

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

838



**FROM:** Probation Department

**SUBMITTAL DATE:**  
September 12, 2013

**SUBJECT:** Approval of the Local Community Corrections Partnership Public Safety Realignment and Post-release Community Supervision Implementation Plan Update for Fiscal Year 2013/14.

**RECOMMENDED MOTION:** That the Board of Supervisors:

1. Approve the local Community Corrections Partnership Public Safety Realignment and Post-release Community Supervision Implementation Plan Update for Fiscal Year 2013/14.

**BACKGROUND:**

**Summary**

The Public Safety Realignment Act (Assembly Bill 109) was signed into law on April 4, 2011 and implemented on October 1, 2011. Realignment changed the definition of a felony as it relates to sentencing, and transferred responsibility for supervising specified lower level inmates and parolees from the California Department of Corrections and Rehabilitation (CDCR) to counties. Additionally, the locally supervised offenders would serve their custodial sanctions in the local jails instead of prison. Section 1230.1 (a) of the California Penal Code requires that each county Community Corrections Partnership Executive Committee (CCPEC) shall recommend a local plan to the County Board of Supervisors for implementation of the 2011 public safety realignment.

Continued on Page 2

*Mark A. Hake*  
Mark A. Hake  
Chief Probation Officer

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	\$ N/A	\$ N/A	\$ N/A	\$ N/A	Consent <input type="checkbox"/> Policy <input checked="" type="checkbox"/>
NET COUNTY COST	\$ N/A	\$ N/A	\$ N/A	\$ N/A	
SOURCE OF FUNDS: N/A				Budget Adjustment: N/A	
				For Fiscal Year: 13/14	

**C.E.O. RECOMMENDATION:** N/A APPROVE

BY: *Elizabeth J. Olson*  
County Executive Office Signature Elizabeth J. Olson

**MINUTES OF THE BOARD OF SUPERVISORS**

On motion of Supervisor Stone, seconded by Supervisor Ashley and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Jeffries, Tavaglione, Stone, Benoit and Ashley  
Nays: None  
Absent: None  
Date: September 24, 2013

Kecia Harper-Ihem  
Clerk of the Board  
By: *Kecia Harper-Ihem*  
Deputy

xc: 11 BH Probation

Prev. Agn. Ref.: 2/28/12 (3.42), 11/6/12 (3.67) District: All Agenda Number: **3-43**

ATTACHMENTS FILED  
WITH THE CLERK OF THE BOARD

FORM APPROVED COUNTY COUNSEL  
DATE: 9/16/13  
BY: ERIC STOPHER  
Departmental Concurrence

- Positions Added
- Change Order
- A-30
- 4/5 Vote

**SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**  
**FORM 11: Approval of the Local Community Corrections Partnership Public Safety Realignment and Post-release Community Supervision Implementation Plan Update for Fiscal Year 2013/14.**

**DATE:** September 12, 2013

**PAGE:** Page 2 of 4

**BACKGROUND:**

**Summary (continued)**

The CCPEC, chaired by the Chief Probation Officer, developed a local plan for the implementation of the 2011 Public Safety Realignment. On February 28, 2012 (item 3.42), the Board approved the Public Safety Realignment and Post-release Community Supervision final implementation plan. On November 6, 2012 (item 3.67), the Board received and filed the implementation plan update. Additionally, on January 15, 2013, all CCPEC agencies presented individual departmental overviews and updates at a Board Workshop on realignment. On March 12, 2013 (item 3.32), the Board approved the Public Safety Realignment and Post-release Community Supervision Plan Update for Fiscal Year (FY) 2012/2013.

**Local Community Corrections Partnership Public Safety Realignment and Post-release Community Supervision Implementation Plan Update for Fiscal Year 2013/14 (Attachment)**

On August 20, 2013 (item 3.59), the Board approved the FY 2013/14 Budget for the Community Corrections Partnership Implementation of AB109, Criminal Justice Alignment. On September 10, 2013, the attached Public Safety Realignment and Post-release Community Supervision Implementation Plan Update was approved by the CCPEC. This document incorporates all the CCPEC agency updates into one comprehensive plan that includes statistical and program information for the FY 2012/13, plus expansion of current programs and addition of new programs for the FY 2013/14.

Since realignment, Riverside County adopted an integrated system of care for the realigned offenders which involved many community partners. From the onset of community supervision until the end of jurisdiction, evidence-based practices are utilized to assist these offenders to successfully reintegrate into the community. Some of the strategies employed are:

- **COMPAS Assessment:** At initial orientation, a COMPAS risk assessment is completed to determine the offender's risk level, and to determine needs of the offender. Appropriate referrals to programs and services are made.
- **Mandatory Supervision:** Courts are committed to utilize this sentencing option. As of March 1, 2013, approximately 67% of offenders sentenced to local "prison" received split sentences.
- **Evidence-based Practices Training:** Sheriff's Department, Social Services, and Probation all participate in various trainings including Motivational Interviewing, EBP Principles, cognitive behavioral restructuring and assessment tools.
- **Courage to Change-Interactive Journaling:** Deputy Probation Officers facilitate these classes which are based on cognitive restructuring principles for high and medium risk offenders.
- **Helping Individuals Receive Employment (H.I.R.E.):** Utilizing an evidence-based assessment tool, high and medium risk probationers who are not in custody, gainfully employed or disabled are required to attend the H.I.R.E. workshops. The objective of H.I.R.E. is to help offenders develop an employment Action Plan which identifies personal risk factors and ways to overcome employment barriers. The offender is able to determine their current level of motivation for change, employment readiness, and personal goals through the creation of the Action Plan. There have been 3 regional workshops presented reaching a total of 263 offenders. From the last workshop, 98% of the offenders believed the Action Plan would assist them in obtaining employment.
- **Day Reporting Center:** "One-Stop-Shop" which offers a variety of counseling and educational programs through collaboration with Department of Social Services, Office of Education, Employment Development Agency, Mental Health Department, Veteran's Services, Public Health, and Child Support Services. In addition to re-entry programming, this center also provides supportive services such as a Peer Support Specialist to aid in readjusting to a community setting, bus passes, clothing, sack lunches, food and hygiene kits.

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**DATE:** September 12, 2013

**PAGE:** Page 3 of 4

- **Post-release Accountability and Compliance Teams (PACT):** PACT is a collaborative effort between Probation, District Attorney's Office, Sheriff and local law enforcement agencies. Agencies contribute staff members to the PACT to focus on compliance checks and warrant service. There are currently three PACTS regionally located throughout Riverside County.
- **Law Enforcement Portal and Warrant Data:** Local law enforcement agencies have access to the Probation Department's case management system to access key data for field law enforcement officers. The officers can make contact entries into the data base. A warrant list is also shared with local law enforcement agencies.
- **Realigned Offender Data Sharing:** A process is being developed to share offender information with CCPEC partner agencies to better identify programs and services which are attributed to this population to enhance funding accountability.
- **Incentives and Sanctions Matrix:** The Probation Department uses various incentives and sanctions such as: early release from supervision, reduction in supervision level or reporting requirements, bus passes, clothing, food and hygiene kits, transitional housing, flash incarceration, electronic monitoring, SCRAM, referral to the Day Reporting Center or other programming, and drug/alcohol treatment.
- **Alternatives to Custody:** The Sheriff's Department and Probation utilize various alternatives to custody such as: electronic monitoring, Pretrial Services OR release, work release and Riverside Substance Abuse Treatment Program. Additionally, as an alternative to local custody the Sheriff's Department secured a fire camp contract with CDCR.
- **Waiver of Violation Hearings:** The Public Defender and District Attorney's Offices provide supportive services to offenders facing violations and assist Probation in the efficient processing of these offenders. We have more than a 90% rate of offenders who waive the violation hearing and admit their violation, which reduces court hearings.

**Impact on Citizens and Businesses**

Realignment is a countywide challenge that requires a countywide response. Since implementation, county agencies have been working collaboratively to address the issues and challenges of the realignment populations. The county agencies and partners in the community such as police and the courts are committed to providing a high level of involvement and cooperation. The policy initiatives and intervention strategies articulated in the CCP Public Safety Realignment and PRCS Implementation Plan Update report 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.

**ATTACHMENTS (if needed, in this order):**

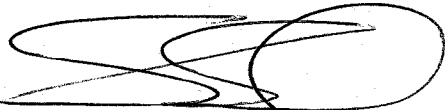
- BUDGET ADJUSTMENT:** Each CCPEC county department will return with individual Form 11s to the Board of Supervisors to request adjustments to their FY 2013/14 budget appropriations for AB109.
- CHANGE ORDER REPORT** Not Applicable
- PERSONNEL CHANGE and ORDINANCE 440 REPORT:** Each CCPEC county department will return with individual Form 11s to the Board of Supervisors to request the addition of new positions.
- ADDITIONAL ATTACHMENT:** Local Community Corrections Partnership Public Safety Realignment and Post-release Community Supervision Implementation Plan Update for FY 2013/14.

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**FORM 11: Approval of the Local Community Corrections Partnership Public Safety Realignment and Post-release Community Supervision Implementation Plan Update for Fiscal Year 2013/14.**

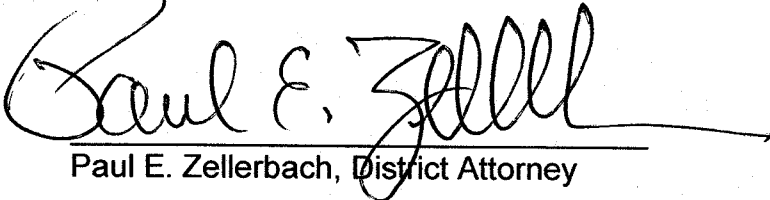
**DATE:** September 12, 2013

**PAGE:** Page 4 of 4

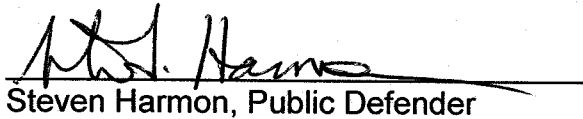
**SIGNATURES: Community Corrections Partnership Executive Committee (CCPEC)**



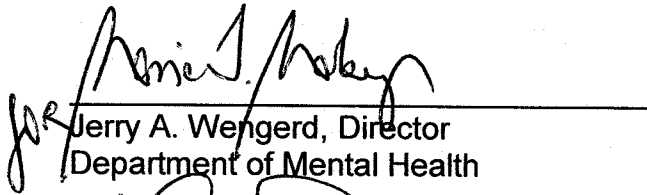
Stanley L. Sniff, Jr., Sheriff-Coroner-PA



Paul E. Zellerbach, District Attorney

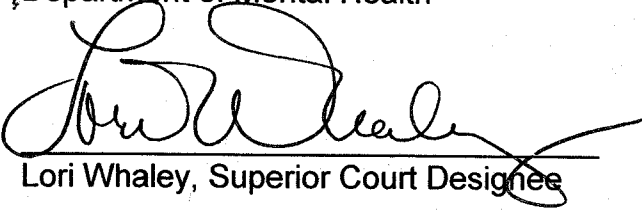


Steven Harmon, Public Defender

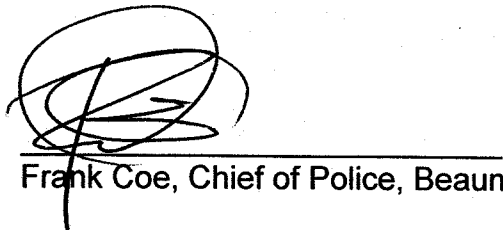


for

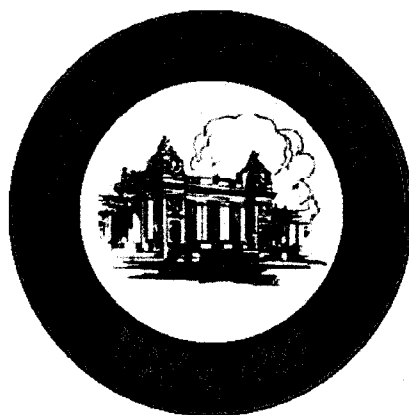
Jerry A. Wengerd, Director  
Department of Mental Health



Lori Whaley, Superior Court Designee



Frank Coe, Chief of Police, Beaumont



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

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Implementation Plan Update  
September 24, 2013

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**Executive Committee of the Community Corrections Partnership**

Mark A. Hake, Chief Probation Officer, Chair

Mark A. Cope, Presiding Judge

Paul E. Zellerbach, District Attorney

Steven L. Harmon, Public Defender

Stanley L. Sniff, Sheriff

Jerry A. Wengerd, Director, Department of Mental Health

Frank Coe, Chief, Beaumont Police Department

## TABLE OF CONTENTS

<b><u>Section</u></b>	<b><u>Title</u></b>	<b><u>Page</u></b>
I	<b><u>Overview of 2011 Public Safety Realignment Act</u></b>	1
II	<b><u>Local Planning and Oversight</u></b>	1
III	<b><u>Fiscal Information</u></b>	4
IV	<b><u>Implementation Plan Update</u></b>	6
	1. Probation Department	6
	2. Superior Court	8
	3. District Attorney	10
	4. Public Defender	16
	5. Sheriff	18
	6. Department of Mental Health	27
	7. Local Law Enforcement	31
V	<b><u>Outcomes</u></b>	32
VI	<b><u>Future Projects and Plans</u></b>	34
VII	<b><u>Conclusion</u></b>	34
<b>Attachments:</b>		
	<b><u>Attachment A:</u> Community Corrections Partnership Public Safety Realignment and Post-release Community Supervision Budget FY 2013/14</b>	36
	<b><u>Attachment B:</u> Post-release Accountability and Compliance Team Activity Report 2012-2013</b>	37
	<b><u>Attachment C:</u> Post-release Community Supervision Data</b>	38
	<b><u>Attachment D:</u> Mandatory Supervision Data</b>	39

## **Section I**

### **OVERVIEW OF 2011 PUBLIC SAFETY REALIGNMENT ACT**

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 (AB109) was signed into law on April 4, 2011. AB109 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.

#### **KEY ELEMENTS OF AB109:**

- **Post-release Community Supervision (PRCS):** The PRCS population consists of offenders who were released on or after October 1, 2011, after serving a prison term for Penal Code Section 1170(h) eligible crimes, and released on community supervision under the jurisdiction of local probation departments. Many of these offenders have a prior history of committing violent, serious or sex related crimes, but because their current crime is a non-violent, non-serious or non-high risk/non-registerable sex related offense they qualify for PRCS supervision.
- **Mandatory Supervision (MS):** Riverside County is responsible for the MS offenders who are convicted of Penal Code Section 1170(h) eligible crimes, and no longer can be sentenced to state prison. Pursuant to Penal Code Section 1170(h)(5), there are two ways an offender may be sentenced to local custody. The first is under subsection (A), wherein an offender is sentenced to serve their entire custodial term with no community supervision upon release. The second is under subsection (B), wherein the offenders will receive a "split sentence" wherein they serve a portion of their sentence in jail and the balance of their sentence under the community supervision of the probation department.

## **Section II**

### **LOCAL PLANNING AND OVERSIGHT**

#### **COMMUNITY CORRECTIONS PARTNERSHIP (CCP):**

In the last three 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. Senate Bill 678 (SB678) (2009), Community Corrections Performance Incentive Act, established a CCP in each county, chaired by the Chief Probation Officer, and charged with advising on the implementation of SB678 funded initiatives.

In response to realignment legislation, the Riverside County CCP established an executive committee (CCPEC) and developed an implementation plan which was adopted by the Board on February 20, 2012 (item 3.42). The initial plan was revised for FY 2012/13 and adopted by the Board on November 6, 2012 (item 3.68). Additionally, on January 15, 2013, all CCPEC agencies presented individual departmental overviews and updates at a Board Workshop in realignment. On March 12, 2013 (item 3.32), the Board approved the latest update to the Public Safety

## Realignment and Post-release Community Supervision Implementation Plan.

The CCPEC oversees the realignment process and advises the Board of Supervisors in determining funding and programming for the various components of the plan. The members of the Executive Committee include the: Chief Probation Officer (chairperson); Presiding Judge or designee appointed by the Presiding Judge; District Attorney; Public Defender; County Sheriff; Chief of Police; and the Director of Mental Health (as approved by the Board on July 26, 2011).

Through a collaborative effort, the plan was implemented acknowledging Riverside County has a long history of providing innovative alternatives to incarceration, problem solving courts, progressive prosecutorial programs, holistic indigent defense, rehabilitative in-custody programming, evidence-based supervision and post-release services. This document serves to provide an update as to the progress of the processes and programs created to address the diverse needs of this new population of offenders.

### **COMMUNITY CORRECTIONS PARTNERSHIP EXECUTIVE COMMITTEE WORK GROUP:**

Chaired by the Assistant Chief Probation Officer, this group was established to discuss funding methodology, policies and programming necessary to implement the realignment strategy plan. The following sub-work groups were established to address specific issues related to realignment. The following is an update of their accomplishments:

- **Fiscal Sub-Work Group:** Chaired by a representative of the Probation Department, this group consists of senior executive staff and fiscal managers from each CCPEC agency. The key focus is to review and discuss fiscal accounting procedures/reports and related issues surrounding AB109 Public Safety Realignment funding. This group continues to meet as needed.
- **Operational Effectiveness Sub-Work Group:** Chaired by a representative of the Sheriff's Department, this group consists of representatives from the Sheriff and the Probation Department, including representatives from each department's Information Technology (IT) units. This group successfully created interfaces in each department's computer systems for the sharing of offender information.

Additionally, through data sharing the Department of Public Social Services (DPSS) receives data from the Probation Department's Juvenile Adult Management System (JAMS) to assist with matching any potential PRCS offenders with open Child Protective Services cases and/or foster homes; thereby identifying any potential risk to children. Probation Department's JAMS also provides local law enforcement with a monthly list of active PRCS cases and a weekly list of active PRCS warrants. Furthermore, Probation created a web-based client management system referred to as the "Law Enforcement Portal (LEP)." LEP allows officers on the street to have access to pre-approved information in the Probation Department's JAMS data base. This group continues to meet as needed.

- **Court Sub-Work Group:** Chaired by a representative of the Court, this group consists of representatives from the Probation Department, the Court, the District Attorney's Office, the



Public Defender's Office and the Sheriff's Department. This group collaboratively focused on the development of court protocols and procedures for the violation processes for the PRCS and MS offenders, including development of forms used by the Sheriff and Probation. These protocols and procedures have been successfully integrated into the violation processes for the PRCS and MS populations. This group continues to meet as needed to update forms or address any court related issues.

- **Health and Human Services Sub-Work Group:** Chaired by a Deputy Director of the Department of Mental Health, this group consists of representatives from the Probation Department, the Public Defender's Office, Riverside County Public Health, DPSS and Mental Health (which includes Substance Abuse Services), the Riverside County Regional Medical Center (RCRMC), and RCRMC Detention Health Services. This group is collaboratively working on meeting the medical and mental health needs of the PRCS and MS populations, including addressing issues related to housing. On March 8, 2013, Emergency Housing was made available to realignment offenders. Currently, the group is updating the Request for Proposal (RFP) document in order to include different housing options. The intent is to leave the RFP open on a continuous basis until all the regional housing needs are met. The RFP will address three types of housing to be available: Emergency Housing (1 to 30 days); Transitional Housing without services (1 to 6 months); or Transitional Housing with programming and services (6 to 12 months). It is anticipated these housing types will be available in late 2013 or early 2014. Another goal for this group is to develop a data sharing network to assist partner agencies to identify the realigned population and the services provided to this population. This group continues to meet on a regular, monthly basis.
- **Post-release Accountability and Compliance Team (PACT):** Chaired by a designated Chief of Police, this group consists of police chiefs from 11 police departments in Riverside County. Their focus has been development of three regional PACTs to assist with sweeps coordinated by Probation, apprehend high risk PRCS offenders on warrant status and at-large in the community, and assist probation officers with compliance checks.
- **Day Reporting Center (DRC) Sub-Work Group:** Chaired by a representative from Probation, this group consists of representatives from the Probation Department, the Court, the Public Defender's Office, the Sheriff's Department, Mental Health (including Substance Abuse Services), Riverside County Office of Education, Workforce Development, Department of Public Social Services, Department of Public Health, Child Support Services, and Veterans' Support Services. This group was formed to develop regionally located DRCs in Riverside County. The first DRC opened on October 15, 2012, in Central Riverside. Development of a DRC in the desert region is a goal for FY 2013/14. Another goal of this work group is to periodically report on agency specific outcomes and performance measures. This group continues to meet as needed.
- **Measurable Goals Sub-Work Group:** Chaired by a Chief Deputy Probation Officer, this group consists of representatives from the Probation Department, the Court, the District Attorney's Office, the Public Defender's Office, the Sheriff's Department, the Department of Mental Health, and Police. The purpose of this group is to develop a defined set of

measurable goals and outcomes allowing the CCPEC to gauge the effectiveness of the county's response to realignment. This group will develop a countywide shared database (joint HUB concept) to track and measure outcomes. A report document will be developed for monthly CCPEC reporting. This group continues to meet monthly.

The CCPEC 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 CCPEC is committed to realignment'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 CCPEC will continue to meet and identify needed additions and/or modifications to the plan as determined by individual departments. Thus, the realignment plan should be viewed as a living document, which will be appended on an ongoing basis, as the CCPEC institutionalizes the framework delineated in the plan through the development of operational protocols, procedures and guidelines; assurance of stable and adequate funding; and accumulation of measurable data and information based on multiple years of realignment implementation.

### **Section III**

### **FISCAL INFORMATION – FY 2013/14**

#### **YEAR 3 (FY 2013/14) ALLOCATION PRINCIPLES:**

The estimated statewide funding level more than doubled from Year 1 to Year 2 (\$354.3M to \$842.9M), and from Year 2 to Year 3 (\$842.9M to \$998.9M) an additional 20% is projected. The Year 1 (FY 2011/12) funding allocation for each county was based on a weighted formula consisting of CDCR's estimated average daily population of eligible offenders (60%), total population of adults 18-64 (30%) and SB 678 distribution formula (10%). For Years 2 and 3 (FY 2012/13 and FY 2013/14), the State Funding Committee developed a temporary formula where each county would receive the best result of three options:

- Population (ages 18 – 64)
- Status quo (60/30/10)
- Adjusted ADP

Each county is ensured a minimum base of estimated Year 1 dollar allocation doubled and the formula-derived percentage share for each county remains constant for two fiscal years; funding level increases year-over-year, and by approximately 20% in FY 2013/14. Based on this formula Riverside County is projected to receive \$51,443,570 for FY 2013/14. This funding includes:

Post -release Community Supervision/local incarceration	\$ 51,243,570
AB109 Planning grant	<u>\$ 200,000</u>
<b>TOTAL</b>	<b>\$ 51,443,570</b>

As in previous years, the District Attorney/Public Defender received a separate funding allocation of \$1,173,338 (including \$175,125 growth allocation), to be shared equally. These amounts are separately managed by these agencies and do not fall under the CCPEC's purview.

On July 9, 2013, the CCPEC approved the FY 2013/14 proposed budget for recommendation to the Board of Supervisors. On August 20, 2013 (item 3.59) the Board approved the CCPEC budget allocations.<sup>1</sup> The allocations for the Probation, Sheriff, District Attorney, and Public Defender departments are at 12 months funding as requested. Health and Human Services (HSS) is budgeted at the annualized amount of the FY 2012/13 allocation. It is anticipated that HSS will return at a future CCPEC meeting to request adjustments to their FY 2013/14 approved budget allocation.

The city police departments are expected to receive approximately \$1.7 million in state grant funding. The city police departments have elected to utilize these funds in support and partnership with the CCPEC through the addition of three fully functional Post-release Accountability and Compliance Teams (PACT). In addition, the CCPEC recommended and the Board of Supervisors approved \$1.4 million for the city police departments to fund ongoing PACT operations.

The CCPEC member agencies will utilize the realignment funding plus their share of rollover and contingency funds from Year 2 to fund on-going costs for existing programs and new or expanded programs. This budget provides a conservative approach along with an estimated contingency fund of \$6,852,727 because of the numerous variables and unknown factors each agency is managing during the implementation of realignment. Since this allocation is based on the original formula using an erroneous ADP calculation in Year 1, the allocation for Riverside County may fall short based on what each agency needs for a full-year implementation. The CCPEC requires the agencies to report any use of general fund monies for realignment activities, through the quarterly fiscal reporting process.

### **JUSTICE REINVESTMENT:**

PC 3450(b) (7), as added by AB109, states that "fiscal policy and correctional practices should align to promote a justice reinvestment strategy that fits each county." AB109 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 has utilized and will continue to expand the use of evidence-based practices and make use of alternative custody options.

### **GROWTH FUNDING:**

There are additional growth funds that are not yet allocated or distributed. The unallocated growth will be distributed to counties starting in the Fall of 2013, and the final amount will be based on statewide sales tax revenues. The Realignment Allocation Committee (RAC) is a 9-member body appointed by the County Administrative Officers Association of California. Three appointees each

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<sup>1</sup> Community Corrections Partnership Public Safety Realignment and Post-release Community Supervision Budget FY 2013/14-Attachment A

are from rural, suburban, and urban counties, and every region of California is represented. The Committee has presented its recommendation to the Department of Finance, which then has final decision-making authority and can distribute the growth funding as they choose without legislative action. The recommended allocation to Riverside County is \$2,253,200. As the additional growth funds are yet to be distributed, the CCPEC has recommended that the growth allocation be deposited into the contingency reserve.

## **Section IV**

### **IMPLEMENTATION PLAN UPDATE**

#### **1. PROBATION DEPARTMENT:**

With the passage of SB678 Community Corrections Partnership Incentive Act in 2009, the Riverside County Probation Department incorporated utilizing evidence-based practices and services within the probation population, to reduce revocations of probation that result in a prison commitment and recidivism. The evidence-based practices employed include using effective supervision intervention strategies, validated risk/needs assessment tools, motivational interviewing techniques, Cognitive Behavior Therapy (CBT), the services of other county agencies, and resources from community based organizations.

These same evidence-based practices form the foundation for the implementation of public safety realignment beginning October 1, 2011. Given the many challenges to address the needs of this new population of offenders, Riverside County Probation developed and implemented a comprehensive plan to assess the offenders' risks and needs, create comprehensive case plans, identify community resources, and work collaboratively with other county agencies to help reintegrate these offenders into the community. The following is a synopsis of accomplishments for FY 2012/13, realignment data and the FY 2013/14 plan.

#### **FY 2012/13 ACCOMPLISHMENTS:**

- **Staff Training:** Officers assigned to realignment caseloads participate in a variety of evidence-based training such as Motivational Interviewing Techniques, Courage to Change-Journaling Program, Criminal Offender Management Profiling for Alternative Sanctions (COMPAS) and Evidence-based Principles. They participate in a variety of booster trainings as well including AB109 Law Update; Caseload Strategies; Prison to Probation AB109: Field Safety; and Prison to Probation AB109: Search & Seizure to enhance and update these skills.
- **Day Reporting Center:** The DRC is a collaborative multiagency program, which uses county and community resources to support the realignment population. The first DRC opened on October 15, 2012. As of April 1, 2013, all offenders assigned to the Riverside Adult Office who assess at High Risk are required to participate in the DRC located in the City of Riverside for a minimum of 90 days. As of June 30, 2013, the DRC has received 447 referrals and completed 294 orientations. Offenders at the DRC receive services related to substance abuse, anger management, positive parenting, physical and mental

health, welfare assistance, general education, job readiness, peer support and CBT counseling. The DRC's goal is to lay the foundation for self-sufficiency and success in an effort to reduce recidivism and integrate realignment offenders back to the community. Contracted treatment providers are required to utilize evidence-based practices and treatment models throughout the continuum of services. As of June 30, 2013, five offenders received their GED/high school diploma.

- **Emergency and Transitional Housing:** In collaboration with the Riverside County Mental Health Department, on March 8, 2013, Emergency Housing was made available to realignment offenders to ensure they have access to a safe, habitable and sober living environment. As of June 30, 2013, 21 offenders were provided housing accommodations.
- **Domestic Violence and Child Abuse Counseling Services:** Probation continues to work with domestic violence and child abuse treatment providers throughout the county to assist in becoming evidence-based providers. Through current standards set by Probation, these providers are mandated to utilize assessment tools and pre- and post- testing to determine offender progress.
- **Educational and Vocational Services:** Educational, vocational, and job readiness services are offered by various providers who 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.
- **Incentives and Sanctions Matrix:** In response to either full compliance with conditions of release or violations of conditions, officers have options to address the offender's level of compliance, which includes: early termination from supervision, reduced level of supervision, housing, bus passes, food and hygiene packets, clothing assistance, flash incarceration (up to 10 days), electronic monitoring/house arrest, community service, in-patient and out-patient substance abuse programs, and counseling programs.

### **REALIGNMENT DATA:**

The following Probation Department statistics present a picture of the PRCS population received as of June 30, 2013. The Riverside County Probation Department has received 4,437 pre-release packets on PRCS offenders from CDCR. Of these, 350 were closed because they were ineligible for PRCS supervision as they were deceased or were sent to Riverside County in error; 361 were transferred to other counties. Of the remaining 3,726 packets received, the offenders are being supervised in the community, are pending transfer or awaiting acceptance of transfer to other counties or states, or have terminated from supervision.

A query of offense types was conducted on the pre-release PRCS packets received from CDCR. Utilizing the Universal Crime Reporting Categories, the following is a breakdown of the percentages of offenders released to Riverside County and their most recent commitment offense:

- Property Offenses           34%
- Drug Offenses               27%

- Violent Offenses            25%
- Other                            13%
- Sex Offenses                 1%

As of June 30, 2013, Probation records reflect the following:

- 1,439 MS offenders and 1,914 PRCS offenders were supervised in the community.
- There were 288 outstanding warrants for PRCS offenders. The warrants were primarily issued for failing to report after release from custody, absconding from supervision, or sustaining a new arrest.
- The Probation Department has utilized flash incarceration for 636 PRCS offenders as an intermediate sanction for violations. Exploring the use of graduated sanctions is considered prior to imposing flash incarceration (up to ten days).
- Approximately 13% of the PRCS population is homeless. This is a key area being addressed by the CCPEC Health and Human Services Sub-Work Group and other county agencies dealing with homeless issues.
- As to education level, 59% of the PRCS have some high school credits, 22% have a high school diploma, 13% have a GED, and 6% have taken some college courses.

**FY 2013/14 PLAN:**

On July 9, 2013, the CCPEC agreed to fund the Probation Department’s FY 2013/14 realignment budget at \$15.8M including \$12.3M for salaries and benefits, \$2.7M for services and supplies, and \$0.8M for estimated lease space and contract agencies. On August 20, 2013 (item 3.59), the Board approved the AB109 realignment budget.

The above request includes funding to add 5 new positions for the Day Reporting Centers, continue support for ongoing programs and expand or enhance current services. Probation plans to continue providing bus passes, electronic monitoring and Courage to Change journaling. Additionally, probation plans to expand the use of electronic monitoring, as well as special programs to support offenders in their rehabilitation; i.e., tattoo removal programs, Secure Continuous Remote Alcohol Monitor (SCRAM), identification card fees, birth certificate fees, interview or work clothing, union dues, fees for educational outings, lunches during community service work, and sack lunches at the DRC.

**2. SUPERIOR COURT:**

The Criminal Justice Realignment Act made significant changes to felony sentencing laws and awarding of custody credits; and assigned courts a new and significant role in the revocation process for offenders released from state prison that violate their terms or conditions of PRCS or parole.

Under Assembly Bill 117, a budget trailer bill accompanying the Budget Act of 2011, the Court's role under criminal justice realignment previously outlined under AB109 has been substantially narrowed to handle only the final revocation process for offenders who violate the terms or conditions of 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 CCPEC agencies, has established an effective workflow to assume responsibility for the PRCS revocation proceedings in accordance with specific rules of court 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 PRCS revocation proceedings.

Upon receipt of a *Petition for Revocation of Community Supervision* 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 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 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 FY 2011/12.

The projected number of PRCS petitions for FY 2011/12 was under-estimated at 266. More than double that number, 584 petitions for revocation of PRCS, was filed by Probation during the 10 months of FY 2011/12, and a total of 1,075 PRCS petitions were filed during the first full year (12 months) of realignment.

Although the number of PRCS petitions filed is significantly higher than originally projected by CDCR, the Court's funding for FY 2012/13 was decreased to \$344,651. The AOC has defined detailed data elements and developed a report for all courts to submit common realignment statistics in accordance with Penal Code Section 13155. It is anticipated future funding for the trial courts will be based on the data reported to the AOC.

On June 28, 2012, Penal Code Section 1203.2 was modified, to provide consistency in court proceedings for revocations of probation, parole, PRCS and MS offenders, to maintain compliance with statutory and due process rights.

Beginning July 1, 2013, petitions for revocation of parole supervision have been filed in the Superior Court. These petitions are filed by the state parole agency and a similar workflow has been developed between the Court and the State. These matters will not be supervised by Probation but remain with state parole.

### **3. DISTRICT ATTORNEY:**

In 2011, Governor Edmund G. Brown Jr. signed Assembly Bills 109 and 117, commonly referred to as Public Safety Realignment. The stated intent of the legislation was to reduce both recidivism and the number of inmates housed in the state prison system by giving local authorities control of certain classes of offenders, generally those offenders who have committed non-violent, non-serious, and/or non-registerable sex crimes. The reality of the legislation, however, is that local law enforcement agencies have been burdened with additional responsibilities, both intended and unintended, and are now having to deal with serious and violent offenders.

### **VIOLATIONS OF POST-RELEASE COMMUNITY SUPERVISION AND PAROLE:**

As a result of the legislation, since October 1, 2011, offenders convicted of the "three nons," 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 (CDCR). Additionally, offenders who violate the terms of their release are now being prosecuted in Superior Court by the District Attorney's Office. In FY 2011/12, more than 550 of these cases were filed. As of May 28, 2013, an additional 1406 PRCS violation cases were filed. On average, more than 100 new PRCS filings are prosecuted by District Attorney staff each month. Fortunately, very few of these cases actually proceed to hearing, with the vast majority of defendants negotiating a disposition with the Probation Department. However, prosecutors must be prepared to handle every case.

A new consequence of realignment took effect July 1, 2013, when serious and violent offenders who violate the terms of their release on parole from CDCR will also be prosecuted by the District Attorney's Office. At this time, CDCR and the Riverside County Superior Court are estimating that approximately 250 new violations of parole will be filed each month. (It is unclear if these estimates will hold; by way of comparison, we have seen more PRCS violations than the number originally estimated by CDCR.) The District Attorney's Office is operating on the assumption that many of these cases will resolve short of hearing, mirroring our experience with PRCS cases. As a result, for the purpose of projecting staffing needs we are anticipating that our workload will increase by



approximately 250%, from approximately 100 new violation cases per month (PRCS only) to 350 new violations filed (both PRCS and parole). Because we now have almost 20 months of experience with prosecuting PRCS cases, we are in a better position to more accurately project our needs than we were in 2011 and 2012.

The District Attorney's plan for effective and efficient handling of the increased PRCS and parole violation caseload reflects our experience to date and accounts for the parole violation estimates provided by CDCR. Three experienced prosecutors, supported by one senior investigator, one investigative technician, two victim rights' advocates, and three legal support assistants, will be tasked with the following duties:

- Three (3) Experienced Prosecutors, Deputy District Attorney III positions, will be assigned to represent the People of the State of California in prosecuting violations of PRCS and parole.
- One (1) Senior Investigator will be assigned to offer investigative support to the attorneys assigned to prosecute the PRCS and Parole violations as needed. Specifically, this investigator will be tasked with supplementing the investigations performed by the Probation Department and the California Department of Corrections and Rehabilitation, 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 a variety of sources.
- Two (2) Victim Services Advocates will be assigned to assist the prosecutors handling the violation hearings in a number of ways, including but not limited to coordinating and arranging transportation for witnesses. More importantly, these advocates will need to keep victims on the original criminal cases underlying each violation hearing notified of every defendant's release, the violation of PRCS, and the date, time and status of any and all court dates.
- Three (3) Legal Support Assistants will be assigned as support to handle the PRCS and parole violation files from creation until completion. These clerical positions receive notification from the Court of the filing of PRCS and Parole 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.

With the exception of the new request for Victim Services Advocate positions, which stems from the experience of our line prosecutors handling PRCS cases in court, our FY 2013/14 request for staff positions to handle PRCS and parole violations mirrors our requests for FY 2011/12 and FY

2012/13. In both Fiscal Years 2011/12 and 2012/13, our request was developed as a result of our estimates of the PRCS workload based on various projections, including those of CDCR and the Superior Court. In each fiscal year, the actual workload resulting from this realignment activity was lower than expected. As a result, we did not spend our entire allocated amount and were able to “roll over” funds into the following fiscal year, as did many, if not all, of the other members of the Community Corrections Partnership. It is precisely this experience, developed over the course of approximately 20 months that informs our request for FY 2013/14. Our line prosecutors have told us that a single experienced prosecutor can effectively handle slightly more than 100 new PRCS filings each month. Accordingly, if estimates about the number of parole violations and the frequency of hearings are accurate, our caseloads will be approximately 350 new PRCS and parole violations each month, necessitating a minimum of three experienced prosecutors. Our PRCS workload to this point did not demonstrate the need for a full-time investigator and an investigative technician. However, the anticipated almost threefold increase in the number of cases we will now be required to prosecute will almost certainly require fully dedicated investigative support.

The total cost of the 10 positions required to handle these duties is \$1,059,750 annually.

The State recognized the need to fund district attorneys’ efforts related to the prosecution of PRCS and parole violations. Accordingly, a separate fund was created for this purpose, in which the district attorney’s and public defender’s offices share equally. (See Government Code section 30025, subsection (f), subdivision (12).) Unfortunately (as with all revenue streams related to realignment), this account was underfunded. For FY 2013/14, the Riverside County District Attorney and Public Defender will share \$1,173,338, with each office receiving \$586,669.

The District Attorney’s Office requested an additional \$473,081 from the Community Corrections Partnership Executive Committee to fully fund our prosecution of PRCS and Parole violations. Government Code Section 30025, Subsection (f), subdivision (12), did not provide the exclusive source of funding for the District Attorney. The Community Corrections Partnership Executive Committee has the authority to recommend the distribution of funds within the Local Community Corrections Account, and related subaccounts, to the District Attorney for efforts undertaken to meet the public safety responsibilities stemming from realignment. Government Code Section 30025, subsection (f), subdivision (11), mandates that:

“[t]he moneys in and transferred from Local Community Corrections Account and the moneys in its successor subaccount and special account, the Community Corrections Subaccount and the Community Corrections Growth special account, shall be the source of funding for the provisions of Chapter 15 of the Statutes of 2011 [2011 Realignment Legislation].”

Further, Article 13, section 36, of the California State Constitution provides that:

“ ‘2011 Realignment Legislation’ means legislation enacted on or before September 30, 2012, to implement the state budget plan, that is entitled 2011 Realignment and provides for the assignment of Public Safety Services responsibilities to local agencies, including related reporting responsibilities. The legislation shall provide local agencies with maximum flexibility and control over the design, administration, and delivery of Public

Safety Services consistent with federal law and funding requirements, as determined by Legislature.”

Nothing in the language of the funding statutes prohibits or limits the District Attorney from receiving funds. In fact, as a local agency whose responsibilities have greatly increased as a result to Public Safety Realignment, the Community Corrections Partnership Executive Committee is specifically authorized by law to consider such a request in an effort to support public safety.

### **OTHER REALIGNMENT PROSECUTION ACTIVITIES:**

#### **Enforcement of Victims' Rights:**

One of the expected consequences of realignment was the flooding of our local jails system with inmates. The sheriff has taken extraordinary steps to maximize the capacity of our current county jails, and was successful in partnering with the Economic Development Agency to secure funding for additional jail beds in Indio. Unfortunately, the simple fact remains that there is simply not enough space to house all of the inmates, which has resulted in the early release of thousands of prisoners. This has caused an extra burden to be borne by all of the justice partners. For the District Attorney's Office, however, release of a prisoner triggers constitutionally mandated duties.

Victims of crime in the State of California are entitled to numerous constitutional rights as the result of the enactment of Marsy's Law. Included in these rights are several provisions specifically governing the release of information to crime victims disclosing a defendant's incarceration status. Additionally, Marsy's Law requires victims of crime be provided with the opportunity, upon request, to be involved in post-conviction proceedings. These rights include, but are not limited to:

- Reasonable notice upon request of the time and place of all public proceedings at which the defendants and the prosecutor are entitled to be present and of all parole or other post-conviction release proceedings, and to be present at all such proceedings;
- To be heard, upon request, at any proceeding including any post-conviction release decision, or any proceeding in which a right of the victim is at issue;
- To be informed, upon request, of the scheduled release date of the defendant, and the release of or escape by the defendant from custody;
- To be informed of all parole procedures, to participate in the parole process, to provide information to the parole authority to be considered before the parole of the offender, and to be notified, upon request, of the parole or other release of the offender; and
- To have the safety of the victim, the victim's family and the general public considered before any parole or other post-judgment release decision is made.

As a result of these rights, the District Attorney's Office must notify victims of crime of any change in a defendant's custody status, and give them the opportunity to comment and appear at each step in the post-conviction process, including hearings on violations of Post-Release Community Supervision and hearings on violations of Mandatory Supervision (also known as "Split Sentencing" and formerly known as "Supervised Release.")

### **Tracking of Statistical Data:**

An additional consequence of realignment relates to the revenue from the State; specifically, the need to accurately track how the money is being spent and the accompanying efficacy of the programs developed. The legislature has determined that future funding decisions will be based on an as yet to be determined matrix to be designed to fund only those programs that are "succeeding." As a result of these reporting obligations, the District Attorney's Office must be able to keep timely and accurate statistics to prove the success and/or failure of realignment. Additionally, the District Attorney's Office has been tracking those defendants who have been released early from jail as a result of realignment in an effort to identify additional ways to better protect the public.

### **Prosecution of Violations of Mandatory Supervision ("Split Sentences"):**

Another realized consequence of realignment is the creation of "split sentences" and the resulting "Mandatory Supervision", formerly known as "Supervised Release", of convicted felons. Prior to the passage of AB109, defendants convicted and sentenced to state prison served their time in state prison. Upon their release, these convicted felons would be on parole and supervised by the California Department of Corrections and Rehabilitation. If they violated the terms of their parole, the hearing was handled by the Parole Board and the convicted felon would be returned to state prison. However, due to realignment, those individuals who are convicted of felonies that result in sentencing pursuant to Penal Code 1170(h) (i.e., "three nons" crimes) are sentenced to serve their custody time in our local jails. Further, an offender's sentence can be "split", either by the court or through a negotiated disposition with the District Attorney's Office, into a period of custody time followed by a period of time during which he or she will be supervised by the Probation Department. This was referred to as "Supervised Release." If one of these convicted felons violates the terms of his supervision, the hearing is handled in the Superior Court and prosecuted by the District Attorney's Office.

This type of violation hearing is a creation of realignment, and the prosecution of these violations is a new duty imposed on the District Attorney. It is important to note that all additional violation hearings resulting from realignment that are now the responsibility of the District Attorney to prosecute, whether the violation is of parole, PRCS, or Mandatory Supervision, must be conducted according to the legal requirements governing probation violation hearings. These requirements limit the use of hearsay evidence, and frequently require the District Attorney's Office to subpoena both civilian and law enforcement witnesses for the hearings. In an effort to implement realignment in a manner that best serves public safety as well as intent of the law, Riverside County has become a leader in the State of California in the use of split sentences. Not surprisingly, with more and more split sentences being imposed, a proliferation of these types of violations has occurred. Unlike the parole and PRCS violation hearings, which the court has centralized in Riverside, Mandatory Supervision violation hearings are being placed on calendar in courts throughout the

county, presenting a further logistical challenge. Annually, we estimate that our attorneys are making approximately 5,000 court appearances on these types of violations. This estimate is consistent with the Public Defender's estimate of 3,500 appearances, given that the District Attorney's Office must appear at every hearing, even those involving private defense counsel and defendants representing themselves. These new hearings have resulted in a new class of cases that deputy district attorneys must handle, and these additional responsibilities are a direct result of realignment.

**Support of Post-release Accountability Compliance Teams:**

Finally, as the number of inmates released from state prison and local jails continues to increase, additional challenges and burdens have resulted from the realignment requirements that these offenders must be monitored and supervised locally. In response, city law enforcement agencies have created three Post-Release Accountability Compliance Teams (PACT) established regionally throughout the county: Central, East and West. The primary mission of PACT is for municipal police departments to work with the Riverside County Probation Department to direct immediate focus on "high-risk" and "at-large" PRCS offenders who pose the greatest risk to public safety. The PACT 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. Through sustained, proactive, and coordinated investigations the PACT will be able to share information serve warrants, and locate and apprehend non-compliant offenders. The PACT will proactively search for the "at-large" PRCS offenders and reduce the number of absconded PRCS offenders. The local police departments have asked the District Attorney's Office to commit the unique talents and resources of the District Attorney's Bureau of Investigation to each of the regional teams.

**Additional Resources are Necessary to Carry out These Activities:**

To effectively address each of the consequences discussed above, and in addition to the employees previously discussed, we plan to assign one victim services advocate, one paralegal, and one legal support assistant. These employees will be tasked with the following duties:

- One (1) Victim Services Advocate will be assigned to coordinate notification of victims of a crime as to the early release of inmates and issues related to post-conviction hearings, as constitutionally mandated.
- One (1) Paralegal will be assigned to keep accurate statistics related to all realignment efforts undertaken by the District Attorney, as well as to track any increases in the volume of cases generally that can be linked to realignment and /or those defendants released early from custody, and to make regular reports.
- Four (4) Office Assistants will be assigned to assist the paralegal to maintaining statistics.
- One (1) Prosecutor will be hired. Due to the increased workload resulting from Mandatory Supervision violation hearings, it will be necessary to reassign cases currently assigned to deputy district attorneys who will have to handle these additional matters. This realignment

impact necessitates the hiring of an additional prosecutor in order to absorb the caseload resulting from these reassignments.

- Three (3) Senior Investigators will be assigned to support the efforts of local police agencies and one investigator will be assigned to each of the three regional PACT teams.

#### **CONCLUSION:**

The District Attorney remains committed to protecting the public and will work to meet whatever demand is placed on the office as result of Public Safety Realignment. The need for increased staffing, and the accompanying need for additional funding are matters that the District Attorney will continue to discuss in future planning cycles. The continuing ramifications of these new laws, and the impact on the citizens of Riverside County, remain difficult to predict. It is the District Attorney's intention to continue to make every effort to enforce the law as written, and work with statewide legislators to improve the law whenever and wherever possible.

On July 9, 2013, the CCPEC agreed for FY 2013/14, to fund the District Attorney's realignment budget in the amount of \$2.07M (including the separate funding allocation of \$0.59M). On August 20, 2013 (item 3.59), the Board approved the AB109 Realignment Budget.

#### **4. PUBLIC DEFENDER:**

The Law Office of the Public Defender is responsible for representing both PRCS cases and cases adjudicated under Penal Code section 1170(h). The Public Defender is also a member of the CCPEC and is involved with the implementation of realignment. A Supervising Deputy Public Defender is assigned to assist with this duty and is also responsible for training and the implementation of procedures involving Penal Code Section 1170(h) cases.

#### **PRCS CASES:**

PRCS offenders are released after serving a prison term for Penal Code Section 1170(h) eligible crimes, and released on community supervision under the jurisdiction of the local probation departments. When PRCS offenders violate the terms of their release, (*i.e.*, they commit an additional offense or violate a specific term such as a "stay-away" order or fail a drug test), the Public Defender is required to represent the individual regarding the alleged violation. The PRCS cases require the Public Defender's office to appear on related proceedings.

The Public Defender's Office has already assumed representation for this task, which has proven to be substantial. In the FY 2011/12, (starting October 1, 2011 when AB109 took effect and therefore spanned only a 9 month period), this program was just getting underway and this office handled 342 PRCS cases. This averaged out to approximately 38 cases per month.

In the FY 2012/13 (through May 23, 2013), as the program expanded this office handled 1,217 PRCS cases, which averages out to approximately 113 cases per month, nearly a 300% increase from last year. In speaking with Probation, however, it is understood that over time these case numbers may decrease. Nevertheless, the current numbers are still substantial.

### **1170(h) CASES:**

Prior to the passage of AB109 Realignment, persons convicted of crimes were either granted probation, in which the courts retained jurisdiction over the defendant, or sentenced to state prison, in which the courts transferred jurisdiction of the individual offenders to the Department of Corrections. Under new realignment sentencing scheme, the third option for a sentencing court is the "split sentence" or Mandatory Supervision (MS) under Penal Code section 1170(h)(5)(B).

Under this sentencing scheme, unless a person committed a certain type of offense, the offender would be sentenced to county jail for a period of time, with the remaining time to be served as MS. For example, a person convicted of grand theft, by Penal Code section 1170(h), would be sentenced to a split sentence and not state prison. Thus, an individual who could have received a 16-month state prison term could receive 8 months in county jail, (to be served at 50%) and 8 months of MS.

If an offender violates the conditions of MS the Public Defender is required to represent the person in court for the alleged violation of his/her conditions of supervision. These cases are heard in the courtroom from which they were sentenced, whether it be from Riverside, Indio, Southwest or Blythe.

As realignment continues, the numbers of appearances on these violations have proven to be extensive. For example, in the FY 2011/12, Deputy Public Defenders made approximately 716 such appearances. But as of just May 23, 2013, in the FY 2012/13, they made 3,435 appearances. Note that these appearances are the number of times that an attorney appeared in court with a client and includes appearances made on multiple occasions. Thus, if an offender violates the terms of his community supervision by committing a new law offense, and it takes three appearances to resolve both the community supervision violation and the underlying offense, the office has counted those appearances. But these appearances are the type of court proceeding that the Public Defenders would not have made had the individual gone to prison and jurisdiction was transferred to the Department of Corrections.

### **PAROLE CASES:**

Starting July 1, 2013, the office became responsible for representing all offenders who are alleged to have violated their parole in all other types of cases. This is a category of alleged parole violators which has never before been the responsibility of the Public Defender's office. It has previously always been a State function. This category will be the most demanding and will require greatest concentration of resources.

### **FUNDING:**

The Public Defender and the District Attorney will receive State funding for FY 2013/14 in the sum of \$1,173,338 to be divided equally, which amounts to \$586,669. Although the amount is an increase from last year it still is insufficient to effectively carry out all of our responsibilities under AB109. On July 9, 2013, the CCPEC agreed for FY 2013/14, to fund the Law Office of the Public Defender's realignment budget in the amount of \$1.62M (including the separate funding allocation

of \$0.59M). On August 20, 2013 (item 3.59), the Board approved the AB109 Realignment Budget.

## **5. SHERIFF'S DEPARTMENT:**

### **REALIGNMENT:**

AB109, the California State Public Safety Realignment Act, was implemented on October 1, 2011. Under realignment, non-violent, non-serious, and non-high risk sex offenders are sentenced to serve their custody time within county jails, as opposed to state prison. Parole violators also serve any revocation sentences within the county jails. In addition, convicted felons released from state prison may be required to serve a period of time under the supervision of probation as PRCS offenders, and serve any subsequent revocation sentences in county jail. As a result of realignment, four new classes of inmates beyond the traditional county jail inmate are now housed in Riverside County Jails; county jail felons (convicted under Penal Code Section 1170(h)), parolees, flash incarcerations and PRCS.

Realignment has already radically altered the California criminal justice system, and will continue to significantly impact this system for the foreseeable future. The major impacts of realignment for the Riverside County Sheriff's Department include increased jail overcrowding, continued funding challenges, the need for massive inmate program expansion, inconsistencies in the law with respect to physical custody, out-of-custody programs and other alternatives, and increased future liabilities and uncertainties.

The Riverside County Sheriff's Department Corrections Division operates five jails strategically placed throughout the county. Total housing capacity of the five jails is a maximum of 3,906 inmate beds. All five jails were designed to house short-term, pre-trial detainees and sentenced misdemeanants. Due to an already undersized jail system in Riverside County, one of the most visible major impacts of realignment has been the increased inmate population within the county. The County of Riverside continues to have one of the fastest growing populations within the State of California, but construction of jail beds has not kept pace. For comparison, while the Riverside County population is slightly larger than the population of neighboring San Bernardino County, Riverside County currently possesses only 65% of San Bernardino County's jail bed capacity.

Riverside County has experienced overcrowding in the past, but the County was able to effectively manage overcrowding through improved headcount management and building strong partnerships with allied criminal justice departments. With realignment the flood of inmates with lengthy sentences has overpowered these efforts. The increase has not just been inmate population numbers, but also an increase in the higher classification level of inmates based on their possessing greater levels of criminal sophistication and more violent histories. This has provided an increased immediate critical need for jail construction as well as a continued retrofitting of existing facilities to provide increased security. The need for additional trained staff members has also risen to safely manage the changing jail population.

Although counties receive state funding for realignment, the need would greatly surpass these approved funding levels if all of the actual costs were counted. Due to the circumstances created by overcrowding, the Riverside County Jails currently operate at maximum capacity and must be



fully staffed to ensure the safety of both inmates and personnel. The large portion of realignment funding provided to Riverside County is earmarked for corrections staffing and facility improvements, however additional funding will be needed as the burden on the jails continues to increase, alternatives to jail are expanded, and necessary inmate programs are brought online.

Historically, inmate programs within the Riverside County Jails were designed for low-level inmates with shorter sentences. Due to realignment, programs are undergoing radical redesign and expansion to align with the increased level of inmate classification, while taking into account the fact that inmates will be incarcerated for longer periods of time. Previously most of our in-depth inmate programming was conducted at Smith Correctional Facility in Banning; however, realignment has dramatically increased the need for inmate programs at all five Riverside County Jails.

Another impact of realignment has proven to be poorly crafted legislation. In the rush to implement change, the California Legislature failed to address many of the impacts brought about by realignment. Although several amendments have taken place since initial passage, and others are being reviewed, current law still needs significant revision. Legislation directed toward revising current rules involving sentence length, good-time credits, involuntary work release, electronic monitoring, and use of outside jail facilities and camps all continue to be needed to enhance County efforts to properly manage realignment.

Realignment has placed an enormous burden on counties and caused greater future uncertainty. Counties have been tasked to care for the long-term inmate population, many of which are older, more criminally sophisticated, and in need of greater therapeutic programming than those inmates traditionally housed in county jails. As such, medical and mental health costs which were once liabilities of the state are now passed to the counties. Many programs specifically designed to ease overcrowding also remain unavailable or impractical due to unanswered liability concerns. These new responsibilities require trained staff and sophisticated facilities, which will be costly and difficult to produce in the near term. Although the future is not clear, early indicators are pointing to additional difficult times ahead.

### **IMPACT:**

Immediately prior to realignment taking effect, Riverside County Jails operated at 83% capacity. This was well below the 1993 Federal Court Order threshold of 90%, after which the Riverside Sheriff's Department is to begin early releases to manage the inmate population. Immediately following the implementation of realignment, the inmate population increased sharply. Three months following the implementation of realignment, Riverside County Jails reached maximum capacity. On January 6, 2012, pursuant to the Federal Court Order, the Sheriff's Department was forced to begin early releases. Although improvements enabled the Sheriff's Department to routinely manage inmate population at a level above 90% capacity, early releases continue to be a necessity. As of August 27, 2013, since the implementation of realignment, Riverside County has been forced to release 13,031 inmates early under the Federal Court Order.

Impact statistics as of August 27, 2013, showed 11,645 realignment-related inmates had served time in our local Riverside County Jails since implementation, with 686 of those still physically

remaining in jail on August 27, 2013. This change meant that 686 beds that would have been used in the past to hold the type of inmates traditionally held in our county jails before realignment were effectively unavailable. This represents approximately 18% of all the current jail beds in Riverside County. 4,191 of these inmates were sentenced under the new state law wherein certain state prison inmates now serve their sentences in county jail per Penal Code Section 1170(h), with 234 of them remaining in jail still serving out sentences of three years or more. This growing population of long-term sentenced inmates has clogged the normal in-out flow of inmates, leading to the need to release 13,031 shorter-term inmates early just to make room. While preliminary attempts to utilize other alternatives to jail custody are beginning to make a dent, the early release cycle continues and the jail system remains in crisis.

### **2012 RESPONSE PLAN:**

To manage the continual growth of the Riverside County inmate population during the first year of realignment, the Sheriff's Department implemented a response plan for realignment that included the formation of the Coordinated Custody Management Unit. This command includes oversight of the Headcount Management Unit, Riverside Alternative Sentencing Programs, and the Sheriff's Inmate Training and Education Bureau.

- **Headcount Management Unit (HMU):** The HMU tracks countywide and facility-specific headcounts daily. HMU works closely with each facility to maximize the effective use of available beds. This has included reconfiguring individual dayroom classification to accommodate changing prevailing systemic classification needs. HMU continues to be the primary unit responsible for developing solutions to maintain a manageable headcount level.

In 2012, the Sheriff's Department expanded the HMU in an effort to centralize inmate housing decisions and inmate transportation. Four additional staff members were added to HMU to successfully manage the new inmate population increases caused by realignment. In addition to coordinating and managing housing decisions, HMU evaluates and manages transportation requirements for an average of more than 400 inmates each weekday being moved around the County for court appearances, medical appointments, and other required movements.

The most staff and time intensive assignment tasked HMU is the constant analysis of the existing jail population to be prepared for Federal Court Order releases when they become necessary. HMU personnel review inmate data files daily, searching the information against criteria with which to rank candidates for possible release under the Federal Court Order. For each inmate, staff must review current charges, criminal history, court minutes, probable cause statements, reports, and a myriad of other data sources to complete this monumental task, often having to conduct additional research to help reach the difficult decision of who to recommend for release.

- **Riverside Alternative Sentencing Program (RASP):** RASP operates and manages the Work Release Program (WRP) and the Supervised Electronic Confinement Program (SECP). Both programs are centered in Banning with satellite offices at the jails in

Riverside, French Valley and Indio. One strategy employed by the Sheriff's Department in 2012 to handle the impacts of realignment was the expansion of both programs.

WRP provides the courts with an out-of-custody sentencing option where participants are assigned to perform manual labor in lieu of jail time by improving and maintaining streets, parks, and other public facilities for both local governments and selected community nonprofit organizations, removing graffiti, weeds and rubbish, and performing yard and repair work for senior citizens. Since January 2012, more than 13,200 participants were sentenced to WRP, serving an average of 38 days each. In addition, for efficiency and management control, the Sheriff's Labor Program was merged with WRP in December of 2012, providing an additional 900 participants.

SECP began as an extension of WRP. Under this program participants agree to house-arrest with only limited times away from home to work, look for work, attend school or other directed training, or take care of other specific personal needs. Participants wear an electronic ankle bracelet to monitor their compliance with the program and agree to a number of terms while on the program, including allowing their premises to be routinely searched for contraband or evidence of crimes. SECP manages both part-time and full-time participants through the use of case managers and a compliance team made up of sworn, armed deputy sheriffs. Participants sentenced to WRP may opt to participate in SECP; these are identified as part-time participants. Participants are charged a fee to pay for the costs of the program when able on a sliding scale. Since January 2012, 5,231 participants have completed or are currently enrolled in the SECP Part-time Program.

In addition, RASP personnel review inmate files daily, searching for physical jail inmates who qualify to participate in SECP with additional restrictions; these participants are identified as full-time participants. Qualified inmates sentenced on low level crimes are removed from the Riverside County Jails and placed on SECP. These participants are monitored on a Global Positioning System (GPS) and receive weekly compliance checks from sworn deputies at their residence or place of work. In 2012, the SECP Full-timer Program resulted in vacating 18,215 daily jail bed spaces. Since January 2012, 298 inmates have participated in the SECP Full-timer Program.

The welfare of the community is paramount and the first priority of the Sheriff's Department. The SECP Compliance Team logged in excess of 92,000 miles in 2012, while working to ensure the safety of the community was maintained through providing strict oversight of program participants. Participants found to be in violation of program rules are returned to the Riverside County Jail to serve the remainder of their sentence.

- **Sheriff's Inmate Training and Education Bureau (SITE-B)**: SITE-B provides specialized training, education and counseling services to inmates in the county jails. These programs include vocational training (construction, janitorial, printing, etc.), behavioral counseling (drug addiction, anger management, domestic violence, etc.), and formal education (GED). SITE-B focuses on assisting inmates with the development of life skills to provide enhanced opportunities to succeed in society, as opposed to recidivism.

Prior to realignment, SITE-B had a limited number of participants as many inmates housed in the Riverside County Jails were not sentenced long enough to complete the offered programs. Under realignment, sentences have increased, providing a larger pool of inmates; however, the type of inmate is also drastically changing. This will have a major impact in future programming, as the typical inmate's rehabilitation needs will change as well.

The Residence Substance Abuse Treatment (RSAT) Program continues to be a model program throughout the state. This program has experienced a 75% success rate for inmate graduates. The RSAT program is funded with grant and Inmate Welfare Fund monies.

### **2013/14 RESPONSE PLAN:**

Jail overcrowding continues to be the primary impact on Riverside County Jails. The Sheriff's Department continues to pursue construction of jail facilities suitable to house the kinds of inmates we are now keeping in our local jails, while continuing efforts to maximize efficient use of existing beds through enhanced headcount management. In addition to adding staff for the safe operation of all five jails, the Sheriff's Department will continue to address overcrowding through alternative sentencing initiatives, enhanced inmate programming, and Federal Court Order releases when needed as a last resort.

- **HMU:** HMU has maximized bed space throughout the five jails and the efficiency of transportation operations within Sheriff's Corrections. Due to realignment, the Riverside County Jails have not only experienced an increase in inmate population, but inmate classification levels as well. Although planning continues for construction of additional jail beds, an actual increase in the number of physical jail beds in Riverside County will not be realized for several years.

In 2013, numerous jail enhancement projects will be accomplished. These projects are specific to necessary improvements to increase the security and efficient use of the current housing stock, but none of these projects will increase bed capacity. In fact, during each project period, the Sheriff's Department will temporarily lose overall bed capacity while housing units are taken off-line for rehabilitation. This will significantly impact the ability of the Sheriff's Department to operate at a maximum-capacity level in all the jails for a large portion of the year. HMU will be tasked with manipulating housing unit classifications and identifying early releases where necessary to accommodate these projects. From January 2013 to August of 2013, enhancement projects at the Larry Smith Correctional Facility were completed. As a result, the daily overall bed capacity decreased temporarily from 3,906 to 3,842 for seven months, increasing releases per the Federal Court Order during this time.

Since the implementation of realignment, HMU has been tasked with obtaining data and tracking all inmates related to realignment changes. Population data collection is critical to evaluating the implementation of realignment, as well as meeting future funding requirements. Since the original state projections on the impact of realignment on county jails have already been found to be in error, the collection and analysis of critical data on

the county-level will continue to be vitally necessary to illustrate the actual impacts of realignment to Riverside County.

One important component in building an evidence-based method to measure the impacts of the increased jail population due to realignment has been to secure a suitable tool to assess risk and programmatic needs. Riverside County Probation purchased licenses for the use of the Criminal Offender Management Profiling for Alternative Sanctions (COMPAS) in December of 2010, and the Sheriff's Department has joined with Probation in the use of this tool. COMPAS is an evidence-based tool to address risk assessment, recidivism probability, and programming needs. The Sheriff's Department began to utilize COMPAS in March of 2013 to identify risk and recidivism probabilities for the expansion of SECP to include the Post-Arrestment Program and also identify programmatic needs for sentenced offenders.

In its simplest outline, HMU is tasked with providing an initial identification of possible candidates for early release by booking charges. For qualified candidates, HMU completes the criminal history section of COMPAS. Upon completing the criminal history, HMU forwards qualified inmates for electronic monitoring to RASP. Two staff members have been added to HMU this year to complete the inmate criminal history section of COMPAS within 24 hours of arraignment.

- **RASP:** Realignment has significantly changed the historical approach to housing county jail inmates. As an alternative to releasing inmates early due to overcrowding per Federal Court Order, the Sheriff's Department has developed a strategy to implement a virtual jail. The virtual jail is managed by RASP.

In addition to work release, RASP manages electronic monitoring of both part-time and full-time participants through SECP. In March of 2013, the Post-Arrestment Program was added to SECP, placing qualified inmates on supervised electronic monitoring following arraignment. Inmates who would have been released early into the community with no oversight have instead been transferred to RASP and placed on home detention with GPS electronic monitoring. In addition, weekly visits are performed by RASP sworn deputy sheriff personnel to ensure compliance with the program. Inmates who fail to complete the program are returned to custody within the Riverside County Jails.

RASP utilizes COMPAS to identify qualified inmates for electronic monitoring. Each inmate who meets the criteria is interviewed. The COMPAS risk assessment is completed to further screen candidates for the Post-Arrestment Program. To complete this task, two additional staff members have been assigned to RASP specifically to complete the interview portion of the COMPAS risk assessment within 72 hours of arraignment. Inmates meeting the criteria for the program are placed on GPS electronic monitoring pending their next court date.

In addition to electronic monitoring, compliance checks are completed at the candidate's residence and place of business, and case managers notify participants of their court schedules. In 2013, one sworn sergeant and eight sworn deputies were added to the RASP

Compliance Team. This additional staffing will enable RASP to monitor virtual jail inmates, seven days a week.

RASP has partnered with Probation to develop a County Parole program. The initial draft should be completed for review by September 2013.

RASP is currently researching the plausibility of adding an alcohol monitoring program to include breath sample analysis, GPS electronic monitoring, and an alcohol education/abuse-prevention program administered through SITE-B for low-level alcohol offenders. This program is designed for the courts to sentence low-level offenders directly to the program, with the offender paying for the services when practical, as opposed to incarceration without addressing the inmate's underlying programming needs.

- **SITE-B**: SITE-B is currently researching additional programming options with an emphasis on transitional programming. The Sheriff's Department is building partnerships with the Economic Development Agency, Mental Health, Office of Education, Probation, and select community organizations to provide evidenced-based programs and services that target the needs of an inmate transitioning into the community. SITE-B intervention programs such as Guidance Opportunities to Achieve Lifelong Success (GOALS) and Residential Substance Abuse Treatment (RSAT) will continue to focus on therapeutic, educational, vocational, and substance abuse counseling and assistance with plans to expand where needed.

In addition, SITE-B will enhance programming at all five Riverside County Jails. The enhanced programs will focus on education, vocation, and substance abuse. SITE-B will be responsible for seeking possible grant monies for current and future programming needs whenever possible. In August of 2013, The Riverside Sheriff's Department received the top grant award for the Residential Substance Abuse Treatment Program. This award secured funding through the FY 2014/15.

SITE-B is tasked with completing the COMPAS needs assessment portion. Inmates who remain in-custody of the Riverside County Jails after two weeks undergo a full needs assessment. Five additional staff members have been assigned to SITE-B to expand programming throughout the five facilities and to complete the COMPAS assessment. This lengthy interview process will identify programming needs specific to the inmate. This process will be completed at all five jails.

### **COLLABORATION:**

Historically, Riverside County has provided innovative and valued alternatives to incarceration and offered remarkable rehabilitative in-custody programming. The Sheriff's Department will continue to build upon successful models with local partners to implement additional promising new practices specifically targeted upon the results of evidence-based risk and needs assessments for inmates, while ensuring public safety remains paramount.

Partnerships have been formed with local criminal justice departments to avoid duplication of processes. This includes the development of forms, streamlining procedures, information sharing,

coordinating programming and alternative sentencing, recognizing and reducing liabilities, and integrating inmate population management. Collectively, these partnerships remain consistent with the objectives of realignment; ensuring public safety, reducing recidivism, and promoting community-based alternatives to incarceration.

RASP will continue to 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 under the supervision of the Sheriff's Department. The intent of this collaboration continues to be the reduction of recidivism within the Riverside County inmate population; thus, reducing crime in the community and decreasing the number of persons returning to the Riverside County Jails. Any reduction in returning inmates assists to reduce the negative impact of realignment.

In an effort to increase efficiency and eliminate redundancy of programs, RASP and SITE-B will continue to work in partnership with Probation and the courts to coordinate the delivery of these services and programs. Foreseeable service enhancements include increased use of information technology, DRCs, and expanded electronic monitoring.

The Sheriff's Department and Probation have developed joint database systems that will reduce labor and information technology costs in the future. The Sheriff's Department is sharing the Jail Information Management System with Probation. In addition, Sheriff's Department has an agreement with Probation to share the COMPAS assessment tool on a common database structure. The Sheriff's Department is committed to utilize evidence-based practices where possible and make full use of appropriate alternative custody options.

Probation has begun developing their permanent DRC, located on Iowa Avenue in Riverside. The Sheriff's Department plans to provide a counselor as needed for the DRC in addition to staffing for a relocated Riverside satellite office for WRP. The Riverside DRC is projected to open in April of 2014, with similar centers to follow in the Southwest and Indio areas.

The Sheriff's Department and Probation have developed an agreement for electronic monitoring of PRCS and MS violators. RASP manages this program for probation from enrollment through the entire monitoring period. The GPS electronic monitoring is utilized as a sanction for violating probation terms and conditions whenever appropriate in lieu of physical jail custody. It is anticipated this agreement will be amended, prior to the end of 2013, to include Own Recognizance releases through Probation.

SITE-B will continue to strengthen relationships/partnerships within the criminal justice system and with community-based organizations as well to ensure inmate programming needs are met. Additional modifications to current programs may be needed as a direct result of the new classification of realignment inmates.

#### **COSTS:**

The Sheriff's Department received \$10.4 million dollars from the State of California as allocated by the local CCP to support the anticipated affects attributed to realignment for FY 2011/12. The funding was directed toward additional staffing, operational needs, and support services. More

than one hundred additional staff members, including deputy sheriffs, correctional deputies, and support staff members were added, or are in the process of being hired, to address the needs related to realignment. The funding also supported the anticipated need for additional supplies and services brought on due to realignment as individual jail facilities were forced to run consistently at full capacity, as well as for additional programs and facility improvement costs. Funds not expended in the past year were moved into the current year to cover additional and on-going expenses.

The Sheriff's Department received \$21.8 million dollars to support the anticipated affects attributed to realignment for the FY 2012/13. Coupled with the funds moved from FY 2012/13, total realignment funding for FY 2013/14 is \$26.8 million. This funding will continue to be used to support necessary staffing needs and additional expenditures specific to realignment. Currently, Riverside County Jails, although operating at maximum capacity, are not at full staffing levels. A main focus of realignment monies will be dedicated toward necessary staffing augmentation and facility improvements where needed most.

Upon implementation of realignment, County departments were requested to project the cost effect of realignment on their specific areas. Originally, as the average headcount prior to realignment was 83%, which quickly increased to maximum occupancy after the implementation of realignment, the Sheriff's Department utilized the percent change of 17% as the cost effect. However, as the Sheriff's Department continued to track data associated to realignment, it was discovered that the average headcount for the AB109 population during the 2012 calendar year equated to approximately 24% of the cost of operating the local county jails. Using this data, the Department estimated the true cost of Realignment for Riverside County jail operations will be \$47.1 million in FY 2013/14. This figure does not account for the additional costs of jail bed construction also caused by realignment. Costs include staffing, facility, transportation, programs and jail alternatives, as well as contract beds. Through intercessions with the Community Corrections Partnership Executive Committee (CCPEC), the Sheriff's Department agreed to maintain a 17% cost request to ensure all partners received equitable cost recovery under realignment.

Staffing and hiring costs encompass the greatest expense for managing realignment, and remains one of the Sheriff Department's top priorities. We have begun the process of bringing our Corrections system to the necessary level, but our current system will be stretched to handle the burdens of realignment in the interim. The Department continues to make critical staffing adjustments to manage the burgeoning population of criminally sophisticated inmates. Many of these inmates come to us with histories of violence, extensive medical and mental health issues, and deeply entrenched sociopathic behaviors requiring staff-intensive special handling. This class of inmates is occupying a steadily increasing percentage of our jail beds. The lag time between identifying the need for additional personnel and being able to hire and train them has been a real challenge. As a result, the use of overtime to temporarily maintain the required elevated staffing levels and address immediate needs has become increasingly necessary. Throughout this effort, officer and inmate safety remain top priorities. We expect a heavy dependence on overtime to persist during the upcoming staffing cycle and as the true impacts of Realignment continue to unfold.



Realignment has also resulted in a crisis for maintaining State Fire Camps. Inmates who historically filled the CDCR fire camp beds are now sentenced to county jails. In May of 2013, Riverside County became the first to secure a fire camp contract with CDCR. The Sheriff's Department negotiated a contract with CDCR to return suitable inmates back to CDCR to fill this critical need; however, counties must agree to pay a daily bed rate for each inmate returned, plus screening and transportation costs. It is anticipated Fire Camps will be one of our on-going programs for the near future, although it has a number of limitations and continued funding will be needed. As of August 27, 2013, the Sheriff's Department has sent 62 inmates who qualified for the selection process. Fifty-four inmates are currently participating in the State Fire Camps.

The Sheriff's Department is also researching the feasibility of contracting beds through other law enforcement agencies. Although costs vary, the average rate being quoted is around \$68 per bed per day. This cost does not include non-routine medical care, transportation costs, additional technology needs, and oversight costs. Most of these beds are in facilities located in northern or central California. Most of the facilities are now closed and additional opening costs with long-term contract requirements are anticipated. Most of these beds are also classified as lower security and not suitable for a large portion of our current jail population. However, as our local need continues to become more critical, outside contracting may need to be part of our mixed solution.

### **CONCLUSION:**

Although the impacts of realignment have been severe and considerable progress has been made in the initial response, the continued ramp up of new initiatives and programs should continue to clarify just what Realignment truly means for the Riverside County Jails and better define the ongoing support needs. This year, the Sheriff's Department will continue to make progress on a variety of fronts; better jail facilities, enhanced staffing, expanded alternatives to physical jail, enriched inmate programming, and increased contract bed options. While no one initiative will begin to address the total need, by moving forward on all fronts we are confident considerable progress will be made.

On July 9, 2013, the CCPEC agreed for FY 2013/14, to fund the Sheriff's Department realignment budget in the amount of \$26.8M. On August 20, 2013 (item 3.59), the Board approved the AB109 Realignment Budget.

### **6. MENTAL HEALTH (Health and Human Services):**

As the CCPEC representative for the Health and Human Services aspect of realignment, the Director of Mental Health represents the following agencies: Riverside County Public Health, DPSS, Department of Mental Health (including Substance Abuse Services), Workforce Development and Riverside County Health System (RCHS); inclusive of the Riverside County Regional Medical Center (RCRMC) and the Ambulatory Care Division, have developed a Health and Human Services (HHS). Additionally, the above agencies work collaboratively with the other CCPEC agencies to facilitate the HHS work group. The work group's focus is to address the needs of the PRCS and MS population. The agencies recognize the challenges in serving this population and the opportunity to truly address needs which can assist in reducing criminal activity. This work group meets every four weeks with probation to plan and implement services

geared toward this population. The following is an update as to our collective accomplishments for FY 2012/13 and plan for FY 2013/14:

### **INTENSIVE TREATMENT TEAMS:**

The Intensive Treatment Teams (ITT) full service partnership program provides intensive wellness and recovery based services for realignment clients who carry a serious mental health diagnosis in order to help break the cycle of homelessness, psychiatric hospitalization and/or incarceration related to their mental health disorders

The intensive nature of the ITT limits each clinical staff to treat a maximum of 15 clients at any one time in order to most effectively serve this challenging population. This program design has the capacity to serve 60 realignment clients with an average length of treatment of eighteen months. There were 36 realignment clients served in FY 2012/13. Due to program start up and service demand, the clients served and billed services were below projections. Referrals and capacity continue to grow, and the projected number of clients served remains the same as the previous year and is based on full implementation of the realignment ITT program.

### **DETENTION SCREENING, ASSESSMENT, TREATMENT SERVICES AND MENTAL HEALTH:**

The Detention Screening, Assessment and Treatment Services, proposed budget provides expanded and timely mental health services to realignment individuals in jail as that population grows and the demand for more short and long term mental health services increases. Services include assessments, crisis intervention, mental health and substance abuse group services and psycho-tropic medications for realignment individuals in the jails.

Mental Health staff will support the increased mental health coverage at Smith Correctional Facility to 24 hours, 7 days a week. The FY 2012/13 budget proposed serving 220 realignment clients, and there were 321 realignment clients served in these jail programs. As the realignment population continues to grow in the jails, it is projected that 500 clients will be served in FY 2013/14.

Additionally, there were 902 realignment clients screened in the jails in FY 2012/13. Due to improved systems in place to identify the realignment populations, it is estimated that 1,200 screenings will be completed annually on realignment individuals to determine need for continued mental health services.

As ordered by the Court, realignment individuals are screened and assessed by mental health clinicians prior to sentencing (initial or on a violation) to determine recommendations for treatment and housing. This process occurs within the current Mental Health Courts and has been expanded to include all courts county wide including the Veteran's Court and the Misdemeanant Alternative Sentencing Program (MAP). The FY 2012/13 budget included two Mental Health Court clinicians, with the capacity to serve 96 realignment individuals. Due to program start up and on-going staff recruitment, the staffing and billed services were below

projections. Based on the proposed staffing increase and projected caseload for FY 2013/14 it is estimated that 300 realignment individuals will be served.

**CONTRACTED PLACEMENT SERVICES:**

- **Mental Health:** The Department of Mental Health will continue to provide residential treatment and inpatient services to meet the needs of the most seriously impaired realignment clients by utilizing mental health treatment residential facilities.

Additionally, in response to the recognized housing needs of the general population realignment client, the proposed budget includes funding for emergency and transitional housing. Emergency housing will provide up to 30 days of immediate housing for realignment clients who have no identified residence and have just been released from prison or jail and are “re-entering” the community. Transitional housing will provide supportive housing up to 1 year for realignment clients without alternative housing, including assisting in the transition back to community living, developing skills and accessing resources needed for self-sufficiency.

- **Riverside County Regional Medical Center:** Riverside County Regional Medical Center (RCRMC) provides a range of psychiatric and health services for the realignment population, including Emergency Treatment Services (ETS) and Inpatient Treatment Facility (ITF) psychiatric services at the Arlington facility, health services at RCRMC campus and health clinics throughout the county, and detention health services within the jails. Inpatient and emergency room services are provided at the Arlington campus.

The FY 2013/14 budget request for RCRMC includes Mental Health ITF services for over 60 clients and ETS services for more than 120 clients annually. In FY 2012/13, 59 clients were treated in ITF and 122 in ETS.

Detention Health's FY 2013/14 budget includes an estimated 178,000 medication encounters, with over 150,000 medication encounters to realignment inmates in FY 2012/13. In FY 2013/14, over 840 jail inmates are projected to receive health services at RCRMC, based on FY 2012/13 services provided.

**EXPANDED CLINIC SERVICES:**

- **Medication Services:** Medication and medication support is currently offered in all outpatient mental health clinics. The proposed budget provides funding for the implementation of this service to the three regional realignment clinics as well.

Staffing for medication services consists of two full time employee staff Psychiatrists whose primary function is to evaluate and prescribe psychotropic medications for clients.

There were 184 clients served though 534 clients were projected to be served FY 2012/13. Due to program start up and recruiting issues the staffing and billed services were below expectations. Referrals and capacity continue to grow, and the projected number of clients served remains the same as previous year projections and is based on full implementation of the AB109 program.

- **Mental Health Treatment/Assessment:** Three regional AB109 clinics are housed within the Riverside County Substance Abuse Program clinics located in Riverside, Hemet and Cathedral City. A Day Reporting Center (DRC) is open in Riverside providing screenings and referrals, anger management groups, parenting training, and providing appropriate on-site mental health and substance abuse education and literature to clients and family members.

There have been over 500 client referrals in FY 2012/13 for mental health services. Based on FY 2012/13 data it is anticipated that these funds will serve approximately 650 clients annually, more than the previous projections.

- **Substance Abuse Treatment Services:** Three regional AB109 clinics are located within the substance abuse programs located in Riverside, Hemet and Cathedral City. Additionally, AB109 substance abuse services are also currently available in all substance abuse outpatient clinics throughout the county.

In FY 2012/13, there were 319 realignment clients that received substance abuse treatment services. 134 of these AB109 clients required residential substance abuse services and the need is expected to increase as referrals and capacity increase. Due to start up, on-going staff recruitment and continuing increase in realignment clients being referred for services it is anticipated that the original estimate of serving 650 realignment clients will be achieved in FY 2013/14.

- **Department of Public Social Services:** DPSS provides designated staff on site at the DRC to provide direct service information to PRCS and MS 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 Self-Sufficiency; Community Action; Child Abuse Prevention Services; Resource Development, Information & Referral Services; Education and Literacy; and Life Skills.

#### **FY 2013/14 FISCAL INFORMATION:**

On July 9, 2013, for FY 2013/14 the CCPEC agreed to fund Health and Human Services realignment budget in the amount of \$13.3M. On August 20, 2013 (item 3.59), the Board approved the AB109 Realignment Budget.

## **7. LOCAL LAW ENFORCEMENT:**

### **POST-RELEASE ACCOUNTABILITY AND COMPLIANCE TEAM (PACT):**

The primary mission of the Post-release Accountability Compliance Teams (PACT) is to allow local law enforcement agencies to work with the Riverside County Probation Department to focus on “high risk” and “at large” PRCS offenders that pose the most risk to public safety. There are currently three teams operating in the West, Central, and East regions of the county dedicated to identifying and investigating “non-compliant” PRCS offenders, locating and apprehending “at-large” and “high risk” PRCS offenders and performing probation sweeps.<sup>2</sup> Through sustained, proactive, and coordinated investigations each team will be able to share information, serve warrants, locate and apprehend non-compliant offenders. PACTs will proactively search for the “at large” PRCS offenders and reduce the number of absconded PRCS offenders as identified by Probation staff, allowing Probation staff more time and resources to focus on case management and compliance checks. As a result of Proposition 30, \$27 million dollars in statewide funding for local impacts on police departments was made available to local police departments and contract cities. \$1.7 million has been allocated to the County of Riverside agencies and it was allocated via the Association of Riverside County Chiefs of Police and Sheriff (ARCCOPS) to supplement the funding of the CCPEC to ensure the three fully staffed teams were funded.

Three multi-jurisdictional team regional PACTs have been established; 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). ARCCOPS is the PACTs oversight committee. On a quarterly basis, ARCCOPS receives a written report and presentation from the PACT Commander on the Teams’ accomplishments that includes statistics, data, demographics, expenditures (on-going and one-time funds) and budget status. There are Memorandums of Understanding (MOU) between County Probation and the participating local law enforcement agencies (Beaumont PD, Cathedral City PD, Corona PD, Desert Hot Springs PD, Hemet PD and Palm Springs PD) for monetary reimbursement from realignment. County Probation is the fiscal agent as it relates to realignment reimbursement from the county.

PACTs 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. PACTs work closely with County Probation and the District Attorney’s Office. Beaumont Police Department provides office space for the East County unit, Riverside PD provides office space for the West County unit and Murrieta PD provides office space for the Southwest unit.

### **FISCAL IMPACT:**

On July 9, 2013, the CCPEC agreed for FY 2013/14, to fund the Local Law Enforcement PACTs’ realignment budget in the amount of \$1.4M. On August 20, 2013 (item 3.59), the Board approved the AB109 Realignment Budget.

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<sup>2</sup> Post-release Accountability Team Activity Report 2012-2013 – Attachment B

## **Section V**

### **OUTCOMES**

Performance measures and a mechanism for the reporting of outcomes have been developed based on the vision and goals stated above for public safety realignment. The outcome measures include process analyses, implementation and change analyses. As noted, 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.

- **PRCS and MS data:** The County has measured the effects of realignment implementation for PRCS and MS offenders regarding the number currently under community supervision as of June 30, 2013; and those with warrants, revocations and terminations cumulatively since October 1, 2011.<sup>3</sup>
  - Approximately 66% of PRCS and 55% of MS offenders have been assessed as high risk to re-offend, which greatly exceeded the initial projection that approximately 40% of the population would assess as high risk.
  - Of the warrants, 80% of PRCS and 84% of the MS have been cleared through arrest.
  - As to revocations, 66% of PRCS and 64% of the MS have been for technical violations.
- **Efficient use of jail capacity:** From enactment of realignment to July 1, 2013, 10,502 offenders were booked or sentenced to county jail because of realignment. As of July 1, 2013, the total number of offenders in custody due to realignment was 721, or approximately 19.4% of the total jail population. The County will measure the use of custody 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 pretrial detention, long term sentences, and revocations. This measure will assist the county in determining how much additional jail space will become necessary in the future due to realignment and what features these new facilities should contain. 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 re-entry principles into in-custody programming:** The County has implemented systems that effectively utilize alternatives to pretrial 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,

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<sup>3</sup> Post-release Community Supervision Data-Attachment C  
Mandatory Supervision Data-Attachment D

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. This will result in more effective use of limited resources.

- **Incorporate evidence-based practices into sentencing, supervision and case management:** The County has implemented a system that protects public safety and utilizes best practices in reducing recidivism. The County is measuring the use of risk and needs assessments in sentencing, supervision and case management. The County is tracking the types and lengths of services, use of collaborative courts, alternative sanctions, custodial sanctions, level of supervision and the effects on recidivism. The County is also evaluating the number of court hearings for all populations and whether there is an increased or decreased based on strategies implemented for each population. The data collected 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 also be tracked.
- **Implementation of a streamlined and efficient system in the County of Riverside to manage our additional responsibilities under realignment:** The County has implemented a system where the exchange of information between agencies is seamless. Probation and the Sheriff's Department are in the final stages of creating an interface between their client management systems allowing for the exchange of information and avoidance of duplication of process. Both departments are currently able to share information regarding the COMPAS risk/needs assessment by utilizing the same hosting site. A Law Enforcement Portal has been created to allow officers on the street to have access to some information in the Probation Department's data base. Additionally, enhancing data sharing with all partner agencies is nearing completion.
- **Outcome measurement:** The CCPEC approved the development of a database from the collective agencies to track data. A baseline will be established for the first 21 months (October 1, 2011 through June 20, 2013) and compared to the second year July 1, 2013 through June 30, 2014). Data will be analyzed and adjustments made as needed using the following failure rate criteria: arrests resulting in the filing of new charges, convictions (felony or misdemeanor), revocations filed (including parole violations) and flash incarcerations (track with revocations which were filed, then withdrawn and converted to a flash incarceration sanction). The group also agreed to continue to analyze data on a fiscal year basis, and make adjustments to systems and programs to measure effects on failure rates and the overall impact of realignment on Riverside County.

## **Section VI**

### **FUTURE PROJECTS AND PLANS**

Future projects and plans include:

- Continue sub-work group committees;
- Work collaboratively with CCPEC agency partners to develop plans for two additional Day Reporting Centers, the first of which will be in the desert region;
- Through the Request for Proposal process, obtain additional Emergency and Transitional Housing options;
- Explore, develop and implement alternatives to custody; including Fire Camps, Work Release and Electronic Monitoring;
- Continue to implement an Incentives and Sanctions Matrix for PRCS and MS offenders;
- Evaluate performance measurements to ensure meaningful data collection;
- Continue using evidence-based practices and programming which includes quality assurance efforts and refresher training for staff to ensure fidelity to evidence-based practices (such as Courage to Change, Motivational Interviewing and COMPAS assessment tool);
- Expand medication support services to the three regional AB109 clinics for realigned clients;
- Ensure realigned offenders adhere to their conditions of release through an increase in monitoring and compliance checks by PACT;
- Through the Public Defender's Office, utilize a Social Services Worker to ensure clients transitioning into the community are connected to appropriate services and programs;
- Through the District Attorney's Office, continue to protect victim's rights per Marsy's Law;
- Through the Sheriff's Department, add an additional K-9 handler to interdict and impede the introduction and movement of contraband within the detention facilities.

## **Section VII**

### **CONCLUSION**

The Public Safety Realignment Act, mandated the most sweeping changes to the state's correctional system in a generation. It presented 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.

The concept that the offenders being directed to our local jurisdictions are non-violent, non-serious, and non-high risk sex offenders is misleading. 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 will remain vigilant to potential increases in crime rates or incidents of criminal conduct that are committed by the offenders who were re-introduced into our communities.



Riverside County has an advantage toward success with the PRCS and MS populations, in that the Probation Department has an evidence-based supervision program in place to address probationers. The Probation Department's supervision systems and rehabilitative programming have been expanded and modified for this new, unique offender population. Prior to realignment, 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 and MS populations.

Realignment is a countywide challenge that requires a countywide response. Since implementation, county agencies have been working collaboratively to address the issues and challenges of the PRCS and MS populations. The level of involvement, commitment, and cooperation among agencies is commendable.

The Community Corrections Partnership Executive Committee is cautious about speculating the outcome of realignment because of 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 realignment plan for Riverside County.

The policy initiatives and intervention strategies articulated in this report 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. At this juncture, we are cautiously optimistic that our cumulative efforts are having positive results.

**COMMUNITY CORRECTIONS PARTNERSHIP PUBLIC SAFETY  
REALIGNMENT AND POST-RELEASE COMMUNITY SUPERVISION  
BUDGET FY 2013/14**

<b>CCPEC Member Agency</b>	<b>Roll-over Funds FY 2013/14</b>	<b>Other Funds FY 2013/14</b>	<b>Approved Annual Operating Budget FY 2013/14</b>	<b>Total Budgets FY2013/14</b>
<b>Probation</b>	\$ 3,401,045	N/A	\$ 12,398,955	\$ 15,800,000
<b>Sheriff</b>	\$ 2,542,767	N/A	\$ 24,257,233	\$ 26,800,000
<b>District Attorney</b>	\$ 494,650	\$ 586,669	\$ 989,165	\$ 2,070,484
<b>Public Defender</b>	\$ 55,063	\$ 586,669	\$ 974,633	\$ 1,616,365
<b>Health and Human Services</b>	\$ 3,501,346	N/A	\$ 9,768,846	\$ 13,270,192
<b>Police</b>	\$ 70,927	N/A	\$ 1,329,073	\$ 1,400,000
<b>Superior Court</b>	N/A	Unavailable	N/A	Unavailable
<b>Contingency</b>	\$ 3,073,862	\$ 2,253,200	\$ 1,525,665	\$ 6,852,727
<b>Total</b>	\$ 13,139,660	\$ 3,426,538	\$ 51,243,570	\$ 67,809,768

**POST-RELEASE ACCOUNTABILITY AND COMPLIANCE TEAM  
ACTIVITY REPORT 2012-2013**

<b>2012</b>	<b>Compliance Checks</b>	<b>Bad Addresses</b>	<b>Arrests (Non PRCS)</b>	<b>PRCS Arrests</b>	<b>AOD's</b>
July	56	13	10	20	5
August	76	13	11	20	3
September	77	25	12	23	0
October	51	8	13	10	4
November	83	11	26	15	6
December	59	16	16	11	4

<b>2013</b>	<b>Compliance Checks</b>	<b>Bad Addresses</b>	<b>Arrests (Non PRCS)</b>	<b>PRCS Arrests</b>	<b>AOD's</b>
January	83	19	20	20	4
February	92	16	17	20	5
March	33	11	16	9	9
April	45	14	2	15	3
May	23	5	6	7	2
June	13	1	1	7	5

<b>Total</b>	<b>Compliance Checks</b>	<b>Bad Addresses</b>	<b>Arrests (Non PRCS)</b>	<b>PRCS Arrests</b>	<b>AOD's</b>
	691	152	150	177	50

**POST-RELEASE COMMUNITY SUPERVISION  
STATISTICAL DATA  
OCTOBER 1, 2011 THROUGH JUNE 30, 2013**

**Supervision:**

High:	1114	66%
Medium:	299	17%
Low:	283	17%
Pending Assessment:	218	
<b>Grand Total Active Supervision:</b>	<b>1914</b>	

**Warrants:**

PRCS Warrants Issued			<b>1431</b>
• Outstanding PRCS Warrants:	288	20%	
• Cleared PRCS Warrants:	1143	80%	
Number of Offenders:	880		

**Revocations:**

PRCS Revocation Petitions:			<b>2,146</b>
• New Offenses Only:	<b>737</b>	34%	
○ Number of Offenders:	624		
• Technical Only:	<b>1,409</b>	66%	
○ Number of Offenders:	861		
Flash Incarcerations - No Petition Filed	<b>881</b>		
○ Number of Offenders:	636		

**Terminations:**

PRCS Terminations			<b>2,042</b>
• Successful: (Early termination)	985	48%	
• Unsuccessful:	276	14%	
• Expired: (served full term)	70	4%	
• Other:	350	17%	
▪ Deceased: (11)			
▪ Closed at Intake: (285)			
• Jurisdictional Transfer to Another County:	361	17%	

**MANDATORY SUPERVISION  
STATISTICAL DATA  
OCTOBER 1, 2011 THROUGH JUNE 30, 2013**

**Supervision:**

High:	608	55%
Medium:	246	22%
Low:	257	23%
Pending Assessment:	328	
Grand Total Active Supervision:	<b>1439</b>	

**Warrants:**

Mandatory Supervision Warrants		<b>1926</b>
• Outstanding Warrants:	310	16%
• Cleared Warrants:	1616	84%
Number of Offenders:	886	

**Revocations:**


Mandatory Supervision Revocation Petitions Filed		<b>1,772</b>
• New Offenses Only:	<b>639</b>	36%
○ Number of Offenders:	419	
• Technical Only:	<b>1133</b>	64%
○ Number of Offenders:	675	


**Terminations:**

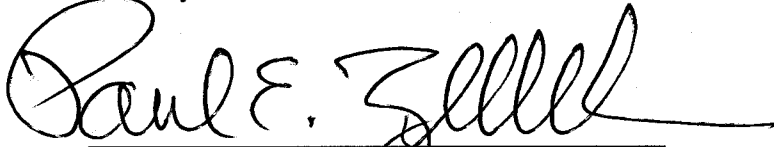
Mandatory Supervision Terminations		<b>822</b>
• Unsuccessful:	404	49%
• Expired: (served full term)	302	37%
• Other:	17	2%
▪ Deceased: (6)		
▪ Closed at Intake: (0)		
• Jurisdictional Transfer to Another County:	99	12%


**IMPLEMENTATION PLAN UPDATE**

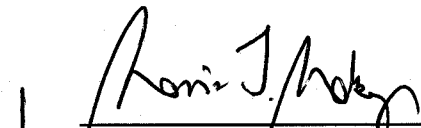
**COMMUNITY CORRECTIONS PARTNERSHIP EXECUTIVE COMMITTEE (CCPEC)**

  
\_\_\_\_\_  
Mark A. Hake,  
Chief Probation Officer


  
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Stanley L. Sniff, Jr., Sheriff-Coroner-PA

  
\_\_\_\_\_  
Paul E. Zellerbach, District Attorney

  
\_\_\_\_\_  
Steven L. Harmon, Public Defender

  
\_\_\_\_\_  
Jerry A. Wengerd, Director  
Department of Mental Health

  
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Lori Whaley, Superior Court Designee

  
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Frank Coe, Chief of Police, Beaumont