



# Del Norte County

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## **2011 Public Safety Realignment**

10/01/11

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# Executive Summary

## **Background**

Assembly Bill 109, which was signed into law by the Governor on April 5, 2011, will reduce the number of offenders incarcerated in our state prison system. It accomplishes this by releasing low risk offenders or Post-Release Community Supervision (non-serious, non-violent, and non sex) or "PRCS" back to the local counties where they were sentenced. In addition, this bill changes the penal code and sentencing laws to keep such low-risk offenders from going to state prison. It is estimated that Del Norte County will receive approximately 23 PRCS offenders over the next three years.

## **Local Planning and Oversight**

### **Community Corrections Partnership**

Over the past two years, there have been statewide efforts to expand the use of evidence based practices in sentencing and probation practices targeted to reduce the state prison population. The first of these efforts was SB 678.

Senate Bill 678 (2009) established a Community Corrections Partnership (CCP) in each county. This partnership, comprised of various county stakeholders, advises the Chief Probation Officer on strategies to implement evidence-based practice initiatives. AB109 (2011) established an Executive Committee of the CCP that is charged with development of a public safety realignment plan for consideration and adoption by the Board of Supervisors.

The CCP Executive Committee, Chaired by the Chief Probation Officer, will oversee the realignment process and advise the Board of Supervisors in determining funding and programming for the various components of the plan. The Executive Committee includes: a Judge of the Superior Court; Chief Probation Officer; County Sheriff; District Attorney; Chief of Police; Public Defender; and the Director of Health and Human Services.

### Data Driven Process

The most critical component of developing a lasting and meaningful implementation plan is the collection and analysis of data related to the impact of offenders on local services and the community. The Community Corrections Partnership, along with input from other stakeholders, will need to develop a process of data collection at the earliest stage of implementation. The 2011 Public Safety Realignment is a fundamental change of California's felony sentencing and post-release laws, practices and procedures. Identifying and implementing successful strategies to address these changes will require a constantly evolving effort.

### Planning for the Future

The CCP recognizes the importance of reporting outcome measures to guide future long-term planning decisions. The data tracking tools currently available are limited and historical data is incomplete, making it difficult to establish any baseline against which to measure desired future outcomes. During Year 1, departments will focus on collecting baseline data to build program analysis capacity. Long-term planning efforts will address the data capturing, tracking and analysis needs for monitoring program progress, success, and areas requiring improvement. The CCP is committed to participating in continued long-term systemic efforts to bridge the gap between research and practice.

## **Target Populations**

### **Non-Violent/Non-Serious/Non-Sex Offenders (N3's):**

Assembly Bill 109 revises the definition of a felony to include specified lower-level crimes that would be punishable in jail or another local sentencing option for more than one year. The population that would serve their sentences in jail in lieu of prison would be those non-violent,

non-serious, and non-registerable sexual offenders. There are approximately 60 non-violent, non-serious, non sex-offenses that have been excluded where offenders may continue to be sentenced to state prison.

**Post Release Community Supervision:**

Offenders released from state prison for a current non-violent offense, current non-serious offense, or current sexual offense not requiring registration will be released on post release community supervision. On July 26, 2011, the Board of Supervisors designated the Probation Department as the agency responsible for community supervision.

County level supervision will not include:

- 3rd Strikers
- Individuals with a serious commitment offense
- Individuals with a violent commitment offense
- High risk sex offenders as defined by the California Department of Corrections and Rehabilitation (CDCR)
- Mentally Disordered Offenders (MDO's)

Parole Revocations: Parole revocation hearings will continue to be heard by the Board of Parole Hearings until July 2013. However, parole revocations will be served in the county jail beginning October 1, 2011 and may not exceed 180 days. Only those offenders previously sentenced

to a term of life can be revoked to prison. Beginning July 2013, parole revocations hearings will be heard by the local Superior Court.

## **Implementation Plan**

### **Probation Department**

Within 48 hours of release from state prison, offenders will be assigned to the supervisor of the Adult Unit who will initiate the intake process and begin case planning. This supervisor is also responsible for field supervision assignments that involve armed field supervision officers who operate in two person teams throughout the county. The main function will be to conduct field visits with these offenders to monitor their activities. These field visits will occur at their home, work, school or treatment locations. In addition, offenders will be required to physically report to the office weekly. During these office visits, the assigned supervisor will monitor the offenders progress, and adjust the case plan as needed.

The supervisor will be responsible for reviewing reports, tracking collected data, and verifying proof of the offender's compliance and participation in programs. It is critical that these offenders participate in structured behavioral, social learning, and cognitive behavioral evidence-based interventions to target their prioritized criminogenic needs as determined by the risk and need assessment instrument and as outlined in the case plan.

#### **Evidence-based practices (EBT)**

Although the practices advanced in this initial plan are in place and have had some success, these practices are still relatively new in Del Norte County.

The Probation Department's model is based on the nationally recognized, evidence-based Principles of Effective Interventions. These principles include the use of validated assessment tools, the application of Motivational Interviewing techniques, and the facilitation Cognitive Behavioral Therapy (CBT) interventions. This model has shown positive outcomes throughout the state on probation populations. The department plans to continue following this model of success with non/non/non (N3) and the Post Release Community Supervision (PRCS) population.

Del Norte County Deputy Probation Officers have experience in the methods of effective EBP supervision from completion of two years of extensive training. Over the past year, officers applied methods learned in this training and successfully reduced felony offender recidivism, resulting in a performance based funding award of \$169,047 as part of SB 678 "California Community Corrections Performance Incentive Act of 2009".

### Intensive Probation Supervision

The Probation Department has been designated as the county agency responsible for administering programs directed at the post release community supervision population. Additionally, the Probation Department will also be responsible for providing supervision services to

the Non-Sex, Non-Violent, Non-Serious offenders no longer eligible to be

sent to state prison. These supervision services will include a full range of options including intensive field supervision, community service supervision, home detention with electronic monitoring or global positioning satellite (GPS), frequent urinalysis testing, cognitive behavioral interventions, referrals to educational, vocational, and employment training services, alternatives to custody sanctions and flash incarceration of a period of up to ten days.

The Probation Department has trained and equipped staff to provide intensive supervision services and interventions to this high risk population. The intensive supervision of high risk offenders will be directly

linked to the implementation of evidence-based supervision principles.

Evidence based principals utilize validated assessment tools, the application of Motivational Interviewing Techniques, the facilitation of Cognitive Behavioral Therapy (CBT) interventions, and the use of appropriate sanctions and incentives. This model has been proven to show positive outcomes for offenders.

### Validated Risk assessment Tool (STRONG)

In keeping with the current evidence-based trends for offender management, the Probation Department assesses offenders to determine the level of risk they pose to the community and what treatment modalities would best achieve measureable outcomes. Criminogenic needs are those attributes that if treated are most likely to decrease the likelihood of future criminality. The Probation Department uses the Static Risk Assessment Offender Need Guide (STRONG) as the validated risk and needs assessment instrument to determine an offender's risk to re-offend and their criminogenic needs. Supervision levels (low, moderate, high, very high) are assigned based on the offender's risk to re-offend.

The STRONG assessment tool accomplishes four objectives:

1. Classifies an offender's risk level to determine the level of supervision.
2. Identifies the risk and protective factors linked to criminal behavior to target effective interventions.
3. Develops a case plan focused on reducing risk factors and increasing protective factors.
4. Allows for ongoing monitoring of the offender's progress.

The *static* component of the tool predicts the offender's risk to re-offend and assists probation officers in determining the most appropriate supervision level. The *dynamic* component addresses the following:

- Identifies the factors that place the offender at risk to reoffend
- Identifies the areas of strength specific to the offender and family
- Develops a case plan targeting the areas of need
- Makes targeted, cost-effective service referrals that minimize the offender's exposure to new or existing risk factors
- Monitors the offender's success

The Probation Department will address this new population by establishing supervision requirements, creating phases of rehabilitation, conducting case assessment and planning, and matching criminogenic needs with targeted interventions. These elements have the objective of producing sustained reductions in recidivism.

This moderate to high risk population will receive services which include the following case management practices:

- Caseload sizes of no more than 30 per officer
- Intake assessment
- Risk and Needs Assessment (STRONG)
- Caseload placement and assignment
- Financial evaluation assessment
- Development of a probation supervision case plan
- A minimum of two weekly home/family visits
- A minimum of one weekly office visit
- Motivational Interviewing practices
- Referral to EBP programs such as cognitive behavioral groups
- Scheduled and random drug testing
- Referral to other services based on identified needs.
- Graduated sanctions as needed (community service, electronic monitoring program, global positioning satellite, other alternatives to custody, and flash incarceration)
- Appropriate positive incentives
- Case management aftercare planning and linkages to the community

In order to effectively address the offenders' criminogenic needs and the risk factors that lead to recidivism, interventions should promote stable

and lasting pro-social life change and should be matched to the offenders

needs. The STRONG assessment tool identifies the offenders' needs, the appropriate interventions to address these needs, and identifies the

protective factors (strengths) in the offender's life. The long-term goal is

to address the need, while at the same time increasing the protective

factors in the offender's life. These protective factors include having pro-social associates and being involved in pro-social activities such as community events, working, attending school, volunteering and involvement with the faith-based community.

A system of rewards and sanctions is being developed that will drive intervention decisions under the supervision of the probation department. The use of an *alternative sanction guide* will provide probation officers with approved options regarding the type of intermediate sanctions to impose when responding to violations. This strategy requires probation officers to consider the offender's level of risk, the criminogenic need factors, the severity of the violation, and the offender's behavior before determining the most appropriate graduated response.

Conversely, when an offender achieves a certain benchmark in supervision, the probation officer needs to identify an appropriate reward (incentive). A *positive incentive table* provides a variety of incentives where the reward increases with the difficulty of the accomplishment. Although providing a "reward" or "incentive" to an offender for doing what they should be doing seems counter intuitive, it is critical to focus on the overarching goal of transforming the offender to reduce recidivism. Incentive based approaches are a fundamental component of evidence-based practices and are necessary to promote learning and intrinsic motivation. These rewards are often low cost no cost and will be funded through realignment funding.

### Motivational Interviewing (MI):

Motivational Interviewing (MI) is a client-centered approach for eliciting behavior change by helping offenders explore and resolve ambivalence. It is a focused and goal directed approach to working with individuals. It is an evidence-based practice that has been shown to effectively change behaviors. MI recognizes and accepts the fact that clients who need to make changes in their lives approach counseling at different levels of readiness to change their behavior. MI is non-judgmental, non-confrontational and non-adversarial. The approach attempts to increase

the offenders awareness of the potential problems caused, consequences experienced, and risks faced as a result of the behavior in question. Officers in the department have received over 30 hours of Motivational Interviewing training as a standard. Additionally, officers assigned to evidence-based supervision programs will receive quarterly MI booster trainings and one-on-one coaching sessions from a Motivational Interviewing Treatment Integrity (MITI) Master trainer.

### Change Companies

#### Cognitive Behavioral Therapy (CBT) and Social Learning:

Offender change and re-socialization require direct instructional methods, modeling and observation of the individuals in the environment. Many, if not most, offenders have significant deficits in what to do and how to act in a socially responsible manner. In fact, most offenders see little value in socially responsible behavior, either because it is not supported within their peer culture or it doesn't provide the immediate gratification and excitement of crime. Often, offender thinking patterns are so entrenched that they cannot break free without a considerable period of de-conditioning followed by re-conditioning. Old patterns of behavior are extinguished and new behaviors reinforced by the process of appropriate application of punishment and rewards. Ultimately, offenders learn to practice self-regulation and self-management skills.

The elements that support the environment in which social learning can take place are structure and accountability. Structure organizes the behavior of members toward a common goal of "right living." Staff, operating as a rational authority, provide an organized structure of values, rules, roles, and responsibilities. The necessary information is provided to increase awareness and knowledge of behavioral, attitudinal and/or emotional consequences. Accountability teaches respect for structure and moves the offender from an observer stance (strong denial and resistance), to a participant stance (willing to comply, but attitudinally still in criminal thinking mode), to a member stance (a willing participant who shares the new values of right living). The environment provides the opportunity for practice and success. This process continually reinforces gains and builds self-efficacy. CBT groups are facilitated by trained Deputy Probation Officers.

### Sheriff's Department

The goal of the Sheriff's Department is to incarcerate offenders that pose a risk to the community, allow for adequate programming, and provide

pre-release discharge planning for those that have fulfilled their sentence

and are being released back into the community. The Sheriff's Department is equally committed to identifying offenders that do not pose a risk to the community and will place them on alternative to custody programs for the purposes of minimizing the costs associated with incarceration.

It is universally agreed upon that incarceration is largely an ineffective approach to rehabilitate offenders, and is one the most costly sanction options. Accordingly, the Sheriff and the Chief Probation Officer are advancing a joint, comprehensive effort to address the impact of realignment on the jail population. Both departments will be participating in County Parole pursuant Penal Code Sections 3074-3089. This process establishes a three member Board of County Parole Commissioners who possess a high degree of experience in the community corrections field. The composition includes the Sheriff or his or her designee, the Chief Probation Officer, or his or her designee, and a member of the public selected by the presiding superior court judge. The board will review the jail population and determine if alternative sanctions are appropriate for identified inmates. If an inmate is selected for release, the board will determine the level and conditions of community supervision needed to ensure public safety and promote offender accountability. The public member is entitled to travel reimbursement and a daily per diem as established by the Board of Supervisors. Costs associated with this process will be funded through realignment funding but will certainly be offset by reducing jail beds.

Both agencies will work together to expand the currently utilized Home Detention with Electronic Monitoring program as an alternative custody method to allow completion of his/her sentence while out of custody and in their homes. This type of alternative to custody allows the low level offender to maintain their family unit, maintain employment, and minimize the cost of incarceration. This approach also allows inmates with severe health, mental health, or physical disabilities to obtain services while still being monitored. Additionally, with supervision funding, this effort will be expanded to monitor offenders with Global Positioning Satellite (GPS) and alcohol monitoring when needed.

An additional option allowed under this legislation includes authority for involuntary home detention and electronic monitoring for the pretrial population. Penal Code Section 1203.018 will allow the Sheriff's Department to release prisoners being held in lieu of bail in the county jail to an electronic monitoring program after they have served a minimum of 30 days for a misdemeanor, or 60 days for a felony. The Sheriff and the District Attorney may prescribe reasonable rules and regulations under which such a program will operate. Specific eligibility criteria as identified by statute will limit the number and type of pre-trial prisoners eligible for this program.

AB109 also changes how credits for good time and work time are calculated from one day of good time and one day of work time for every six days served in jail to one day of good time and one day of work time for every 4 days served in jail. This means that inmates will be required to serve 50% of their sentence in custody, minus any credits for time served prior to their sentence as determined by the Court, instead of two-thirds of their sentence, which is the current law. This change will help mitigate the impact of longer sentences being served in the county jail.

The Sheriff's Department and Probation Department will work in partnership to allow for the STRONG risk and needs assessment instrument to be completed prior to release for those that qualify. This will provide a transition into community supervision and assist with

re-entry and aftercare planning.

Additionally, the Sheriff's Department plans to expand existing inmate programs such as the work furlough program. This program selects qualified offenders and allows them to continue to work during scheduled work hours then return to custody. Further, it provides a level of accountability without disrupting the livelihood of the offender and promotes pro-social engagement. This program will be used at an early stage of incarceration with a joint agency field supervision component to verify inmate participation. The Sheriff and the Chief Probation Officer will coordinate staff to provide supervision of offenders enrolled in this program.

In summary, the AB 109 allocation is inadequate when considering the impact on local services. Agencies will have to share this burden and implement effective programs to maximize existing resources. A portion of realignment funding will need to be allocated to support gaps in service as they arise, and contingency planning must include a fiscal reserve in order to accommodate unforeseen developments. A balance between public safety, offender accountability, and lower recidivism rates can only be achieved through collaboration and flexibility across all service disciplines.

### Del Norte County Department of Health and Human Services

Although the Department of Health and Human Services will provide all available services in which offenders are eligible, there is inadequate time to prepare a coordinated plan prior to the implementation date. There is concern that without prudent planning, programs will not be able to meet client needs, and resources could be inefficiently used. Further, it is critical that contingency planning addresses potential catastrophic funding issues such as mental health or child welfare placements.

The department is committed to participating in regular and special meetings necessary to coordinate referrals and determine participant eligibility.

#### Social Services Branch

- Family Maintenance programs

#### Mental Health Branch

- Adult referrals
- On call emergency psychiatric/therapist
- Walk-in clinic

#### Employment Training Branch

- Job Finders Workshops
- Job Board listings
- Computer resource lab

- Resume and interview development

Public Assistance Branch

- Food stamps
- Passport for food banks

Public Health Branch

- Immunizations
- HIV/AIDS Testing

Alcohol and Other Drug Programs

- Assessments
- Treatment
- Drug court
- Dual Diagnosis Program
- County Jail Substance Abuse Support Group
- Drug and Alcohol Prevention

## 2011 Public Safety Realignment Budget and Funding Allocations

<b>Probation</b>	2011/12	2012/13	2013/14	2014/15
Community Corrections Case Management	77,100			
Electronic monitoring	59,253			
Cognitive Behavioral Interventions	10,000			
Flash Incarceration	40,150			
Special Department Expense (Contingency)	15,000			

<b>Sheriff's Department</b>	2011/12
Training and Equipment	\$35,559

### Budget Detail

## Probation

- **Community Corrections Case Management:** vehicle, tactical equipment, training, office supplies
- **Electronic Monitoring:** alternative to custody; includes GPS for High Risk offenders
- **Cognitive Behavioral Therapy:** Change Companies groups; facilitated by Deputy Probation Officers
- **Flash Incarceration:** graduated sanctions up to 10 days
- **Contingency Funds : (Special Department Expense)** emergency funding for unforeseen offender needs or agency impact

## Sheriff's Department

- **Training and Equipment** training associated with AB 109 such as alternatives to custody, and implementation  
  
equipment needs associated with alternatives to custody

## Data Collection and Analysis

Effectively administering this Public Safety Realignment Implementation Plan requires data collection and analysis. The implementation strategies described in the Plan will each be under the management of County departments. The following list is an example of recommended data elements to be collected by the respective program or agency as they relate to the mentioned strategies. Each program or agency will be required to uniquely identify the Post-Release Community Supervision population as a separate population from existing populations in order to evaluate outcomes and make effective use of Realignment funds.

### **Post-Release Community Supervision**

- Recidivism data for offenders
- Number of technical violations
- Number of technical violations diverted from incarceration
- Number of offenders referred to different programs and services
- Successful completion of programs
- Successful completion of probation
- Number of offenders contacted
- Types of contact (phone, in person, etc.)
- Violation for which contact was initiated
- Number of contacts per offender

### **Jail/Contract Beds**

- Number of offenders sentenced to jail

- Length of stay for offenders
- Number of inmates released to alternative custody options
- Number of beds occupied by offenders
- Number of flash incarcerations

### **Work Release**

- Number of offenders participating in work release
- Number of offenders successfully completing work release

### **Mandatory Home Detention with Electronic Monitoring**

- Number of offenders participating
- Number of offenders who violate home detention requirements
- Number of offenders successfully completing

### **Other Programs and Services**

- Number of referrals
- Number of completions
- Number of failures

### Summary

The success of the 2011 Public safety realignment is dependent on the county's ability to provide adequate and effective community supervision for felony offenders. This will require innovative and comprehensive system changes that rely on alternatives to incarceration while still providing accountability and maintaining public safety.

The foundation of this approach requires maintaining a population cap at the county jail. Through assessing an offender's risk to the community, jail beds can be allocated to those offenders who pose the greatest threat of committing serious and violent crimes. Conversely, low level offenders must receive effective interventions targeted at reducing recidivism. The responsibility to assess offenders and provide supervision falls to the probation department. For these reasons every probation department in the state has been identified as the agency responsible for Post-Release Community Supervision.

Historically, Probation has been underfunded statewide and is now charged with this task. Although recent state initiatives provided some start-up funding, the first year AB 109 allocation is not enough to hire additional officers and concurrently provide for operational needs and offender

supervision costs. Therefore, it is requested that the allocation be used for equipment, training, offender supervision and intervention, with a reserve for unforeseen contingencies. This first year will be one of assessing what works, and determining where future resources need to be allocated.

## Postrelease Community Supervision Flow process

**CDCR Pre-Release  
Assessments/Screening and Case  
Records/Parole packet**



**Del Norte County  
Probation Post Release**

Central Point of Contact for CDCR  
Liaison with parole desk at each prison facility

**Adult Supervisor receives case record packet and is responsible for the following:**

- a. File Review (*Offenders will be high risk for the initial 30 days of Post Release Supervision*);
  - b. Process necessary offender Inter-State Company;
  - c. Process County to County transfers;
  - d. Conducts address verifications and home assessments;
  - e. Requests additional Conditions of Probation (submit to CDCR); and
  - f. Assigns support staff to begin development of case plan
- 

**CDCR Case Records Notification**

**and  
Release to County**



**Probation Community Supervision**

**Approval**

\_\_\_\_\_  
Chair, Del Norte County Board of Supervisors

\_\_\_\_\_  
Date

\_\_\_\_\_  
Chair, Community Corrections Partnership

\_\_\_\_\_  
Date

\_\_\_\_\_  
Superior Court Judge

\_\_\_\_\_  
Date

\_\_\_\_\_  
Sheriff

\_\_\_\_\_  
Date

\_\_\_\_\_  
Chief of Police

\_\_\_\_\_  
Date

\_\_\_\_\_  
District Attorney

\_\_\_\_\_  
Date

\_\_\_\_\_  
Public Defender

\_\_\_\_\_  
Date

Director Health and Human Services

Date

## MEMORANDUM

DATE: October 18, 2011

TO: Board of Supervisors,  
Jay Sarina, County Administrative Officer

FROM: Thomas E. Crowell, Chief Probation Officer

SUBJECT: Penal Code Section 1203.018 – electronic monitoring in lieu of bail

Seeking BOS approval to offer a program pursuant to the Penal Code Section below:

1203.018. (a) Notwithstanding any other law, this section shall only apply to inmates being held in lieu of bail and on no other basis.

(b) Notwithstanding any other law, the board of supervisors of any county may authorize the correctional administrator, as defined in paragraph (1) of subdivision (k), to offer a program under which inmates being held in lieu of bail in a county jail or other county correctional facility may participate in an electronic monitoring program if the conditions specified in subdivision (c) are met.

(c) (1) In order to qualify for participation in an electronic monitoring program pursuant to this section, the inmate must be an inmate with no holds or outstanding warrants to whom one of the following circumstances applies:

(A) The inmate has been held in custody for at least 30 calendar days from the date of arraignment pending disposition of only misdemeanor charges.

(B) The inmate has been held in custody pending disposition of charges for at least 60 calendar days from the date of arraignment.

(2) All participants shall be subject to discretionary review for eligibility and compliance by the correctional administrator consistent with this section.

(k) For purposes of this section, the following terms have the following meanings:

(1) "Correctional administrator" means the sheriff, probation officer, or director of the county department of corrections.