

Merced County
Public Safety Realignment
&
Post Release Community Supervision

2012 / 2013 Strategies

Executive Committee of the Community Corrections Partnership

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Table of Contents

Overview of 2011 Public Safety Realignment Act	1
Local Planning and Oversight	2
Populations Impacts and Outcomes – Year 1	3
2011/2012 Budget Revisited	4
2012/2013 Proposed Budget	5
Probation and Sheriff's Department Strategies	6
Treatment Strategies	8
Program Enhancements	10

OVERVIEW OF 2011 PUBLIC SAFETY REALIGNMENT ACT (AB109)

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) was signed into law on April 4, 2011. AB109 transferred responsibility for supervising specified lower level inmates and parolees from the California Department of Corrections and Rehabilitation to counties. Implementation of the Public Safety Realignment Act went into effect on October 1, 2011.

Additionally, Section 1230 of the California Penal Code was amended to read “Each county local Community Corrections Partnership established pursuant to subdivision (b) of Section 1230 shall recommend a local plan to the County Board of Supervisors for the implementation of the 2011 public safety realignment. (b) The plan shall be voted on by an executive committee of each county’s Community Corrections Partnership consisting of the Chief Probation Officer of the county as chair, a Chief of Police, the Sheriff, the District Attorney, the Public Defender, Presiding Judge or his or her designee, and the department representative listed in either section 1230 (b) (2) (G), 1230 (b) (2) (H), or 1230 (b) (2) (J) as designated by the County Board of Supervisors for purposes related to the development and presentation of the plan. (c) The plan shall be deemed accepted by the County Board of Supervisors unless rejected by a vote of 4/5ths in which case the plan goes back to the Community Corrections Partnership for further consideration. (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 AB109 include:

Target Population: The post-release community supervision population, released from prison to community supervision, is the responsibility of local probation departments and is inclusive of non-violent, non-serious, non-sex offenders with a prior PC 667.5 (c), PC 1192.7 (c) or registerable offenses pursuant to Penal Code section 290. The population that will serve their prison sentences locally includes the non-violent, non-serious, non-sex-offender group. The California Department of Correction and Rehabilitation (CDCR) estimated Merced’s “average daily population” (ADP) after full implementation (approximately 3 years) will be:

• Post-release Community Supervision	211
• Parole & Community Supervision Violators in Jail on Revocations	44
• Sentenced to Local Incarceration under AB109	<u>173</u>
	428

Local Planning and Oversight

Community Corrections Partnership

In the last four years, there have been statewide efforts to expand the use of evidence based practices in sentencing and probation practices, and to reduce the state prison population. Senate Bill 678 established a Community Corrections Partnership in each county, chaired by the Chief Probation Officer, charged with advising on the implementation of SB678 funded initiatives. AB109 established an Executive Committee of the CCP charged with development of the 2011/2012 Realignment Plan that implemented a county-wide programming plan for the realigned population, which was approved by the Board of Supervisors.

The CCP Executive Committee has advised on the progress of the Implementation Plan. Chaired by the Chief Probation Officer, the executive committee has overseen the realignment process and advised the Board of Supervisors in determining funding and programming for the various components of the plan. Voting members of the executive committee include: a Judge (appointed by the Presiding Judge); Chief Probation Officer; County Sheriff; District Attorney; Chief of Police; Public Defender; and one Director of County Social Services/Mental Health/Public Health (as determined by the Board of Supervisors). In Merced County, the Mental Health Director was designated by the Board of Supervisors as was the City of Merced Police Chief.

The 2011/2012 implementation plan received advisement from the CCP members on May 17, July 6, and August 10, 2011, and was approved by the Executive Committee on August 29, 2011. Subsequent CCP general meetings were held on January 23, March 5, and May 21, 2012. A Re-Entry Committee was established in February 2012 and held meetings on the following dates: February 17, March 20, April 24, and June 19, 2012. Additional CCP Executive Meetings were held on May 7 and June 25, 2012, when the 2012/2013 Strategies and Budget were approved. The following agencies and public entities have been involved in CCP re-entry and/or general meetings:

Probation Department	Total Self Insight
County Executive's Office	ACE Overcomers
Merced County Superior Court	American Civil Liberties Union
County Counsel	Behavioral Interventions
Sheriff Department	Potter's Place
District Attorney's Office	CPMP
Public Defender's Office	New Canaan Baptist Church
Human Services Agency	Life-Line, Inc.
Merced Police Department	BET/BHC Steering Committee
Mental Health Department	Love/Faith/Hope Baptist Church
DA's Office / Victim Witness	Merced Organizing Project
Workforce Investment	Symple Equazioni
Child Support Services	Aladdin Bail Bonds
Merced County Office of Education	St. Matthew's Church
Library – Adult Literacy Program	Journey for Justice
USP Atwater Re-Entry Program	Occupy Merced
Building Healthy Communities	Merced Prison Reform
HealthyCal.org	Community Social Model Advocates
A New Way	Local Community Representatives

Population Impacts and Outcomes (updated 8/1/12)

Projected Merced *PRCS Population (October 2011 – June 2012)

- PRCS Defendants to be released from CDCR to Probation: 135
- Parole Violators to be released from County Jail to Probation: 46
- Projected Population Total: 181**

Actual Merced PRCS Population Impacts (October 2011 – June 2012)

- Packets Received from CDCR: 218
- Deported: -5
- Transferred out to other counties: -22
- Actual Population Total to Date: 191 (+5.3%)**

*PRCS defendants are those who would have been released to State Parole prior to October 2011.

**1170 “Split Jail / Probation Cases” (October 2011 – May 2012)

- Defendants Sentenced by Merced Superior Court: **79**
- Of the 79 currently supervised by Probation: 39
- Of the 79 still in custody or on Sheriff Alternatives: 40

**1170 defendants are those who would have been eligible for prison prior to October 1, 2011. “Split” references 1170 defendants sentenced to both local jail and a period of probation supervision upon completion of their jail commitment.

Total Adult Probation Population Impacts

- September 30, 2011 3,603
 - May 31, 2012 3,936 (+8.5%)
-

AB 109 Recidivism to Date

Of the 235 offenders supervised by the Probation Department under AB109 since October 2011:

- Arrested for New Law Violations 47 (20%)
- Total Arrested for Felonies 39 (17%)
 - Drugs 18
 - Property 11
 - Violence 6
 - Firearms 1

2011/2012 Funding Summary

Merced County received \$2,824,824 for fiscal year 2011-12 based on the following Department of Finance formula:

- 60%: Average Daily Population (ADP) of offenders meeting AB109 eligibility criteria;
- 30%: U.S. Census Data pertaining to total population of adults in the County;
- 10%: SB678 Prison reduction outcomes.

Funding in the amount of \$89,560, was divided by the District Attorney and Public Defender for revocation activities, which is not included in the above calculation.

AB 109 APPROVED BUDGET FY 11/12

DESCRIPTION	COST	TOTAL
PROBATION SALARIES & BENEFITS		\$733,748
SERVICE & SUPPLIES		\$39,520
FIXED ASSETS		\$89,200
CONTRACT SERVICES		\$1,962,356
BI - DRC	\$600,000	
Electronic Monitoring & GPS	\$221,320	
Jail Custody	\$600,000	
Sheriff's Alternative Custody	\$359,256	
Sheriff's Alternative Custody - Equipment	\$60,000	
*MH Court - 1 FTE Clinician	\$91,780	
Vocational Training	\$30,000	
		\$2,824,824
FY 11/12 TOTAL ALLOCATION	\$2,824,824	

*The allocation for one full time mental health clinician was offset by Mental Health Services Act funds.

2012/2013 Proposed Budget

The following three budget formula options were developed by the State for Fiscal Year 2012/2013, with each county being awarded the most favorable formula and no less than double the 2011/2012 allocation:

1. 2011/2012 formula (see page 4).
2. County's population of citizens aged 18-24.
3. CDCR Average Daily Population.

The most favorable formula for Merced County is option #3 – CDCR Average Daily Population: \$5,208,630. The following proposed budget for Fiscal Year 2012/2013 was reviewed and approved by the CCP Executive Committee on June 25, 2012:

DESCRIPTION	COST	TOTAL
PROBATION SALARIES & BENEFITS		\$1,591,546
SERVICE & SUPPLIES		\$66,515
FIXED ASSETS		\$50,500
CONTRACT SERVICES		\$3,500,069
BI - DRC	\$699,996	
Monitoring & GPS - Probation	\$353,138	
Jail Custody	\$729,860	
S/O Alt. Custody	\$491,508	
S/O Alternative Custody - Equipment	\$60,000	
S/O Additional	\$800,000	
Vocational / Ed. / Employment Program	\$100,000	
Residential Treatment	\$50,325	
County Data Analyst	\$125,000	
TBD - Services	\$90,242	
FY 12/13 Total Allocation		\$5,208,630

Funding Breakdown

- | | | |
|--|-------------|-------|
| • Probation Operations & Alternative Sanctions | \$2,061,698 | (40%) |
| • Sheriff Operations & Alternative Sanctions | \$2,081,368 | (40%) |
| • Treatment & Educational Services | \$940,564 | (18%) |
| • County Analyst | \$125,000 | (2%) |

2012/2013 Strategies

The strategies that follow continue to take into consideration the multifaceted needs of the AB109 population and the resources necessary to achieve desired public safety outcomes. A cornerstone of all these strategies is a validated risk and needs assessment made possible through the Static Risk Offender Needs Guide (STRONG), which was implemented in 2011/2012 and is being administered by the Probation Department.

I. Sheriff's Department – County Jail Inmates

Additional inmates eligible for incarceration in the Merced County Jail include (1) those convicted of a felony now sentenced 16 months to 3 years in lieu of state prison; (2) violators of post-release community supervision; (3) violators of State Parole and formal PRCS revocations, up to 180 days (an exception is that paroled 'lifers' with revocation terms greater than 30 days will serve revocations in state prison); and (4) post-release community supervised offenders sanctioned with 'flash incarceration', up to 10 days for each violation.

2011/2012 Strategies for County Inmates

To address the increased inmate population, the Sheriff's Department utilizes alternatives to incarceration through alternatives to custody programs. By expanding the Sheriff's authority in the use of home detention and electronic monitoring, there are additional alternatives to incarceration available for both the pre-trial and sentenced populations.

2012/2013 Proposed Strategies for County Inmates: No Change.

II. Probation Department

2011/2012 Strategies for Supervision of Post-release Offenders

The Probation Department is designated as the county agency responsible for administering supervision and programs directed to the post-release community supervision population. This includes the full-range of options for community supervision spanning intensive community supervision, including arrest, search, and seizure; home detention with electronic monitoring; day reporting; residential substance abuse treatment; outpatient behavioral health treatment, including 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; incarceration up to 180 days as a formal sanction for violating conditions; and referral to special courts.

Post-release Community Supervision

The following strategies were implemented during the 2011/2012 fiscal year:

- Implementation of the STRONG assessment tool to identify offender risk, need and responsivity – the practice of assessing and identifying criminogenic risk factors contributing to ongoing criminal behavior, which can be changed through application of culturally, developmentally and gender appropriate interventions.
- Deputy probation officers have responsibility for intensive supervision of the post-release community supervision population. These officers administer the STRONG assessment tool to every post-release offender – consistent with the above referenced principles – and ultimately develop an individual case plan. This action guides

supervision intensity, treatment/program referrals, case management efforts and offender activities.

- Thus far, the Probation Department has been able to provide intensive supervision of PRCS offenders at an offender/officer ratio of 50:1. Of note, the American Probation and Parole Association (APPA) standards recommend a 20:1 caseload ratio given the assessed risk level of a supervised population, such as PRCS offenders.
- Collaborative case planning involving the offender, his/her family, probation officer, law enforcement and multiple service providers.
- Educational deficits are addressed through assessment of offender needs by Behavioral Interventions, Inc. Referrals to GED and high school diploma programming are provided and post-secondary education and vocational training referrals are made when appropriate.
- The Probation Department has actively explored a variety of alternatives to incarceration for use in managing the post-release community supervision population and responding to violations.

2012/2013 Strategies for Post-Release Supervision: No Change

Treatment Strategies

The following treatment strategies were identified for the specific needs of adult offenders:

I. Specialized Courts

The Superior Court made available a court room and Judge/Commissioner one day per week to operate special courts, including Behavioral Health and Re-Entry Courts.

A. Behavioral Health Court

Through a collaboration of the Court, Mental Health, Probation, Public Defender, and District Attorney, Merced County's first adult Behavioral Health Court began in April 2012. The Probation Department designated one deputy probation officer to oversee PRCS and probation offenders with high levels of behavioral health needs. The officer is tasked with supervising the offenders in the community and referring them to the Behavioral Health Court when additional attention is needed to address their adjustment to probation and performance in the community. The Court may impose alternatives to jail sanctions or order the offender into custody for violations of their terms and conditions. More importantly, the Court will reinforce and support the offender's treatment plan. Offenders are also referred to the Court to be acknowledged for successful participation in the community supervision and court program. The Probation Department contracts with Mental Health for a full-time clinician to treat this population and appear during court. The clinician and a deputy probation officer positions are funded utilizing Mental Health Services Act funds.

2012/2013 Behavioral Health Court Strategy: No Change.

B. Re-Entry ("Progress") Court

Through a collaboration of the Court, Probation Department, Public Defender, and District Attorney, the 2011/2012 implementation effort intended to establish a Re-Entry or "Progress" Court that would serve as a sanction for PRCS and probation offenders subject to formal revocations. The Re-Entry Court has been put on hold until after full-

implementation of the Behavioral Health Court. In the meantime, a CCP Re-Entry committee has been meeting regularly to identify meaningful transitional and/or re-entry services for local jail inmates. As a result, the Probation Department has dedicated one deputy probation officer to be housed at the county jail facilities in order to conduct risk and needs assessments and to refer detained probation clients to county and community services upon release.

2012/2013 Re-Entry Strategy: The committee will continue to convene to identify services for county jail inmates. The Probation Department and the Superior Court will revisit a Re-Entry or “Progress” Court when sufficient resources are identified.

II. Day Reporting – Behavioral Interventions, Inc.

Behavioral Interventions, Inc. (BI) has been providing an Adult Day Reporting Center in Merced since March 2008. Since then, over 400 adult offenders have participated in the intensive outpatient program. The average length of stay in the program is 150 days and average attendance is 89% for a minimum of 20 hours per week. The Probation Department has measured DRC outcomes utilizing recidivism rates following successful program completion. Since the inception of the program, just 26% of those who successfully completed the program have subsequently been rearrested for new law violations.

During 2011/2012, AB109 funds were utilized, in part, to expand the contract with BI to allow for 65 clients to be served at any given time.

2012/2013 Day Reporting Strategy: No Change.

III. Other County and Community Services

The Probation Department continues to utilize several county and community agencies to provide treatment and services specific to offender needs. For those offenders (PRCS and probationers) found through assessment as not in need of the multitude of services provided by the Day Reporting Center, they continue to be referred to any of the following specialized services throughout the community:

- Alcohol and Drug – Mental Health Department
- Mental Health Services – Mental Health Department
- Vocational – Human Services Agency & Workforce Investment
- Educational – Merced County Office of Education
- Residential Treatment
- County Library Literacy Program
- Drug Court
- Other Local Service Providers, including Domestic Violence

Recommended Program Enhancement

I. Vocational, Educational, and Employment Program

The Probation Department, Human Services Agency, Workforce Investment, and the Merced County Office of Education have initiated a collaboration to develop the Vocational, Educational, and Employment Program (VEEP) as part of the offender re-entry effort. The goals of the program include the following: to better prepare offenders for the workforce through assessment, training, and education; and setting up systems of support for their transition from a criminal to a non-criminal culture. While still in the planning stages, the collaboration may include the following efforts:

- Utilize a Human Services Agency case-manager to conduct educational and employment readiness assessments for probation clients who are either in or out of jail in order to identify career fields, career interest, and training and educational needs. The case-manager will then follow up with a referral to the appropriate employment and/or educational service based on assessment results and eligibility for service with the aforementioned departments (HSA, MCOE, DWI).
- Work with MCOE to develop a vocational training program tailored/customized for probation clients.

II. Residential Treatment and Sober Living

The Probation Department is developing a contract with Community Social Model Advocates, Inc. (CSMA) to provide women, including women with children, and men with alcohol and drug residential treatment for probation clients in need of long-term services. The CSMA homes are located in Atwater (women's home) and Merced (men's homes). CSMA is State certified as a residential treatment provider.

In order to serve residents of the Westside region of the County, which does not currently have a State certified residential treatment program, the Probation Department will seek to contract with A New Way sober living program. A New Way is approved and utilized by the Probation Department for transitional, re-entry, and drug treatment programs.

III. Data Analyst

To meet the data collection requirements of Assembly Bill 109, funds will be utilized to hire an analyst position to collect, compile, and analyze offender data. Data will be collected from the Sheriff's and Probation Departments on an ongoing basis for the following analytical purposes:

- Rates of Recidivism: probationers, split sentence, and PRCS offenders.
- Rates of Re-incarceration for Violators: above populations.
- Program Success: all AB109 programs and various existing probation programs.
- Jail population impact – parolees, probationers, split sentence, and PRCS offenders.
- Community crime rates / impacts of AB109.
- Identify strengths and weaknesses of AB109 planning and implementation.
- Cost effectiveness of AB109 funded efforts.
- Demographics and disproportionate minority contact review.

IV. Other Enhancements for Consideration

The Probation Department has received the following suggestions and proposals, which are being considered for funding during the 2012/2013 fiscal year:

- **Mental Health Department:** Increased mental health and AOD (alcohol and other drug) services for offenders housed in the County Jails.
- **Total Self Insight:** Counseling services to include life skills, domestic violence, anger management, and parenting skills. Proposal requests funding of \$20,500 for services to out-of-custody clients. The Probation and Sheriff's Departments to meet with TSI representatives to explore providing the listed services to the detained population.
- **The Potter's Place:** Assessment for educational and vocational needs (15 clients - \$1,875); literacy, GED, and tutoring (15 clients - \$60,000); counseling (10 clients - \$12,500). Total proposal requests funding between \$12,500 and \$74,375 for one or all of the listed services.
- **Love, Faith, Hope:** Faith based and secular services focused on adult personal and professional development. Formal proposal in progress.
- **Symple Equazions:** The P.O.W.E.R Process coursework employed by Symple Equazions is designed for adults and young adults that have been placed in community based treatment programs or housed in a correctional setting. The program aims to assist offenders with overcoming the inhibiting cycle of bad habits to personal empowerment through positive thinking. The regimen includes group discussions, activities and individual coursework, allowing participants to gain a healthier self-image, cognitive skills, sound values and the ability to make wiser decisions. Formal proposal in progress.