

County of Placer



PUBLIC SAFETY REALIGNMENT ACT

AB 109

2011 IMPLEMENTATION PLAN

Executive Committee of the Community Corrections Partnership

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This Public Safety Realignment Act 2011 Implementation Plan was developed and approved by the Executive Committee of the Placer County Community Corrections Partnership (CCP), their designees and other key partners. The CCP respectfully submits this plan to the Placer County Board of Supervisors and requests their approval.

INTRODUCTION

On April 4, 2011, Governor Jerry Brown signed into law Assembly Bill (AB) 109, referred to as 2011 Public Safety Realignment. AB 109 was later modified by AB 117. Both bills taken together create extensive changes to existing law which will reduce the number of offenders incarcerated in State prison and “realigns” these offenders to local entities who are now responsible to manage the specified offenders. This realignment and change in law is a response to the State’s budget crisis and will reduce the State prison inmate population by requiring county level management, supervision and incarceration of certain offenders. The intent of the realignment is to allow the counties maximum flexibility within the statutory framework set forth in these two pieces of legislation. This intent was articulated in the Governor’s 2011-2012 budget summary where he called for:

“[a] vast and historic realignment of government services in California, reversing a 30-year trend that has seen decision-making and budget authority move from local government to the State Capitol. To the extent feasible, this trend will now be reversed and power returned to cities, counties, special districts, and school boards, allowing decisions to be made by those who have the direct knowledge and interest to ensure that local needs are met in the most sensible way.”

While the CCP understands that AB 109 delineates a funding formula for implementation of this legislation, this funding plan is likely inadequate to accomplish

the specified objectives of realignment or to establish the framework necessary to implement the Community Corrections Partnership plan. The CCP is also concerned that the State of California has significantly underestimated the population to be realigned to the County, the impact on the crime rate as a result of the realignment and the impact on local law enforcement agencies. Therefore the funding is disproportionate to the task required, which inhibits the CCP from fully providing for realignment within our community consistent with public safety and legislative intent.

With the above in mind, the primary objective of the CCP has been to preserve the high level of public safety the citizens of Placer County have come to enjoy and expect. This will be accomplished through the effective use of incarceration augmented with evidence based practices targeting those offenders that pose less risk to public safety and have not yet had the opportunity to fully utilize these evidence based rehabilitative programs. If an offender poses a high risk to public safety the emphasis will be on incarceration and then intensive supervision. An offender's risk to public safety will be determined with the use of a validated risk and needs assessment tool based upon the nature and frequency of the offender's prior criminal convictions, their current conviction, and their past history on post conviction supervision as well as each offender's specific needs.

The CCP acknowledges the impact this Public Safety Realignment Act implementation will have on our local custodial facilities. We are fortunate that our Board of Supervisors realized the need to expand our local jail capacity before this realignment plan was proposed and authorized construction of the South Placer Adult Correctional Facility. This Implementation Plan therefore assumes the eventual opening of the South Placer Adult Correctional Facility in addition to the interim increase in operations at the main Placer County Jail in Auburn.

Available jail space is necessary in order to preserve public safety in Placer County and for the CCP Implementation Plan to be effective. This is true for several reasons; first, incapacitation is the surest short term way to prevent recidivism. When criminal

defendants are incarcerated they are prevented from committing crimes against citizens in our County. Upon release from custody, it is also necessary to closely monitor them to ensure they remain in compliance with their court ordered terms and conditions of supervision. Second, without the threat of incarceration there exists no general or specific deterrence to those who would commit crimes. The threat of incarceration also offers an incentive to those who are on supervised release to comply with the terms and conditions including evidenced based rehabilitative programs. Generally, criminals will be more likely to commit a crime or violate the terms of their supervised release if they know the consequence will be little or no custody time.

Additionally, if Placer County remains committed to incarceration of criminal offenders, when appropriate and necessary, these offenders may show a greater motivation to change their behavior and not commit further crimes in the County. The ability to incarcerate these offenders is therefore essential to maintaining our County's high level of public safety. With the above in mind, the CCP has prepared the following plan in accordance with the realignment legislation that will best serve the citizens of Placer County. This plan will outline the individual budget needs of each agency directly affected by the realignment legislation and their respective strategies for implementation.

OVERVIEW OF THE PUBLIC SAFETY REALIGNMENT ACT 2011 (AB 109/AB 117)

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 [AB 109]) was signed into law on April 4, 2011. AB 109, as subsequently revised by AB 117 on June 29, 2011, transfers responsibility for specified lower level inmates and parolees from the California Department of Corrections and Rehabilitation (CDCR) to counties. This change was implemented on October 1, 2011.

Additionally, Section 1230.1 of the California Penal Code (PC) was added and reads, "(a) 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, the presiding judge of the superior court, or his or her designee, and one department representative listed in either subparagraph (G), (H), or (J) of paragraph (2) of subdivision (b) of Section 1230, 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 the board rejects the plan by a vote of four-fifths of the board, 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 AB 109

Redefining Felonies: Revises the definition of a felony to include specified lower-level crimes (i.e., non-serious, non-violent, non-sex offenders) that would be punishable in county jail or another local sentencing option. Pursuant to §1170(h)(5) PC, felony offenders no longer eligible for commitment to the California Department of Corrections and Rehabilitation can be sentenced to jail for the full term specified by law, or a portion of that term, with the balance suspended for a period of local post sentence probation supervision.

Establishes Post-Release Community Supervision Population: Parolees whose committing offense is a non-violent, non-serious felony and who are not deemed to be

high risk sex offenders. Commencing July 1, 2013, local Courts will hear all parole revocations, including those under the jurisdiction of CDCR.

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 three (3) years, Post-Release Community Supervision provided by the Placer County Probation Department. Each county agency shall establish a review process for assessing and refining a person's program of post release supervision. A Post-Release Community Supervision agreement shall include the offender waiving his/her right to a court hearing prior to the imposition of a period of "flash incarceration" in a county jail of not more than ten consecutive days for any violation of his/her release conditions.

Revocations Heard and Served Locally: Revocations for realigned offenders and parole revocations will be served in local jails (by law the maximum parole 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 realigned offenders subject to county supervision, while the Board of Parole Hearings (BPH) will conduct violation hearings in jail for state parolees.

Changes to Custody Credits: Jail inmates serving "local" prison sentences will be able to earn four (4) days credit for every two (2) days served. Time spent on home detention (i.e., electronic monitoring) is credited as time spent in jail custody.

Alternative Custody: Penal Code § 1203.016 is expanded and authorizes a program under which inmates committed to a county jail or other county correctional facility or granted probation, or inmates participating in a work furlough program, may voluntarily participate, or be involuntarily placed in, a home detention program during their sentence in lieu of confinement in the county jail or other county correctional facility or program, under the auspices of the Probation Officer.

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.

FUNDING

There are four sources of funding for local public safety as a result of AB 109, including local funds, planning funds, training funds, funds for the District Attorney and Public Defender. These funds are to be kept in a separate CCP account established by the County. The strategies detailed within this document take into consideration the multifaceted needs of the AB 109 population and the resources necessary to achieve desired public safety outcomes. Further, it will prove beneficial for the CCP to meet quarterly to review, assess and modify system efforts to keep up with current demands. This quarterly review will include redistribution of available funding to invest where it is needed the most.

There is actually a fifth funding source for local Courts through the Administrative Office of the Courts, however that amount has yet to be determined and, since they are a state agency, will not be addressed in this plan.

1. The level of local funding available through AB 109 is based on a weighted formula containing three elements:
 - a. 60% based on estimated average daily population (ADP) of offenders meeting AB 109 eligibility criteria;
 - b. 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
 - c. 10% based on the SB 678 distribution formula.

2. Planning funds were based on a county categorization of population as small, medium, or large. Since Placer County is considered a medium county, we

received the minimum of \$150,000. These are one time funds but the County has up to three years to expend the funds.

3. Assembly Bill 118 established funding for the District Attorney's Office and the Public Defender to help mitigate the impact of handling violations of parole under AB 109. The first year funding is \$107,048.

4. Training Funds were based on Placer County's percentage established under AB 118 from a total fund of 25 million dollars. Placer County's share is \$210,725.

The Placer County Executive's Office (CEO) has prepared a report that outlines 1.7 million dollars of gap funding to supplement the funds allocated to Placer County by the State. The report was based on estimates provided to the CEO by County departments. The amount was determined to be the best case scenario in that it posed the least impact to the County budget. The CCP has assumed the best case scenario funding in preparation of this plan and has attempted to mitigate local cost to this plan without compromising public safety.

Funding Source	First Year Funding (January to July 2012)	Second Year Funding (July 2012 to July 2013)
AB 109 Funding	\$2,986,395	\$3,981,644
AB 109 Planning Funds	\$150,000	
AB 109 Training Funds	\$210,725	
AB 118 District Attorney & Public Defender	\$107,048	\$107,048
Total State Funding	\$3,454,168	
Projected Gap Funding	\$1,700,000	
TOTAL FUNDING	\$5,154,168	\$4,088,692

The first year funding is based on October 1, 2011, through June 30, 2012 implementation. Funding for the subsequent year (a full 12 months vs. the initial 9 months) is estimated to be \$3,981,644 for fiscal year 2012-13.

There is no sunset date currently on funding for public safety realignment; in fact, there are provisions within the law that allow for full funding even when revenues fail to meet expectations. Regardless, the Community Corrections Partnership Committee has concerns that current or future funding could be jeopardized if the State's revenues fail to meet projected expectations. Furthermore, the County of Placer has made a commitment to residents to provide effective services in a fiscally efficient manner. Part of that commitment is to ensure those residents utilizing certain services are financially responsible for use of those services. The Committee is supportive of that commitment and will coordinate with Revenue Services to ensure the proper reimbursement for services rendered. This plan will not only hold the offender financially responsible for their crimes, it will continually strengthen the financial solvency of our programs.

PROJECTED POPULATION IMPACTS

The California Department of Finance has projected the AB 109 population impacts for each county in the State upon full implementation (year four of Realignment). These AB 109 population figures are expressed as an Average Daily Population (ADP), which reflect one inmate in one bed for one year. ADP does not represent the number of discrete individuals moving in and out of the system, but instead captures annual bed/slot numbers, given that a single bed/slot can be occupied by more than one person over the period of a year.

In summary, for Placer County, the projected ADP for these realigned inmates is 251 (133 are projected to have a sentence length of less than 3 years; 118 are projected to have a sentence length of greater than 3 years). The projected ADP for the Post-Release Community Supervision population is 153. Again, the CCP is also concerned that the State of California has significantly underestimated the population to

be realigned to the County, the impact on the crime rate as a result of that realignment and the impact on local law enforcement agencies.

DEPARTMENTAL IMPACTS AND IMPLEMENTATION STRATEGIES

Placer County Probation Department

The Probation Department is designated as the County agency responsible for implementing Post Release Community Supervision as specified in Section 3451 of the California Penal Code and will provide the following related services:

- Referrals to treatment, educational, and vocational services
- Arrest and Flash Incarceration
- Imposition of sanctions that are consistent with evidence based practices and the intent of AB 109 and SB 678
- Facilitate collaborative operations with local law enforcement agencies
- In partnership, participate in Mental Health Court
- Collaboration with CDCR on returnees
- Continue to conduct own recognizance and pretrial assessments on offenders detained in the jail
- Respond to offender's inquiries regarding Probation services and Alternative Sentencing Programs
- Continue to supervise and operate the Electronic Monitoring and Adult Work Release programs
- Supervise and operate the Pretrial Supervision Program
- Measure activities and program outcomes

The Probation Department will have responsibility for the following treatment, educational and vocational efforts:

- Collaboration with County and community agencies for services specific to offender needs, including but not limited to, ensuring that residential placement and outpatient services are in compliance with best practice standards as established and agreed upon.

Alternatives to incarceration programs provided by the Probation Department include Electronic Monitoring and Work Release for sentenced offenders. These alternatives are utilized to transition inmates back into the community. AB 109 legislation included expansion of involuntary electronic monitoring. Once an offender has been sentenced or booked into the county jail; jail, treatment and probation staff will collaborate on possible transition from the county jail to an alternative to incarceration, if appropriate.

In the first year of implementation, the Probation Department will oversee approximately 168 additional offenders released from State prison to Post-Release Community Supervision (PRCS). These include only those inmates who would have otherwise been placed on state parole. Additional offenders (potentially another 65 to 144, dependent upon sentencing) who will now be subject to probation oversight will be those who are released from the county jail after serving sentences that previously would have resulted in state prison sentences. This new population of offenders (PRCS) will be eligible for discharge after six months and mandated for discharge within 30 days after one year of supervision if they have not incurred a revocation. Potentially, Probation may be supervising up to an additional 312 offenders.

In order to process and supervise these additional numbers for fiscal year 2011-2012, Probation anticipates needs in the following areas:

- Treatment Services – Residential and outpatient oversight
- Supervision – Recommended caseload ratios 50 to 1
- Court – More complex reports, fewer report waivers, more court orders
- Pretrial Services / Intake – Custody and non custody
- Alternative Sentencing Programs
- Probation to identify staff, resources and other items needed as impacts grow

The full range of options includes intensive community supervision, arrest, search, and seizure, electronic monitoring, residential substance abuse treatment, outpatient behavioral health treatment, substance abuse and mental health services, batterer's intervention, urinalysis testing, cognitive behavioral interventions, community service, referral to educational, vocational, and housing resources, flash incarceration up to 10 days jail as a sanction for violating supervision conditions, and incarceration as a formal sanction for violating conditions.

Collaborative case planning is the focal point of this active engagement approach involving the offender, his/her family, the probation officer, law enforcement and multiple service providers (e.g. housing, employment, vocational training, education, physical health, nutritional supports, behavioral health, and pro-social activities). Individual factors such as strengths, risk factors, needs, learning style, culture, language and ethnicity are integral to the determination of appropriate interventions and services. In addition to these important considerations, the risk/needs assessment and case plan will determine the level of supervision required and identify the type of evidence based treatment and services the offender needs in order to be successful.

To meet these obligations the Placer County Probation Department will need additional staffing as well as additional services and supplies. Those needs are outlined in the Probation Department Program and Staffing table below.

Placer County Probation Department PROGRAM & STAFFING	COST
Adult Supervision - 5 Deputy Probation Officer II's include SIU	
Salaries and Benefits*	\$487,104
Services and Supplies	\$160,311
<i>Sub-Total</i>	\$647,415
Adult Court - 3 Deputy Probation Officer II's	
Salaries and Benefits*	\$311,750
Services and Supplies	\$39,612
<i>Sub-Total</i>	\$351,362
Administration & Technology Services - 1 Administrative Clerk Journey	
Salaries and Benefits*	\$86,754
Services and Supplies	\$12,097
<i>Sub-Total</i>	\$98,851
2011 - 2012 Probation Request Totals 6 Months (January - June)	
Salaries and Benefits*	\$885,608
Services and Supplies	\$212,020
TOTAL	\$1,097,628

*Each position includes \$52,000 one time OPEB funding in Salaries and Benefits.

Placer County Sheriff's Office

Jail Operations

The Constitution and laws of the State of California require the elected Sheriff to maintain a jail facility. The Placer County Sheriff currently operates a jail system in Auburn containing a secure main jail and a minimum security barracks.

Jails perform several critical functions that are a cornerstone of a successful criminal justice system. The primary purpose of a jail is to maintain public safety by accepting fresh arrests made by law enforcement officers and by incarcerating those offenders who would pose a risk of reoffending. By type, the local county jails accept and detain the following types of prisoners:

- Fresh arrests made by law enforcement officers
- Pre-trial detainees who are held for court processes
- Persons sentenced to a term of confinement in a local jail
- Persons sentenced to term of confinement in a state prison and awaiting transfer
- Persons who have been arrested for a violation of the terms of probation
- Persons who have been arrested for a violation of parole and are awaiting transfer to state prison

These operations have a direct impact to the success of our courts, provide local law enforcement with the means to protect their communities and hold persons accountable for a sentence imposed by the courts. Realignment will cause a direct impact to these incarceration processes as more prisoners are held in the local jail instead of state prisons.

While prisoners are held for these various purposes, the Sheriff is legally obligated by both statute and regulation to provide for the various needs of the inmates held in custody. This includes medical needs, food, hygiene, clothing, access to counsel and courts, recreation time, access to phones, and to provide an environment that is free of

the risks associated with being confined in a facility that include offenders who may pose a risk to the safety of other inmates.

The current operational capacity of the Auburn jail system is 632. However, this figure is somewhat misleading as a measure of the jail's ability to hold prisoners. Average Daily Population (ADP) is a dynamic number that changes based on daily arrests, releases, commitments, transfers to and from other institutions and can fluctuate radically from day to day and month to month.

The jail population is divided into multiple housing units based upon a number of factors referred to as "inmate classification." Gender, risk level, criminal history, criminal sophistication, custody history, and health status are some primary driving factors that determine where an individual inmate is housed. The main jail consists of 4 primary housing areas that are further subdivided into 21 individual housing areas. These housing areas allow jail staff to separate populations of inmates based on the factors listed above.

While the average daily population on any given day may suggest sufficient capacity to handle the dynamic population changes, this would not be an accurate assumption. The population of individual housing units may require that prisoners are released even though the total population of the jail system is below operational capacity. An example would be the limited number of areas used for housing female prisoners. The total jail population may suggest available bed space, but the female population may approach or reach operational capacity on any given day. This requires the jail to release female prisoners who, given adequate bed space, would have otherwise remained in custody. Current operational protocol is to maintain a 10% buffer in those housing units used to hold persons arrested for a new offense and whose crimes would present a risk to public safety if released. This buffer allows us to accept and hold arrests from law enforcement officers without exceeding the jail's operational capacity. This serves to maintain public safety and allow the courts an opportunity to make a probable cause determination of the case and a determination if the prisoner can be released on their

own recognizance by the court. Releases of prisoners due to overcrowding undermine these objectives.

Releases of prisoners to address overcrowding can occur in two ways:

- Sentenced inmates who are released early, but have not finished the term of confinement ordered by the court.
- Pre-trial detainees who have not resolved their criminal cases and are released with a “promise to appear” in court.

A classification review is conducted prior to these releases as a means of safe guarding our community from those individuals who may pose a potential risk. Persons released with a promise to appear and fail to show up for the court appointment unnecessarily delay the court processes and inconvenience persons who are called as witnesses. Persons released early from a sentenced commitment fail to finish their full jail term as ordered by the court.

In the past, overcrowding had resulted in a large number of prisoners being released without serving a substantial portion of their court ordered term. To confront this issue, The Placer County Sheriff’s Office entered into a collaborative agreement with the Placer County Probation Department in August 2008 to institute alternative sentence programs and pre-trial releases. Utilizing a program of electronic monitoring and alternative sentencing, the Probation Department identifies sentenced prisoners eligible for alternative sentencing per the terms of their court ordered sentence and releases qualified prisoners into a supervised release program. This reduced the number of prisoners released early on their sentence and allowed the jail to keep ineligible prisoners in custody for the duration of their term. Available bed space then allowed for the remand into custody of those persons who violated the terms of alternative custody programs, bringing accountability back into our local justice system. Most recently, the Placer County Probation Department and Placer County Superior Courts have instituted a program for pre-trial release of un-sentenced inmates using electronic monitoring.

The combination of these programs has been relatively successful and has served to reduce inmate populations in some areas of the jail system. However, the current program has limitations and these limitations, combined with changes required under AB 109 legislation, will impact the jail's ability to hold prisoners who would have otherwise remained in custody.

The limitations are most pronounced in those areas of the jail system that also contain the lowest level offender. Sentenced prisoners most likely to be eligible for an alternative sentencing program are inmates at the minimum security facility. Many inmates serving sentences under realignment guidelines may not be suitable for alternative custody programs. This would be due to a number of factors that must be considered individually and collectively: length of sentence, criminal history, history of prior program violations, current violation resulting in incarceration, or other factors that would deem them at high risk for reoffending. For the same reasons, many of these same inmates would be not eligible for pre-trial releases.

As a result, under Realignment, we expect the jail population will continue to grow at a graduated rate with some areas of the jail being impacted at a faster rate than others.

AB 109 Impacts to Jail Operations

Several key points of this legislation need to be addressed before impacts to jail operations and public safety can be considered in a global manner.

Brief Overview of Key Assumptions for Incarceration Considerations:

- Fresh arrests and pre-trial detentions will continue at roughly the same rate.
- The number of persons sentenced to county jail under Realignment will gradually increase over time as prisoners who would have previously served their term in prison remain in local detention facilities.
- Violations of PRCS may result in incarceration in county jail for up to 6 months.

- Persons arrested for parole violations will serve their violation time in county jail for up to 6 months.
 - Expected revenue loss as a result of AB 109: \$308,000 from CDCR reimbursements no longer funded by State (fiscal year 2010-2011).
- Individual housing areas will be impacted by a population not eligible for release to alternative sentencing programs.
 - Female Housing
 - Administrative Segregation Housing
 - Minimum Security Housing (main jail and barracks)

Operational Impacts from Each Category

- Persons sentenced pursuant to Realignment guidelines who would have otherwise served their term in a state prison will now be serving their sentences in county jail. The number of these persons will gradually increase over time.

The projected number of these persons has been a matter of much discussion, and no real consensus exists on how many will remain in our custody under Realignment. The State of California provided some projections; however, the manner with which the State arrived at this figure is not provided with their documentation. The actual number will be dependent on the number of current cases being adjudicated in our courts that resolve under realignment sentencing guidelines, plus the number of fresh cases that qualify for traditional jail sentences that occur after October 2011. The State projected a number of approximately 208 realignment prisoners between October 2011 and October 2012. This number includes new commitments and new commitments with parole violations (remaining in our custody). However, the State also projected that at full implementation, Placer County would have a total of 251 as a matter of ADP. The number provided by the State is not necessarily in agreement with historical records and may be an artifact of the manner with which they calculate a population movement that totals thousands every month.

- There is no upper limit on the number of years these new commitments can be incarcerated in a local jail.

Most criminal offenses under Realignment have a low term of 16 months and a high term of 3 years. However, many of the offenses carry terms that exceed this number, with one offense having a sentence length of 12 years. Additionally, defendants sentenced for multiple crimes with consecutive sentences could spend a number of years in custody. The projected number of inmates serving lengthy sentences in the county jail will depend on court sentencing and the specific criminal charge.

- Many State prisoners who would have previously discharged from prison onto parole will now be discharged to Post Release Community Supervision (PRCS). Violations of the terms of their release can result in incarceration up to 6 months in County jail.

The controlling offense at the time of the initial incarceration into a state prison will be the primary determinate factor when considered for release to PRCS as opposed to traditional State Parole. The exceptions for release to PRCS include persons whose current controlling offense is a 3rd strike, a serious or violent felony, a high risk sex offender or mentally disordered prisoner. All others will be released to PRCS.

- PRCS persons will be supervised by Placer County Probation. If a violation of the terms and conditions require incarceration, they will be incarcerated in the Placer County Jail. Day for day credits apply, meaning absent administrative violations of jail rules while in custody, the maximum term of a violation will be 90 days.

The State provided projections of the number of persons released to PRCS, and it is believed this number is accurate since these persons represent prisoners already in State custody with projected out dates. The State projections place this number at 223 between October 2011 and October 2012.

The number of these offenders that will be re-incarcerated as a result of violating the terms of their PRCS will be dependent on the intermediate sanctions utilized by probation officers during supervision of individual offenders. However, it is likely that a number of these persons will require incarceration during the period of time they are subject to PRCS.

A recent evaluation of this offender base conducted by Probation revealed that approximately 80% of these offenders being released to PRCS had previously been on probation prior to serving a state prison sentence.

- Persons under the supervision of State parole prior to October 1, 2011 will remain under the supervision of parole.

Most persons under the supervision of parole who violate the terms of their parole and require incarceration will not be returned to state prison; they will remain in the County jail for the term of their violation. The only exceptions are prisoners sentenced to a life term (with possibility of parole).

A recent study of persons returned to State prison from our jail for parole violations revealed an average of 29 prisoners per month. Under Realignment, most of these persons will serve their violations in our jail. The maximum period of time they will remain in custody is 180 days. "Day for Day" credits are provided for these violations. With no loss of good time for administrative violations in custody (disciplinary write-ups), the maximum term would actually be 90 days. Administrative violations while in custody may result in loss of good time, extending their time in our custody; however, the maximum violation term will not exceed 180 days.

State Parole Officers will continue to incarcerate parolees who have violated the terms of their parole. The number of these violators will slowly reduce over time as more state prisoners are placed on PRCS or sentenced to new terms in

County jail. Additionally, provisions of Realignment allow state parole to discharge offenders from their parole supervision if the person has not committed any violations for 6 months.

- Persons arrested and convicted of misdemeanor crimes will still be subject to incarceration in the County jail. These sentenced County inmates currently make up the bulk of persons serving sentences in our minimum security facility, and represent a large percentage of persons serving sentences in the secure portion of the jail. The number of persons sentenced under Realignment will gradually increase, necessitating the release of lower risk inmates to alternative programs, early release or as a result of “Federal Cap” releases. Additionally, persons currently on misdemeanor or felony probation who violate the terms of their probation are still subject to arrest and confinement in the County jail.

We expect that the ADP of inmates sentenced under Realignment will gradually increase. One projection obtained from our local District Attorney’s office suggests this number could be approximately 100 per year. Parole violations, PRCS violations and persons sentenced for misdemeanor crimes will add an additional burden to our current ADP.

Medical Costs and Impacts

Another unknown impact is medical expenses associated with longer term incarceration. Our contracted medical provider, California Forensic Medical Group, employs a community care standard that requires treatment, intervention, screening and therapies associated with the shorter terms served by County inmates. These medical requirements are regulated by Title-15 and the Institute for Medical Quality (IMQ). Longer jail terms and higher populations associated with Realignment may necessitate treatment, intervention and screening that is not normally indicated for jail inmates serving shorter terms. The long term costs of this impact is unknown; however, logic

would dictate an increasing cost based on the increase in population and the length of time Realignment prisoners will be in our custody.

Cost impacts associated with medical care include staffing. Outside medical appointments are inherently risky and sometimes require two armed Deputies from the jail transportation unit. Most of these medical transports are handled during normal business hours and are scheduled in advance to minimize overtime impacts. However, when inmates require unusual treatment for chronic conditions or emergent situations, medical transports can impact staffing levels and affect overall jail operations.

Emergency Room treatment of inmates, mental health commitments at a psychiatric facility and long term guarding of inmates admitted into a hospital occur frequently. Most of these unexpected emergency situations require use of overtime to guard the inmate so minimum staffing standards at the jail are maintained.

Realignment inmates with chronic medical conditions who are sentenced to a county jail for extended periods of time will require medical treatment and diagnostic testing for the duration of their term. The financial impact of this is not known, as these conditions are unique to each individual inmate.

Mitigation

The Auburn Main Jail will bear the brunt of the first two years of Realignment. The current jail was originally designed to house 109 inmates and the infrastructure reflects this operational design. Housing units have been added over the years to accommodate the increasing population of offenders. However, this increased population has become difficult to move and manage within the current design. Additionally, as a result of past budget cuts, a high security housing unit was closed, reducing capacity by 12 beds that housed the highest risk inmates in one location. We expect that both minimum security and administrative segregation space will be heavily impacted by Realignment. Inmates with a sophisticated criminal history but sentenced under Realignment will not qualify for an assignment to the minimum security facility and will occupy bed space at the Main

Jail normally used to house pre-trial detainees. Bed space for inmates with sophisticated history is limited and in order to accommodate the required bed space, the jail will need to change the classification of inmates allowed to work at the minimum security barracks.

We believe that our population will meet operational capacity prior to the opening of the South Placer Adult Correctional Facility (SPACF) and as a result, may require early release of lower risk offenders to avoid overcrowding. To address this challenge, a variety of management tools will be required to maintain population levels that do not exceed our total operational capacity of 646. Current discussions among our law enforcement partners have focused attention on several options that include a mixture of supervised release, electronic monitoring and programs intended to reduce recidivism. However, it should be noted that success in any of these areas would require available bed space in the jail for persons who are non-compliant with the terms of their supervision.

Additionally, evidence has suggested that programs designed to address criminal behavior and address recidivism have a higher success rate when implemented within the custody environment and prior to the offenders release into the community. Evidence also suggests that effectiveness of in-custody programs is directly related to whether a person is exposed to behavior and culture of other offenders who are not involved in such programs.

As mentioned earlier, the original design of the jail was not intended for these purposes. The Main Jail currently has 21 individual housing units. These separations are required to maintain the safety of the inmate population and staff. In order to meet the needs of in-custody programs, we would need to maximize our current housing options by fully opening the closed housing unit and changing the classification status of individual housing areas. This logistical change has difficulties in our Main Jail; the eventual opening of the SPACF would help to alleviate these classification concerns and allow some degree of housing changes necessary for the long term success of Realignment.

In addition to initiating programs directed at recidivism, the Main Jail will need to consider how best to manage the inmates' time during longer periods of incarceration. Inmates with extensive sentences, but nothing to occupy their time have a higher likelihood of becoming management problems.

At the present time, the Main Jail has the following programs already in place:

- Education facilitated by Placer School for Adults (PSA)
 - Regular Education / GED program
 - Not available to all classifications of inmates
- SERVE SAFE certificate
 - Provided to inmates working in our kitchen
- Limited culinary program
- Alcohol and Narcotics Anonymous
 - Staffed entirely by volunteers
 - Not available in all housing units
- Alternative Sentencing Program managed by Probation
- Pre-Trial release, managed by Probation and the Courts

The Main Jail contains three classroom areas and one classroom at the Minimum Security facility. At the present time, only one classroom in the Main Jail is being utilized. Another was intended for computer training and is not presently being used. Computer education may resume in the future, provided funds become available through other sources. These classrooms are used by PSA teachers during regular business hours, but could be utilized for re-entry oriented programs during off hours.

Additionally, each of the dormitory housing units contains a small multi-purpose room. These rooms can be utilized for in-custody programs involving small numbers of inmate groups. The higher security housing unit contains a multi-purpose room utilized during the daytime for low level medical visits, health inventories and mental health counseling.

This area could be utilized after normal business hours for programming purposes. This housing unit also contains a classroom that is not currently utilized during business hours. The Minimum Security facility contains one class room area that could also be utilized for after hour programs during those times not used for night classes. The remaining two housing units were not designed with any multi-purpose facilities.

A plan for utilizing interventive programs, expanded education or vocational training is under discussion and may include a variety of entities to include Probation, jail staff and Placer School for Adults. The funding mechanism is not currently identified, but may include a combination of revenues from Inmate Welfare Funds and Average Daily Attendance revenues.

If evidence based practices are to achieve success within the intent of the legislation, logistical changes within the Main Jail will need to be implemented to facilitate a variety of programs targeting the variety of issues presented by individual inmates. These changes will require a partnership of probation officers, custody staff and Health and Human Services (HHS) staff to identify, implement and facilitate these programs. At the present time, the implementation in-custody, evidence based programs is still under discussion.

Mitigation of increased ADP's, implementation of in-custody programs and continuity of jail operations will require operational changes that are included in the staffing narrative.

Staffing

Meeting impacts of the first two years of Realignment will require operational changes to the internal processes of the jail, as well as development of collaborative agreements among the CCP partners to address system wide impacts. For the Corrections Division to meet the expected impacts of Realignment, full restoration of staffing will be necessary to integrate both the known changes required under the legislation, as well as the unanticipated impacts. The addition of staff that exceeds our current allocations

will provide the ability to meet the unanticipated needs and off-set future impacts as they relate to staffing the South Placer Adult Correctional Facility.

The following document contains projected staffing needs for the Placer County Jail to meet the expected changes to the Main Jail inmate population during the first two years of Realignment. A second sheet will include cost analysis.

The South Placer Adult Correctional Facility will not be operational for this duration which means the Main Jail will need to meet graduated population increases expected from a combination of fresh arrests, pre-trial detainees, Realignment sentenced inmates, sentenced misdemeanor cases, State parole violations and any PRCS violations that may occur for persons being supervised out of custody.

The Main Jail has had a decrease in staffing during the last several years, with a combination of positions left vacant or unfunded. This has resulted in operational changes to include closure of a housing unit and changes to how shifts are staffed. We expect that we will need to open the entire jail for purposes of housing offenders, as well as working with Probation to bring necessary evidence based programs into the jail environment.

The first requirement to meet the basic needs for Realignment is restoration of all funded and unfunded vacancies. This would bring both correctional officer staff as well as clerical staff to a level originally required to meet the basic needs of operating our jail in a safe fashion that meet regulatory and statutory requirements.

Additionally, we require additional positions for the following purposes of efficiency, safety and to meet the intent of the legislation: (it should be noted that when the South Placer Adult Correctional Facility opens, future allocation needs of that facility could be slightly off-set by the positions requested below:

Position Requests

2 - Classification Officers (Correctional Officer):

The current contingent of 3 officers is barely able to meet the current needs of the jail system. When Probation and Classification begin working together with regard to NON's, Electronic Monitoring Program, identification and tracking of persons eligible for programs, and assessments of inmates, the added case load will far exceed the ability of our current Classification Officers to manage efficiently.

The two additional positions would be divided into distinct arenas of duties, to include a mix of traditional classification duties as well as those mentioned above. However, one would provide additional duties outside the current abilities of Classification Officers. This second position would also fill a need that is currently divided among several positions, with regard to the gathering in-custody intelligence. This is already a task that requires multiple officers from both Classification and Compliance; the addition of a second Classification Officer would bring these together with Probation to create a single point of contact for all law enforcement entities.

1- Roving Floor Officer (Correctional Officer):

Floor officers have a variety of assignments required by law. As such, their duties are required to be carried out in accordance within specific time frames. As a result of housing unit closures and resulting vacancies, floor positions were consolidated to meet these needs. With the need for additional housing, the time constraints on this position become more acute. If housing unit one is opened to accommodate the need for specialized housing, this floor position will be necessary to meet the statutory requirements of regulations related to housing additional inmates.

Additionally, realignment of parole violators who will now be serving their terms in jail, in conjunction with recent legal decisions relating to CDCR and revocation hearings require that we move the revocation hearings into the secure area of the jail. This will further burden staff during year one and two, and add additional security duties to existing staff.

4 - Kitchen Custody Staff (Correctional Officer 1 per shift):

Realignment and changes in the sentenced population will require a re-evaluation of the classification of persons going to the minimum security barracks and working in the main jail kitchen. At the present time, offenders working in this environment are supervised by civilian probation staff.

Realignment will mean persons serving sentences in the facility and working in the kitchen will be those same persons who may not have otherwise qualified for barracks assignments prior to realignment. This may require a change of inmate work crew assignments so inmates with less risk are those assigned to outside crews. The remaining inmates who require a higher degree of supervision would then be assigned to the kitchen. At the present time, if these same inmates were working a CDCR kitchen they would be supervised by correctional officers due to the materials, tools, knives and contraband associated with a kitchen environment. As the transition takes place and it becomes necessary to assign realignment inmates to kitchen assignments, we will need to account for the safety of civilian probation staff, other inmates and facility security.

Administrative Legal Clerks (ALC):

In addition to restoration of vacant positions, we propose to place one ALC on each shift specific to booking. This was the original intent of the jail intake design, and in years past was the actual practice. Custody staff would handle any processes that required physical contact; ALC's would conduct the bookings in small rooms that separated the inmates from the secure booking area. Again, as staffing decreases occurred over time and additional duties

were added to the front office clerical staff, this intended purpose was not realized. The minimum number of booking officers has been 2 since the jail opened in 1985, despite the increase in arrests and duties associated with the position. The two Correctional Officers currently assigned to booking handle all booking duties from intake to dress-outs, as well as all persons being released from custody. It is not uncommon to have 40 persons processed in or out on a single shift. However, this frequently requires that employees assigned to other assignments assist in between other required duties. This has been the source for many issues, including legitimate inmate grievances, altercations, booking mistakes that impact multiple agencies and negative comments from the Corrections Standards Authority during bi-annual inspections. We believe we can maintain the current ratio of two officers in the booking area with the addition of a single ALC assigned for booking purposes during each shift.

To meet the above impacts the Placer County Sheriff's Office first and second year needs are outlined in the following tables. The first table outlines the cost of funding allocated but currently unfunded positions. The second and third table outlines the cost of the new correctional officer and legal staff needed to meet the impacts of Realignment.

Placer County Sheriff's Office State Realignment Staffing

Year 1 - Restoration of unfunded positions assigned to Corrections Facility - estimated at 6 mos of FY 11/12						Year 2 - Restoration of unfunded positions assigned to Corrections Facility - estimated at 12 mos of FY 12/13					
Appropriation Classification Salary Range/Step	202200 Deputy II 752/1	202200 CO 180/3	202200 Sr ALC 81/2	202200 ALC 49/1	Staff Total	Appropriation Classification Salary Range/Step	202200 Deputy II 752/2	202200 CO 180/3-4	202200 Sr ALC 81/2-3	202200 ALC 49/2	Staff Total
Realignment Minimum Staffing (Auburn Jail Max Capacity)	1	2	1	3	7	Realignment Minimum Staffing (Auburn Jail Max Capacity)	1	2	1	3	7
Per Employee Costs						Per Employee Costs					
Annual Salary inc Benefits & Uniform	\$ 57,318	\$ 47,093	\$ 37,252	\$ 33,073		Annual Salary inc Benefits & Uniform	\$117,548	\$ 95,075	\$75,349	\$ 67,799	
Per Employee Costs						Per Employee Costs					
OPEB - New Employee	\$ 52,000	\$ 52,000	\$ 52,000	\$ 52,000		OPEB - New Employee	\$ -	\$ -	\$ -	\$ -	
**Other County Costs	\$ 23,719	\$ 23,719	\$ 23,719	\$ 23,719		**Other County Costs	\$ 23,719	\$ 23,719	\$23,719	\$ 23,719	
***Hiring Process Cost New Employee	\$ 7,110	\$ 9,203	\$ 2,278	\$ 2,278		***Hiring Process Cost Replacement					
Equipment-Gear	\$ 7,204	\$ 3,805				Equipment-Gear					
New Employee Training	\$ 4,918	\$ 1,752	\$ 200	\$ 200		Annual Training	\$ 2,500	\$ 500			
Total Add'l Costs per allocation per Classification:	\$ 94,950	\$ 90,479	\$ 78,197	\$ 78,197		Total Add'l Costs per allocation per Classification:	\$ 26,219	\$ 24,219	\$23,719	\$ 23,719	
Total per (1) position	\$ 152,268	\$137,572	\$115,448	\$111,269		Total per (1) position	\$143,767	\$119,294	\$99,067	\$ 91,518	
Total Costs for total Allocations						Total Costs for total Allocations					
Realignment Minimum Staffing (Auburn Jail Max Capacity)	1	2	1	3	7	Realignment Minimum Staffing (Auburn Jail Max Capacity)	1	2	1	3	7
Salary & Benefits Total for Position Count(s)	\$ 57,318	\$ 94,185	\$ 37,252	\$ 99,218	\$ 287,973	Salary & Benefits Total for Position Count(s)	\$117,548	\$180,149	\$75,349	\$203,398	\$ 588,443
Add'l Costs Total for Position Count(s)	\$ 94,950	\$180,958	\$ 78,197	\$234,580	\$ 588,895	Add'l Costs Total for Position Count(s)	\$ 26,219	\$ 48,438	\$23,719	\$ 71,157	\$ 189,533
Total Salary, Benefits & Additional Costs Total for position	\$ 152,268	\$275,143	\$115,448	\$333,808	\$ 876,668	Total Salary, Benefits & Additional Costs Total for position	\$143,767	\$238,587	\$99,067	\$274,554	\$ 755,976
** Includes A87, 2140, 2709, 5310						** Includes A87, 2140, 2709, 5310					
*** Includes Recruitment, Background Investigations, Pre-employment medical						*** Includes Recruitment, Background Investigations, Pre-employment medical					

Date Prepared: 11-04-11

Placer County Sheriff's Office State Realignment Staffing

Year 1 - New Correctional Officers assigned to Corrections Facility - estimated @ 6 mos of FY 11/12			
Appropriation Classification Salary Range/Step	202200 CO 180/3	Total Allocations Requested	
Realignment Minimum Staffing Count (Auburn Jail Max Capacity)		7	
Per Employee Costs			
Annual Salary inc Benefits & Uniform	\$ 47,093		
Per Employee Costs			
OPEB - New Employee	\$ 52,000		
**Other County Costs	\$ 23,719		
***Hiring Process Cost	\$ 9,203		
New Employee Equipment-Gear	\$ 3,805		
New Employee Training	\$ 1,752		
Total Add't Costs per allocation per Classification:	\$ 90,479		
Total All Expenses Per (1) position	\$ 137,572		
Total Costs for total Allocations			
Realignment Minimum Staffing Count (Auburn Jail Max Capacity)		7	
Salary & Benefits Total for Position Count(s)		\$ 329,648	
Add't Costs Total for Position Count(s)		\$ 633,354	
Total Salary, Benefits & Additional Costs Total for position count(s)		\$ 963,002	
** Includes A87, 2140, 2709, 5310			
*** Includes Recruitment, Background Investigations, Pre-employment medical			

Year 2 - New Correctional Officers assigned to Corrections Facility - estimated at full 12 mos of FY 12/13			
Appropriation Classification Salary Range/Step	202200 CO 180/3-4	Total Allocations Requested	
Realignment Minimum Staffing (Auburn Jail Max Capacity)		7	
Per Employee Costs			
Annual Salary inc Benefits & Uniform	\$ 95,075		
Per Employee Costs			
OPEB - New Employee	\$ -		
**Other County Costs	\$ 23,719		
***Hiring Process Cost			
Replacement Equipment-Gear	\$ -		
Annual Employee Training	\$ 500		
Total Add't Costs per allocation per Classification:	\$ 24,219		
Total All Expenses Per (1) position	\$ 119,294		
Total Costs for total Allocations			
Realignment Minimum Staffing Count (Auburn Jail Max Capacity)		7	
Salary & Benefits Total for Position Count(s)		\$ 685,522	
Add't Costs Total for Position Count(s)		\$ 189,533	
Total Salary, Benefits & Additional Costs Total for position count(s)		\$ 835,055	
** Includes A87, 2140, 2709, 5310			
*** Includes Recruitment, Background Investigations, Pre-employment medical			

Date Prepared: 11-04-2011

Placer County Sheriff's Office State Realignment Staffing

Year 1 - New Admin Legal Clerks assigned to Corrections Facility - estimated at 6 mos of FY 11/12		
Appropriation	202200	
Classification	ALC	Staff
Salary Range/Step	49/1	Total
Realignment Minimum Staffing (Auburn Jail Max Capacity)		7
Per Employee Costs		
Annual Salary inc Benefits &Uniform	\$ 33,073	
Per Employee Costs		
OPEB - New Employee		
**Other County Costs	\$ 52,000	
***Hiring Process Cost	\$ 23,719	
New Employee Equipment-Gear	\$ 2,278	
New Employee Training	\$ 200	
Total Add't Costs per allocation per Classification:	\$ 78,197	
Total cost per (1) position	\$ 111,269	
Total Costs for total Allocations		
Realignment Minimum Staffing (Auburn Jail Max Capacity)		7
Add't Costs Total for Position Count(s)	\$ 231,509	
Salary & Benefits Total for Position Count(s)	\$ 547,377	
Total Salary, Benefits & Additional Costs Total for position count(s)	\$ 778,886	
** Includes A87, 2140, 2709, 5310		
*** Includes Recruitment, Background Investigations, Pre-employment medical		

Year 2 - New Admin Legal Clerks assigned to Corrections Facility - estimated at 12 mos (full year) of FY 12/13		
Appropriation	202200	
Classification	ALC	Staff
Salary Range/Step	49/2	Total
Realignment Minimum ADP/Minimum Staffing (Auburn Jail Max Capacity)		7
Per Employee Costs		
Annual Salary inc Benefits &Uniform	\$ 67,799	
Per Employee Costs		
OPEB - New Employee	\$ -	
**Other County Costs	\$ 23,719	
***Hiring Process Cost		
Replacement Equipment-Gear		
Annual Training		
Total Add't Costs per allocation per Classification:	\$ 23,719	
Total cost per (1) position	\$ 91,518	
Total Costs for total Allocations		
Realignment Minimum ADP/Minimum Staffing (Auburn Jail Max Capacity)		7
Add't Costs Total for Position Count(s)	\$ 474,595	
Salary & Benefits Total for Position Count(s)	\$ 166,033	
Total Salary, Benefits & Additional Costs Total for position count(s)	\$ 640,627	
** Includes A87, 2140, 2709, 5310		
*** Includes Recruitment, Background Investigations, Pre-employment medical		

Date Prepared: 11-04-2011

Positions	First Year Cost (January to July 2012 Including OPEB)
Restored Positions (7)	\$876,668
New Correctional Officer (7)	\$963,002
New Administrative Legal Clerk (7)	\$778,886
TOTAL POSITIONS	\$2,618,556

Placer County District Attorney

Realignment will have a significant impact on the workload of the Placer County District Attorney's Office (PCDA), as well as the sentencing options available to us to resolve cases. PCDA anticipates several major impacts.

First, PCDA will now be responsible for reviewing, charging, and prosecuting many violations of Post Release Community Supervision (PRCS). For these cases, jurisdiction of the Board of Parole Hearings (BPH) is being transferred to the Placer County Superior Court and those PRCS violation hearings will now be handled by the PCDA.

Second, PCDA anticipates that prosecutors will now need to make more court appearances and engage with many cases for a longer period of time. Given that non-violent, non-serious, non-sex offender cases sentenced to prison now serve their time locally, local authorities will take on additional responsibilities to track and monitor these offenders after conviction. The number of appearances on any given case will likely increase before sentencing because getting agreement on appropriate sentences will be more protracted therefore lengthening the time it takes for cases to resolve. The appearances will also increase after sentencing because PRCS sentence violations will now come back to PCDA for assessment and adjudication. This will continue for the entire time a PRCS defendant is supervised, which for many cases could be years.

Additionally, because Realignment dramatically changes sentencing options, negotiated dispositions will decrease, resulting in an increase in the number of jury trials. This will not only severely impact the resources of the PCDA, it will also impact the resources of the Public Defender's (PD) Office and the Courts.

Third, the PCDA must now develop expertise in alternative sentences and work closely with criminal justice partners to ensure effective sentencing with a reduced level of reliance on incarceration. Prison (actual confinement in a CDCR facility) is excluded as a sentencing option for numerous offenses, and relying on jail in lieu of prison will further overburden the local jail system. Realignment will force the PCDA to use new sentencing approaches that incorporate the strategic use of programs as a sentencing alternative. It may also cause numerous recidivist offenders that were previously classified as unamenable to supervision on probation to be released back into the community on electronic monitoring, which will appreciably impact public safety and increase the number of new criminal cases the PCDA will have to file and prosecute.

The fourth impact regards Marsy's law. Although the focus of AB 109 is clearly on prison overcrowding and what to do with the offenders, it is important to note that Marsy's Law, which focuses on the rights of victims, was passed by the voters of California and became effective on November 5, 2008. That law, which amended our State Constitution (Art. I, § 28) created a substantial expansion of victims' rights and imposed certain obligations on district attorneys, peace officers, probation departments, CDCR, parole, the courts, and the Governor. The purpose and intent of this initiative was to provide crime victims with rights to justice and due process.

These rights include the expectation that felons will be appropriately detained in custody, sentenced, and sufficiently punished so that "the public safety is protected and encouraged as a goal of highest importance." (Cal. Const., Art. I, § 28(a)(4).) The California Constitution now provides that "Victims of crimes have a collectively shared right to expect that persons convicted of committing crimes are sufficiently punished in both the manner and the length of the sentences imposed by the courts." (Art. I, § 28(a)(5).)

The California Constitution enumerates several rights that victims are entitled to, including the right to:

1. Have the safety of the victim and the victim's family as the primary consideration in fixing the amount of bail and setting release conditions for the defendant;
2. Reasonable notice, upon request, of all public proceedings at which the defendant and the prosecutor are entitled to be present, and to be present at all parole or other post-conviction release proceedings;
3. Be informed, upon request, of the conviction, sentence, place and time of incarceration or other disposition of the defendant, and the scheduled release date of the defendant;
4. Seek and secure restitution from the defendant;
5. Be informed of all parole procedures, to participate in the parole process, to provide information to the parole authority to be considered before the parole of the offender, and to be notified, upon request, of the parole or other release of the offender; and
6. Have the safety of the victim, the victim's family, and the general public considered before any parole or other post-judgment release decision is made. Marsy's Law also added the public safety bail provision (Art. I, § 28(f)(3)), which requires that in setting bail or own recognizance release, the protection of the public and the safety of the victim shall be the primary considerations.

The Realignment legislation, which did not pass with sufficient votes to negate the constitutional mandates of Marsy's Law, made sweeping changes to existing law. Notwithstanding the fact that this legislation states that its purpose is not to address overcrowding in California's prisons, the converse seems to be true. Such sweeping changes regarding pre-conviction release of prisoners, conduct credits, sentencing, punishment, and parole may indeed conflict with existing law, as discussed above. Thus, even with additional remedial legislation, such legal conflicts are likely to result in significant litigation challenging various applications of Realignment.

This will impact the PCDA in that they will have to litigate these issues in each case. This additional impact related to Marsy's Law adds an obligation to notify victim's so that they have the opportunity to be heard regarding the above outlined issues. This will not only require additional court appearances and obligations on PCDA prosecutors, it will also require additional administrative staff in order to notify the victims as required.

Finally, the PCDA's Office would be remiss if serious concerns were not expressed about the likely impact AB 109 will have on public safety. The offenders that will now be handled locally comprise the majority of felons convicted in our courts and AB 109 effectively eliminates the sanction of state prison for these offenders, even if they repeatedly reoffend. Additionally, because of the provisions of AB 109, coupled with jail overcrowding, recidivists who previously were sentenced to long terms in state prison will likely now be released back into the community on electronic monitoring with little or no significant punishment in the form of incarceration. It is worth mentioning that a majority of non-violent, non-serious, non-sex offenders who were previously sentenced to state prison were recidivists that already had the benefit of supervised probation that likely included rehabilitative programs. Many of these offenders refused treatment or violated probation so many times that they were considered by the courts to be unamenable to supervision, which is why they were sentenced to state prison. This option will no longer be available. The powerful disincentive of a possible state prison sentence will no longer exist for non-violent, non-serious, non-sex and PRCS offenders, and the prospect of any punishment in the form of incarceration will be severely curtailed, and in some cases eliminated, occurring only when there is sufficient room in an already overcrowded county jail. The AB 109 prosecution funding allocation is insufficient to offset PCDA costs to process the affected offender population. Additionally, as more criminal recidivists are released early back into the community, there is the potential for crime rates to climb resulting in more work for everyone in the criminal justice system.

Present state funding provides for approximately one half of an inexperienced entry level Deputy District Attorney. Additional attorneys, investigators, and legal office

professionals will be required to provide the necessary level of prosecutorial staff time to meet the duties associated with AB 109.

To meet the immediate impacts the District Attorney's office will use an additional attorney position to handle the impacts of the parole hearings and litigation involving AB 109. The Administrative Clerk position will be used to address impacts regarding our Marsy's law obligation and parole hearings. To meet the above impacts the Placer County District Attorney's Office requests the following allocation:

Positions	First Year Cost (January to July 2012 Including OPEB)
Deputy District Attorney I	\$112,019
Administrative Clerk Journey	\$80,027
TOTAL POSITIONS	\$192,046

Placer County Public Defender

The Placer County Public Defender (Ciummo & Associates) may explore the establishment of a specialized assignment on Realignment. The assigned attorney would work exclusively with the realigned offender population, and provide services to those individuals who will now qualify for county jail and alternative program placement sentences under AB 109. The attorney assigned to the Realignment cases would work with Probation and the District Attorney to explore alternative sentencing strategies and identifying clients who are eligible for programs under AB 109.

Under AB 118, the Legislature provided funding for the Public Defender to handle the additional workload. The number of hearings, as well as the court's protocol for handling the hearings, will determine the resources required. An additional attorney may be required to provide representation at these hearings. In addition, they may need to accelerate the pre-trial review and screening of cases to assist with the alleviation of jail

bed-space. To meet the above impacts the Placer County Public Defender's Office requests the following allocation:

Positions	First Year Cost (January to July 2012 No OPEB Costs)
Attorney	\$70,000
TOTAL POSITIONS	\$70,000

Placer County Department of Health and Human Services

Health and Human Services (HHS) has limited existing capacity to serve the Post Release Community Supervision offenders, the locally sentenced (non) offenders, the formal probationers, informal probationers and jail inmates.

Behavior Modification Classes

There are several programs, although overall system capacity is limited, currently in use in Placer County to modify criminal behavior. Several providers offer DUI related courses, anger management courses, batterers treatment programs, and parenting programs. These programs will continue to be used as a means to educate offenders and modify their criminal behavior when deemed appropriate by the Court or Probation. The costs of these programs are paid for by the offender on a sliding scale basis.

Mental Health

Placer County Health and Human Services provides services to people with severe and persistent mental illness who meet the eligibility criteria under the State managed care contract with Medi-Cal. In addition, the Placer County Superior Court, in cooperation with HHS, Placer County Probation, the PCDA and the Public Defender's Office, operate a Mental Health Court. The court is available to eligible offenders who engage in evidence based treatment programs that target the unique needs of the offender as a term of their probation.

Education

Placer School for Adults and the Placer County Sheriff's Office jointly offer adult education to the inmates at the Placer County Jail. Instruction is in adult basic education, GED preparation, and basic culinary career and technical education is provided. These programs are also available at the Placer School for Adults after a defendant is released from custody.

Existing Resources and Services for Offenders on Supervised Release

HHS will assess and determine eligibility for public assistance programs designed to meet the basic needs of the offender population. HHS will provide resource and referral services, which will include referrals to other agencies, i.e. food bank, housing authority, First Five, etc. HHS will assist individuals/families in finding workable solutions to daily-living challenges as they make important transitions in their lives by providing services and access to benefits. The services include CalWORKs, CalFresh (Food Stamps) and Medi-Cal. CalWORKs provides cash assistance and welfare-to-work services for low-income adults with dependent children. CalFresh (formerly Food Stamps) is a monthly benefit that can be used to purchase food. Medi-Cal is health coverage for low-income children, pregnant women, seniors and persons with disabilities. Individuals who are screened for Medi-Cal and determined to be ineligible are referred to other state and local subsidized health care programs.

Alcohol and Drug Treatment

The Alcohol and Drug Department of HHS currently provides structured outpatient groups based upon individual needs. HHS uses an established sliding fee schedule for eligible participants that determine their ability to pay. This program will be expanded to include services for criminal offenders who are in need of alcohol and drug treatment.

In addition to the above, HHS, in connection with the Probation Department, will facilitate the availability of a Practitioner at the jail to conduct assessments to determine offender needs. In addition, a Practitioner will also assist supervision teams with the development of treatment and intervention programs as well as the development, establishment and assessment of residential and outpatient treatment programs that

adhere to accepted evidence based standards and practices. These programs will be available for offenders deemed appropriate by the Courts or Probation. When referred by the Court, Probation and the Practitioner will determine the type of intervention needed by the offender. The CCP funded Practitioners will be used exclusively for criminal offenders on any level of supervised release or in custody.

Evidence Based Program Accounting

In order to finance the cost, all evidence based expenditures will be accounted for commensurate with outcome measurement number 13 contained in the Data Collection, Analysis and Evaluation portion of this document (page 48). Given the profile of these offenders emphasis will be placed on evidence based programs such as drug treatment, mental health treatment and behavioral modification program, education, and jobs skills. The Evidence Based Program accounting will be managed by the Probation Department and may only be used for the treatment of criminal offenders. Any alternate use of these funds must be approved by the CCP. Probation will insure a complete accounting of all HHS CCP funds expended on evidence based programming to include the type of program, the provider of the program, an offender identifier and the cost of the program.

To meet the above impacts the Placer County Department of Health and Human Services requests the following allocation:

HHS Programs	Length	# Served	% of Pop	Cost Per Person	Total Cost
Contracted Substance Abuse Treatment Programs					
RESIDENTIAL					
Residential Treatment for men/women	45 days	30	16%	\$3,740	\$112,200
DRUG COURT / ALTERNATIVE SENTENCE					
Drug Court Program - 1 year includes Residential, Outclient, Aftercare	1 year	10	10%	\$6,032	\$60,320
OUTCLIENT					
Day Treatment for Parenting Mothers 3 days/week	90 days	1	1%	\$6,858	\$6,858
Cognitive Behavioral Intensive Outclient for men/women 3x/week	90 days	20	11%	\$1,640	\$32,800
Cognitive Behavioral Out client Group 2x/week follows Intensive outclient	90 days	20	11%	\$960	\$19,200
Relapse Prevention After Care Group 1x/week	45 days	40	22%	\$172	\$6,880
Evidenced Based Motivational Enhancement (1x per week)	90 days	20	11%	\$480	\$9,600
Contracted Housing Programs					
Clean and Sober/Transitional Housing	60 days	40	12%	\$1,000	\$40,000
Contracted Intensive Mental Health Outclient					
Evidenced Based Intensive Mental Health (wrap around outclient)	1 year	5	3%	\$15,500	\$77,500
Outclient Mental Health Services					
Evidenced Based Outclient medication and support	1 year	20	11%	\$3,600	\$72,000
In Custody Mandated Programs					
Court ordered treatment program such as Batterer's program, Drug, Alcohol and Anger Management Program	67 hours	50 - 100	28 - 56%	\$75/hour	\$139,466
Total Contract Services					\$576,824

HHS Staffing (assigned to Probation)	FTE	# Served	% of Pop	Cost Per Person	Total Cost
In Custody Assessment and Brief Treatment (i.e., Thinking for A Change and Courage to Change)					
Client Services Practitioner (including salary, benefits, support, equipment and indirect cost plus 1x OPEB)	1 FTE	150	42%		\$151,955
Training for staff and workbooks for clients for evidenced based curriculum					\$500
Probation Team Assessments and Treatment					
Client Services Practitioner (including salary, benefits, support, equipment and indirect cost plus 1x OPEB)	1 FTE	150	42%		\$151,955
Training for staff and workbooks for clients for evidenced based curriculum					\$500
Total Behavioral Health Staff Assigned to Probation					\$304,910
Subtotal					\$881,734
HHS Health Care and Human Services Impacts					
Community Health - Medical Care Services Program (MCSP)					
(50% of new population of 168)		42		\$2,510	\$105,420
Total Health Care and Human Services Costs					\$105,420
Total Costs for Treatment and Support					\$987,154

COLLABORATIVE IMPLEMENTATION STRATEGIES

Special Investigation Unit

Since October 1, 2011, Placer County's local criminal justice system has been and will continue to be responsible for monitoring offenders paroled from state prison. These offenders (PRCS) are being released on Community Supervision. Many of these individuals have a long, past history of criminal behavior, some including serious and violent offenses, and have served multiple prior prison terms. Some within this group have demonstrated by their past behavior that they pose a significant risk of reoffending, a significant risk to public safety and a significant risk to the safety of law enforcement officers. It is also these individuals who may have the greatest impact on local crime rates and therefore cause the greatest impact to local law enforcement agencies. Accordingly, these offenders need to be afforded the highest level of monitoring and supervision to insure they are complying with the terms of their release.

This high level of monitoring will primarily be the responsibility of the Placer County Probation Department. Given the criminal backgrounds of these offenders the CCP recognizes the need to have a collaborative law enforcement effort within the County to assist Probation in the monitoring and supervision of the PRCS population. The infrastructure for this unit currently exists within the Special Investigations Unit (SIU) of Placer County which is organized and managed by the Bureau of Narcotics Enforcement of the State of California.

SIU is currently an Anti Drug task force for Placer County located in the City of Rocklin and is comprised of a Bureau of Narcotic Enforcement (BNE) Special Agent Supervisor as the Commander, three Deputy Sheriffs from the Placer County Sheriff's Department; a Deputy Probation Officer from the Placer County Probation Department; one Police Officer each from the Rocklin Police Department, Roseville Police Department, and Auburn Police Department, a clerical aid from the Placer County District Attorney's Office, and a part time Evidence Technician from the Sheriff's Office. In addition, a Client Services Practitioner from Child Protective Services and a District Attorney

Prosecutor participate on the task force in an as needed status. All personnel assigned to SIU report to the SIU Commander.

The current positions are funded by a combination of grant funding and donated officers from local agencies. The Commander of SIU has previously been funded by the State of California. The infrastructure of SIU (housing and equipment) is supported by grant funding and by asset forfeiture funds. The clerical staff has been provided by the District Attorneys' Office. As a part of Realignment and the State's budget crisis, funding for SIU will be discontinued on December 31, 2011. The State will however allow for counties to retain their BNE commander provided they are reimbursed for his or her salary costs. The alternative is for the counties to hire their own Commander. As noted below, the Placer County Sheriff's Department has resolved this issue. The CCP believe the retention of the current SIU Commander is more cost effective and the most productive means of implementation of SIU's new expanded role in Placer County.

In response to Public Safety Realignment, SIU will now expand its mission to include assisting Probation in the monitoring of PRCS offenders within our county. SIU will provide compliance monitoring checks with random home visits, searches and the team members will facilitate and lead warrant apprehension activities, respond to high level GPS alerts, and assist local municipal law enforcement and allied agencies with operations or incidents related to the realigned offender population. The Probation Department will have the option of allocating a case load of the most dangerous and high risk offenders to the probation officer assigned to SIU. The relationship between Probation and SIU will be further developed as the impacts of Realignment are revealed.

This expansion of SIU's mission will be partially financed with Realignment funds. The Placer Law Enforcement Agency (PLEA) comprised of Police Chiefs, Sheriff, District Attorney, CHP, State Parks and Chief Probation Officer, will modify the Memorandum of Understanding (MOU) to identify the scope of work duties and responsibilities generated by this new Realignment workload. Further, contracts between the County and each

City's participating police department will be necessary. The current funding strategy will be to partially fund the cost of each law enforcement officer in the unit that is not already funded by the State or by a grant. Accordingly, municipal and county agencies who assign a member to SIU would be reimbursed for the cost of the officer or deputy. The current structure would require the partial funding of an officer from the cities of Roseville, Rocklin, and Auburn. The City of Lincoln is unable to participate in the collaborative effort to send a partially funded officer to SIU in the fiscal year 2011-2012 period or in the immediate future. However, Lincoln would consider opting in to participating in the SIU collaborative should future AB 109 funding allow. During the interim, the SIU unit will work with Probation to handle all necessary and appropriate supervision cases throughout the County, to include Lincoln. The participating agencies will absorb any and all costs (recruitment, training, vehicles, other equipment, etc.) as their contribution towards this effort. It would also require the funding of one deputy sheriff. The Placer County Sheriff's Office has agreed to reimburse the state for the cost of retaining the current SIU Commander.

To meet the above impacts within the SIU collaborative, both PLEA and the Placer County CCP endorse the following: \$200,000 for the initial six months and \$400,000 for fiscal year 2012 – 2013, and in future years given expected, continuing AB 109 funding at current levels.

Positions	Number of Positions	First Year Cost (January to July 2012)
Police Officers (Rocklin, Roseville, Auburn)	3	\$150,000
Deputy Sheriff	1	\$50,000
TOTAL POSITIONS	4	\$200,000

Data Collection, Analysis and Evaluation

Effectively administering this Public Safety Realignment 2011 Implementation Plan requires data collection, analysis, and on-going evaluation. The implementation strategies described in the plan will each be under the management of County departments. These departments will be able to provide data listed below to assure that Placer County's programs are implemented successfully in alignment with evidence based practices. The following list is an example of 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 Realignment population as a separate population from existing populations in order to evaluate outcomes and make effective use of funds.

1. Number of defendants (case numbers included) sentenced pursuant to PC 1170(h) to jail/no split sentence, the length of sentence.
2. Number of defendants (case numbers included) sentenced pursuant to PC 1170(h) and date of sentencing with a "split sentence," and the length of jail time in the split sentence.
3. Number of defendants sentenced pursuant to 1170(h) for a term of less than one year, 1+ year, 2+ years, 3+ years.
4. Number of defendants who are on electronic monitoring or home detention pre-trial supervision and defendants who were released on electronic monitoring after being incarcerated on an 1170(h) offense.
5. Number of defendants who violate a term of release while on electronic monitoring or home detention pre-trial supervision (violations should be counted without regard to whether the violation led to termination of electronic monitoring or home detention pre-trial supervision) and the type of violation.
6. Number of defendants on 1170(h) probation who violate a term of supervision (the type of violation should be noted so it can be

- categorized and counted) while participating in an alternative to custody, broken down by category so it is apparent how defendants function in the various alternatives to custody.
7. Number of PRCS (parolees released from prison to be supervised by probation) released to Placer County, organized by date of release and number who violate a term of supervision (without regard to whether the violation leads to any sanction or a parole revocation hearing) and identification of the nature of the term violated so it is apparent how PRCS function after their release from prison.
 8. Number of hearings seeking parole revocation of a PRCS and the number of PRCS' who have their supervision revoked, broken down by category of type of defendant, e.g. commitment offense was drug, theft or violence related, and amount of custody time imposed on the PRCS.
 9. Number of flash incarcerations and length of time of each incarceration, broken down by commitment offense category.
 10. Number of early releases from custody of Realignment population (PRCS and non's), including information on how much time remained on sentence at time of early release and their commitment offense.
 11. Recidivism rates (as defined by CDCR) for 1170(h) defendants versus non 1170(h) defendants. (To the extent that records are available and allowed to be accessed by law following release from custody, how many defendants have new criminal charges filed against them within 1 year, 2 years, 3 years.)
 12. A list of programs that are being used by HHS and Probation and the number of defendants that are referred to them. This should include the number of people who complete the program successfully and the recidivism data (as defined by CDCR) on those in that program.
 13. A complete accounting of all funds allocated to Evidence Based Programming to include the type of program, the provider of the program, an offender identifier and the cost of the program.

For purposes of data collection, recidivism will be defined consistent with the CDCR definition as return to prison or county jail after conviction and release.

CLOSING STATEMENT

All members of the CCP appreciate and acknowledge that all submitted budget plans were not able to be funded at the levels optimally identified by each agency. A number of concessions, in conjunction with the totality of the effort, had to be made. Currently, Placer County requires all new personnel costs to include upfront payment of certain new employee costs, such as costs to cover future retirement benefits (OPEB), hiring process costs, equipment and gear costs, and training costs. The initial implementation plan envisions the hiring of 32 new County employees. The CCP understands the identified GAP funding (\$1,663,930) will be available to cover these new County hiring costs. The CCP is confident that each participating agency is satisfied that this is the best plan that can be accomplished at this time. The allocations of Realignment funds are summarized in the table below.

DEPARTMENT	FIRST YEAR COST (January to July 2012)
Placer County Probation	\$1,097,628
Placer County Sheriff's Office	\$2,381,499
Placer County District Attorney's Office	\$192,046
Placer County Public Defender	\$70,000
Placer County Department of Health and Human Services	\$816,200
PLEA Collaborative (SIU)	\$200,000
TOTAL	\$4,757,373

AB 109 ALLOCATION	\$3,093,443
GAP FUNDING	\$1,663,930
TOTAL	\$4,757,373

The Community Corrections Partnership Executive Committee is pleased to have the opportunity to recommend the preceding plan and the above spending recommendations for the implementation of the Public Safety Realignment Act AB 109 2011 Implementation Plan. Although the challenges introduced by AB 109 are multifaceted and the revenue is limited, there is a collective recognition that all members of the Community Corrections Partnership will continue working together through regular quarterly meetings to make any needed adjustments to this Implementation Plan, to adjust funding based upon unfolding circumstances and conditions, and to allocate any new funding received by the County for Realignment. As Realignment funding continues and remains stable, the CCP's commitment is to maintain the levels of staffing, funding and services as outlined in the plan. This will allow the CCP to make future recommendations that maintain the high level of public safety that the citizens of Placer County have come to expect.