OFFICE OF THE CLERK
OF THE BOARD OF SUPERVISORS

REGULAR AGENDA REQUEST

Print

MEETING DATE	October 18, 2011	**DEPARTMENT**	Probation
ADDITIONAL DEPARTMENTS			
TIME REQUIRED	10 minutes	**PERSONS APPEARING BEFORE THE BOARD**	Tracie Neal
SUBJECT	Public Safety Realignment Act of 2011 Local Implementation and Post Release Supervision Plan		

AGENDA DESCRIPTION:

(A brief general description of what the Board will hear, discuss, consider, or act upon)

The Community Corrections Partnership (CCP) has created a local implementation plan and the plan was approved at the CCP meeting held on October 5, 2011. The plan includes a summary of AB 109 and a summary of recommendations that will allow local agencies to accommodate the new population under AB 109.

RECOMMENDED ACTION:

It is recommended the Board consider and approve the 2011 Local Implementation and Post Release Supervision Plan.

FISCAL IMPACT:

AB 109 State revenue funds (Training and Implementation activities, planning grant, postrelease community supervision/local incarceration, District Attorney/Public Defender) in the amount of $220,093 to be distributed among the following County departments: Probation Department $158,00; Sheriff's Department $57,500; Department of Social Services $1,000; District Attorney $1,796.50; Public Defender $1,796.50.

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LUNCH
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OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD on items of public interest that are within the subject matter jurisdiction of the Board. (Speakers may be limited in speaking time dependent upon the press of business and number of persons wishing to address the Board.)

CONTACT NAME: Tracie Neal

PHONE/EMAIL: (760)932-5570 / tneal@mono.ca.gov

SUBMIT THE ORIGINAL DOCUMENT WITH ATTACHMENTS TO THE OFFICE OF THE COUNTY ADMINISTRATOR
PRIOR TO 5:00 P.M. ON THE FRIDAY 32 DAYS PRECEDING THE BOARD MEETING

SEND COPIES TO:

MINUTE ORDER REQUESTED:

☐ YES ☑ NO

ATTACHMENTS:

Click to download

- Staff Report
- Mono County Public Safety Realignment Plan

History

Time	Who	Approval
10/6/2011 2:59 PM	County Administrative Office	Yes
10/7/2011 1:23 PM	County Counsel	Yes
10/6/2011 5:04 PM	Finance	Yes

MONO COUNTY PROBATION DEPARTMENT

MAILING: P.O. BOX 596, BRIDGEPORT, CALIFORNIA 93517

BRIDGEPORT OFFICE (760) 932-5570•FAX (760) 932-5571
MAMMOTH OFFICE (760) 924-1730•FAX (760) 924-1731

Beverlee Bryant
Chief Probation Officer

Stan Eller
Presiding Judge
Superior Court

October 6, 2011

TO: Honorable Board of Supervisors

FROM: Tracie Neal, Interim Chief Probation Officer

Subject
Mono County Public Safety Realignment Act 2011: Local Implementation and Postrelease Supervision Plan.

Recommendation
It is recommended the Board consider and approve the 2011 Local Implementation and Postrelease Supervision Plan.

Discussion
On April 3, 2011, the Public Safety Realignment Act (Assembly Bill 109) was signed into law to address overcrowding in California prisons and assist in alleviating the State's financial crisis. AB 109 transfers responsibility for supervising specified lower level inmates and parolees from the California Department of Corrections and Rehabilitation to Counties. Implementation of the Public Safety Realignment Act was effective October 1, 2011.

AB 109 mandates that each County shall establish a local planning and oversight committee identified as the Community Correction Partnership (CCP). This committee is responsible for the development of the implementation plan, oversees the realignment process, considers and recommends programming and various components of the plan, and recommends funding expenditures to the Board of Supervisors. On October 5, 2011, the CCP executive committee voted to approve the CCP Plan and place it on the Board agenda for consideration and approval of the plan by the Board of Supervisors.

Fiscal Impact
AB 109 State revenue funds (Training and Implementation activities, planning grant, postrelease community supervision/local incarceration, District Attorney/Public Defender) in the amount of $220,093 are to be distributed among the following County departments: Probation Department $158,00; Sheriff's Department $57,500; Department of Social Services $1,000; District Attorney $1,796.50; Public Defender $1,796.50.

Mono County Public Safety Realignment Act of 2011

Local Implementation and Post Release

Supervision Plan

Executive Committee of the Community Corrections Partnership (CCP)

Tracie Neal, Interim Chief Probation Officer (chair)
George Booth, District Attorney
Stan Eller, Presiding Judge
Randy Gephart, Public Defender
Rick Scholl, Sheriff
Julie Tiede, Director of Social Services (designated by the Board of Supervisors)
Dan Watson, Police Chief

Please direct comments on this draft to Interim Chief Probation Officer, Tracie Neal at tneal@mono.ca.gov or (760)932-5570. Written comments may be mailed to Mono County Probation Department, PO Box 596, Bridgeport, CA 93517. A draft will be shared on mid October for public review and comment.

"For too long, the state's prison system has been a revolving door for low-level offenders and parole violators who are released within months- often before they are even transferred out of a reception center. Cycling these offenders through state prisons wastes money, aggravates crowded conditions, thwarts rehabilitation, and impedes local law enforcement supervision." – Governor Edmund G. Brown, Jr., April 5, 2011.

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Summary of Recommendations

The Executive Committee submits the following recommendations to the Board of Supervisors and County of Mono.

1. Consider and adopt 2011 Implementation Plan herein, as the County of Mono Public Safety Realignment plan as required by PC1230.1 and the Postrelease Community Supervision strategy as required by PC3451 as added by the Postrelease Community Supervision Act of 2011 contained in AB109. This plan contains recommendations and a budget for implementation utilizing allocated State funds.

2. Consider and adopt the following recommendations:

   The Probation Department was designated as the County Agency responsible for implementing postrelease community supervision as specified in Section 3451 of the California Penal Code as added by the Post-Release Community Supervision Act of 2011, by the Board of Supervisors on August 9, 2011.

   Home Detention Program
   The Sheriff is authorized to offer a home detention program, as specified in Section 1203.016 of the California Penal Code, in which inmates committed to the County Jail may voluntarily participate or involuntarily be placed in a home detention program during their sentence in lieu of confinement in the County Jail. The Probation Department will assist in the supervision of this population and the home detention program.

   Electronic Monitoring Program in lieu of Bail
   The Sheriff is authorized to offer an electronic monitoring program, as specified in Section 1203.018 of the California Penal Code, to inmates being held in lieu of bail in the County Jail. The Probation Department will assist in the supervision of this population and the electronic monitoring program.

   Home Detention and Electronic Monitoring Program- Adult Probation
   The Probation Chief is authorized to offer an electronic monitoring and/ or home detention program to individuals who are granted probation or are under postrelease community supervision as a sanction for violating supervision conditions, as specified in Section 3453 and 3454 of the California Penal Code.

Overview

Problem

According to the California Department of Corrections (2010), between 1990 and 2005, California's prison population increased by 73% and peeked in 2006, with a little over 172,000 offenders incarcerated. The State Prisons have been operating at 175% of their designed capacity (CDCR, 2010). The California Department of Corrections and Rehabilitation (CDCR) is the largest agency in the State with the fiscal budget of 10 billion dollars annually (CDCR, 2009).

According to CDCR, parolees returning to prison or committed for a new crime accounted for only 10% of the entire inmate population in 1977. By 2009, the number had skyrocketed to 77%. In 2003, the Little Hoover Commission concluded that the State prison system was nothing short of a "billion- dollar failure". The States unacceptable recidivism rates coupled with prison overcrowding and exorbitant spending has created new legislation and mandated judicial action.

The Mandates: Lawsuits and New Legislation

In November 2006, plaintiffs filed a motion to convene a three-judge panel in *Plata v. Schwarzenegger* under the Prison Litigation Reform Act (PLRA) of 1996, claiming that overcrowded conditions in California Department of Corrections and Rehabilitation (CDCR) prisons resulted in unconstitutional medical care. Plata is a consolidation of two class action lawsuits brought against the State over medical care for inmates. The second law suit, *Coleman v. Schwarzenegger*, involving mental health services for prisoners, was initially filed in 1991. Both claim that care for inmates violates the Eight Amendment of the U.S. Constitution, which prohibits cruel and unusual punishment of the incarcerated.

These law suits resulted in a Three- Judge Panel placing a cap on State prisons, which was ordered on August 4, 2009. The panel mandated that the State cap it's State prison population in adult institutions at 137.5% of bed capacity within two years, meaning that the cap would require a population reduction of approximately 35,000 to 40,000 inmates.

Governor Schwarzenegger singed Senate Bill 678 on October 1, 2009, creating the California Community Corrections Performance Incentive Act of 2009. This was the first bill that recognized that adult probation services in the State were underfunded and had poor outcomes. This bill has provided funding to Probation Departments to improve probation outcomes measured by a reduction in probation failures committed to prison. At this point, SB 678 funding is secure but it is anticipated that AB 109 may affect this funding stream. At this point, future SB 678 funding is unknown.

This Bill authorized each County to establish a Community Corrections Performance Incentive Fund requiring that community correction programs be administered by the Chief Probation Officer. The goal of the bill was to provide prevention and intervention by County Probation Departments with the intention of reducing the number of probationers being sentenced to prison for technical violations. The Bill mandated Probation Departments to utilize evidenced based practices.

Overview of 2011 Public Safety Realignment Act (AB109)

On April 4, 2011, the Public Safety Realignment Act (Assembly Bill 109) was signed into law to address overcrowding in California prisons and assist in alleviating the State's financial crisis. AB 109 transfers responsibility for supervising specified lower level inmates and parolees from the California Department of Corrections and Rehabilitation to Counties. Implementation of the Public Safety Realignment Act is scheduled for October 1, 2011.

California Penal Code Section 3450 (Postrelease Community Supervision Act)

The legislature finds and declares all of the following:

1. The Legislature reaffirms its commitment to reducing recidivism among criminal offenders.
2. Despite the dramatic increase in corrections spending over the past two decades, national re-incarceration rates for people released from prison remain unchanged or have worsened. National data show that about 40% of released individuals are re-incarcerated within three years. In California, the recidivism rates for persons who have served time in prison is even greater than the national average.
3. Criminal Justice Policies that rely on the re-incarceration of parolees for technical violations do not result in improved public safety.
4. California must reinvest its criminal justice resources to support community corrections programs and evidenced based practices that will achieve improved public safety returns on this State's substantial investment in its criminal justice system.
5. Realigning the postrelease supervision of certain felons reentering the community after serving a prison term to local community corrections programs, which are strengthened through community based punishment, evidenced based practices, and improved supervision strategies will improve public safety outcomes among adult felon parolees and will facilitate their successful reintegration back into society.
6. Community corrections programs require a partnership between local public safety entities and the County to provide and expand the use of community- based punishment for offenders paroled from the State prison. Each County's local Community Corrections Partnership, as established in paragraph (2) of subdivision (b) of Section 1230, should play a critical role in developing programs and ensuring appropriate outcomes for persons subject to postrelease community supervision.
7. Fiscal policy and correctional practices should align to promote a justice reinvestment strategy that fits each County. "Justice Reinvestment" is a data- driven approach to reduce corrections and related criminal justice spending and reinvest in strategies designed to increase public safety. The purpose of justice reinvestment is to manage and allocate criminal justice populations more cost effectively, generating savings that can be reinvested in evidenced based strategies that increase public safety while holding offenders accountable.

8. “Community based punishment” means evidenced based correctional sanctions and programming encompassing a range of custodial and noncustodial responses to criminal or noncompliant offender activity. Intermediate sanctions may be provided by local public safety entities directly or through public or private correctional service providers and include, but are not limited to, the following:
    A. Short term “flash” incarceration in jail for a period of not more than ten days.
    B. Intensive community supervision.
    C. Home detention with electronic monitoring or GPS.
    D. Mandatory community services.
    E. Restorative justice programs such as mandated victim restitution and victim offender reconciliation.
    F. Work, training or education in a furlough pursuant to Section 1208.
    G. Work, in lieu of confinement, in a work release program pursuant 4024.2.
    H. Day reporting.
    I. Mandatory residential or nonresidential substance abuse treatment programs.
    J. Mandatory random drug testing.
    K. Mother infant care programs.
    L. Community based residential programs offering structure, supervision, drug treatment, alcohol treatment, literacy programming, employment counseling, psychological counseling, mental health treatment, or any combination of these and other interventions.

Key elements of AB109 include:

Target Population: The Postrelease Community Supervision population, released from prison to community supervision, is the responsibility of local Probation Departments and is inclusive of non-violent, non-serious, non-sex offenders with a prior PC667.5(c), PC1192.7(c) or registerable offenses pursuant to the Penal Code Section 290. The population that will serve their prison sentences locally includes the non-violent, non-serious, non-sex offender group. The California Department of Corrections and Rehabilitation (CDCR) estimates Mono County’s “average daily population” (ADP) of these offenders will be:

4	Postrelease Community Supervision
1	Parolee and Postrelease Community Supervision violators in jail on revocations
7-8	Mandatory Supervision/ Full Jail Term

Four offenders will be on Postrelease community supervision to Adult Probation during the first 9 months. These offenders will require the full range of supervision, sanctions and services resource available through the department.

This population becomes a local responsibility as of October 1, 2011, when the Post-Release Community Supervision Act of 2011 is implemented. These estimates are based upon data provided by CDCR;

however, the Community Corrections Partnership Executive Committee anticipates the actual population to be greater than the State projections.

Key elements of AB109:

- **Shift of Responsibility:** All non- violent, non- serious and non sex offenders (3 N's) will serve their sentences in the County jail instead of State prisons. Counties may contract back with the State to house these inmates, but it is anticipated it will be cost prohibitive for Counties. The costs may exceed $100,000 per inmate per year.
- **Redefining Felonies**: Revises the definition of a felony to include certain crimes that are punishable in jail for a period of 16 months, 2 years, or 3 years and in specific cases may be much longer. Some offenses, including serious, violent and sex offenses, are excluded and sentences will continue to be served in State Prison. The new definition under PC 17- a felony is a crime punishable by death, imprisonment in State prison or imprisonment in County jail pursuant to PC 1170(h).
- **Local Postrelease Community Supervision**: Offenders released from State prison on or after October 1, 2011, after serving a sentence for an eligible offense shall be subject to, for a period not to exceed 3 years, Postrelease Community supervision provided by the Probation Department as designated by the County Board of Supervisors.
- **Revocations Heard & Served Locally**: Postrelease Community supervision and parole revocations will be served in local jails (by law maximum revocation sentences is up to 180 days), with the exception of paroled 'lifers' who have a revocation term of greater than 30 days. The Courts will hear revocations of Postrelease Community supervision while the Board of Parole Hearings will conduct parole violation hearings in jail.
- **Changes to Custody Credits**: Jail inmates will be able to earn four days of credit for every two days served. Time spent on home detention (i.e., electronic monitoring) is credited as time spent in jail custody.
- **Alternative Custody**: Penal Code Section 1203.018 authorizes electronic monitoring for inmates being held in the county jail in lieu of bail. Eligible inmates must first be held in custody for 60 days post-arraignment, or 30 days for those charged with misdemeanor offenses.
- **Community Based Punishment**: Authorizes Counties to use a range of community based punishment and intermediate sanctions other than jail incarceration alone or traditional routine probation supervision.
- **Contracting Back**: Authroizes Counties to contract back with the State for housing of prisoners. Currently they anticipate a fee of $77 per day for State Prison and $47 per day for fire camps.

Local Planning and Oversight

Local Planning

Section 1230 of the California Penal Code is amended to read "Each County local Community Corrections Partnership established pursuant to subdivision (b) of Section 1203 shall recommend a local plan to the County Board of Supervisors for the implementation of the 2011 Public Safety Realignment. The plan shall be voted on by an executive committee of each County's Community Corrections Partnership consisting of the Chief Probation Officer of the county as chair, a Chief of Police, the Sheriff, the District Attorney, the Public Defender, presiding Judge or his or her designee, and the department representative listed in either Section 1230(b)(2)(G), 1230(b)(2)(H), or 1230 (b)(2)(J) as designated by the county Board of Supervisors for purposes related to the development and presentation of the plan. The plan shall be deemed accepted by the County Board of Supervisors unless rejected by a vote of 4/5ths in which case the plan goes back to the Community Corrections Partnership for further consideration. Consistent with local needs and resources, the plan may include recommendations to maximize the effective investment of criminal justice resources in evidenced based correctional sanctions and programs, including, but not limited to, day reporting centers, drug courts, residential multiservice centers, mental health treatment programs, electronic and GPS monitoring programs, victim restitution programs, counseling programs, community service programs, educational programs, and work training programs."

Community Corrections Partnership

In the last two years, there have been statewide efforts to expand the use of evidenced based practices in sentencing and probation practices, and to reduce the state prison population. SB 678 (2009) established a Community Correction Partnership (CCP) in each County, chaired by the Chief Probation Officer, charged with the advising on the implementation of SB 678 funded initiatives. AB109 (2011) established and Executive Committee of the CCP charged with development of a 2011 Realignment Plan that will recommend a county-wide programming plan for the realigned population, for consideration and adoption by the Board of Supervisors.

The CCP Executive Committee will advise on the progress of the Implementation Plan. Chaired by the Chief Probation Officer, the CCP Executive Committee will oversee the realignment process and advise the Board of Supervisors in determining funding and programming for various components of the plan. Voting members of the Executive Committee include: a Judge (appointed by the Presiding Judge); Chief Probation Officer; County Sheriff; District Attorney; Chief of Police; Public Defender; Director of Social Services/ Mental/ Public Health (as determined by the Board of Supervisors).

The responsibilities of the executive committee include:

1. Development and submission of Local Realignment Plan
2. Continuous quality improvement
3. Community resource planning and sustainability
4. Collection of baseline data to measure against desired future outcomes

5. Analysis and maintenance of services for adult offender population
6. Fiduciary oversight and fiscal responsibility for the funding associated with AB 109
7. Evaluation of local programs and the systemic process to determine if programs and the process are working efficiently and effectively and if issues are identified modifications and recommendation will be reviewed and suggested

Executive Committee

Member	Agency
Tracie Neal	Probation Department
Honorable Stan Eller	Superior Court
Rick Scholl	Sheriff's Department
Dan Watson	Mammoth Police Department
George Booth	District Attorney's Office
Randy Gephart	Public Defender
Julie Tiede	Department of Social Services

Committee Members and Other Key Partners

Member	Agency
Stacey Adler	Mono County Office of Education
Ralph Obenberer	Sheriff's Department
Tim Kendall	District Attorney's Office
Robin Roberts	Alcohol and Drug Programs
Misti Clark Holt	Wild Iris, DV Coordinator
Susi Barnes	Wild Iris
Hap Hazard	County Board of Supervisor

New Population and Funding

Projected Population and Funding

The State has estimated that Mono County will assume responsibility for approximately 4 additional offenders at any point in time across all agencies. This population is diverse and includes offenders who have been convicted of property, drug and alcohol, and domestic violence offenses. Of these 4 people, it is anticipated that at any one time an average daily population of approximately 0 to 3 offenders will be serving a sentence of local incarceration or sanctioned to other custodial/programmatic options. All 4 people will at some point be on Postrelease Community supervision.

Projected Funding

The formula establishing statewide funding allotments for AB109 implementation in Fiscal Year (FY) 2011-12 assumes $25,000 per offender for six months of local incarceration, with each of these offenders allocated $2,275 for rehabilitative services while incarcerated or in alternative incarceration programs. This same level of funding will be made available for parole violators serving a 60-day revocation, albeit on a pro-rated basis. Offenders on postrelease community supervision are funded at $3,500 per person for community supervision and $2,275 per person for rehabilitative services (for a maximum of 18 months). The above formula establishing a statewide allotment was developed by the State Department of Finance and agreed to by County Administrative Officers (CAO) and California State Association of Counties (CSAC).

The level of local funding available through AB109 is based on a weighted formula containing three elements:

- 60% based on estimated average daily population (ADP) of offenders meeting AB109 eligibility criteria
- 30% based on U.S. Census Data pertaining to the total population of adults (18-64) in the County as a percentage of the statewide population; and
- 10% based on the SB 678 distribution formula

Based on this formula Mono County is projected to receive $109,000 for FY 2011-12 (9 months of the full allocation) to serve approximately 4 additional offenders at any point in time. This funding includes:

Postrelease Community Supervision (PCS)/local incarceration	$109,000
AB109 Planning grant	$100,000
AB109 Training and implementation activities	$7,500
District Attorney/Public Defender (PCS representation)	$3,593

Funding for Mono County Superior Court operations is unknown at this time; the Administrative Office of the Courts (AOC) will make this determination of the funding distribution in the near future.

The funding formula is based on an October 1, 2011 implementation through June 30, 2012 and is for the first year only (9 months). CSAC/CAO's and the Department of Finance will revisit the formula for future years. AB109 becomes operative October 1, 2011. State funding will be provided to Counties after their Realignment Plan is approved by the Board of Supervisors. Currently, funding is not guaranteed past July 2012, but the Governor is in the process of sustaining AB 109 funding through a Constitutional initiative.

Attachment 1 outlines the budget for the Postrelease Community Supervision (PRCS)/local incarceration, AB109 Planning Grant, and AB109 Training and implementation activities.

Proposed Implementation Strategies

I. Probation Department

SB678 has allowed the Probation Department the opportunity to explore and implement evidenced based practices. Within the past 6 months, the Probation Department has transitioned from a traditional or conventional supervisory approach to an evidenced based supervisory model.

What is Evidenced Based Practices and What Works? Evidenced Based Practices (EBP) are interventions for which there is consistent scientific evidence showing improved outcomes. In the offender rehabilitation arena, EBP are principles that have been empirically proven to improve offender outcomes and reduce recidivism.

A. Principles of Evidenced Based Practice

1. Target Criminogenic risk and need
2. Cognitive/ behavioral in Nature
3. Incorporate social learning practices
4. Balanced integrated approach to sanctions and interventions
5. Incorporate the principles of responsively
6. Therapeutic integrity

B. Components of Evidenced Based Practice

1. Risk/Need Assessment- Resources should only be expended on offenders at high or moderate risk for reoffending. It should be "hands off" the low risk offenders. In order to determine who is at high risk for reoffending, the offender must undergo an objective risk assessment, using a validated risk assessment instrument. Validated means that, overtime, the tool has been proven to predict who will reoffend, and who will not.

Next, those at high and moderate risk for recidivism need to go through a criminogenic needs assessment. "Criminogenic" needs are defined as those factors in an offender's life that contribute to their breaking of the law but are not related to standard causal factors like physical needs, such as food and shelter, or a fiscal need such as employment. A few examples of criminogenic needs that have been statistically proven to be associated with reoffending are:

- Antisocial values
- Antisocial and or criminal peer group
- Antisocial attitude or personality patterns
- Antisocial leisure activities
- Substance Abuse
- Low self control
- An antisocial belief system
- Dysfunctional family ties

2. Individual Motivators- The next step is to assess the offender for what motivates him or her on an individual basis. This information is used to "self motivate" the offender toward change.

3. Target the appropriate intervention- The research says that we will do more harm than good to put an offender in a treatment program that they don't need. Effective interventions for offenders that are in custody should be structured in such a way as to take up to 40-70% of high-risk offenders' time for 3-9 months, depending on their risk level. This actually prohibits most jail inmates from being treated while in custody.

4. Rewire the brain - Evidence-based programming that emphasizes cognitive-behavioral strategies and is delivered by well-trained staff has been proven successful. Skills are not just taught to the offender, but are practiced or role-played. This takes time and repetition. It is nothing less than rewiring the brain through repetitive practice of pro-social behaviors.

5. Increase positive reinforcement - What has been found to be most effective is a four to one ratio of positive reinforcement over sanctions. This can simply take the form of verbal recognition of positive behavior.

- Ongoing support - Once the offender is released, the most important factor becomes ongoing support in the community. As stated above, an offender's peer group is the number one leading factor as to whether or not the individual will re-offend.

C. Other Guiding Principles

1. Risk Principle - Prioritize primary supervision and treatment resources for offenders who are at higher risk to re-offend. Research indicates that supervision and treatment resources that are focused on lower-risk offenders tend to produce little if any net positive effect on recidivism rates. Reducing the recidivism rates of these higher risk offenders reaps a much larger *bang-for-the buck*. Successfully addressing this population requires smaller caseloads, the application of well developed case plans, and placement of offenders into sufficiently intense cognitive-behavioral interventions that target their specific criminogenic needs.

2. Criminogenic Need Principle - Address offenders' greatest criminogenic needs. Offenders have a variety of needs, some of which are directly linked to criminal behavior. These criminogenic needs are *dynamic risk* factors that, when addressed or changed, affect the offender's risk for recidivism. Examples of criminogenic needs are: criminal personality; antisocial attitudes, values, and beliefs; low self control; criminal peers; substance abuse; and dysfunctional family. Based on an assessment of the offender, these criminogenic needs can be prioritized so that services are focused on the greatest criminogenic needs.

3. Responsivity Principle - Responsivity requires that we consider individual characteristics when matching offenders to services. These characteristics include, but are not limited to: culture, gender, motivational stages, developmental stages, and learning styles. These factors influence an offender's responsiveness to different types of treatment. The principle of responsivity also requires that offenders be provided with treatment that is proven effective within the offender population. Providing appropriate responsivity to offenders involves selecting services in accordance with these factors, including:

- Matching treatment type to offender; and
- Matching style and methods of communication with offender's stage of change readiness.

4. Dosage - Providing appropriate doses of services, pro-social structure, and supervision is a strategic application of resources. Higher risk offenders require significantly more initial structure and services than lower risk offenders. During the initial three to nine months post-release, 40%-70% of their free time should be clearly occupied with delineated routine and appropriate services, such as outpatient treatment, employment assistance, education, etc.

5. Treatment Principle - Cognitive-behavioral types of treatment should be applied as an integral part of the sentence/sanction process. Integrate treatment into sentence/sanction requirements through assertive case management (taking a proactive and strategic approach to supervision and case planning). Delivering targeted and timely treatment interventions will provide the greatest long-term benefit to the offender, the victim, and the community. This does not apply to lower risk offenders.

6. Skill Train with Directed Practice (using cognitive-behavioral treatment methods) - Provide evidence-based programming that emphasizes cognitive behavioral strategies and is delivered by well trained staff. To successfully deliver this treatment to offenders, staff must understand antisocial thinking, social learning, and appropriate communication techniques.

7. Motivational Interviewing- Motivational interviewing is a directive, client-centered approach for eliciting behavior change by helping offenders explore and resolve ambivalence. It is a more focused and goal directed approach to working with individuals. It is an evidenced based practice that has been shown to effectively change behaviors.

Mono County Probation Implementation

Risk Principle

Probation has implemented an evidenced based supervision model that serves both Postrelease Community Supervision offenders and the 3 N offenders. These two populations will be under the supervision of the Probation Department and will also be serving sentences in the County Jail. The plan will be used to address the needs of the offender while ensuring public safety. The plan is designed to ensure community supervision and outreach services are effective in promoting positive offender behavioral change in an effort to reduce recidivism and State prison commitments.

The Probation Department is in a nine County consortium that has contracted with Assessments.com (ADC) to implement a validated risk and needs assessment and individualized treatment rehabilitation plan (STRONG). The STRONG (Static Risk and Offender Needs Guide) is an evidence-based, risk/needs assessment, and case planning system to assist probation to accomplish the following basic objectives:

- Determine an offender's level of risk for re-offending as a way to target resources to medium and higher-risk offenders.
- Identify the risk and protective factors linked to criminal behavior so that the rehabilitative effort can be tailored to address the offender's unique assessment profile.
- Reduce recidivism

- Promote and facilitate rehabilitation
- Develop an automated case management plan focused on reducing risk factors and increasing protective factors.
- Assist in the development of treatment programs.

Static Risk Assessments (SRA) will be completed on all Postrelease Community Supervision offenders and the 3 N offenders and then placed in targeted case supervision based upon risk levels. Those offenders who are assessed at moderate to high-risk will have an offenders need guide and case plan completed to determine probation terms, and treatment plans.

Supervision will be determined by the offenders risk level. Moderate and high risk offenders will be placed on an intensive supervision caseload. Moderate risk offender's supervision will involve monthly contact and home visits. High risk offenders will be subject to multiple contacts per month both in the office and in the field.

NEED & TARGET PRINCIPLE

Presently, Mono County does not have any evidenced based treatment programs. This has been a detriment to offenders and their rehabilitation process. Starting in December 2011, the Probation Department will begin administering cognitive treatment programs for offenders. Through the ONG assessment, the offender's needs and areas for improvement will be identified. This information will then be used to place offenders in specialized probation groups. The program that will be utilized is The Courage to Change Interactive Journaling System. This program is an outcome- oriented supervision model which incorporates research-to-results and evidenced based practices for addressing the needs of offenders working to successfully reintegrate into their communities. This program targets offender's criminogenic factors. This is a 15 to 20 week program and groups will be conducted within the Probation Department on a weekly basis. While groups are beneficial it is recognized that some offenders need one on one work and this will also be offered.

By January- February 2012, the Probation Department will be offering Aggression Replacement Therapy groups and in the future hopes to contract with the County Mental Health Department to offer evidenced based substance abuse programs.

GRADUATED SANCTIONS

A key component of successfully implementing AB109 relies on creating an effective violation hearing process combined with consistent imposition of graduated sanctions in response to violations of supervision conditions. The goal of a graduated sanction matrix is to impose swift, sure, consistent and fair consequences for violations. The Probation Department is in the process of collaborating with other Probation Departments in the State to develop a graduated sanction matrix system.

Until a formal graduated sanction matrix is developed the Probation Department will be utilizing the following:

- Counseling and/or Verbal Reprimand

- Written Warning with contract
- Imposition of Curfew
- Increased Reporting Requirements
- Courage to Change CBT Intervention
- Increased Urinalysis and/or breathalyzer testing
- Community Service
- Intensive & Special Supervision
- Electronic Monitoring
- Electronic/ Alcohol Monitoring
- Flash Incarceration

By December 2011, the Probation Department will have an electronic monitoring and electronic alcohol monitoring program in place. This will allow a much needed sanction for offenders.

II. Sheriff's Department- County Jail Inmates

Projected Additional Number of Inmates

The Sheriff's Department believes it will see jail population increases of at least 3 to 6 inmates annually. This population will include new commitments of people who would otherwise have gone to State prison. It is anticipated that the jail will not be impacted by parolee and postrelease community supervision violators.

The additional inmates include (1) those convicted of a felony now sentenced to 16 months, 2 years, or 3 years in county jail in lieu of state prison; (2) the number of people in County jail who are pretrial; (3) violators of postrelease community supervision; (4) violators of state parole up to 180 days (an exception is that paroled lifers with revocation terms greater than 30 days will serve time in state prison); and (5) postrelease community supervisees sanctioned with flash incarceration of up to 10 days for each violation.

Proposed Strategies for County Inmates

To address these projected increases, the Sheriff's Department will maximize county jail capacity and utilize alternatives to incarceration through the Probation Department. By expanding the Sheriff's authority in the use of home detention and electronic monitoring the Board of Supervisors will provide additional alternatives to incarceration to be utilized for both the pretrial and sentenced populations.

County Jails

The Sheriff's Department currently operates one jail with a 40/48 bed capacity. People convicted of non-serious, non-violent, and non-sex offense felonies will serve sentences in the County jail. This change is prospective and will apply to anyone who is convicted on or after October 1, 2011. Typically these sentences will be 16 months to three years; this is longer than the average sentence of 90 days currently served in California County jails. Enhanced and consecutive sentences may create even longer sentences. AB109 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, to some degree, the impact of longer sentences being served in the county jails. Further, all postrelease community supervision revocations and almost all parole revocations will be served locally. AB109 encourages the use of flash incarceration up to 10 days in county jail for postrelease community supervisees who violate their community supervision terms.

Community Programs and Alternatives to Incarceration

Penal Code Section 1203.018 will allow the Sheriff to release prisoners being held in lieu of bail in the County jail to an electronic monitoring program under specific circumstances. The Sheriff, District Attorney and Probation Department may prescribe reasonable rules and regulations under which such a program will operate. Specific eligibility criteria will limit the number and type of pre-trial prisoners eligible for this program. Additionally, AB109 provides legal mechanisms to use alternatives to incarceration for sentenced populations. In Mono County, these alternatives will include electronic monitoring, home detention, residential treatment beds, evidenced based programs offered by the Probation Department, substance abuse services, parenting classes, and employment counseling and services. An inmate under the supervision of electronic monitoring or home detention may be provided multiple services as determined by their individual needs.

III. District Attorney

Impact of Realignment on the Mono District Attorney's Office

Realignment will have an impact on the workload of the Mono County District Attorney's Office. The DA's office will be impacted as follows:

1. The District Attorney's Office will be responsible for reviewing, charging, and prosecuting violations of the postrelease community supervision.
2. The District Attorney's Office expects more offenders will be placed on probation and therefore there will be an increase in probation violation hearings thereby requiring additional services from staff.
3. The District Attorney's Office anticipates that prosecutors may need to make more court appearances on these cases in order to secure fair and just sentencing agreements.
4. The District Attorney's Office expects more cases will go to trial due to the fact that a State prison commitment is no longer an option the Court has in sentencing.
5. The District Attorney's Office will continue to develop expertise in alternative sentences and continue to work closely with criminal justice partners to ensure protection of the victim, the public and fair and just punishment and rehabilitation of the defendant.

IV. Public Defender

It is expected that the County Public Defenders will have increased workloads with the realigned offender population. The Public Defenders will need to work closely with Probation, the District Attorney's Office and the Court to explore alternative sentencing strategies and identifying clients who

are eligible for those programs under AB109. Public Defenders will need to collaborate with the Probation Department to help identify new referrals and to discuss progress of clients who are receiving services. They may also seek appropriate placements and programs for individuals under realignment.

As noted above, under AB118, the Legislature provided funding for the Public Defender to handle the additional workload. Funding of these monies will be left to the District Attorney's Office and Public Defenders.

V. Superior Court- Parole and Postrelease Community Supervision Violations

Projected Additional Number of Revocation Cases

Under AB117, a budget trailer bill accompanying the 2011 Budget Act, the Superior Court's role in criminal realignment previously outlined under AB109 has been substantially narrowed to handle only the final revocation process for offenders who violate their terms or conditions of postrelease community supervision or parole. The Court will assume responsibility for postrelease community supervision revocation hearings beginning on October 1, 2011. AB117 also delays the Court's role in revocation proceedings for persons under state parole supervision and serious and violent parole violations until July 1, 2013. According to state estimates, the total parole and post-release supervision population expected to be serving revocation sentences in local custody is estimated to be 0 to 3 on any given day.

VI. Department of Social Services

The Department of Social Services will assess and determine eligibility for public assistance programs designed to meet the basic needs of the offender population. Social Services will provide resources and referral services, which may include referrals to other agencies, i.e. First Five or Imaca. It is projected that the number of offenders in need of social services will be approximately 3 individuals.

Social Services Adult Assistance Programs include CalWORKS/ Welfare to Work, CalFresh (Food Stamps) and Medi-Cal. CalWORKS provides cash assistance and welfare to work services for low income adults with dependent children. Recipients of CalWORKS program must participate in the Welfare to Work Program (WTW) unless an exemption is met. Participants are required to be enrolled in activities such as: job search; mental health services, assessment, subsidized or unsubsidized employment, work experience, community service, and on-the-job training. Supportive services may be given to participants such as: child care, transportation costs, special equipment needs for employment, etc. CalFresh is monthly benefits that can be used to purchase food. Medi-Cal is health coverage for low income children, pregnant women, seniors and persons with disabilities. Social Services additionally offers work force development services.

Social Services also administers the Workforce Investment Act (WIA). WIA is voluntary. The program includes a Youth Program, Adult Program, and Dislocated Worker Program. Services include: job assessment, assistance with resume creation, use of computer and internet access, counseling, interview skills. If eligible to be enrolled in the program additional services such as paid training, On-

the-Job-Training, and Work Experience may be offered. Supportive services such as transportation, equipment, expenses may be available depending on funding.

VII. Mono County Office of Education

The Mono County Office of Education (MCOE) is committed to a partnership with the Mono County Probation Department in providing educational services for probationers. The Adult Education program is being re-developed to bring more appropriate and much needed educational services to adults throughout Mono County. Currently, the MCOE Adult Ed program offers English as a Second Language, GED Preparation, Computer Basics, and Citizenship classes. In the future we hope to add courses in Technical Writing, "Life Skills", Advanced Computer Applications, and other classes which will assist our community members in advancing their skill and education levels. We appreciate the opportunity to work with Mono County Probation to help us identify the types of Adult Education courses that will be meaningful to probationers as they strive to re-enter the work force.

Proposed Outcomes

This policy initiative (and the intervention strategies articulated in the local Public Safety Realignment Plan) is 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 practice is emerging as the primary strategic goal of the initiative.

The Realignment Plan seeks to achieve the following three outcomes:

1. Implementation of a streamlined and efficient system in Mono County to manage our additional responsibilities under realignment.
2. Implementation of a system that protects public safety and utilizes best practices in recidivism reduction.
3. Implementation of a system that effectively utilizes alternatives to pre-trial and post-conviction incarceration where appropriate.

To achieve these outcomes, CCP partners will develop and track several outcome measures. Examples of potential outcome measures include:

- CCP partner feedback on effectiveness of mechanisms in place to collaboratively address realignment issues as they arise
- Recidivism rates for non-violent, non-serious, non-sex offenders
- Recidivism rates for parolees now under Mono County jurisdiction
- Number and type of offenders sentenced to county jail and state prison
- Number and type of offenders sentenced to probation or alternative programs

Budget

Revenues

1. AB109 Training and implementation activities		$7,500
2. AB109 Planning grant		$100,000
3. Postrelease Community Supervision (PCS)/local incarceration		$109,000
4. District Attorney/Public Defender (PCS representation)		$3,593
	Total=	$220,093

Expenditures

1. AB109 Training and implementation activities		$7,500
Probation Department		
Travel and Training Expense		$3,500
Sheriff Department		
Travel and Training Expense		$3,000
Department of Social Services		
Travel and Training Expense		$1,000
	Total=	$7,500

2. AB109 Planning grant		$100,000
Probation Department		$100,000
Salaries and Benefits	$20,000	
Equipment	$25,000	
Professional Services	$40,000	
Travel and Training	$15,000	
	Total=	$100,000

3. Postrelease Community Supervision (PCS)/local incarceration		$109,000
Probation Department		$54,500
Professional Services	$27,000	
Salaries & Benefits	$27,500	
Sheriff's Department		$54,500
Support and Care	$54,500	
	Total=	$109,000

4. District Attorney/Public Defender (PCS representation)		$3,593
Public Defender	$1,796.50	
District Attorney's Office	$1,796.50	
	Total=	$3,593

References

Couzens, R. (2011). 2011 Criminal Justice Realignment Act: Frequently Asked Questions. Retrieved from www.courts.ca.gov

Couzens, R. (2011). Felony Sentencing Following Enactment of 2011 Realignment Legislation.

Couzens, R. & Bigelow, T. (2011). Awarding Conduct Credits Under PC 4019 and 2933 After October 1, 2011.