

SISKIYOU COUNTY
PUBLIC SAFETY REALIGNMENT & POST RELEASE COMMUNITY SUPERVISION
PRELIMINARY PLAN

PHASE ONE

BACKGROUND AND PRELIMINARY FUNDING/STAFFING REQUESTS

As recommended to the Siskiyou County Board of Supervisors
, October 4, 2011

OVERVIEW OF 2011 PUBLIC SAFETY REALIGNMENT ACT (AB109)

In an effort to address overcrowding in California's prisons and assist in alleviating the state's financial crisis, the Public Safety Realignment Act (Assembly Bill 109) was signed into law on April 4, 2011. AB109 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.

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

Key elements of AB109 include:

Target Population: The post-release community supervision population, released from prison to community supervision, is the responsibility of local probation departments and is inclusive of non-violent, non-serious, non-sex offenders with a prior PC 667.5(c), PC 1192.7(c) or registerable offenses pursuant to 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 Correction and Rehabilitation (CDCR) estimates Siskiyou County's "average daily population" (ADP) of these offenders at full implementation (4 years) will be:

Post-release community supervision (PRCS) – **23**

Parole and post release community supervision violators in jail on revocations - **8**

Sentenced to local incarceration under AB109 - **34**

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.

Additional key elements of AB109 include:

- Redefining Felonies: Revises the definition of a felony to include certain crimes that are punishable in jail for 16 months, 2 years, or 3 years. Some offenses, including serious, violent and sex-offenses, are excluded and sentences will continue to be served in state prison.
- Local Post-release Community Supervision: Offenders released from state prison on or after October 1, 2011 after serving a sentence for an eligible offense shall be subject to, for a period not to exceed 3 years, post-release community supervision provided by a county agency designated by that county's Board of Supervisors.
- Revocations Heard & Served Locally: Post-release community supervision and parole revocations will be served in local jails (by law maximum revocation sentence is up to 180 days), with the exception of paroled 'lifers' who have a revocation term of greater than 30 days. The Courts will hear revocations of post-release community supervision 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.

LOCAL PLANNING AND OVERSIGHT

COMMUNITY CORRECTIONS PARTNERSHIP

In the last two years, there have been statewide efforts to expand the use of evidence-based practices in sentencing and probation practices, and to reduce the state prison population. SB 678 (2009) established a Community Corrections Partnership (CCP) in each county, chaired by the Chief of Probation, charged with advising on the implementation of SB 678 funded initiatives. AB109 (2011) established an 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 the various components of the plan. Voting members of the Executive Committee include: a Judge (appointed by the Presiding Judge); Chief Adult Probation Officer; County Sheriff; District Attorney; Chief of Police; Public Defender; and Director of County Social Services/Mental/Public Health (as determined by the Board of Supervisors).

This preliminary plan was developed by CCP Executive Committee members, their designees and other key partners:

**EXECUTIVE COMMITTEE (VOTING MEMBERS) OF THE COMMUNITY
CORRECTIONS PARTNERSHIP**

Kirk Andrus, District Attorney

Todd Heie, Chief Probation Officer (Chair)

Lael Kayfetz, Public Defender

Jon Lopey, Sheriff

Hon. Laura Masunaga, Presiding Judge, Superior Court of Siskiyou County

Martin Nicholas, Chief of Police, City of Weed

Michael Noda, Director, Human Services Agency

Other meeting participants included:

Jim Betts, Assistant Sheriff, Operations, Siskiyou County Sheriff's Office

Brian Bowles, Chief of Police, Yreka Police Department

Marie Caldwell, Principal, Yreka High School

Coleen Chiles, Victim Services Coordinator, Siskiyou County District Attorney's Office

Jim Cook, Chair, Siskiyou County Board of Supervisors

Carla Charraga, Deputy Director, Siskiyou County Domestic Violence & Crisis Center

Allison Giannini, Jail Programs Coordinator, Siskiyou County Sheriff's Office

Robert Goyeneche, Administrative Sergeant, Siskiyou County Sheriff's Office

Rose Ann Herrick, Assistant County Administrator

Jeff Huston, Sergeant, Siskiyou County Sheriff's Office

Stacey Jackson, Superintendent, Charlie Byrd Youth Corrections Center

Nicole LaCoursiere, Assistant Chief Probation Officer

Brian McDermott, Siskiyou County Administrator

Bernie Paul, Unit Chief, CAL FIRE, Siskiyou Unit

Jill Phillips, Executive Director, Siskiyou Community Services Council

Joy Pragg, Legal Secretary, Siskiyou County Probation Department

Toby Reusze, Coordinator, Siskiyou Community Services Council

Camy Rightmier, Department Fiscal Officer, Siskiyou County Sheriff's Office

Joyce Tichota

Jennifer Villani, Division Director, Adult Probation Unit

John Villani, Assistant Sheriff, Administration, Siskiyou County Sheriff's Office

Kermith Walters, Superintendent of Schools

The planning group has met weekly since July 29, 2011 discussing funding methodology, policies and programming necessary to implement the plan.

NEW POPULATIONS AND FUNDING

PROJECTED POPULATION

The State has estimated that Siskiyou County will assume responsibility for approximately 65 additional offenders at full implementation (4 years). This population is diverse and includes offenders who have been convicted of property, public order, drug, and domestic violence offenses, and gang-involved offenders. Of these 65 people, it is anticipated that at any one time an average daily population of approximately 8 offenders will be serving a sentence of local incarceration or sanctioned to other custodial/programmatic options. All 65 people will at some point be on post-release 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 Post-release community supervision are funded at \$3,500 per person for community supervision and \$2,275 per person for rehabilitative services (for a maximum of 18 months). The above formula establishing a statewide allotment was developed by the State Department of Finance and agreed to by County Administrative Officers (CAO) and California State Association of Counties (CSAC). The level of local funding available through 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, **Siskiyou County is projected to receive \$592,352 for FY 2011-12** (9 months of funding – from **October 1, 2011 through June 30, 2012**) to serve approximately 65 additional offenders at any point in time. This funding includes:

Post-release Community Supervision/Local Incarceration	\$445,001
AB109 Planning grant (one-time)	100,000
AB109 Training and implementation activities (one-time)	31,400
District Attorney/Public Defender (PRCS representation)	<u>15,951</u>
TOTAL	\$592,352

Funding for Siskiyou 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. CSAC/CAO's and the Department of Finance will revisit the formula for future years.

PLANNING AND RECOMMENDATIONS TO DATE

Early discussion has centered around the need to implement strategies that provide for public safety, reduce recidivism, and reduce the in-custody jail population. The CCP has agreed to pursue strategies that 1) promote evidence-based approaches, 2) build on existing successful efforts, 3) are collaborative.

To promote this approach, the CCP voted to contract with Jill Phillips of Shasta Training and Consulting, Inc. to facilitate the CCP meetings and write the CCP Plan. (Minutes—August 22, 2011). The CCP voted to take a phased planning approach. This will allow for identification and approval of immediate department staffing and equipment needs, while reserving additional available funds for service needs identified through a more comprehensive planning process. (Minutes—August 22, 2011).

With this strategy in mind, the CCP voted to approve the following funding for the 2011/12 Fiscal Year:

Siskiyou County Sheriff's Department (Minutes August 22, 2011)

Correctional Officer II (9 months)	\$60,000
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This position will support supervision and training of an additional CAL FIRE or other authorized work crew. This is an alternative sentencing Jail program in which inmates are given the opportunity to work in lieu of incarceration. This will be an expansion of the current program in which a work crew (typically felons) is provided to complete CAL FIRE projects as well as community service projects. Additionally, the Jail staff offers *The Change Company: Courage to Change* curricula to the crews. This is an evidence-based program focused on reducing recidivism and promoting successful community reintegration.

Work Crew Van and Equipment	\$37,500
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Provides the van and equipment required to support the additional work crew described above.

Siskiyou County Probation Department (Minutes August 22, 2011)

Deputy Probation Officer I—Step III (9 months)	\$60,000
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The Probation Officer will be utilized to support supervision of the post-release community supervision population, as well as those offenders serving a split sentence, which includes a period of mandatory supervision following incarceration.

Siskiyou County District Attorney (Minutes August 29, 2011)**Diversion Program Coordinator (Extra Help—9 months) \$22,000**

This position, to be housed in the Siskiyou County District Attorney's office, will support the development and implementation of a pre-filing diversion program. Under this program, candidates will be screened for participation prior to the filing of charges. Participants, to be identified through an assessment process, will have the opportunity to complete an evidenced-based diversion program designed to reduce recidivism by effectively changing behaviors. The program will utilize the *Value Improvement Program (VIP)* program curriculum developed by Western Corrections.

Values Improvement Program (VIP) materials \$2, 250

These funds will allow for the purchase of start-up materials and support the cost for identified candidates who do not have the financial means to purchase the curriculum. Following the start-up period, the VIP program costs will be borne by the client.

NEXT STEPS**PLANNING/PRELIMINARY IMPLEMENTATION—PHASE TWO****1. Identify service needs, delivery and funding strategies**

Timeline: December 31, 2011

During Phase Two, the Community Corrections Partnership will work to further plan services and systems consistent with local needs and available resources. During this time period, an update to the Preliminary Siskiyou County Public Safety and Realignment & Post Release Community Supervision Plan will be developed and presented to the Siskiyou County Board of Supervisors.

This phase involves a strategic planning process that identifies existing resources and gaps in service needs and resource availability. This process will be informed by learning about successful programs and strategies in the criminal justice field. Strategies shown to maintain community safety, reduce jail populations and costs, and improve outcomes include:

- Pre-trial diversion programs
- Evidence-based practices to manage and reduce pretrial jail populations
- Alternative sentencing
- Targeted services to reduce recidivism
- Evidence-based sentencing
- Evidence-based probation supervision

This phase will also involve identifying additional resources to implement effective practices.

To date, the CCP has drafted a *Summary of Existing Services*. Additionally, a group of 10 individuals involved in the Siskiyou CCP planning process attended “Innovations in Public Safety and Justice in California” on September 21 in Sacramento, California. This conference, hosted by the California State Sheriffs’ Association, California State Association of Counties and Chief Probation Officers of California, included speakers from all aspects of the criminal justice system. Nearly 500 county and law enforcement leaders from throughout the State attended. Materials and a video production of the conference are available at the website: californiarealignment.org. Members of the CCP who were unable to attend, County Supervisors and staff are all encouraged to review the presentations and materials to assure a common knowledge base as the County moves forward with the redesign of its criminal justice system.

2. Establish Coordinated Systems Strategies

Timeline: June 30, 2012

During this period, inter- and intra-department training and early implementation of the identified strategies will occur. Identified and approved community information strategies will also be implemented during this phase. Program evaluation systems will be established to assure program fidelity and effective implementation.

FULL IMPLEMENTATION—PHASE THREE

Timeline: Beginning July 1, 2012

It is anticipated that full program implementation will begin by July 1, 2012. The implementation process will include ongoing program evaluation and revision.