

MEMORANDUM
OFFICE OF THE
COUNTY EXECUTIVE
COUNTY OF PLACER

TO: Honorable Board of Supervisors

FROM: David Boesch, Placer County Executive Officer
By: Bekki Riggan, Principal Management Analyst

DATE: November 5, 2013

SUBJECT: Public Safety Realignment (AB109) Update

Action Requested

Receive an update on second year implementation of Placer County's 2011 Public Safety Realignment (AB109) Plan.

Background

On April 5, 2011, California Governor Edmund G. Brown Jr. signed into law Assembly Bill (AB) 109, Public Safety Realignment, which dramatically shifted responsibility from the state to the counties for tens of thousands of offenders. In addition to seeking budget savings by closing the revolving door of lower-level inmates cycling in and out of prison, this legislation also became the cornerstone of California's plan for reducing the number of inmates in the state's 33 prisons to 137.5 percent of design capacity by June 2013, as ordered by the U.S. Supreme Court.

Realignment initially provided approximately \$450 million for distribution to counties in Fiscal year 2011-12 to implement these new responsibilities. In FY 2012-13, this increased to \$850 million and in FY 2013-14, the State allocated more than \$1 billion to be distributed among the counties. Placer County's first full-year allocation of \$6.3 million in FY 2012-13 increased to \$7.4 million in FY 2013-14, and is fully distributed in the departments' FY 2013-14 budgets.

Proposition 30 was passed by the voters in November 2012 increasing both income and sales tax and allowed the Governor to achieve his goal of providing AB109 funding and mandate protection for the state and local governments. However, even with guaranteed AB109 funding allocations, counties remain concerned that the amounts appropriated are insufficient to meet the requirements for detaining, supervising and programming these new offenders and to effectively address the complex drivers of recidivism.

Placer County's public safety officials have effectively navigated the first two years of AB109 implementation by ensuring the necessary components were in place to handle the incoming populations. As year three begins, they continue to meet regularly to assess system impacts from this legislation and to develop cost-effective strategies that protect the public and balance offender accountability with opportunities for rehabilitation.

Sheriff's Office
Capt Wayne Woo, Jail Commander

The Sheriff's Office has experienced significant impact during the second year of implementing AB 109, Public Safety Realignment. We have seen a dramatic increase in our average daily population (ADP), the number of releases granted under the federal consent decree, and increased violence in the Auburn jail facility. AB109 inmates currently account for roughly 50% of the sentenced inmate population, with our longest sentence at 8 years and 4 months. To date, full implementation impacts of AB109, as described by the California Department of Corrections and Rehabilitation (CDCR), are projected at less than what we are actually experiencing.

As we complete the first two years of AB109 implementation, the Auburn jail ADP has steadily climbed from 537 in 2010/11, to 588 in 2011/12 and recently reached 620 for 2012/13. The Auburn jail's capacity is 646, which equates to an operational capacity of 581, or 90% of facility capacity, in order to have the flexibility necessary to properly manage the inmate population according to their classification level. Capacity issues are further exacerbated by the increased level of sophistication demonstrated by the new AB109 inmate population.

With the Auburn jail under a federal consent decree due to an overcrowding lawsuit, we are forced to release inmates in lieu of operating an overcrowded facility. The federal order states we may release inmates at 90% percent of capacity (581) and must release inmates at our rated capacity, 646. This is accomplished through releasing pre-trial inmates on a promise to appear (PTA), or releasing sentenced inmates prior to the completion of their court ordered sanction, known as credit time served (CTS).

These PTA and CTS numbers have also shown a steady and marked increase since the implementation of AB109. PTA's have risen from 209 in 10/11, to 416 in 11/12, and reached 1453 in 12/13. Due to unavailable housing, we have also started to refuse inmate pickups when they are arrested in another jurisdiction on a Placer County warrant. In 12/13 we refused to pick up 354 inmates. The credit time served releases (CTS) have seen an increase as well. These releases have climbed from 106 in 10/11, to 193 in 11/12, and reached 515 in 12/13. The 515 inmates released early in 12/13 equaled approximately 11 years of un-served sentence time.

Managing this sophisticated inmate population has also become problematic and an officer safety concern. We have noted a steady increase in the amount of violence and contraband in the facility. The number of fights in the facility went from 136 in 10/11, to 134 in 11/12, and reached 238 in 12/13. The incidents of contraband have risen from 53 in 10/11, to 136 in 11/12, and reached 176 in 12/13. This past year the jail has experienced two small-scale riots involving 20-30 inmates. Due to the rise in violence, we have been forced to increase staffing levels in two direct supervision housing units in order to maintain the safety of the officers and inmates. This staffing level is not budgeted and will result in increased costs for corrections.

In May, 2013, your board approved a phase 1 opening plan of the South Placer Adult Correctional Facility. This plan will provide the jail with an additional 80 beds and provide for some housing flexibility to offset some of these impacts. Unfortunately, this addition will not completely solve the housing problems in our jail.

The Sheriff's Office will continue to make informed and fiscally responsible decisions that take into account public safety and our ability to positively impact recidivism rates. With new legislation, we are expanding our custody credits for participation in evidence based programs and will be instituting a work furlough program. We will continue to work with our public safety partners, Community Corrections Partnership, and the County's consultant on the Criminal Justice System Master Plan. However, with the current state of the jail and population projections, it is essential to open the remainder of the beds located at the South Placer Jail in order to maintain the balance and accountability needed in our criminal justice system.

Probation Department

Marshall Hopper, Chief Probation Officer

The Probation Department continues to focus on the objectives outlined in the Placer County AB 109 Public Safety Realignment Implementation Plan, including: ensuring a high level of public safety to the citizens of Placer County, holding offenders accountable through effective use of incarceration and community supervision, and providing evidence-based treatment and rehabilitation opportunities to appropriately screened offenders.

Since the onset of Realignment, Placer County has received 345 PRCS offenders. Currently there are 147 PRCS offenders under active supervision in our community. Sixty-five (65) offenders have successfully completed their 12 month term without a return to custody, meaning they did not incur any violations or new charges. Additionally, the Probation Department has supervised 23 offenders serving court-ordered split sentences. Realignment currently accounts for 10% of the in-county supervision population.

The Probation Department, in collaboration with the Placer County Special Investigations Unit, has maintained a balanced supervision approach with PRCS offenders, and has conducted 3,826 home visits and 3,392 office visits since realignment started, in addition to assessing the risk and needs of each offender.

Change within the Probation Department to accommodate AB109 and related legislation has not been limited to the supervision of PRCS offenders. The 147 PRCS offenders under Probation supervision are in addition to the 3,003 adults currently on formal probation. There are 497 offenders currently participating in Alternative Sentencing Programs, and 160 offenders participating in the Pretrial Program. To most effectively supervise these offenders, caseloads for all adult supervision staff have been restructured and optimized.

Probation staff has received evidence-based training and have fully embraced the use of these empirically-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, physical health, education, job skills, and/or life skills. To further aid this effort, Probation has integrated two HHS Practitioners within our staff to conduct offender needs assessments in Auburn and in Roseville. Since 2012, 921 offenders have been enrolled in and successfully completed various counseling and education

programs. In an effort to maximize the opportunities for successful rehabilitation and reintegration of offenders back into the community, the probation department continues efforts to identify offender needs early in the process and create effective case management strategies. To this end, the Court Unit, through the presentence investigation process, has begun making recommendations to the court that includes enhanced case management plans and a responsible step-down process from incarceration to release. Probation has also begun to recommend terms and conditions that will help ensure offender success, enhance public safety, and support repayment of restitution.

Finally, the Probation Department has taken several steps to further insure public safety, reduce victimization, and increase the success of offenders supervised in the community. The Transition Center at South Placer Justice Center, recently approved for construction, will enable offenders to attend rehabilitative courses and programs in a centralized location and under the supervision of the Probation Department. In addition, Fieldware received recent approval; enabling probation to implement out-going reminder calls for offenders scheduled for court, in an effort to expedite the court process by increasing court appearances, reducing court-ordered failure-to-appears (FTA's), thereby reducing impacts to our entire justice system.

Offender accountability, community supervision, and evidence-based programs and practices will continue to be priorities of the department. These philosophies and practices increase public safety, reduce victimization, and increase the collection of victim restitution while providing essential re-entry services as offenders reintegrate into the community.

Health and Human Services

Maureen Bauman, Director of HHS Adult System of Care

The Placer AB 109 Plan put in place two Practitioners who are assessing persons referred from Probation, Sheriff and Courts with assistance of additional county staff as needed. Persons both in custody and out of custody receive clinical assessments and treatment recommendations. There have been 253 persons referred and 210 persons assessed for the appropriate level of substance abuse and mental health treatment. All substance abuse treatment providers are operational at this time and providing a continuum of levels of care including in custody, residential, transitional housing and out client services. The appropriate level of care for effective recovery and public safety is determined by HHS clinical staff in coordination with probation. Over 225 persons have entered evidenced based substance abuse treatment programs. Thus far of those who finished or exited the program 49% successfully completed with many remaining in the programs

Early success indicators of those who have completed include employment and income, housing, family re-engagement and connection to other resources such as medical, mental health and veterans services.

Treatment for mental health is provided at two levels. A less intensive level includes medication, case management, and therapy, and at this time 52 people (about 22% of the population) have been assessed to need this level of care. This is up from the early report in which only 7 percent were assessed to need this level. The intensive out client

treatment that includes medication, resource assistance and 24/7 response is now serving only 3% of the population. This percentage is down from the original report however if there is an increased need additional capacity can be activated.

HHS providers are now providing enhanced coordination between probation, court and treatment by providing Probation staff with access to updated treatment progress for AB 109 participants. HHS staff is attending monthly community reintegration team meetings with the goal of expediting access to treatment.

Residential programs are nearing capacity in the first year and additional services are anticipated to be needed, particularly in the Roseville area. Transitional Housing is being utilized without client treatment as an effective alternative to residential.

The FY 2013-14 budget increased funding in the current year and will provide a new Assessment staff to increase the capacity to provide offender assessments. Additional resources will enable meeting a court request to assess persons who are pre-sentenced. The Probation Transition Center will be staffed by Assessment staff during specific hours and the provider and/or staff is expected to provide treatment in this program. Additional support staff will improve the data collection and reporting to better track the outcomes of treatment. Increased contracted treatment will meet the anticipated increased demand in the current year in the community and at the Transition Center.

Fiscal Impact

There is no fiscal impact associated with this presentation.

