



MEMORANDUM
OFFICE OF THE
COUNTY EXECUTIVE
COUNTY OF PLACER

TO: Honorable Board of Supervisors

FROM: Holly L. Heinzen, Interim County Executive Officer
By: Bekki Riggan, Principal Management Analyst

DATE: June 19, 2012

SUBJECT: Public Safety Realignment (AB109) and South Placer Adult Correctional Facility (SPACF) Updates

Action Requested

Your Board is requested to:

1. Receive an update on 2011 Public Safety Realignment (AB109);
2. Receive an update on the South Placer Adult Correctional Facility (SPACF);
3. Provide direction on SPACF kitchen operations;
4. Direct staff to return for discussions on SPACF jail funding and timelines.

Background

In 2011 the state enacted Assembly Bill (AB)109, the Public Safety Realignment Act, which "realigned" \$5.6B in various public safety programs to local governments. Perhaps the most significant impact to California Counties was the shifting of responsibility for certain felony offenders previously eligible for state prison and parole to local county agencies.

To assist counties with the implementation of AB109 and related legislation the state provided new funding from a dedicated portion of state sales tax revenue and Vehicle License Fees (VLF). Placer County's initial realignment allotment was \$3.1M in FY 2011-12, which is anticipated to double to approximately \$6.2M in FY 2012-13. Local jurisdictions are given complete discretion in determining how to invest their realignment allocations.

The Community Corrections Partnership (CCP) and the CCP Executive Committee, established under PC1230 and 1230.1, developed the Placer County 2011-AB109 Implementation Plan (Plan), which was approved by your Board on January 10, 2012. The Plan identified up to \$4.7M in anticipated implementation funding needs comprised of the following:

- \$3.1M in state AB109 allocation funding;
- \$1.7M in "Gap" funding for up-front Other Post Employment Benefit (OPEB) costs for hiring 32 county positions identified in the Plan (this would require action from your Board to cancel General Fund and/or Public Safety Reserves).

The state AB109 allocation of \$3.1M will be transferred to departments prior to the end of the current fiscal year to offset incurred costs associated with the impacts of AB109 since October 1, 2011. To date, none of the "Gap" funding has been requested by the public safety departments.

Highlights of the Placer County 2011-AB109 Implementation Plan are as follows:

Sheriff's Office - \$2.4M

- 21 New Staff
 - 9 Correctional Officers
 - 11 Administrative Legal Clerks
 - 1 Deputy Sheriff

Probation Department - \$1.1M

- 9 New Staff
 - 5 Deputy Probation Officers – Adult Supervision
 - 3 Deputy Probation Officers – Adult Court
 - 1 Administrative Clerk

District Attorney's Office - \$192K

- 2 New Staff
 - 1 Deputy District Attorney
 - 1 Administrative Clerk

PLEA Collaborative (Special Investigations Unit) - \$200K

- Partial Funding for 4 Staff
 - 3 Police Officers (Rocklin, Roseville, Auburn)
 - 1 Deputy Sheriff

Health & Human Services Department - \$816K

- 2 New Staff
 - 2 Client Services Practitioners for offender screenings and assessments
- Contracted Services for Substance Abuse Treatment Programs

The FY 2012-13 Proposed Budget, approved by your Board on June 5, 2012, utilizes approximately \$3.9M of the anticipated \$6.2M State allocation, with an additional \$400K tabbed for transfer the local Placer Law Enforcement Agencies (PLEA) Collaborative in support of the Special Investigations Unit (SIU).

The 2011 Realignment was enacted in part due to a multibillion-dollar fiscal shortfall and also to meet various federal court requirements for reducing the inmate population and achieving specified population targets across the state's 33 prisons. Realignment is projected to reduce the state prison inmate population by 40,000 and state parolee caseloads by 51,000 over the next five years.

While the 2011 Realignment is helping the state achieve its federal court-imposed population targets, it has had a higher than projected impact to county jail populations and probation caseloads in nearly every county across the state. The following is an update by the Sheriff's Office, the Probation Department and Health and Human Services on their progress in implementing the County's AB109 Plan and on the impacts they have experienced since the legislation took effect on October 1, 2011, along with an update from Facility Services on the construction timeline of the SPACF.

Health and Human Services

As identified early in the CCP's AB109 planning process, additional county treatment capacity was needed for this population. Substance abuse treatment has been studied and consistently shown to lead to reduced crime and enhanced public safety as well as savings in jail bed days, health care costs, and costs associated with child welfare.

To continue to assure quality and provide the most cost-effective treatment services, a Request for Proposals (RFP) was conducted for treatment programs, transitional housing, and educational programming to effectively address the needs of both AB109 offenders and lower level offenders within Placer County's criminal justice system. Health and Human Services worked with Procurement Services to develop a competitive process for program selection. Eight proposals were received. A review panel comprised of representatives from Adult System of Care, Probation, the Alcohol and Drug Advisory Board and from the County Executive Office evaluated the proposals based on the published criteria. The District Attorney, Public Defender and other community partners were invited to the process to hear interviews with the all providers. Evidence-based programs - interventions for which scientific evidence consistently shows improved client outcomes - were selected in order to assure that the programs will result in the best possible outcomes for this population. The proposed recommendations represent consensus by all the reviewers.

The contract organizations and the treatment capacity established are as follows:

- Outpatient providers: Community Recovery Resources, Sierra Mental Wellness Group, Pacific Educational Services, and Native Alliance of the Sierra Nevada Foothills. These contracts provide capacity for 90 days of treatment to approximately 100 people per year.
- Transitional Housing Providers: Community Recovery Resources, Roseville Home Start, Victory Outreach, and Recovery Now. These contracts provide capacity for 90-day stays for approximately 35 people per year.
- Educational Providers: Community Recovery Resources, Sierra Mental Wellness Group, Pacific Educational Services, and Sierra Native Alliance. These contracts provide capacity to approximately 100 people per year.
- In Custody Service Providers: Community Recovery Resources (Beyond Bars) and Pacific Educational Services (Moral Reconciliation Therapy Program). These contracts can serve from 75-100 inmates per year.
- AB109 Residential Providers: Center Point, Community Recovery Resources, and Progress House. These contracts provide capacity for 45-day stays for approximately 36 people per year.

This expansion of system capacity, scheduled to begin July 1, 2012, will help us meet the service needs and improve the outcomes of appropriately screened offenders across the entire criminal justice system. HHS staff have been planning for and serving this population since January of 2012 with existing Adult System of Care staff and providers. Examples of some of those efforts include:

- Amending existing contracts in order to deliver services with existing providers;
- Creating one point of entry between separate systems for mental health;

- Housing, social services, medical services, substance use and other needs;
- Collaborating with criminal justice partners to create a seamless system to assure the best outcomes;
- Developing tracking tools to be able to have outcome data for all aspects of the program;
- Providing assessments, case management, treatment placements and other services with existing staff; and,
- Hiring and providing extensive training for 2 new practitioner staff as identified in the AB109 Implementation Plan.

Probation Department

The Probation Department's plan, as contained in the CCP Plan and approved by your Board, calls for the hiring of 8 sworn and 1 non-sworn staff. To date, 4 of the sworn staff have been filled within the Probation Department. The balance of positions identified in the Plan will be filled as demands for service dictate.

In a regional effort to ensure public safety, Probation's officer assigned to the Placer County Special Investigation Unit (SIU) has assumed supervision of a high risk caseload. Rocklin and Auburn PDs have each added an officer to the SIU to increase supervision and apprehension efforts of high-risk non-compliant offenders. Roseville PD is in the process of recruiting to fill their SIU position and it is anticipated the position will be filled in July. While overall numbers of Placer County's AB109 offenders have initially been greater than anticipated based on state projections, Probation and its partners are working diligently to insure the safety of the public while also working to positively changing the lives of offenders.

Initially, the state estimated the Placer County Probation Department would receive an average of 14 Post Release Community Supervision (PRCS) offenders per month under parole realignment. Since October 2011, we have received an average of 26 per month, for a total of 214 total offender packets received for processing. Of this 214 total, 57 cases were transferred to their county of origin, another 46 offenders will be released to our supervision within the next several weeks, leaving 111 PRCS offenders currently under active supervision.

Change within the Probation Department to accommodate AB109 and related legislation has not been limited to hiring new staff. The 111 PRCS offenders under Probation supervision are in addition to the 3,261 adults currently on formal probation and the 627 offenders currently participating in Alternative Sentencing Programs. To most effectively supervise these offenders, caseloads for all adult supervision staff have been restructured and optimized. Probation staff have received evidence-based training and have fully embraced the use of these science-based concepts. In addition to supervision responsibilities, staff insure each offender (both in and out-of-custody) receives an assessment and an individualized case plan addressing their specific needs including substance abuse, mental health, health, education, job skills and/or life skills, as necessary. To further aid this effort, Probation has integrated two HHS Practitioners within our staff to conduct offender needs assessments in Auburn and in Roseville.

Finally, in order to evaluate system-wide impacts, as well as specific impacts to Probation and other CCP partners, Probation has engaged Placer County's Administrative Services IT Division to assist in the development of an AB109 data collection process. This effort will assist with the evaluation and management of the local implementation process and help to inform decision-making.

Sheriff's Office

Funding for the following twenty-one (21) positions identified in the AB109 Implementation Plan was requested and approved to address Sheriff's Office first-year realignment impacts:

- 7 existing vacant allocations:
 - 2 vacant unfunded Correctional Officer I positions
 - 1 Deputy Sheriff II position
 - 1 Sr. Admin Legal Clerk
 - 3 Administrative Legal Clerks

- 14 new allocations:
 - 7 new Correctional Officer I positions
 - 7 new Administrative Legal Clerks

Of the 21 positions approved, 7 were previously allocated but unfunded. Those vacant positions are now funded and filled as of March 2012. Of the 14 new positions approved, 2 of the Administrative Legal Clerks have been hired with the remainder in backgrounds and/or pending pre-employment medical examinations. The new Correctional Officer allocations necessitated a recruitment process to develop the list of eligible candidates. Interviews for the positions are scheduled in June.

The Sheriff's Office anticipates additional staffing will need to be requested for both Administration and Corrections as the AB109 offender population continues to rise and department employees and administrative transactions increase.

Under realignment, persons sentenced for non-violent, non-serious and non-sexual offenses (termed "NONS") are serving their sentences in county jails as opposed to state prison. In addition, persons who are still under the supervision of state parole who violate their parole terms will serve their violation time in the county jail as opposed to state prison. The Auburn Jail still houses persons sentenced to misdemeanor local terms; as well as pre-trial detainees who are waiting for their court case to resolve. The addition of the NONS and parole violators has driven a marked increase in the Average Daily Population (ADP) of the Auburn Jail since implementation began.

ADPs from March 2011 through October 2011 demonstrated moderate increases and decreases associated with normal seasonal fluctuations in arrests and convictions. However, this trend changed by the end of October 2011, with the implementation of realignment. We have recently experienced daily population counts that exceed our operational capacity of 581 (leaving 10% for vacancy for dynamic changes in population). On several occasions, the daily population has exceeded 600.

Many of the NONS are sentenced to terms of roughly 16 months. However, many have received sentences of 2 years, 3 years, and several up to five years. There is no upper limit to the length of sentence possible, and these individuals will gradually become a larger percentage of the population. There a growing number of persons in other jurisdictions who have received realignment sentences of more than 10 years, with some extreme examples approaching 20 years.

As of the end of May 2012, total realignment population system wide was roughly 25% of the jail's operational capacity. Full implementation impacts, as defined by the

California Department of Corrections and Rehabilitation (CDCR) are projected at less than what we are experiencing. We anticipate that bed space in the main jail will be more severely impacted and sooner than was originally projected by CDCR.

Many realigned inmates and parolees housed in our jail are criminally sophisticated with an extensive history of prior criminal offenses. The number of cells for sophisticated offenders is limited. As we reach that limit, we will be forced to reclassify housing arrangements and may be forced to release prisoners rather than risk mixing low-level offenders with the more sophisticated NONs. We have already reclassified some housing units and re-opened units that were closed due to budget and staffing cuts. This strategy has offered some short-term relief, but has resulted in jail cost increases.

Facility Services

SPACF Jail Timeline - The construction contract with McCarthy Building Companies (McCarthy) is nearing completion. County staff is working with our construction manager, Vanir, and McCarthy to resolve punch list items and ready the project for completion. Final inspection and occupancy is contingent upon approval of the City of Roseville Fire Marshal. McCarthy is resolving final fire alarm and smoke exhaust requirements with the Fire Marshal. Pending this final approval, a Certificate of Occupancy can be anticipated in July 2012. Facility Services is negotiating final change orders with McCarthy and will return to your Board with a recommendation for a Notice of Completion at the conclusion of those negotiations.

In anticipation of the warranty phase, your Board approved a contract for testing and operations services with CGL/Kitchell on March 27, 2012. CGL/Kitchell is now working with McCarthy, Facility Services, Sheriff and Probation in final Commissioning of the facility and initiation of operations during the Warranty Phase. Some of the first steps have included barcoding of all key equipment for efficient preventative maintenance, start up of a comprehensive Computerized Maintenance Management System (CMMS), training of CGL/Kitchell staff and implementation of additional services in existing contracts such as Fire Alarm, Generators and Emergency Power, Building Automation (Johnson Controls), automatic doors, custodial and many others. Facility Services and the Sheriff are coordinating the scope of all contracts within the SPACF to ensure coverage and cost-effective use of resources as the project becomes operational.

SPACF Kitchen Timeline - The Kitchen is a unique component of the facility, with hundreds of pieces of equipment valued at \$4.9M included in the project for a complete food service operation. Facility Services and Probation have worked to ensure that the Kitchen design, equipment and building systems support the Correctional Food Services program. The Kitchen has been designed to maximize efficiency of space, staff, equipment, and cold food storage.

With construction complete, County Staff is presently commissioning the kitchen and preparing it for acceptance along with the overall SPACF. Many of the pieces of equipment in a kitchen require continued operation and service in order to maintain warranty and safe operation. In negotiating extended warranty for the SPACF equipment during the warranty phase, it was determined that most kitchen equipment was not suitable for long terms of non use. The assemblies in equipment such as mixers, ovens and walk in freezers include motors, gaskets, bushings, refrigeration and compressed air systems that require some level of operation in order to protect

equipment and maintain warranties. Ideally, the new Kitchen should be put into operation soon after Occupancy.

The Correctional Food Services Division has also faced challenges at the current facility in Auburn with aging equipment that has now served beyond useful expectancy. County staff has been evaluating the most cost effective alternatives to deliver food services and make most effective use of the Auburn and SPACF kitchen facilities.

Probation – SP Kitchen

In evaluating Correctional Food Services (CFS) and the timing of occupancy and initiation of use of the SPACF Kitchen, county staff have evaluated multiple scenarios including: 1) Maintaining the status quo and “care-taking” the SPACF kitchen; 2) Using the warehousing space available in SPACF kitchen only; and 3) Initiating warehousing and production at SPACF using alternative sentencing participants, civilian staff or some combination in lieu of inmate staff. These scenarios have been evaluated and narrowed to one preferred solution, number 3 above, based on the overall costs and risk to the County and the following key considerations: 1) This plan should cost no more than \$250k above the current CFS proposed budget; 2) It avoids costly repairs to existing out-dated equipment in Auburn and the potential repair/replacement costs of \$4.9M of kitchen equipment past warranty at SPACF; and 3) It avoids the costs and liability associated with transport of inmate labor to and from Auburn to SPACF and the potential costs associated with additional security required for inmate labor.

Accordingly, Probation requests approval from the Board to finalize an interim plan at the SPACF kitchen that will utilize adult work release participants for production of bulk foods until such time as the jail becomes operational. The Probation Department will return to your Board during budget workshops to identify potential one-time funding options, expected to include: 1) Use of available FY 2011-12 Probation Department Fund Balance; 2) Cancellation of Probation Assigned for Contingencies Reserve; 3) Use of CEO Contribution to Public Safety - Probation Contingency funding.

Fiscal Impact

The Correctional Food Services estimated full-year cost increase of \$250K for FY 2012-13 will be funded at Board direction from one, or a combination, of the following one-time sources: 1) Available FY 2011-12 Probation Department Fund Balance; 2) Cancellation of Probation Assigned for Contingencies Reserve; 3) CEO Contribution to Public Safety - Probation Contingency funding. There is no anticipated fiscal impact to the General Fund. Costs for operation of the SPACF Kitchen in FY 2013-14 will be included in the Correctional Food Services FY 2013-14 Internal Services Requested Budget.

