

The Public Safety Realignment Act
AB 109
Update to 2011 Implementation Plan
2013

County of Fresno



Executive Committee of the Community Corrections Partnership

Linda Penner, Chief Probation Officer, County of Fresno (Chair)

Sheran Morton, Court Executive Officer, Fresno County Superior Court

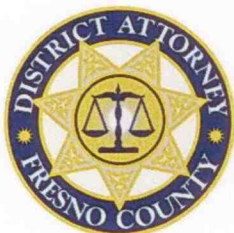
Sheriff Margaret Mims, County of Fresno

Elizabeth Egan, District Attorney, County of Fresno

Kenneth Taniguchi, Public Defender, County of Fresno

Jerry Dyer, Chief, Fresno Police Department

Donna Taylor, Director, Behavioral Health, County of Fresno



AB 109
The Public Safety Realignment Act
Update to the 2011 Implementation Plan
County of Fresno
2013

Background

On August 19, 2011, the Fresno County Community Corrections Partnership (CCP) Executive Committee approved the Public Safety Realignment Act, Assembly Bill (AB) 109 Implementation Plan for 2011. On September 13, 2011 the CCP moved the Implementation Plan and associated Budget and Salary Resolutions to the Fresno County Board of Supervisors for approval of the plan pursuant to Assembly Bill (AB) 117. On that date, the Implementation Plan and the associated budget and resolutions were approved. The Plan has been operational since that time.

Changes are set to occur in the operation of associated programs in the County of Fresno under the auspices of AB 109. The intended development and implementation of new programs requires an amended and updated plan for Fresno County that has been developed and set for approval by the Community Corrections Partnership (CCP) on March 15, 2013.

In the original legislation under AB 109 in 2011, Section 1230 of the California Penal Code was amended to read "Each county local Community Corrections Partnership established pursuant to subdivision (b) of Section 1230 shall recommend a local plan to the County Board of Supervisors for the implementation of the 2011 public safety realignment. (b) The plan shall be voted on by an executive committee of each county's Community Corrections Partnership consisting of the Chief Probation Officer of the county as chair, a Chief of Police, the Sheriff, the District Attorney, the Public Defender, Presiding Judge or his or her designee, and the department representative listed in either section 1230 (b) (2) (G), 1230 (b) (2) (H), or 1230 (b) (2) (J) as designated by the county board of supervisors for purposes related to the development and presentation of the plan. (c) The plan shall be deemed accepted by the County Board of Supervisors unless rejected by a vote of 4/5ths in which case the plan goes back to the Community Corrections Partnership for further consideration.

Consistent with the legislation and local needs and resources, the plan is now undergoing modifications and includes proposals that increase and maximize the effective investment of criminal justice resources in evidence-based correctional sanctions and programs for public safety.

In keeping with the legislation as to reporting changes in county CCP operational plans and services, this proposal delineates proposed changes and modifications to the original 2011 plan for the County of Fresno.

Legislative Mandate History

The Fresno County Implementation Plan of 2011 follows the legislative mandates and intents as specified in the legislation and identified below. The programs, services and activities have been built both upon the guiding principles stated in the legislation that controls realignment as well as the needs identified through the operation of the program locally.

The Public Safety Realignment Act (Assembly Bill 109) was signed into law on April 5, 2011 in the State of California.

Several mandated changes took place upon the implementation of the law on October 1, 2011:

(1). AB 109 transferred responsibility for supervising specified lower level inmates and parolees from the California Department of Corrections and Rehabilitation to counties. This population, the Post Release Community Supervision (PRCS) offenders became eligible for county supervision for a period not to exceed 3 years, provided by the county agency designated by that county's Board of Supervisors. In Fresno County, the Fresno County Probation Department has the designated responsibility for PRCS supervision.

(2) The definition of some felony crimes was revised to include certain crimes that became punishable in jail for 16 months, 2 years, or 3 years instead of state prison, although some offenses, including serious, violent and some sex-offenses, are excluded and sentences can continue to be served in state prison.

(3) Post Release Community Supervision (PRCS) and state parole revocations are now 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 Superior Courts through the implementation of the legislation now hear revocations of Post Release Community Supervision (PRCS) offenders with the Board of Parole Hearings conducting parole violation hearings through July 1, 2013 at which time the Superior Courts will assume responsibility for state parole revocations.

(4) Changes to custody credits have occurred in which jail inmates are now 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.

(5) Penal Code Section 1203.018 now 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, 30 days for those charged with misdemeanor offenses or the inmate is appropriate for the program based on a determination by the correctional administrator that the inmate's participation would be consistent with the public safety interests of the community.

(6) Under the authority of the legislation, community based punishment was authorized that allows counties to use a range of community based punishment and intermediate sanctions other than jail incarceration alone or traditional routine probation supervision for the identified populations.

Changes to 2011 Implementation Plan

Programs that were approved and funded in the original Implementation Plan of 2011 are ongoing. Due to the additions and changes that have occurred in the operation of AB 109 programming, the updated plan is required for the Community Corrections Partnership (CCP) as well as the attendant budget and salary resolutions that will be reviewed by the Fresno County Board of Supervisors following the approval.

Given the influence in the legislation to utilize evidence based practices and programs through a range of community based services and sanctions, and based on a determination of needs as ascertained through the operation of the AB 109 Programs locally, there are several noteworthy additions and modifications to the approved plan. Changes and additions to the original 2011 plan have been made in the Fresno County Sheriffs' Office, Fresno County Probation Department, the Fresno County Department of Behavioral Health and the Fresno County Department of Public Health.

These changes, additions and modifications are:

- **Jail Transition Unit**
- **Jail Medical Services**
- **Probation Supervision and Referral Services**
- **Behavioral Health Contracts**
- **Adult Compliance Team**
- **Pending RFP's for services**

On January 22, 2013, the CCP solicited and accepted proposals from interested parties for the addition and expansion of services based on identified needs and priorities of the CCP. On February 27, 2013 additional programs for which proposals had been submitted were selected and will further modify the operation of local AB 109 service provision.

Fresno County Sheriff's Office

With the advent of AB 109 funding it was anticipated that the Fresno County jail would reopen 432 beds in the North Annex Jail which occurred on October 1, 2011. An additional floor of the North Annex Jail with 432 beds opened on September 1, 2012.

With the support of CCP funding, this has allowed for the accountability necessary for the foundation of the public safety services provided through realignment.

Fresno County Jail Operations: New Program TJCU

In November of 2012, the Fresno County Sheriff's Office and the Fresno County Probation Department were selected to be part of the national Transition from Jail to Community Initiative (TJC). Through the award the agencies have begun a process to reverse the trend of criminal recidivism in adult correctional populations. Through the provision of evidence based planning, the jail committed to develop jail services and programs that connect to a continuum of community services designed to enhance successful integration. The TJC project has been instrumental in assisting in the development of a transition pod proposed and approved under the auspices of AB 109 funding on February 27, 2013. Through the collective operation of the probation and sheriff's departments, the Transition from Jail to Community Unit (TJCU) will be opened in the North Annex Jail housing up to 72 sentenced prisoners and identified through assessments with commitment times of one year or more. The ACTS Jail Assessment model will provide both proxy scoring and criminogenic risk needs score for programming. Evidence based transition services will be developed including education, substance abuse, and community services. The jail will attempt to develop class and program space and will work with the Community and Custody Resources Subcommittee of the CCP to encourage community engagement in the process of building a reentry unit as well as faith based programming. Staff will be cross-trained in cognitive behavioral programming provided by probation including Motivational interviewing and Thinking for a Change. The probation staff will additionally case manage unit offenders and work on the progressive reentry issues including community transition through program phases.

Fresno County Department of Public Health

Jail Medical Services

Following approval of the Implementation Plan in 2011 and on September 13, 2011 the Department of Public Health requested and received an allocation for medical services. This was later increased due to a higher level of AB 109 inmates in the jail with an additional reserve amount put aside to address future costs. Medical services are mandated by Title 15, Division I of the California Code of regulations. On February 27, 2013 the CCP authorized additional funding for Jail Medical services due to continuing increased costs in the jail.

Although not specifically identified in the original Implementation Plan of 2011, the provision of medical and mental health services is in keeping with the full course treatment aspect of realignment and state mandates for jail medical services.

Post Release Community Supervision offenders in the first year of operation totaled 1,581 individuals who were released to the Fresno County Probation Department for services. Trends noted in the first year of operation and continuing to date are the appreciably higher number of offenders received versus the number projected to be released. Another trend in the offending population is the use of alcohol and drugs with multiple problems related to this substance use, including family conflict, employment, anti-social behavior and new offenses. The need for mental health services was immediately apparent in the PRCS population. Some required inpatient level of care.

The probation department opened the AB 109 'one-stop' offender services office on Winery Avenue in Fresno California. At that location, AB 109 offenders can meet with their probation officers, be referred to the Adult Day Reporting Center on campus, drug test and be referred to needed services there including Workforce Connection.

To address trends in the offending population since the development of the 2011 Implementation Plan the Probation Department has partnered with both the Department of Behavioral Health for Turning Point of Central California, Inc. (Turning Point) treatment services for PRCS offenders and the Fresno County Sheriff's Office for offender services that will occur both in and out of custody.

Additional Service Provision

Co-located at that location are the mental health and substance abuse services of Turning Point of Central California through a contract implemented in 2012 with the Department of Behavioral Health. Turning Point provides both mental health and substance use disorder services at their First Street Center. Turning Point provides a full array of services to include, outpatient mental health and substance use disorder treatment, full services partnership services for severely mental ill clients, residential detoxification and treatment, and sober living housing. The contract with Turning Point was expanded due to the increased need for additional residential beds for offenders.

Fresno County Department of Behavioral Health

The Implementation Plan of 2011 stated that, "Central to AB 109 legislative intent and critical to the success of the realignment population is the development and implementation of treatment services that address criminogenic needs...It is known and expected that a significant number of the realignment population have long standing unaddressed substance abuse problems and/or mental health issues that will need to be considered as the CCP plan goes forward...Since the majority of offenders and incarcerated populations have serious substance abuse problems, many contemporaneously with mental health issues, treatment and appropriate services must be developed and should be considered a critical risk reduction strategy."

Fresno County Department of Behavioral Health (DBH) was tasked with providing mental health and substance use disorder services for the PRCS population. DBH determined these services would be provided by a community based provider. After going through the county's competitive based process a contract was awarded to Turning Point of Central California.

Turning Point provides both mental health and substance use disorder services at their First Street Center as well as assessments and limited outpatient services at probation's Winery Avenue site. Turning Point provides a full array of services to include, outpatient mental health and substance use disorder treatment, full services partnership services for severely mental ill clients, residential treatment, sober living housing. The contract was expanded on September 11, 2012 due to the increased need for residential and treatment beds for offenders.

Multi-Agency Adult Compliance Team

The Fresno County Adult Compliance Team (ACT) became operational in November of 2011 and presently consists of two Fresno County Probation Officers, one Fresno City Police Officer, one Clovis City Police Officer, one Fresno County District Attorney Investigator and one Fresno County Sheriff's Sergeant. This team is multi-purposed: to enforce conditions of supervision; to note trends in the realignment population and to be able to efficiently respond to issues; to provide information and direction for all law enforcement agencies in the County of Fresno and to be the point of contact for dissemination of offender information; to respond rapidly with knowledge and information about the offenders in such case as emergency situations may arise stemming from this population as well as the need to mitigate the need for custodial services.

In the Implementation Plan of 2011, there was no provision made for overtime and training costs. On February 27, 2013 the CCP did approve the addition of these costs to the plan.

At the Community Corrections Partnership meeting on February 27, 2013 the CCP approved funding for two additional contracts for offender services in keeping with the intent of the AB 109 legislation that would create, expand and implement community and agency resources for the offending populations.

Counseling Services

The first allocation was for in custody, out of custody and pretrial counseling services. The purpose of the contract is to provide services designed to reduce recidivism by targeting behaviors that lead to or continue criminal behavior through the provision of counseling services to identified offenders in the AB 109 population. The contractee would be expected to provide services at the jail and through case managed supervision, at various locations in the county for both PRCS offenders and AB 109 offenders released from the jail. The program would be developed around the identified and assessed needs of the offender and with the direction of a probation officer or case manager in the jail.

Homeless Offender Services

The needs of the homeless offender are broad and encompass many areas. Collective priorities in our community and literature on evidence based practices support the need for homeless offenders that do not qualify for mental health and substance abuse consideration. The purpose of the contract would be to provide services for unmet needs for those being released from prison (PRCS) the transition pod at the jail including transitional residential housing, those who become homeless while under the supervision of the probation department and those offenders who could qualify for pre-trial release with a requisite residence requirement. In additional services designed to divert offenders from the cycle of incarceration and homelessness through supportive and evidence based programing in conjunction with transitional housing with homeless participants would be a requisite part of the program.

Employment Assistance

In addition to the above newly approved Request for Proposals, the Community Corrections Partnership has authorized a shift in dedicated monies to an expansion of services for job training and assistance for the AB 109 population. A contract to address and expand job training would allow for on-site assistance at the 'one-stop' center for offenders to coincide with other needed services. The purpose of the contract would be to provide employment services for offenders that have little to no work experience, have difficulty keeping a job, assist with workplace technology and counseling services including substance abuse education and social work services that focus on job retention.

Pretrial Services Program

The Fresno County Probation Pre Trial Services program became operational in September, 2012. At the present time, over 300 offenders have been referred for services based on the Pre Trial Virginia Model of Assessment (VMI) with supervision services that include GPS monitoring and tracking. Assessment services (STRONG) are also being completed on AB 109 supervised offenders as identified in the Implementation Plan.

Automated Voice Calling (AVC)

The evidence based practice shown to be effective in court processing of offenders is the automated telephonic 'reminder' service, as discussed in the original implementation plan, became operational in July 2012. Automated calls to defendant's homes providing a court hearing notice as provided by In Touch have attempted over 44, 000 automated voice contacts (AVC) to defendants in Fresno County Courts.

Sub-Committees to the Community Corrections Partnership

In the Implementation Plan of 2011, one treatment oriented subcommittee was identified for support of the AB 109 plan. Since that time, subcommittees have been formed that focus on the specialized community and offender issues of AB 109 as well as provide collaboration, information and assistance to the CCP.

These standing committees are: Fiscal Review and Audit; Community and Custody Resources; Victim/Mandates; Incarceration and Capacity; Technology; Courts; Research and Evaluation; and the Adult Compliance Team Review Committee. The committee members are present at each CCP meeting and report out on work that has been accomplished in the interim between CCP meetings or on specialized tasks at the direction of the CCP.

Data Collection

The firm of Owen Research and Evaluation (ORE) was hired by the CCP through contractual agreement to provide the CCP evaluative services as required and approved in the AB 109 Implementation Plan for Fresno County. The overall focus of activity has been to create an objective and evidence based evaluation and quality assurance plan for the county. ORE continues the process and is in the development of an analytic report to compare descriptive data to outcomes which will be completed once the filing data for the county is finalized.

Additional objectives are to assess the effectiveness of the county's implementation plan and the impact on public safety of released offenders from state prison to the supervision and custody of Fresno County; to review the programs as selected and implemented for the most efficient and effective outcomes and to provide information to the CCP that will assist in informed decision making.

Status of Implementation Plan Programs: 2013

A review of the 2011 Implementation Plan for Fresno County at the present time reveals that programs slated for implementation have been realized and the overall tenure and direction of the CCP has been accomplished. One service for client referral in 'real time' for treatment providers as discussed in the implementation plan was not implemented due to technology issues.

Under the guise of both accountability and evidence based practices and principles consistent with public safety, programs identified for initial implementations have been enacted.

Since inception, the direction and goal of the Fresno County Community Corrections Partnership as established under AB 109, has been the successful implementation of the legislation with the consideration of the unique local issues that may impact offender achievements and public safety. A balanced approach has been struck that affords offender accountability with the development of community corrections fitting the needs and identified correctional issues of this county.

The new modifications and additions to the Fresno County AB 109 operational plan serve the needs of the county. The Community Corrections Partnership of Fresno County is committed to philosophical and operational programs necessary to reduce the crime and recidivism while promoting a reduction in criminal victimization and increased public safety.