, the Court will file the petition and, within 5 court days, conduct a probable cause review based on information contained in the petition and the written report of Probation. The Court will prescribe the date and time of the revocation hearing, within 45 days of filing of the petition, unless time is waived or the Court finds good cause to continue the matter. At any time before a formal revocation hearing the supervised person may waive the hearing, admit a

² Post-release Community Supervision Flowchart – Attachment C

³ California Rule of Court 4.540 and 4.541 – Attachment D

⁴ Petition for Revocation of Community Supervision Form (CR-300) – Attachment E

violation and accept sanctions. Absent a waiver, the Court will provide a hearing officer, courtroom facility, interpreter services and the means to produce a record for all formal revocation hearings.

Because the criminal justice realignment act transfers an Executive Branch function to the Judicial Branch, and because it provides a great deal of implementation flexibility to counties, it is very difficult to predict petition caseload with precision. However, based on California Department of Corrections and Rehabilitation's (CDCR) caseload experience during 2010, the rough estimate of the number of petitions for revocation of supervision Riverside Superior Court may receive is 266. Based on this estimate, the state budget appropriated funds for the Judicial Branch to undertake this new function and the Administrative Office of the Courts (AOC) allocated \$671,942 in operating funds to Riverside Superior Court for Fiscal Year 2011-2012.

The AOC will make future funding determinations based on workload including the number of revocation petitions filed. Future allocation of funding for court revocation proceedings will be based on actual court-specific caseload information, rather than the estimates used for Fiscal Year 2011-2012.

Beginning July 1, 2013, petitions for revocation of parole supervision will be filed in the Superior Court. These petitions will be filed by the state parole agency and a similar workflow will need to be developed between the Court and the State. These matters will not be supervised by Probation but remain with state parole. Until July 1, 2013, all state parole revocation proceedings will continue under the jurisdiction of the Board of Parole Hearings.

VII. LOCAL LAW ENFORCEMENT

Post-release Community Supervision Accountability Team (PRCSAT)

Background

On August 30, 2011 the CCP Executive Committee voted unanimously for the need of a county-wide law enforcement component. The implementation of AB109 resulted in convicted felons and parolees who were previously monitored by State Parole be supervised by County Probation.

Partnership with Probation

The PRCSAT will be a collaborative effort with County Probation and the District Attorney's Office.

Recommendation

The primary mission of PRCSAT is for municipal Police Departments to work with the County Probation Department to immediately focus on "high risk" and "at large" PRCS offenders that pose the most risk to public safety. The PRCSAT will be dedicated to identifying and

investigating “non-compliant” PRCS offenders, locating and apprehending “at-large” and “high risk” PRCS offenders and performing probation sweeps. Currently, there are over 8,000, absconded PRCS offenders. There is not a current projection on how this number will increase with County Probation taking over Parole’s duties. Based on current data available at the last CCEP meeting, since the October 1st AB109 implementation, Riverside County Probation has experienced 59 “Failure to Appear” PRCS offenders. Through sustained, proactive, and coordinated investigations the PRCSAT will be able to share information, serve warrants, locate and apprehend probation violators. The PRCSAT will proactively search for the “at large” PRCS offenders and reduce the number of absconded PRCS offenders. The support of the PRCSAT allows the County Probation Department more time and resources to focus on case management and compliance checks.

While we recognize the concerns raised by the Sheriff and the burden AB109 has placed on the cities and county infrastructures, we all have an obligation to our communities for law enforcement to be highly visible and to hold those individuals accountable that break the law, regardless of the offense (low, middle and high level offenses). The Accountability Team is a specific deterrent to the chronic re-offenders.

The eleven (11) city Police Chiefs have been working diligently to build the infrastructure to support this type of critical enforcement. The Accountability Team must be a priority in order to adequately respond to those “high risk” PRCS offenders that pose the most risk to public safety in our communities. As law enforcement professionals who are responsible for public safety and quality of life in our communities we are not able to wait for the corrections housing and alternative sentencing structure solution before the PRCSAT is implemented. The PRCSAT must be implemented immediately.

PRCSAT will be a county-wide multi-jurisdictional team; West County (Riverside PD, Corona PD, County Probation, ATF and Parole), Southwest County (Murrieta PD and County Probation) and East County (Beaumont PD, Cathedral City PD, Desert Hot Springs PD, Hemet PD, Palm Springs PD, County Probation and the District Attorney’s Office). The Association of Riverside County Chiefs of Police and Sheriff (ARCCOPS) will be the PRCSAT oversight committee. On a quarterly basis, ARCCOPS will receive a written report and presentation from the PRCSAT Commander on the Accountability Team’s accomplishments that will include statistics, data, demographics, expenditures (on-going and one-time funds) and budget status. There will also be a Memorandum of Understanding (MOU) between County Probation and the participating municipal police agencies (Beaumont PD, Cathedral City PD, Corona PD, Desert Hot Springs PD, Hemet PD and Palm Springs PD) for monetary reimbursement from AB109. Desert Hot Springs PD will be the fiscal agent as it relates to AB109 reimbursement from the county.

PRCSAT will operate in a task force model similar to the County’s successful regional gang task force teams and that of the countywide S.A.F.E. team. PRCSAT will work closely with County Probation and the District Attorney’s Office. Beaumont Police Department will provide office space for the East County unit, Riverside PD will provide office space for the West County unit and Murrieta PD will provide office space for the Southwest unit.

Fiscal Impact

Request AB109 funding for FY11-12 (6 months) in the amount of \$772,450.00

Budget- Attachment F

Organizational Chart- Attachment G

PROPOSED OUTCOMES

Performance measures and a mechanism for the reporting of outcomes will be developed based on the vision and goals stated above for public safety realignment. The outcome measures will include process analyses, implementation and change analyses, and cost/benefit analyses. As noted throughout this implementation plan, the shifting of responsibility for supervising and housing offenders from the state to the county mandates a re-tooling of the county's criminal justice system to effectively leverage available resources for all criminal offenders. The county will measure the effects of AB109 implementation on five populations: felony probationers; felons sentenced pursuant to full 1170(h) terms of imprisonment; felons sentenced to split sentences pursuant to 1170(h); felons sentenced to state prison; and PRCS offenders.

The CCPEC will explore the development and implementation of an information technology framework to facilitate information sharing and the evaluation of offender outcomes and the overall success of the implementation plan. The Sheriff and Probation is in the process of developing an interface with their client management systems and will be utilizing the same risk and needs assessment tool.

Outcome measures for the realignment plan include recidivism rate, revocation rate and arrest rates.

Efficiently Use Jail Capacity: The County will measure the use of custody, including length of stay to determine how effectively we are using custody and for what purpose. Alternatives to custody will also be studied. In this manner, the County can capture the percentage of jail space that is utilized for pre-trial detention, long term sentences, and revocations. This measure will assist the county in determining if additional jail space will become necessary in the future. Moreover, capturing information about use of custody and alternatives to custody and their effects on recidivism will help the County determine what works and what does not work to improve processes in the future.

Incorporate reentry principles into in custody programming: The County will implement systems that effectively utilize alternatives to pre-trial and post-conviction incarceration where appropriate. The County will measure the use of in custody programming to determine its effects on recidivism. The types of programming offered to each of the groups will be documented, as well as, the transitions to community treatment, and the effects on recidivism. The County will use this information to ensure funding remains available for programming showing positive results, and to modify or cut programs that are not having positive outcomes, which will result in more effective use of limited resources.

Incorporate evidence-based practices into sentencing, supervision and case management: The County will implement a system that protects public safety and utilizes best practices in reducing recidivism. The County will measure the use of risk and needs assessments in sentencing, supervision and case management. The County will measure the types and lengths of services, use of collaborative courts, alternative sanctions, custodial sanctions, level of supervision and the effects on recidivism. The County will measure the number of court hearings for all populations and whether this is increased or decreased based on strategies implemented for each population. This will help to determine whether these strategies are cost-effective and how resources should be allocated in the future. Recidivism rates for non-violent, non-serious, non-high risk sex offenders and parolees now under the County supervision will be tracked.

Implementation of a streamlined and efficient system in the County of Riverside to manage our additional responsibilities under realignment: The County will develop a system where the exchange of information between agencies is seamless. Probation and the Sheriff's Department are in the process of creating an interface between their client management systems allowing for the exchange of information and avoidance of duplication of process. Both departments will eventually be able to share information regarding the COMPAS risk/needs assessment by utilizing the same hosting site.

This policy initiative and the intervention strategies articulated in the local Public Safety Realignment plan are intended to improve success rates of offenders under supervision, resulting in less victimization and increased community safety. Accomplishing this in the most cost efficient manner and employing proven correctional and justice system practices are the primary strategic goal of the initiative.

The CCP partner feedback on the effectiveness of the mechanisms in place is imperative to collaboratively address realignment issues as they arise. Potential measures continue to be discussed and developed among the CCP partners since the October 1, 2011, beginning date of realignment.

CONCLUSION

The Public Safety Realignment Act, AB 109, mandates the most sweeping changes to the state's correctional system in a generation. It presents significant challenges to local jurisdictions that can only be resolved through a dynamic expansion of services on the part of the Probation Department, Sheriff's Department, and other county agencies.

Riverside County needs to be clear that realignment dramatically shifts supervisory and custodial responsibilities for a criminal population that would have been, in the past, committed to state prison and the responsibility of CDCR.

The concept that the offenders being directed to our local jurisdictions are non-violent, non-serious, and non-high risk sex offenders is misleading. As previously discussed, CDCR classification of these offenders is based solely upon current convictions and offenses. It is common for persons committed to state prison for a less serious offense to have significant,

lengthy criminal histories that may encompass more serious or violent crimes; and to have a history of habitual non-compliant conduct and be resistive to community corrections interventions. The Riverside County criminal justice system should remain vigilant to potential increases in crime rates or incidents of criminal conduct that are the corollary of the re-introduction of these offenders to our communities.

Riverside County has an advantage toward success with the AB109/PRCS population. The Probation Department has an evidence-based supervision program in place to address probationers. The Probation Department's supervision systems and rehabilitative programming need to be expanded and modified for this new, unique population of offender. Prior to AB 109, the Sheriff's Department developed the Riverside Alternative Sentencing Program (RASP) for custody options for their general jail population which will be used for the PRCS population.

AB 109 is a countywide challenge that requires a countywide response. Since implementation, county agencies have been working in a collaborative effort at dealing with the issues and challenges of the AB 109 population. The level of involvement and cooperation among agencies is commendable.

Implementation of this new system of programs will not be without its challenges. In the event of on-going significant compliance problems, absent re-offense, there are scant resources for consequences, and prison housing is not an option. Moreover, supervision and custody responsibilities will come at a significant cost. Realignment funds are provided for one year, and the commitment for continued state funding is speculative and still undetermined. Pursuit of a reliable and ongoing funding stream must be a priority goal and the Governor made it clear this was a priority.

Riverside County's plan for development of a supervision and custodial system for realignment was based upon statistical data only available from CDCR. CDCR has acknowledged that their predictions were underestimated statewide. Probation, the Sheriff's Department and other departments providing services to this population believe in our ability to effectively monitor and provide services to this criminal population, but that is predicated on the accuracy of those statistics. It may be necessary to make changes to the PRCS implementation plan as we progress.

The Community Corrections Partnership Executive Committee is cautious about speculating the outcome of the parole realignment due to the significant concerns on the types of offenders, the number of offenders, budgetary issues affecting county departments, and the potential for an increased crime rate. Despite these concerns, the Community Corrections Partnership Executive Committee has developed the best possible parole realignment plan for Riverside County.

**AB 109 CCPEC
Summary of Agency Budget Proposals
FY 2011/12**

October 11, 2011

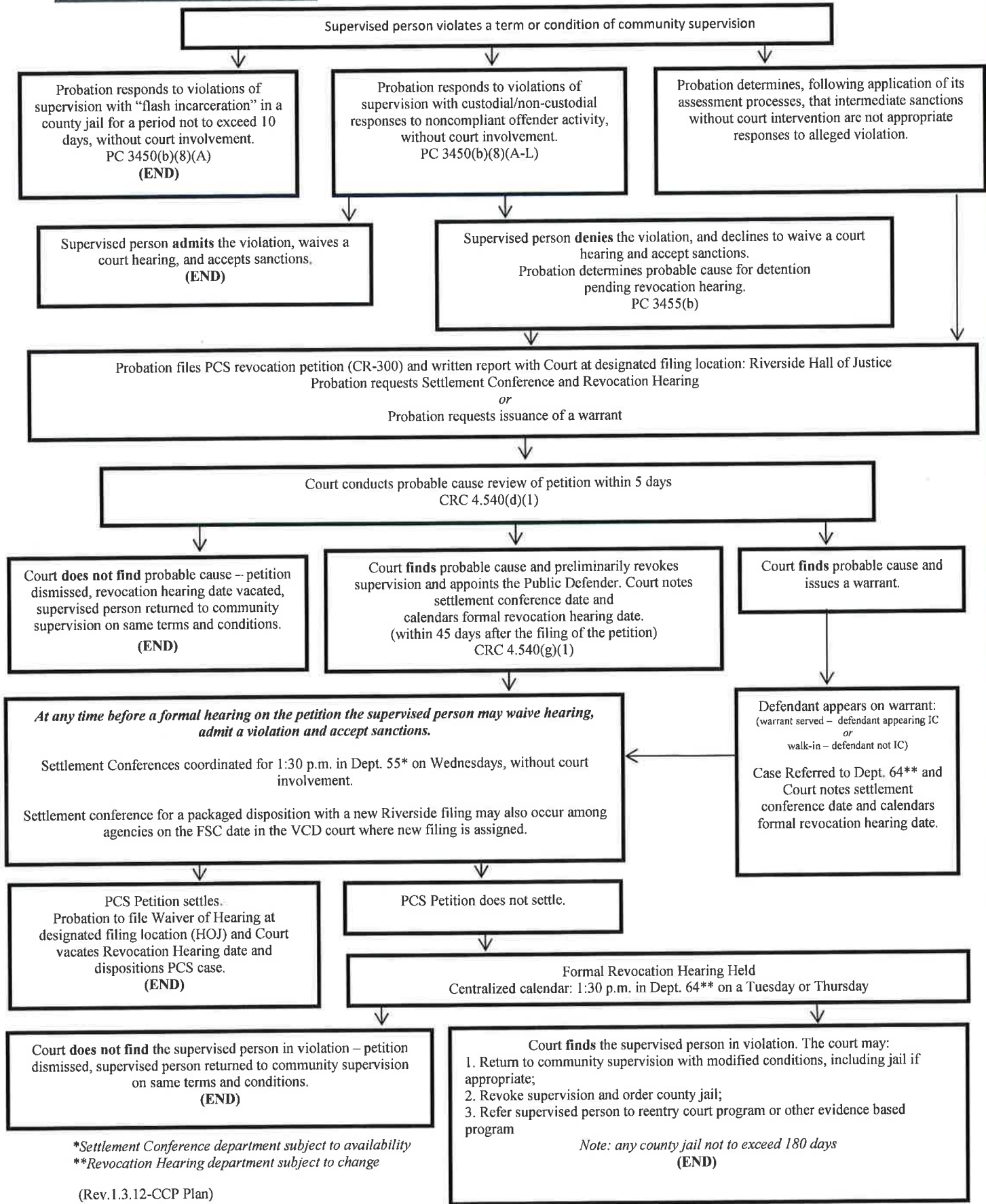
**Budget
FY 2011/12**

<u>CCPEC Agency</u>	<u>Proposed Funding</u>	<u>Contingency @ 3.5%</u>	<u>Subtotal</u>	<u>One-Time Funds Distribution</u>	<u>Revised Funding</u>
Probation Department	\$5,638,441	(\$197,345)	\$5,441,096	\$397,858	\$5,838,954
Sheriff's Department	\$9,700,000	(\$339,500)	\$9,360,500	\$684,448	\$10,044,948
District Attorney	\$570,109	(\$19,954)	\$550,155	\$40,228	\$590,383
Public Defender	\$435,917	(\$15,257)	\$420,660	\$30,759	\$451,419
Mental Health	\$4,000,000	(\$140,000)	\$3,860,000	\$282,247	\$4,142,247
Police	\$730,000	(\$25,550)	\$704,450	\$51,510	\$755,960
Subtotal	\$21,074,467	(\$737,606)	\$20,336,861	\$1,487,050	\$21,823,911
<u>Other Funds</u>					
D Attorney/P Defender	\$755,421	N/A	\$755,421	N/A	\$755,421
Superior Court	\$662,000	N/A	\$662,000	N/A	\$662,000
Planning Grant	\$200,000	N/A	\$200,000	N/A	\$200,000
Subtotal Other Funds	\$1,617,421		\$1,617,421		\$1,617,421
Grand Total	\$22,691,888	(\$737,606)	\$21,954,282	\$1,487,050	\$23,441,332

AB 109 Community Corrections Partnership Executive Committee
FY 2011/12 AB 109 Positions Summary - Revised
As of January 10, 2012

Updated: January 9, 2012

<u>CCPEC Agency</u>	<u>Auth Pos</u>	<u>Vacant</u>	<u>Filled</u>	<u>Form 11 Approp Adjust Salary/Benefits</u>	<u>Annualized Salary/Benefits</u>
Probation Department	100	68	32	\$ 4,161,500	\$ 7,943,000
Sheriff's Department	99	66	33	\$ 7,011,160	\$ 9,356,081
District Attorney	3	0	3	\$ 886,914	\$ 1,182,552
Public Defender	9	8	1	\$ 813,627	\$ 1,103,947
Mental Health	53	46	7	\$ 2,383,539	\$ 4,529,819
Total	264	188	76	\$ 15,256,740	\$ 24,115,399



*Settlement Conference department subject to availability
**Revocation Hearing department subject to change

(Rev.1.3.12-CCP Plan)

California Rules of Court

Rule 4.540. Revocation of postrelease community supervision**Rule 4.541. Supervising agency reports****Rule 4.540. Revocation of postrelease community supervision****(a) Application**

This rule applies to petitions for revocation of postrelease community supervision under Penal Code section 3455.

(b) Definitions

As used in this chapter:

- (1) "Supervised person" means any person subject to community supervision under Penal Code section 3451.
- (2) "Court" includes any hearing officer appointed by a superior court and authorized to conduct revocation proceedings under Government Code section 71622.5.
- (3) "Supervising agency" means the county agency designated as the supervising agency by the board of supervisors under Penal Code section 3451.

(c) Petition for revocation

(1) Petitions for revocation must be filed by the supervising agency at the location designated by the superior court in the county in which the person is supervised.

(2) The supervising agency may file a petition for revocation only after all of the following have occurred:

(A) The supervising agency has established probable cause to believe the supervised person has violated a term or condition of community supervision;

(B) The supervising agency has determined, following application of its assessment processes, that intermediate sanctions without court intervention as authorized by Penal Code section 3454(b) are not appropriate responses to the alleged violation; and

(C) The supervising agency has informed the supervised person that he or she is entitled to the assistance of counsel and, if he or she desires but is unable to employ counsel, the supervising agency has referred the matter to the public defender or other person or agency designated by the county to represent supervised persons.

(3) Petitions for revocation must be made on *Petition for Revocation of Community Supervision* (form CR-300) and must include a written report from the supervising agency that includes the declaration and information required under rule 4.541.

(4) Upon filing the petition, the supervising agency must provide copies of the petition and written report to the prosecutor and the supervised person's counsel or, if unrepresented, to the supervised person.

(d) Probable cause review

(1) The court must review whether probable cause exists to support a revocation within five court days of the filing of the petition. To conduct the review, the minimum information the court may rely upon is the information contained in the petition and written report of the supervising agency. If the court determines that probable cause exists to support a revocation, the court must indicate the determination on *Petition for Revocation of Community Supervision* (form CR-300) and preliminarily revoke supervision.

(2) If the court determines that no probable cause exists to support the revocation, the court must dismiss the petition, vacate any scheduled hearings, and return the person to community supervision on the same terms and conditions. If the court dismisses the petition, the supervising agency must notify the prosecutor, supervised person, and supervised person's counsel, if any, of the dismissal.

(e) Notice of hearing

The supervising agency must provide notice of the date, time, and place of any hearing related to the petition to revoke to the supervised person, the supervised person's counsel, if any, the prosecutor, and any victims.

(f) Waiver

At any time before a formal hearing on the petition, the supervised person may waive, in writing, his or her right to counsel, admit a violation, waive a hearing, and accept a proposed modification of supervision.

(g) Formal hearing

(1) The hearing on the petition for revocation must occur within a reasonable time after the filing of the petition.

(2) Revocation determinations must be based on a preponderance of the evidence admitted at the hearing. The statutory and decisional law that governs the admissibility of evidence at probation violation proceedings applies.

(h) Orders After Hearing

(1) If the court finds that the supervised person has not violated a term or condition of supervision, the court must dismiss the petition and return the supervised person to community supervision on the same terms and conditions.

(2) If the court finds that the supervised person has violated a term or condition of supervision, the court may:

(A) Return the supervised person to supervision with modifications of conditions, if appropriate, including a period of incarceration in county jail;

(B) Revoke supervision and order the supervised person to confinement in county jail; or

(C) Refer the supervised person to a reentry court under Penal Code section 3015 or any other evidence-based program in the court's discretion.

(3) Any confinement ordered by the court under (h)(2)(A) or (B) must not exceed a period of 180 days in county jail.

(i) Findings

If the court revokes community supervision, the court must summarize in writing the evidence relied on and the reasons for the revocation. A transcript of the hearing that contains the court's oral statement of the reasons and evidence relied on may serve as a substitute for written findings. *Rule 4.540 adopted effective October 28, 2011.*

Advisory Committee Comment

Before the enactment of criminal justice realignment legislation (Assem. Bill 109 (Committee on Budget), Stats. 2011, ch. 15; AB 117 (Committee on Budget), Stats. 2011, ch. 39; ABX1 17 (Blumenfield), Stats. 2011, ch. 12), parole revocation procedures conducted by the California Department of Corrections and Rehabilitation were subject to federal court injunction. (See *Valdivia v. Schwarzenegger* (E.D.Cal., Dec. 2, 2010, Civ. No. S-94-0671 LLK/GGH).) The terms and procedures required by the injunction represent a negotiated settlement between the parties and are not "necessary or required by the constitution." (*Valdivia v. Schwarzenegger* (9th Cir. 2010) 599 F.3d 984, 995, *cert. denied sub nom. Brown v. Valdivia* (2011) 131 S.Ct. 1626 [vacating a district court order denying the state's motion to modify the injunction to conform to recently enacted Penal Code section 3044 because "[t]here is no indication anywhere in the record that these particular procedures are necessary for the assurance of the due process rights of parolees"].) The due process standards applicable to postrelease community supervision revocation proceedings have been established by constitutional case law (see, e.g., *Morrissey v. Brewer* (1972) 408 U.S. 471, 489; *People v. Vickers* (1972) 8 Cal.3d 451, 457–458), not the terms and procedures negotiated by the parties to the federal injunction and related orders.

The Criminal Law Advisory Committee acknowledges that the practices related to the scheduling of court appearances vary from county to county. Nothing in this rule is intended to prohibit courts from scheduling court appearances according to local needs and customs, including requiring court appearances before formal evidentiary hearings on the petition to revoke. When filing a petition, petitioners should consult local rules and court staff regarding specific requirements for scheduling court appearances related to revocation petitions.

Subdivision (c). Penal Code section 3455 does not prescribe a deadline for filing the petition. It is incumbent on courts and supervising agencies to ensure timely filing of petitions, particularly when the supervised person is detained solely for a violation.

Subdivision (c)(2)(A). Detained supervised persons are generally entitled to certain due process rights during revocation proceedings, including a preliminary probable cause determination. (See, 80 e.g., *Morrissey, supra*, 408 U.S. at 489; *Vickers, supra*, 8 Cal.3d at 457–458.) Under the criminal justice realignment legislation, supervising agencies are authorized to conduct certain violation proceedings

without court involvement. (Pen. Code, § 3454(b) [authorizing supervising agencies “to determine and order appropriate responses to alleged violations,” including flash incarceration].) A supervising agency may only file a petition to revoke supervision with the court after it has determined, following application of its “assessment processes,” that intermediate sanctions are not appropriate responses to a violation. (Pen. Code, § 3455(a).) Supervising agencies are also authorized to determine whether the supervised person should remain in custody pending a revocation hearing and may order the person confined pending a hearing. (Pen. Code, § 3455(b).) To promote supervising agency compliance with the due process rights of supervised persons during any proceedings conducted before the filing of the petition, this subdivision requires the supervising agency to conduct a preliminary probable cause determination before the petition is filed with the court. Courts must independently review the supervising agency’s probable cause determination under subdivision (d).

Subdivision (c)(2)(C). This subdivision is designed to ensure that indigent supervised persons who desire counsel are represented as early in the revocation proceedings as possible. Nothing in this subdivision is intended to infringe on court authority to appoint counsel or allow a supervised person to waive the right to counsel.

Subdivision (d). This subdivision requires courts to review the supervising agency’s probable cause determination required under subdivision (c)(2)(A). Courts may determine the most appropriate manner to review the supervising agency’s probable cause determination. Nothing in this subdivision is intended to prevent courts from conducting formal hearings to review probable cause.

Subdivision (e). Victims are separately entitled to notice as required under article I, section 28 of the California Constitution.

Subdivision (f). This subdivision is based on Penal Code section 3455(a): “At any point during the process initiated pursuant to this section, a person may waive, in writing, his or her right to counsel, admit the violation of his or her postrelease supervision, waive a court hearing, and accept the proposed modification of his or her postrelease supervision.”

Subdivision (g). This subdivision is based on Penal Code section 3455(b): “The revocation hearing shall be held within a reasonable time after the filing of the revocation petition.” When deciding a reasonable time for hearing, courts should consider whether the supervised person is detained. (See, e.g., *Morrissey, supra*, 408 U.S. at 488 [a hearing within two months of arrest may be appropriate under certain circumstances].)

Rule 4.541. Supervising agency reports

(a) Declaration

A petition for revocation of community supervision under Penal Code section 3455 must include a declaration signed under penalty of perjury that confirms that the requirements prescribed by rule 4.540(c)(2) have been satisfied.\

(b) Minimum contents

Except as provided in (c), a petition for revocation of community supervision under Penal Code section 3455 must include a written report that contains at least the following information:

(1) Information about the supervised person, including:

- (A) Personal identifying information, including name and date of birth;
 - (B) Custody status and the date and circumstances of arrest;
 - (C) Any pending cases and case numbers;
 - (D) The history and background of the supervised person, including a summary of the supervised person's record of prior criminal conduct; and
 - (E) Any available information requested by the court regarding the supervised person's risk of recidivism, including any validated risk-needs assessments;
- (2) All relevant terms and conditions of supervision and the circumstances of the alleged violations, including a summary of any statement made by the supervised person, and any victim information, including statements and type and amount of loss;
 - (3) A summary of all previous violations and sanctions, including flash incarceration, and the reasons that the supervising agency has determined that intermediate sanctions without court intervention as authorized by Penal Code section 3454(b) are not appropriate responses to the alleged violations; and
 - (4) Any recommendations.

(c) Subsequent reports

If the supervising agency submitted a written report with an earlier revocation petition, a written report attached to a subsequent petition need only update the information required by (b). A subsequent report must include a copy of the original written report if the original report is not contained in the court file.

Rule 4.541 adopted effective October 28, 2011.

Advisory Committee Comment

Subdivision (b). This subdivision prescribes minimum contents for supervising agency reports required under Penal Code section 3455 and rule 4.540(c)(3). Courts may require additional contents in light of local customs and needs.

Subdivision (b)(1)(D). The history and background of the supervised person may include the supervised person's social history, including family, education, employment, income, military, medical, psychological, and substance abuse information.

Subdivision (b)(1)(E). Penal Code section 3451(a) requires community supervision to be consistent with evidence-based practices, including supervision policies, procedures, programs, and practices demonstrated by scientific research to reduce recidivism among supervised persons. "Evidence-based practices" refers to "supervision policies, procedures, programs, and practices demonstrated by scientific research to reduce recidivism among individuals under probation, parole, or postrelease supervision." (Pen. Code, § 3450(b)(9).)

CR-300

SUPERVISING AGENCY (Name and address):		FOR COURT USE ONLY
TELEPHONE NO:	FAX NO. (Optional)	
E-MAIL ADDRESS (Optional):		
SUPERIOR COURT OF CALIFORNIA, COUNTY OF		COCR NUMBER, IF ANY
STREET ADDRESS		
CITY AND ZIP CODE:		COURT/CASE NUMBER
BRANCH NAME		
IN THE MATTER OF (name of supervised person):		
Date of birth:		
PETITION FOR REVOCATION OF COMMUNITY SUPERVISION		

INSTRUCTIONS

- Before filing this form, petitioner should consult local rules and court staff to schedule the hearing in item 1.
- Petitioner must provide notice of the date, time, and place for the hearing in item 1 to the supervised person, the supervised person's counsel, if any, the prosecutor, and any victims. (Cal. Rules of Court, rule 4.540(e).)
- Petitioner must attach a written report that contains the declaration and information required under rule 4.541.
- Upon filing the petition, petitioner must provide copies of the petition and written report to the prosecutor and the supervised person's counsel or, if unrepresented, the supervised person. (Cal. Rules of Court, rule 4.540(c)(4).)

1. **HEARING INFORMATION:** A hearing on this petition for revocation has been scheduled as follows:

Date: _____ Time: _____ Location (if different than court address above): _____

If an interpreter is needed, please specify the language:

2. **CUSTODY STATUS:** (Select one): not in custody in custody (specify location):

Booking number (if any):

3. **CONVICTION INFORMATION:**

The supervised person was originally convicted of the following offenses:

on (specify date):

in case numbers (specify):

in county of (specify):

and sentenced to (specify sentence):

4. **SUPERVISION INFORMATION:** The supervised person was released on community supervision on (specify date):

Name of current supervising agent or officer:

Supervision is scheduled to expire on (specify date):

5. **SPECIFIC TERMS AND CONDITIONS:** Petitioner alleges that the supervised person has violated the following terms and conditions of community supervision (if more space is needed, please use Attachment to Judicial Council Form (MC-025)):

6. **SUMMARY:** The supervising agency established probable cause for the alleged violation on (specify date):

The circumstances of the alleged violation are (if more space is needed, please use Attachment to Judicial Council Form (MC-025)):

I declare under penalty of perjury and to the best of my information and belief that the foregoing is true and correct.

Date: _____

By _____

NAME AND TITLE OF PETITIONER

SIGNATURE OF PETITIONER

COURT'S PROBABLE CAUSE FINDING AND ORDERS

The court (select one):

finds probable cause to support a revocation and preliminarily revokes supervision.

does not find probable cause to support a revocation, vacates any hearing dates, and returns the supervised person to community supervision on the same terms and conditions. The supervising agency must notify the prosecutor, supervised person, and supervised person's counsel (if any) of the dismissal.

FOR COURT USE ONLY

Date: _____

JUDICIAL OFFICER

Page 1 of 1

Form Adopted for Mandatory Use
Judicial Council of California
CR-300 (New October 28, 2011)

PETITION FOR REVOCATION OF COMMUNITY SUPERVISION
(Pen. Code, § 3455)

www.courts.ca.gov

Post-Release Community Supervision Accountability Team AB109 Program

Salaries & Benefits (6 FTE)

	Salary	Benefits	Full Year Total	6 month Total
Sergeant	124,086	106,621	230,707	115,354
Police Officer	95,014	84,032	179,046	89,523
Police Officer	95,014	84,032	179,046	89,523
Police Officer	95,014	84,032	179,046	89,523
Police Officer	95,014	84,032	179,046	89,523
Police Officer	95,014	84,032	179,046	89,523
Total	\$599,156	\$526,781	\$1,125,937	\$562,969

Overtime 112,594 **\$56,297**

Operating Expenses

General Supplies (includes: office equipment, office supplies)	51,820	25,910
Communications (includes: radios, cell phones and office phones)	54,550	27,275
Professional Services (includes: legal and risk management)	100,000	100,000
Total	318,964	153,185
AB109 Grand Total	\$1,444,901	\$772,450

Post Release Community Supervision Accountability Team

