

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
ACTION AGENDA SUMMARY

DEPT: Probation *JLS*

BOARD AGENDA # B-13

Urgent

Routine

AGENDA DATE June 10, 2014

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval of the Community Corrections Partnership Plan for Phase 4 of the 2011 Public Safety Realignment for Budget Year 2014-2015 and Other Realignment Related Actions

STAFF RECOMMENDATIONS:

1. Approve the Community Corrections Partnership Plan for Phase 4 of the 2011 Public Safety Realignment.
2. Authorize the Chief Probation Officer to sign all documents related to the 2011 Public Safety Realignment, including all contracts.
3. Authorize the Chief Probation Officer and the Sheriff to sign all contracts related to the Community Corrections Plan for Budget Year 2014-2015.

FISCAL IMPACT:

On April 4, 2011, Governor Brown signed Assembly Bill 109 (AB 109), which made fundamental changes to California's correctional system. AB 109 realigned custodial and community supervision responsibility for non-serious, non-violent, and non-sex offenders [also known as offenders sentenced under Penal Code Section 1170(h)], as well as supervision of lower level adult parolees returning from state prison sentences to counties. AB 109 did not contain funding for county agencies to implement the realignment shift and was not operative until funding was provided for counties.

(Continued on Page 2)

BOARD ACTION AS FOLLOWS:

No. 2014-282

THIS ITEM WAS REMOVED FROM THE AGENDA AND CONTINUED TO JULY 1, 2014. NO VOTE WAS TAKEN.

Approval of the Community Corrections Partnership Plan for Phase 4 of the 2011 Public Safety Realignment for Budget Year 2014-2015 and Other Realignment Related Actions

FISCAL IMPACT: (Continued)

On June 30, 2011, Governor Brown signed a series of legislative bills as part of the State budget that provided funding and made necessary technical changes to implement the public safety realignment program outlined in AB 109. The legislation enacting the financing and technical changes necessary was contained in Senate Bills 87 and 89 (SB 87 and SB 89) and Assembly Bills 117 and 118 (AB 117 and AB 118).

On September 20, 2011, the Board of Supervisors approved the Community Corrections Partnership (CCP) Phase 1 Plan for implementation of the 2011 Public Safety Realignment and approved a budget of \$6,166,085.

On June 27, 2012, Governor Brown signed a number of budget trailer bills (SB 1020, 1021, 1022 and 1023) related to corrections and public safety to complete the Fiscal Year 2012-2013 State budget. These bills provided changes to sentencing and procedures related to realignment, established the funding structure for the programs and services transferred to county responsibility under 2011 Realignment, and set each county's allocation for AB 109 for the next two fiscal years.

On July 24, 2012, the Board of Supervisors approved the Community Corrections Partnership Phase 2 Plan for implementation of the 2011 Public Safety Realignment and approved a budget of \$13,303,330.

On November 6, 2012, California voters passed Proposition 30, which provided constitutional protection of funding for public safety services related to Realignment.

On July 23, 2013, the Board of Supervisors approved the Community Corrections Partnership Phase 3 Plan and approved a budget of \$18,749,567.

On June 5, 2014, the Executive Committee of the CCP approved the local plan that included recommended expenditures in the amount of \$17,972,992. This was based on anticipated available funding for Budget Year 2014-2015 in the amount of \$18,105,209 as detailed in the table below.

FY 2014-2015 Anticipated Available AB 109 (Community Corrections) Funds	
FY 2013-2014 Community Corrections Anticipated Allocation	\$14,509,023
Community Corrections Partnership Planning (one-time)	\$150,000
FY 2013-2014 Anticipated Fund-Balance	\$1,800,000
FY 2012-2013 Growth Allocation*	\$1,646,186
FY 2013-2014 Growth Allocation	TBD
Total FY2014-2015 Available Funds	\$18,105,209

*FY 2012-2013 Growth Allocation was received October 11, 2013.

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The Fiscal Year 2013-2014 starting fund balance was originally projected to be \$4.4 million, but was actually \$5,476,985. Of this amount, on July 23, 2013 the Board of Supervisors approved an Agenda Item that set aside \$3 million for future costs related to the AB 900 Phase II Public Safety Center Expansion (maximum security and medical/mental health beds) and the use of \$1,090,544 for 2013-2014 Fiscal Year program costs.

It is anticipated that the Fiscal Year 2014-2015 budget will begin with at least \$1,800,000 in Fund Balance. This is primarily the result of having more significant fund balance at the beginning of Fiscal Year 2013-2014 than was previously anticipated due to difficulties in filling positions and slow start up of new programs. Also contributing to the \$1,800,000 in Fund Balance is that Behavioral Health & Recovery Services did not use their entire Phase 3 allocation because of vacant positions and the Community Services Agency was able to offset their Phase 3 allocation with alternate funding. These factors, as well as not needing to use any reserves contributed to the significant fund balance. The \$1,800,000 in fund balance does not include the \$3,000,000 that was set aside in Phase 3 for future costs related to the AB 900 Phase II Public Safety Center Expansion (maximum security and medical/mental health beds), nor does it include the Fiscal Year 2012-2013 Growth Funding in the amount of \$1,646,186 that will also be available for use during Phase 4. The Fiscal Year 2013-2014 Growth Funding has not yet been determined, but is expected to be received in October 2014.

Fund balance will be critical to the county in achieving a balanced budget for the upcoming year. One complicating factor is that counties will face a one-time, temporary drop in AB 109 funding based upon assumptions the State made in estimating workload associated with AB 109 implementation. When the State estimated workload, it modeled the shift in criminal justice population to counties. The two largest components are (1) the offenders who now serve time for lower-level felonies in county jail and (2) those who are supervised on post-release community supervision (PRCS) by county probation departments following release from state prison. The latter cohort was expected to diminish in the fourth year of implementation (Budget Year 2014-2015), and the state assumed a commensurate drop in funding. However, counties are seeing a flattening, but not a significant drop in the PRCS population. The table below details anticipated funding to be received by counties in the current fiscal year and the upcoming fiscal year based on the Governor's May Revision to the Budget Year 2014-2015 Proposed Budget.

AB 109 Funding (Actual/estimated cash received by fiscal year)			
In Millions	2013-2014	2014-2015	Difference
AB 109 programmatic funding	998.9	934.1	(64.8)
AB 109 growth	86.7*	50.8**	(35.9)
Total	1,085.6	984.9	(100.7)

*Actual, **Estimate

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A second complicating factor is that the Realignment Allocation Committee (RAC) has not yet agreed upon a recommended funding formula for determining county allocations. The funding formulas used to determine county allocations for the first three years of implementation were temporary and the RAC has been working to find a formula that is more equitable to counties that did not benefit from the previous temporary formulas. For planning purposes, the CCP Executive Committee agreed to use the Fiscal Year 2013-2014 allocation as an anticipated level of funding. Although the available AB 109 funding is expected to drop in Fiscal Year 2014-2015, there is a possibility that Stanislaus County's allocation could benefit from other factors being considered by the RAC including poverty and unemployment rates. The Executive Committee placed contingencies into the budget plan in the event the allocation decreases below the Fiscal Year 2013-2014 amount.

All staffing and programs previously funded during Phase 3 have been recommended to continue in Phase 4, with the exception of the Second Chances program. Additional funding for county agencies is recommended to pay for possible restoration of the 5% salary reduction, as well as increased retirement and health care costs associated with AB 109 positions. Contingent upon available funding, the CCP Executive Committee recommended one-time funding in the amount of \$1,000,000 to be set aside to help off-set future treatment and programming costs associated with the AB 900 Phase II Public Safety Center Expansion beds that will be constructed. In the event that the county's base allocation is decreased to the point that other programs and services could not be funded, then the set-aside of funds including any reserves would not occur. In the event the base allocation is decreased beyond what would be available through contingencies and reserves, then the CCP Executive Committee would reconvene to develop a balanced budget based on the known available funds, which would include a reduction in services and programs.

The following provides the detailed spending plan for the Budget Year 2013-2014 Community Corrections funds.

Community Corrections Partnership Budget

Sheriff's Department:

Staffing and Operational Costs	\$ 8,200,331
Programming and Services Costs	\$ 319,600
Total Sheriff's Department	\$ 8,519,931

Probation Department:

Staffing and Operational Costs	\$ 3,894,196
Programming and Services Costs	\$ 529,500
Crime Analyst Contract	\$ 84,000
Total Probation Department	\$ 4,507,696

Integrated Forensics Team and Mental Health Expansion:

BHRS Staffing and Operational Costs	\$ 2,116,210
CSA Staffing	\$ 132,000
Total IFT & Mental Health Expansion	\$ 2,248,210

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Chief Executive Office – Jail Medical Contract	\$ 500,000
District Attorney	\$ 412,085
Public Defender	\$ 200,000
Indigent Defense Fund	\$ 90,000
Regional Apprehension Task Force	\$ 100,000
AB 900 Phase II Public Safety Center Expansion	\$ 1,000,000
Nirvana Drug and Alcohol Treatment Institute	\$ 45,000
El Concilio	\$ 150,000
Community Correction Partnership Planning	<u>\$ 150,000</u>
Total Phase 4 Budget:	\$17,922,922
FY 2014-2015 Anticipated Allocation	\$14,509,023
FY 2014-2015 Planning Funding	\$ 150,000
FY 2014-2015 Use of Fund Balance	\$ 1,800,000
FY 2012-2013 Growth Funding	<u>\$ 1,646,186</u>
Total Available Phase 4 Funding	\$18,105,209
Anticipated Reserve/Contingency:	\$ 182,287

In Fiscal Year 2013-2014, \$18,749,567 was budgeted for Phase 3 of the Community Corrections Partnership budget. The County is using a rollover budget to serve as the Recommended Proposed Budget for Budget Year 2014-2015. The \$18,749,567 will be an interim spending plan for the Community Corrections Partnership Plan budget until the Recommended Final Budget is adopted in September.

DISCUSSION:

AB 117 delayed the operative date of the public safety realignment elements contained in AB 109 to October 1, 2011, and contained two designation requirements. By August 1, 2011, Board of Supervisors had to designate the county entity responsible for providing post-release supervision to local inmates sentenced under the realignment act, as well as those lower level inmates released on parole from the Department of Corrections. California Penal Code Section 1230(b) requires each county to establish a Community Corrections Partnership (CCP) and specifies the membership that comprises the CCP. AB 117 required that the CCP must recommend a local plan to the County Board of Supervisors for the implementation of the 2011

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Public Safety Realignment and that the plan must be voted on by an Executive Committee of each county's CCP. By statute, the current Executive Committee consists of the Chief Probation Officer as Chair, the Sheriff, the District Attorney, the Public Defender, the Presiding Judge of the Superior Court, and a local Chief of Police. The Board of Supervisors was required to appoint the final member of the CCP Executive Committee who had to be either the Director of the Department of Mental Health, the Department of Social Services, or Alcohol and Drug Programs. On July 26, 2011, the Board of Supervisors designated the Probation Department as the entity responsible for providing post-release supervision to inmates released pursuant to the Post-Release Community Supervision Act of 2011 and designated the Director of Mental Health/Alcohol and Drug Programs to serve on the Community Corrections Partnership Executive Committee.

Due to the uncertainty of the actual impacts resulting from realignment, the CCP agreed from the very beginning that a phased approach would be the most effective method for developing the public safety realignment plan. Phase I occurred during the first nine months of implementation and served as the initial foundation for addressing the realigned population going forward. Phase 1 provided a first glance at the preliminary impacts of realignment to inmate housing and community supervision, and the treatment and programming needs of the population to be served. The implementation plan included re-opening of beds at the Public Safety Center and supervision services to the Post-Release Community Supervision inmates, as well as expansion of staffing and services for the Sheriff's Jail Alternatives Program, the Probation Department's Day Reporting Center (DRC), the Integrated Forensics Team (IFT) and a Regional Apprehension Task Force. Many of the Phase 1 programs experienced delays with implementation primarily due to difficulties in hiring qualified staff. Behavioral Health & Recovery Services (BHRS), Community Services Agency (CSA), Sheriff and Probation all experienced delays in hiring. Both the Sheriff and Probation departments experienced higher than usual failure rates of backgrounds for peace officer applicants.

Phase 2, occurring in the second year, concentrated on adding and expanding programs, developing task force operations, and addressing the overall impacts to communities. Both the new and expanded programs experienced delays in start-up very similar to those experienced in Phase 1.

During Phase 3, the CCP Executive Committee recommended that all of Phase 1 and 2 programs and staffing serve as the core base plan going forward, with the exception of the Second Chances program which was only continued for one additional year to evaluate its effectiveness. In addition to the core programs, the CCP Executive Committee recommended adding new components to the plan. These programs and services included adding an Inmate Programs/Volunteer Services Director to the Sheriff's Department; funding five deputy probation officer positions at the Day Reporting Center; supporting costs related to Probation's use of Computer Aided Dispatch (CAD) and limited SR911 dispatch services; adding a Software Developer/Analyst to Behavioral Health & Recovery Services; adding a Victim Advocate, a deputy district attorney, and support staff to the District Attorney's Office; adding a deputy public defender and funding for the Indigent Defense Fund to the Public Defender's Office; contracting for residential drug and alcohol services through Nirvana Drug and Alcohol Treatment Institute;

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adding a Re-entry Program through El Concilio; and setting aside funding for future costs related to the new AB 900 beds under construction.

The CCP has met eight times since the Phase 3 plan was approved to review population projections and needs, program updates and impacts of realignment. Based upon previous guidance from the Board of Supervisors and the fact that base funding will be decreasing in Fiscal Year 2014-2015, the CCP took the approach to not add any additional programs and to fund only those programs showing positive results. Programs funded during Phase 3 were asked to provide a written review of their performance outcomes as justification for continued funding in Year 4. The full-body of the CCP was provided an opportunity to review the outcomes and ask questions of the program providers. The Executive Committee of the CCP then met on March 11, 2014, to review the program outcomes and feedback provided from the full-body CCP committee. With all members present, the Executive Committee unanimously recommended all programs continue with the exception of the Second Chances program, which had not achieved a level of desired outcomes for continued funding. Performance and outcome indicators for each of the funded programs are included in the attached 2014 Public Safety Realignment Plan.

Anticipated Outcomes for Phase 4

While each agency will track and monitor their own individual performance outcomes as justification for future funding, the Stanislaus County Phase 4 CCP plan has been developed with the goal of reducing repeat offenses by AB 109 offenders and thereby having a positive impact on crime rates in the community. Stanislaus County has contracted with Modesto Police Department for a Crime Analyst who will assist the county in measuring its progress towards reduced recidivism and crime rates. The Crime Analyst will evaluate new law violation arrests, convictions and sentences for the AB 109 population, as well as analyze jail data and crime rates to determine the overall impacts to the county.

POLICY ISSUES:

Board approval of the Community Corrections Partnership Plan for the 2011 Public Safety Realignment supports the Board's priorities of A Safe Community and Effective Partnerships. The Board may approve the plan or return it to the CCP Executive Committee for reconsideration with a 4/5ths vote.

STAFFING IMPACTS:

No additional staff positions are requested with this item. All existing county positions previously approved during the Phase 1 through 3 plans will continue to be supported in the Phase 4 Plan.

CONTACT PERSON:

Jill Silva, Chief Probation Officer. Telephone (209) 525-4598

**Stanislaus County
Community Corrections Partnership
2014 Public Safety Realignment Plan**



Background

On April 4, 2011, Governor Brown signed Assembly Bill 109 (AB 109), which made fundamental changes to California's correctional system. AB 109 realigned custodial and community supervision responsibility for non-serious, non-violent, and non-sex offenders, as well as supervision of lower level adult parolees returning from state prison sentences to counties. AB 109 did not contain funding for county agencies to implement the realignment shift and was not operative until funding was provided for counties. On June 30, 2011, Governor Brown signed a series of legislative bills as part of the State budget that provided funding and made necessary technical changes to implement the public safety realignment program outlined in AB 109.

The legislation enacting the financing and technical changes necessary was contained in Senate Bills 87 and 89 (SB 87 and SB 89) and Assembly Bills 117 and 118 (AB 117 and AB 118). These bills were extensive in nature and contained two designation requirements. By August 1, 2011, Board of Supervisors had to designate the county entity responsible for providing post-release supervision to local inmates sentenced under the realignment act, as well as those lower level inmates released on parole from the Department of Corrections. California Penal Code Section 1230(b) requires each county to establish a Community Corrections Partnership (CCP) and specifies the membership that comprises the CCP. AB 117 required that the CCP must recommend a local plan to the county Board of Supervisors for the implementation of the 2011 Public Safety Realignment and that the plan must be voted on by an Executive Committee of each county's CCP. By statute, the current Executive Committee consists of the Chief Probation Officer as Chair, the Sheriff, the District Attorney, the Public Defender, the Presiding Judge of the Superior Court, and a local Chief of Police. The Board of Supervisors was required to appoint the final member of the CCP Executive Committee who had to be either the Director of the Department of Mental Health, the Department of Social Services, or Alcohol and Drug Programs. On July 26, 2011, the Board of Supervisors designated the Probation Department as the entity responsible for providing post-release supervision to inmates released pursuant to the Post-release Community Supervision Act of 2011 and designated the Director of Mental Health/Alcohol and Drug Programs to serve on the community Corrections Partnership Executive Committee. On September 20, 2011, the Board of Supervisors approved the Community Corrections Partnership Phase 1 Plan for implementation of the 2011 Public Safety Realignment.

On June 27, 2012, Governor Brown signed a number of budget trailer bills (SB 1020, 1021, 1022 and 1023) related to corrections and public safety to complete the FY 2012-2013 State budget. These bills provided changes to sentencing and procedures related to realignment, established the funding structure for the programs and services transferred to county responsibility under 2011 Realignment, and set each county's allocation for AB 109 for the next two fiscal years.

On July 24, 2012, the Board of Supervisors approved the Community Corrections Partnership Phase 2 Plan for implementation of the 2011 Public Safety Realignment.

On November 6, 2012, California voters passed Proposition 30, which provided constitutional protection of funding for public safety services related to Realignment.

The Phase 3 plan was approved by the Board of Supervisors on July 23, 2013.

Public Safety Realignment

The enactment of AB 109 and subsequent related legislation resulted in fundamental changes to California's correction system.

Key components of public safety realignment include the following:

- Revised the definition of a felony to provide that non-violent, non-serious, non-sex offenses are punishable in county jail
- Transferred responsibility for post release supervision of lower-level offenders (those released from prison after having served a sentence for a non-violent, non-serious, and non-high-risk sex offense) with the creation of a Post Release Community Supervision (PRCS) offender category
- Established that all PRCS eligible offenders released from prison on and after October 1, 2011, after serving a prison term for a felony, shall upon release from prison and for a period not exceeding three years immediately following release, be subject to community supervision provided by a county agency designated by each county's board of supervisors
- Enhanced local custody and supervision tools by authorizing counties to use a range of community-based options, which may be provided by local public safety entities directly or through public or private correctional service providers

Population Impacts

Impacts to Jail Population:

During the period of July 1, 2013, and April 30, 2014, 515 offenders were sentenced to jail under Penal Code 1170(h). These offenders accounted for 582 separate sentences. 481 parole violators were arrested on parole violations. The 481 parole violators accounted for 860 separate arrests. Of these populations, Penal Code 1170(h) sentenced offenders were transferred to the Jail Alternatives program 114 times and only one parolee was transferred during the same period of time. Additionally, 164 parolees received a new sentence in addition to the parole violation. These 164 parolees accounted for 182 new sentences.

Impacts to Probation:

Between July 1, 2013, and April 30, 2014, 365 Post-Release Community Supervision (PRCS) offenders were released to community supervision for a total of 1,535 released since the onset of Realignment on October 1, 2011. Additionally for the same time

period of July to April, 79% (296) of the 373 offenders sentenced under Penal Code 1170(h) were sentenced to mandatory supervision. Since inception of Realignment, 82% (1,018) of the 1,235 offenders sentenced under Penal Code 1170(h) were sentenced to mandatory supervision. The California Department of Corrections and Rehabilitation (CDCR) no longer provides counties with population projections. The county has historically exceeded state projections in all categories provided by CDCR.

Community Corrections Partnership

The CCP was created to guide counties towards a plan that addresses the most effective ways to integrate the population and:

1. Maximize public safety
2. Use the taxpayers dollar in the most efficient way possible

The CCP consists of the full committee and an Executive Committee. The full Stanislaus County CCP body includes:

- Jill Silva, Chief Probation Officer (Chair)
- Rebecca Fleming, Executive Officer, Stanislaus County Superior Court
- Bill O'Brien, County Supervisor
- Birgit Fladager, District Attorney
- Tim Bazar, Public Defender
- Adam Christianson, Sheriff
- Galen Carroll, Chief of Police, City of Modesto
- Kathryn Harwell, Community Services Agency Director
- Madelyn Schlaepfer, Behavioral Health and Recovery Services Director
- Jeff Rowe, Alliance WorkNet Director
- Tom Chagnon, Stanislaus County Office of Education Superintendent
- Cindy Duenas, Center for Human Services Director
- Gay McDaniel, Stanislaus County District Attorney Victim Services

The Stanislaus County CCP Executive Committee consists of:

- Jill Silva, Chief Probation Officer (Chair)
- Galen Carroll, Chief of Police, City of Modesto
- Adam Christianson, Sheriff
- Birgit Fladager, District Attorney
- Tim Bazar, Public Defender
- Rebecca Fleming, Executive Officer, Stanislaus County Superior Court
- Madelyn Schlaepfer, Behavioral Health and Recovery Services Director

The CCP has met eight times since the Phase 3 plan was approved to review population projections and needs, program updates and impacts of realignment. Based upon previous direction from the Board of Supervisors and the fact that base funding will be decreasing in Fiscal Year 2014-2015, the CCP took the approach to not add any additional programs and to fund only those programs showing positive results. Programs funded during Phase 3 were asked to provide a written review of their

performance outcomes as justification for continued funding in Year 4. The full-body of the CCP was provided an opportunity to review the outcomes and ask questions of the program providers. The Executive Committee of the CCP then met on March 11, 2014, to review the program outcomes and feedback provided from the full-body CCP committee. With all members present, the Executive Committee unanimously recommended all programs continue with the exception of the Second Chances program, which had not achieved a level of desired outcomes for continued funding. Continuing programs then submitted their budgets, which were reviewed by the Executive Committee on April 15, 2014. The Executive Committee approved a draft budget with suggested adjustments. A final recommended budget was approved by the Executive Committee on June 5, 2014.

Public Safety Realignment Plan

Due to the uncertainty of the actual impacts resulting from realignment, the CCP agreed from the very beginning that a phased approach would be the most effective method for developing the public safety realignment plan. Phase I occurred during the first nine months of implementation and served as the initial foundation for addressing the realigned population going forward. Phase 1 provided a first glance at the preliminary impacts of realignment to inmate housing and community supervision, and the treatment and programming needs of the population to be served. The implementation plan included re-opening of beds at the Public Safety Center and supervision services to the Post-Release Community Supervision inmates, as well as expansion of staffing and services for the Sheriff's Jail Alternatives Program, the Probation Department's Day Reporting Center (DRC), the Integrated Forensics Team (IFT) and a Regional Apprehension Task Force. Many of the Phase 1 programs experienced delays with implementation primarily due to difficulties in hiring qualified staff. Behavioral Health & Recovery Services (BHRS), Community Services Agency (CSA), Sheriff and Probation all experienced delays in hiring. Both the Sheriff and Probation departments experienced higher than usual failure rates of backgrounds for peace officer applicants.

Phase II, occurring in the second year, concentrated on adding and expanding programs, developing task force operations, and addressing the overall impacts to communities. Both the new and expanded programs experienced delays in start-up very similar to those experienced in Phase 1.

During Phase 3, the CCP Executive Committee recommended that all of Phase 1 and 2 year staffing and programs serve as the core base plan going forward, with the exception of the Second Chances program which was only continued for one additional year to evaluate its effectiveness. In addition to the core programs, the CCP Executive Committee recommended adding new components to the plan. These programs and services included adding an Inmate Programs/Volunteer Services Director to the Sheriff's Department; funding five deputy probation officer positions at the Day Reporting Center; supporting costs related to Probation's use of Computer Aided Dispatch (CAD) and limited SR911 dispatch services; adding a Software Developer/Analyst to Behavioral Health & Recovery Services; adding a Victim Advocate, a deputy district attorney, and support staff to the District Attorney's Office;

adding a deputy public defender and funding for the Indigent Defense Fund to the Public Defender's Office; contracting for residential drug and alcohol services through Nirvana Drug and Alcohol Treatment Institute; adding a Re-entry Program through El Concilio; and setting aside funding for future costs related to the new AB 900 beds under construction.

Review of Programs Funded in Phase 3:

Bed Space

During Phase I, funding was utilized by the Sheriff's Department to re-open two living units within the Public Safety Center that had previously been closed due to budget reductions, increasing the inmate bed count by 150. During Phase 2, funding was increased to support re-opening of 72 beds at the Honor Farm. Funding supported both staffing and contracted treatment/program services. These additional 222 beds have been utilized to house and provide supervision and programming to the increased number of sentenced inmates and parole violators resulting from realignment. The Sheriff's Department has seen a steady rise in the Average Daily Population (ADP) of AB 109 inmates from 57 (5.5%) in October 2011 to as high as 356 (30.7%) as of March 2013. During Phase 3, the Sheriff's Department funded the following contracted services: Friends Outside, Literacy Center, Salvation Army and mental health services. During this period of time, 250 inmates graduated from the Friends Outside program. More than 300 inmate requests were processed by an Inmate/Family Receptionist. 163 inmates were served through the Literacy Center with 19 inmates graduating with their GED. The Salvation Army contract provides for use of five beds at the Salvation Army shelter. Mental Health Clinicians received 392 referrals and made 803 engagement contacts in custody. During Phase 3, a total of 515 inmates were sentenced to jail under Penal Code 1170(h). These 515 inmates accounted for a total of 582 sentences. This is an increase from the previous two years, in which 361 inmates were sentenced in Phase 1 and 415 inmates sentenced in Phase 2.

During Phase 3, 481 parole violations were arrested a total of 860 times. This is a decrease from the previous two years where 774 parole violators were arrested 1,218 times during Phase 1 and 714 parole violators were arrested a total of 1,417 times during Phase 2.

Jail Alternatives

The Jail Alternatives Unit consists primarily of two programs: the Alternative Work Program (AWP) and the Home Detention (HD) Program. During Phase 1, Jail Alternatives was expanded to increase the capacity of both programs in order to accommodate the increased population. During Phase 3, 114 inmates sentenced under Penal Code 1170(h) and one parole violator were transferred to the Jail Alternatives programs. This is a decrease from the previous year where 357 inmates sentenced under Penal Code 1170(h) and 55 parole violators were transferred to Jail Alternatives programs.

Sheriff's Personnel and Operational Costs

Funding was previously provided for additional staffing, training, equipment, and contract services. The department added staffing to support mental health escorts, transportation, classification/assessment, staff supervision, and support services. A total of 15 positions were added. Statistics related to these services are included under the Bed Space section above.

Jail Medical

To assist in dealing with the effects of AB 109 as it relates to the inmate population and the increase in the average stay of detainees, the use of \$500,000 for jail medical services was included in Phase 3 of the Community Corrections Plan. These funds were utilized to help offset the increases in the jail medical contract directly related to the opening of the new beds during Phases 1 and 2.

Post Release Community Supervision and Intensive Supervision Services

Phase I funding was used to provide additional Probation staffing and services associated with supervising PRCS offenders released from CDCR into the community. During Phase 2, funding was increased to add a second unit of supervision staff to supervise PRCS offenders and the increased number of offenders remaining in the community on mandatory supervision (PC1170h). Funding was added during Phase 3 to support the costs of five deputy probation officers assigned to the Day Reporting Center. These officers previously were assigned to the Day Reporting Center to supervise felony probationers; however, due to the increased AB 109 population being sentenced to mandatory supervision, these officers were solely supervising Penal Code 1170(h) offenders.

1,535 offenders were released on PRCS between October 1, 2011, and April 30, 2014. 1,235 offenders have been sentenced under Penal Code 1170(h). Of those, 82% (1,018) have been sentenced to mandatory supervision. Detailed recidivism data will be available upon the hiring of the Crime Analyst position.

Day Reporting Center (Expansion)

The Day Reporting Center (DRC) opened in February 2011, and was serving more than 100 probationers prior to realignment. With the increases to jail population and the inability to sentence non-violent, non-serious, and non-sex offenders to state prison, increased capacity at the DRC was needed. Phase 1 funding provided additional Probation staffing to handle the increased number of DRC participants, as well as expanded contract services for offenders at the DRC site. This funding continued during Phase 2 and was expanded to cover increases to programming and contract services at the DRC. From July 2013, to April 2014, the DRC averaged 180 offenders each month in the program. Of the 180 offender average, 72% of those offenders (or roughly 129) were AB109 offenders. The high number of offenders during this time

period was 202 (August 2013) and the low number of offenders was 144 (January 2014).

Probation Personnel and Operational Costs

During Phase 2, funding was provided to the Probation Department for a clerical supervisor position that is responsible for overseeing clerks performing realignment work. In Phase 3, funding was provided to offset costs related to the Department's use of Computer Aided Dispatch (CAD) and limited SR 911 dispatch services for AB 109 staff. AB 109 officers account for 41% of the officers conducting local community supervision. These officers are in the field 2-3 times more often than traditional units. Use of this system has ensured officers' safety while in the field. Funding also supported additional equipment and on-call services so the department could respond to law enforcement needs after hours and on weekends. From July 9, 2013, through May 19, 2014, on-call officers have monitored approximately 1,340 GPS alerts; responded to 265 calls from law enforcement officers or dispatchers; and authorized 129 "flash" incarcerations. In addition, they have received 100 calls from the county jail or public safety center (advising of a "GPS" release or requesting booking and miscellaneous information) and have conducted follow up with 30 victims when an offender has entered an "exclusion zone" or stopped tracking.

Crime Analyst

During Phase 2, funding was provided for a Crime Analyst position stationed at the Probation Department to track and analyze data relevant to criminal justice realignment. This includes helping to determine the profiles of the realigned population, trending county-wide crime rates and revocations, as well as assisting in determining the effectiveness of programs supported by realignment funding. The Crime Analyst position was filled in January 2013 following a new recruitment process and background investigation. The Crime Analyst attended trainings and began working with local and statewide analysts to assess available data to be collected. Unfortunately, the Analyst took a position with another agency leaving a vacant position during the fiscal year. The Probation Department conducted two separate recruitments and was not able to fill the position with a qualified applicant. The Department will be contracting with the Modesto Police Department for Crime Analyst services during the upcoming year rather than filling the existing position. The Department will have the benefit of existing Crime Analysts employed by the police department until the dedicated position is filled.

Integrated Forensics Team (Expansion)

According to Justice Center reports nearly 70 percent of adults entering jails have a substance abuse disorder and approximately 17 percent of adults entering jails and state prisons have a serious mental illness. Typically in Stanislaus County, these individuals are referred to programs provided by BHRS, such as the Integrated Forensics Team (IFT) or other programs supported by the Mental Health Services Act (MHSA). IFT is a multi-disciplinary program providing comprehensive mental health

and co-occurring services for adults on probation who are underserved and either homeless or at risk of homelessness, have frequent contact with law enforcement, and/or are frequent users of hospital and emergency room services. Services include: case management, crisis response, family support, housing and employment assistance, mental health rehabilitation, medication support, peer support and 24/7 coverage. Both IFT and MHSA programs were at capacity and not able to absorb the increased demands for service for the realigned population without expanding the existing programs. Most mentally ill offenders have either not had benefits established that would cover mental health treatment or they have had benefits suspended due to their incarceration, resulting in the increased demand for public assistance. Phase I and II funding was utilized to add staffing to expand the program capacity of the IFT program. This included staffing from BHRS and Probation that are part of the IFT team. Program capacity was expanded by 49. IFT staff utilizes the following evidence based practices: Assertive Community Treatment (ACT), Seeking Safety, Motivational Interviewing. Staff have also been trained in Moral Reconciliation Therapy (MRT). Phase 2 funding was increased to provide medication services, as well as psychiatry, nursing and supportive services for 100 AB 109 offenders. This programming experienced implementation delays during the startup year due to delays in both hiring of new staff and securing a permanent site for the program. Both of those issues were resolved prior to the onset of Phase 3. Between July 2013 and April 2014, 84 referrals were received with 57 (68%) being assessed. Of those 79% (45) were enrolled in the program.

Additionally, Phase 1 funding was made available to add a CSA Social Worker to the IFT program to focus on Supplemental Security Income (SSI) advocacy in order to establish benefits to support mental health treatment, thereby, reducing the need for public assistance. CSA was not able to fill this position during Phase 1. In Phase 2, this position was modified to two Family Services Specialists (FSS). Between July 1, 2013, and February 11, 2014, the FSS assisted 72 offenders in signing up for services.

Regional Apprehension Task Force

The Regional Apprehension Task Force was created in Phase 1 to apprehend offenders that did not show for mandatory probation appointments and jail alternative programs. During Phase 2 the program was expanded to include targeted search operations of AB 109 offenders. The task force consists of members from the Sheriff's Department, Probation Department and local police agencies. Funding has been provided for the past two years so that agencies would have the ability to be reimbursed for costs associated with these activities. During Phase 3, 13 task force operations took place involving 157 searches. The results of these activities are as follows: 145 collateral contacts were made; 34 individuals were arrested for new law violations; 18 were taken into custody on warrants and warrants; 20 were flash incarcerated or arrested on probation violations; and 2 were held on parole violations.

Second Chances California

During Phase 2, the Dependent Ranch, in partnership with the Thoroughbred Retirement Foundation (TRF), was provided funding for a pilot program called Second Chances California. Second Chances was located at the Sheriff's arena adjacent to the Public Safety Center and provided a vocational and educational program for PRCS and mandatory supervision offenders referred through the DRC. The program provided the opportunity for offenders to develop new life skills by getting to the heart of their personal issues, allowing them a new way to make decisions and reach goals. The program used equine assisted growth and development services and learning work ethics by a new vocation using retired racehorses. The program experienced implementation delays related to a slow start up during the first year. The program was allowed to continue for one additional year in order to evaluate its effectiveness. For the two years that it was in operation, the program received 38 referrals. Of those 17 were accepted into the program and as of February 2014, 4 had graduated the program. This program will not be recommended for funding in Phase 4.

District Attorney

The District Attorney (DA) is provided a separate allocation of funding for the handling of parole violation hearings; however, the funding formula used by the state was based on the assumption that state parole agents would be using "flash incarceration" as an alternative to filing formal parole revocation hearings. The state has since decided to not use flash incarceration as a sanction, thereby increasing the likelihood of more parole revocation hearings than projected. The funding allocation provided to the DA has been insufficient to address the additional workload related to parole revocation hearings. Additionally, no funding was provided to the DA to address impacts of new law violations by the realigned offenders. Increased supervision activities by probation staff and the Regional Apprehension Team have contributed to workload impacts for prosecutors, as well. Therefore, funding was provided to the District Attorney in Phase 3 to hire a deputy district attorney and support staff. Funding was also provided to hire a Victim Advocate to assist with victim services. During the first six months of Phase 3, 530 AB 109 cases were filed and prosecuted. 105 AB 109 cases were reviewed and rejected for filing. Between July 1, 2013, and February 1, 2014, the Victim Advocate assisted in 108 restitution cases, 66 case disposition and status notifications, 14 claims for Victims of Crime Compensation; 241 follow ups, and 14 court escorts.

Public Defender

Like, the DA, the Public Defender (PD) has been impacted by realignment through both parole violation hearings and new law violations. A deputy public defender was funded during Phase 3 to mitigate those impacts. Phase 3 funding was also provided for the Indigent Defense Fund (IDF) to help offset impacts resulting from both parole violations and new law violations. Between July 1, 2013, and January 31, 2014, 441 AB 109 cases were handled by the PD staff. 176 AB 109 cases were handled by the attorneys paid by the IDF.

Nirvana Drug and Alcohol Treatment Institute

Nirvana Drug and Alcohol Treatment Institute has been providing treatment services for corrections clientele since 1997. Residential treatment is more cost effective than incarceration and residents are in an environment set up for education and therapy to address their substance abuse issues. There are currently limited options for AB 109 offenders needing residential treatment in Stanislaus County. Funding was added during Phase 3 to support up to 30 clients per year to receive residential services through the program. Between July 1, 2013, and February 1, 2014, 30 offenders were referred by Probation to Nirvana. Of those referrals, they engaged 24 participants. Of the 24 participants, five remain in the program, 11 completed the program and 8 walked away. Nirvana is currently contracted for 2.5 beds per month; however on average receive 6 bed referrals per month. There are currently seven on the waiting list.

El Concilio

Phase 3 funding was recommended to implement a client Re-entry Program in Stanislaus County. Services included intensive wrap around case management services, as well as screenings/assessments and access to services, tracking and evaluating participants' progress, and coordination of services with other collaborative agencies. Case managers hold weekly check-ins with participants and link clients into services such as faith-based support groups, NA/AA, food banks, Salvation Army, and Good Will. The program was piloted in Stanislaus County and is similar to the Re-Entry program being provided by El Concilio in San Joaquin County. Since the inception of the program in July 2013, El Concilio has received 96 referrals from Probation. As of February 20, 2014, there were six clients in counseling, five attending NA/AA meetings and seven with mentors from participating churches. Nine participants are in a 12 week vocational training class, 29 have been assisted with resume development, 23 have been assisted with job readiness, and 15 are working full-time while 7 are working part-time. Six clients are applying for Social Security Insurance (SSI) and they have assisted 33 clients in getting their California Identification Card and driver's license. Additionally, they have assisted one offender with satisfying their outstanding fees, provided 45 offenders with hygiene products and 40 clients used their food basket program.

Phase 4 Plan

All staffing and programs previously funded during Phase 3 have been recommended to continue in Phase 4, with the exception of the Second Chances program. Additional funding for county agencies is recommended to pay for possible restoration of the 5% salary reduction, as well as increased retirement and health care costs associated with AB 109 positions. Contingent upon available funding, the CCP Executive Committee recommended one-time funding in the amount of \$1,000,000 to be set aside to help offset future treatment and programming costs associated with the new AB 900 beds under construction. In the event that the county's base allocation is decreased to the point that other programs and services could not be funded, then the set-aside of funds

would not occur. Any remaining AB 109 funds including carry over is recommended to be set aside as contingency to address any unforeseen issues.

Anticipated Outcomes for Phase 4

While each agency will track and monitor their own individual performance outcomes as justification for future funding, the Stanislaus County Phase 4 CCP plan has been developed with the goal of reducing repeat offenses by AB 109 offenders and thereby having a positive impact on crime rates in the community. Stanislaus County has contracted with Modesto Police Department for a Crime Analyst who will assist the county in measuring its progress towards reduced recidivism and crime rates. The Crime Analyst will evaluate new law violation arrests, convictions and sentences for the AB 109 population, as well as analyze jail data and crime rates to determine the overall impacts to the county.

Budget

Sheriff's Department:

Staffing and Operational Costs	\$ 8,200,331
Programming and Services Costs	\$ 319,600
Total Sheriff's Department	<u>\$ 8,519,931</u>

Probation Department:

Staffing and Operational Costs	\$ 3,894,196
Programming and Services Costs	\$ 529,500
Crime Analyst Contract	\$ 84,000
Total Probation Department	<u>\$ 4,507,696</u>

Integrated Forensics Team and Mental Health Expansion:

BHRS Staffing and Operational Costs	\$ 2,116,210
CSA Staffing	\$ 132,000
Total IFT & Mental Health Expansion	<u>\$ 2,248,210</u>

Chief Executive Office – Jail Medical Contract \$ 500,000

District Attorney \$ 412,085

Public Defender \$ 200,000

Indigent Defense Fund \$ 90,000

Regional Apprehension Task Force \$ 100,000

Nirvana Drug & Alcohol Treatment Institute \$ 45,000

EI Concilio \$ 150,000

AB 900 Treatment and Programming \$ 1,000,000

Community Correction Partnership Planning \$ 150,000

Total Phase 4 Budget: \$17,922,922

FY 2014-2015 Anticipated Allocation \$14,509,023

FY 2014-2015 Planning Funding \$ 150,000

FY 2013-2014 Anticipated Carry-Over \$ 1,800,000

FY 2012-2013 Growth Funding \$ 1,646,186

Total Available Phase 4 Funding \$18,105,209

Anticipated Reserve/Contingency: \$ 182,287

Next Steps

The CCP will continue to regularly meet to review population numbers, service and treatment needs, staffing levels and outcomes of enhanced/expanded programs in order to develop a recommended plan for the subsequent year. Each year's plan will be submitted to the Board of Supervisors for approval.