



AB109 PUBLIC SAFETY REALIGNMENT ACT

*San Bernardino County Community Corrections
Partnership ~ an 18-month Overview*

The Public Safety Realignment Bill, known popularly as AB109, was signed into law by Governor Brown on April 5, 2011. This report will give an overview of the impacts of AB109 since its inception through March 30, 2013 in San Bernardino County.



AB109 PUBLIC SAFETY REALIGNMENT ACT

San Bernardino County Community Corrections Partnership ~ an 18-month Overview

The Public Safety Realignment Bill, known popularly as AB109, was signed into law by Governor Brown on April 5, 2011. It represents the most sweeping changes to community corrections in a generation. Realignment focuses on several aspects of criminal sentencing, punishment, and community supervision. Certain offenders now are categorized as Post Release Community Supervision (PRCS), those for various non-serious, non-violent, non-sex related offenses. Rather than being committed to state prison as in the past, they now serve their sentences in local jails. They are referred to as “1170’s” due to the code section that describes their sentence. The legislation also transferred the responsibility for supervising these offenders upon their release to local county jurisdiction – county probation departments rather than state parole. Provisions of this bill took effect on October 1, 2011. Other key components include a mandate that offenders be released to the counties where they lived when the crime was committed; and one that prevents them from being sent to state prison for violation of their terms of supervision. Realignment also requires probation departments to utilize programs that have proven records of success for the treatment and rehabilitation of these offenders.

Post Release Community
Supervision (PRCS)

Realignment mandates that probation departments perform the job of supervising these PRCS offenders similar to those already placed on probation. With AB109, the California Department of Corrections and Rehabilitation (CDCR) is required to classify offenders only by the present committed offense. In other words, a person with a history of violence or serious crime, but has a less serious current conviction, qualifies for local incarceration and probation supervision pursuant to AB109.

Based upon CDCR’s own statistics, parolees released from prison have a 67.6% chance of returning to prison in the first year of their release and in San Bernardino County an 82.2% chance. If the parolee can remain crime free in the community for at least three years, the recidivism rate drops to 32%. It is recognized that we must hold individuals accountable for their behavior. At the same time, however, we must address the underlying reasons for criminal behavior: drug addiction, mental illness, an inability to gain employment, gang involvement, etcetera.

To provide rehabilitative resources immediately upon their release, the San Bernardino County Probation Department, with the support of a number of other agencies, is committed to helping PRCS offenders more easily transition back into their communities. To meet the

needs of offenders, we have created a “one-stop shop” of providers and resources at our three new Day Reporting Centers which opened on July 1, 2012. They are located in San Bernardino, Rancho Cucamonga and Victorville.

These centers offer transitional housing, mental health treatment services, employment, vocational training and placement services, substance abuse treatment, health screenings, adult education and many other resources. Participating county agencies include but are not limited to: Workforce Development, Behavioral Health, Transitional Assistance, Public Health, and the Department of Aging and Adult Services.

The past 18 months we have committed approximately 14% of our allocated realignment funds directly to rehabilitation and treatment programs. The Sheriff's Department has also been working to include intermediate sanctions and services such as electronic/satellite monitoring, work release, house arrest, short term incarceration, and fire crews. We believe that agency collaboration will assist PRCS offenders in the transition from criminal behavior to being productive citizens.

Our ultimate goal is to create a collective environment that helps fill the gaps in programs with a variety of rehabilitative services already present in our communities. We are very supported by the many contributions from community-based organizations.

This past 18 months, the Probation Department has provided or contracted for services for PRCS offenders, such as employment services, vocational training, transitional housing, case management, behavioral health, and substance abuse services. We believe that San Bernardino County is a model for service and treatment in response to the AB109 mandates. Through a multilayered system of county agency collaboration, community organization partnerships, the delivery of treatment services, effective community supervision, and advocacy of permanent funding

San Bernardino County won a California State Association of Counties (CSAC) Award in 2012 for the realignment program. The “Innovation Award” is the highest honor given by CSAC and only two were given in 2012.

streams, we believe with these strategies San Bernardino County can reduce recidivism and thus increase public safety.

Local Community Corrections Partnership

AB109 Required the Development of a Community Corrections Partnership Executive Committee. This committee consists of the following participants:

- Chief Probation Officer Michelle Scray Brown, Chairperson
- Sherriff John McMahon
- District Attorney Michael Ramos
- Public Defender Phyllis Morris
- Presiding Judge Honorable Marsha Slough
- Chief Jeff Mendenhall, Upland Police Department
- Human Services Assistant Executive Officer Linda Haugan

AB109

AB109 required the development of a local plan to address realignment. In addition to the Executive Committee, the Working Group, consisting of 21 members from various agencies, met for six weeks and developed the plan. All meetings were posted in accordance to the Brown Act and County Policy.

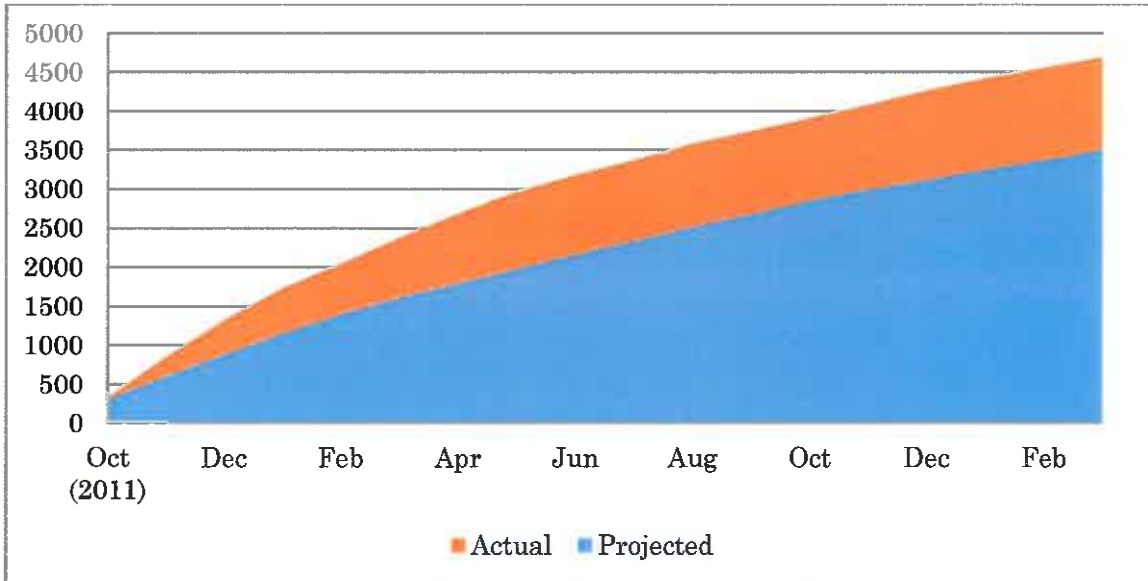
Realignment Goals

The goals specific to realignment were to downsize the State Prison system, establish community partnerships to determine local plans, incorporate re-entry principles into in-custody programming, incorporate evidence-based practices with Post Release Community and Mandatory Supervision, and render intervention, suppression and rehabilitative services based on risk and needs assessments.



Realignment To Date – PRCS Releases from Prison

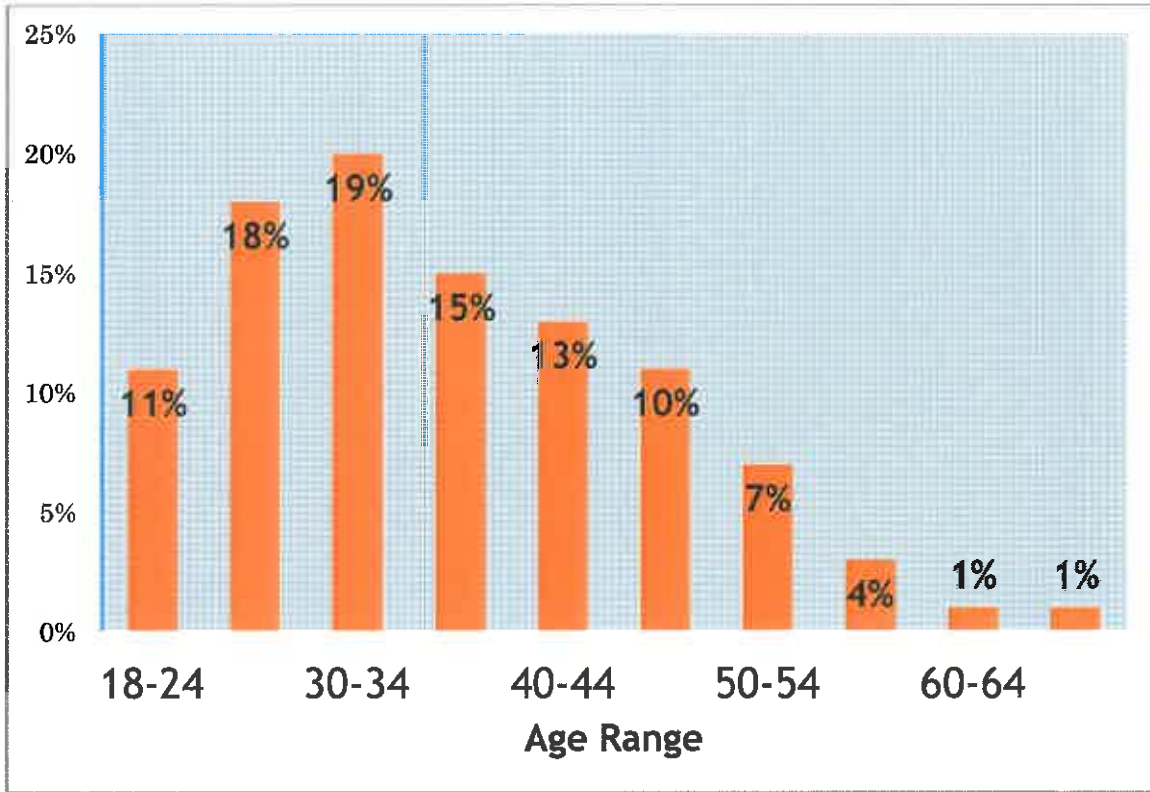
2011-2012 CDCR PROJECTIONS VS. ACTUAL PRCS RELEASES



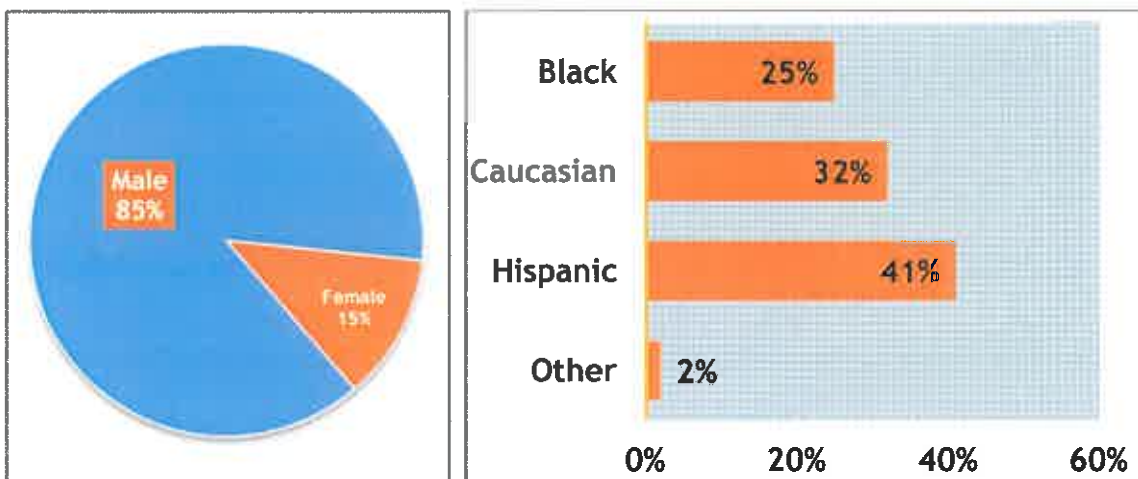
Projected Impact

Per CDCR, San Bernardino County was projected to receive approximately 3,549 Post Release Community offenders (formerly parolees) between October 2011 and March 2013. San Bernardino County actually received 4,828 offenders including transfers from other counties

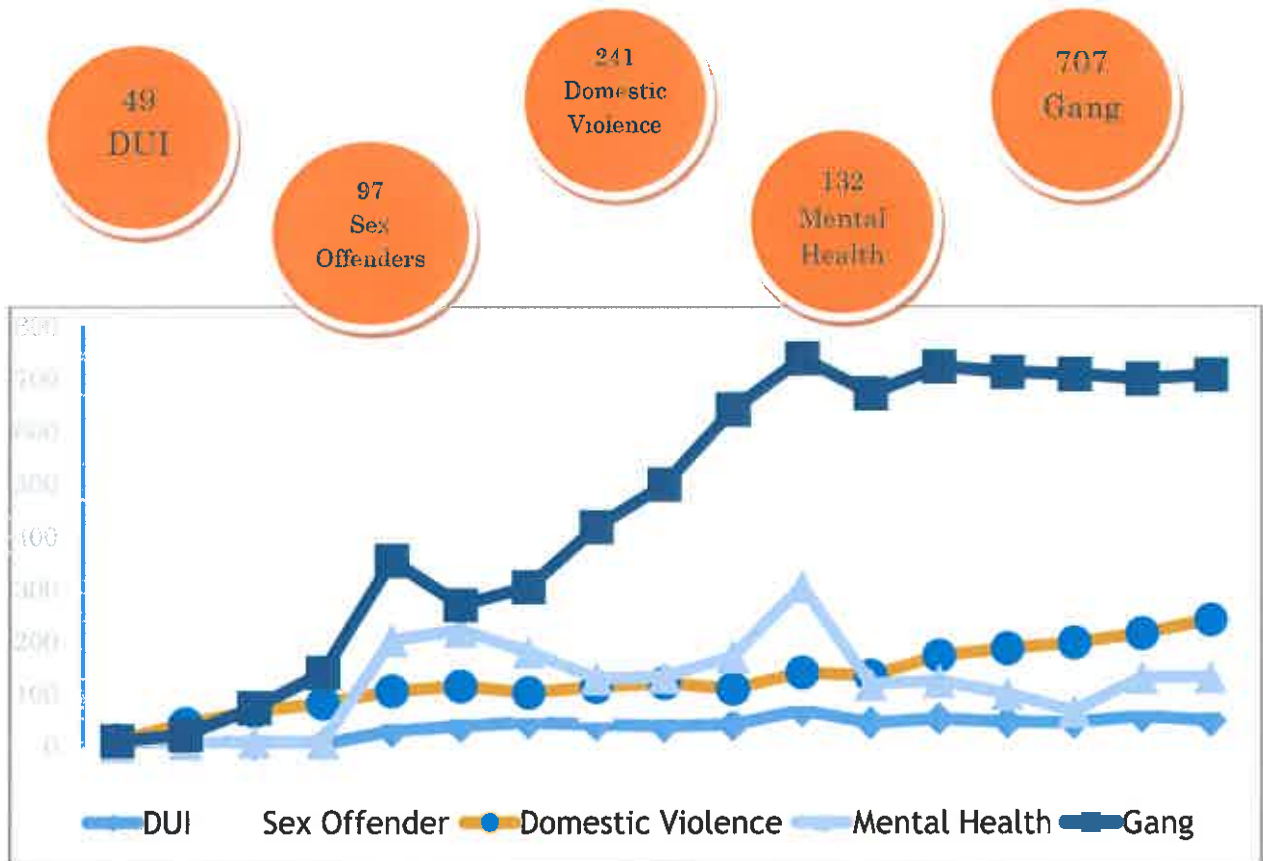
AB109 Demographics – Offender Age



AB109 Demographics Gender and Ethnicity (Combined)

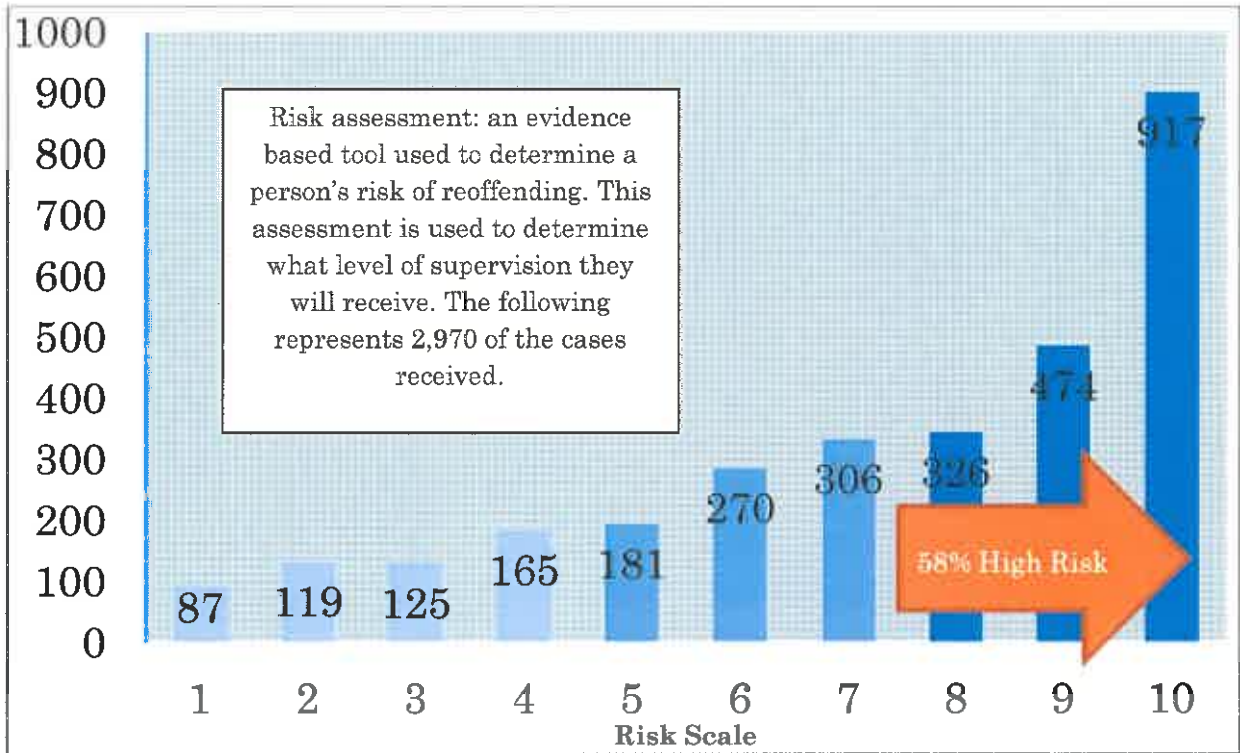


AB109 Specialized Units related to offender history

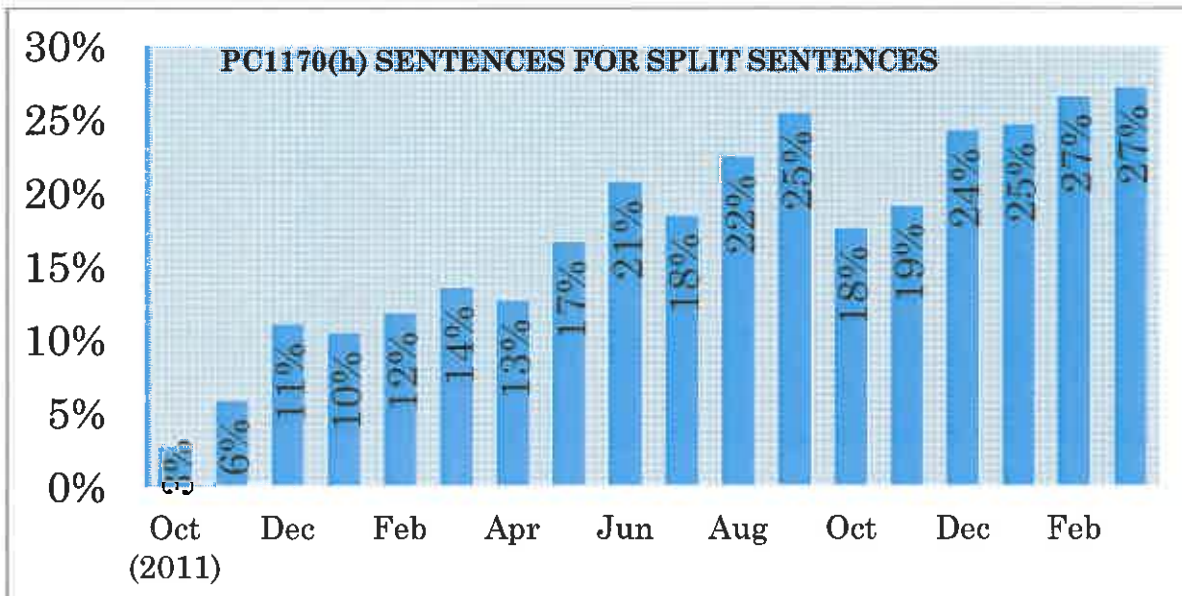


All Enhanced Outpatient Program (seriously mentally ill) offenders are provided with housing via DBH services and the cost is paid by Probation. Of the 4,828 PRCS offenders that have been released to the Probation Department, 1,515 offenders had a prior conviction for a violent or serious offense

AB109 Risk Assessment Scores



Realignment to date PC1170(h) sentencing

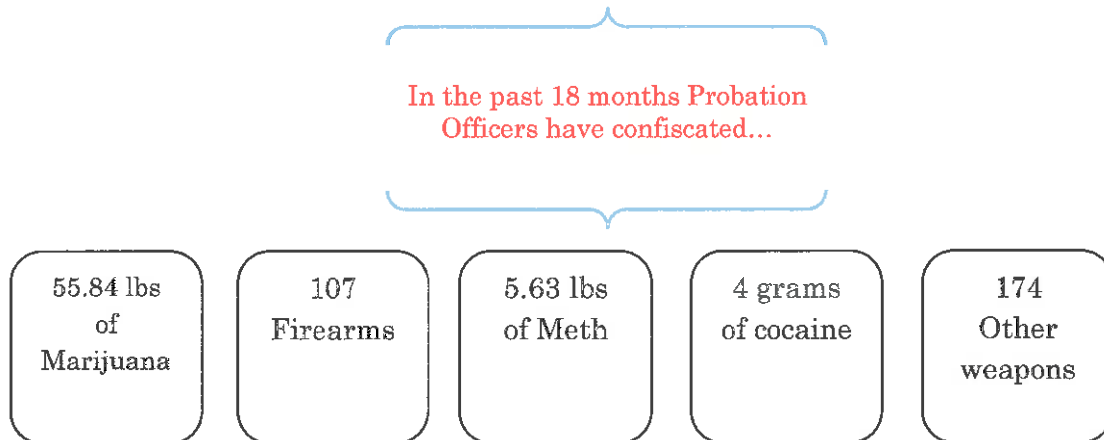


The Probation Department is committed to assigning trained Probation Officers to proactively supervise offenders, utilize Evidence Based Practices, risk assessments, and to develop community partnerships in order to provide appropriate and available rehabilitative treatment, and work collaboratively with local law enforcement to supervise offenders.

Supervision Strategies

- ✓ Supervision includes:
- ✓ Caseload Ratio goal: 1 Officer per 50 High Risk Offenders
- ✓ Proactive case management services
 - Required office reporting
 - Frequent home visits (announced and unannounced)
 - Searches and random drug tests
- ✓ Day Reporting Centers incorporating comprehensive services
- ✓ Flash incarceration (an intermediate sanction for PRCS offenders that allows them to be returned to custody for up to 10 days without a court hearing or petition being filed with the Court seeking to revoke their supervision.
- ✓ Local law enforcement operations
- ✓ Probation Officers assigned to Sheriff and Police Substations to target high-risk offenders
- ✓ Criminal Intelligence Unit
 - Analyze, collect, and disseminate information related to criminal activity
 - Determine tactical and strategic supervision and intervention services
- ✓ Operation safety/police and sheriff liaison officers
 - Probation Officers assigned to Sheriff substations and Police agencies throughout the County (currently 26)
 - Collaborative enforcement teams target high-risk and gang involved offenders
 - Immediate response to ensure safer communities
- ✓ Probation Apprehension Team
 - Officers concentrate on immediate threats to community safety
 - Apprehend AB109 fugitives, probationers at large and perpetrators of recent serious crimes
- ✓ 24 hour – 7 days a week on call Probation Officer
- ✓ Drug dogs

AB109 Outcomes Officer Activities



AB109 Programs – DRC

Services provided at three Day Reporting Centers:

- ✓ San Bernardino
- ✓ Rancho Cucamonga
- ✓ Victorville

Emphasis on rehabilitative services, intermediate sanctions, and close monitoring of offenders.

- ✓ Intermediate sanctions help to utilize jail space effectively

Reliance on collaboration between inter-agency services as well as community-based providers and organizations.

Collaborating agencies include:

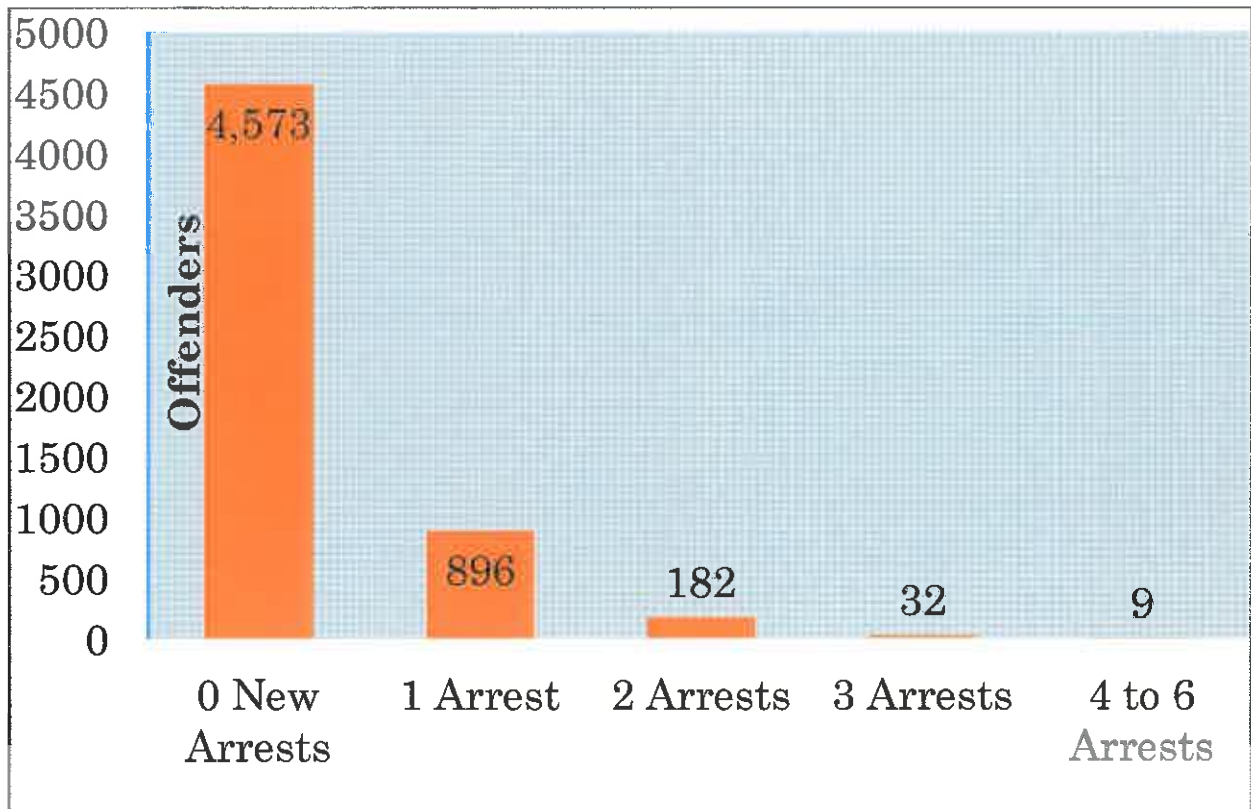
- ✓ Department of Behavioral Health
- ✓ Workforce Development Department
- ✓ Transitional Assistance Department
- ✓ Public Health
- ✓ Various Community based Organizations

Interventions and evidence-based programs implemented include:

- ✓ Substance abuse treatment
- ✓ Cognitive restructuring and behavioral modifications

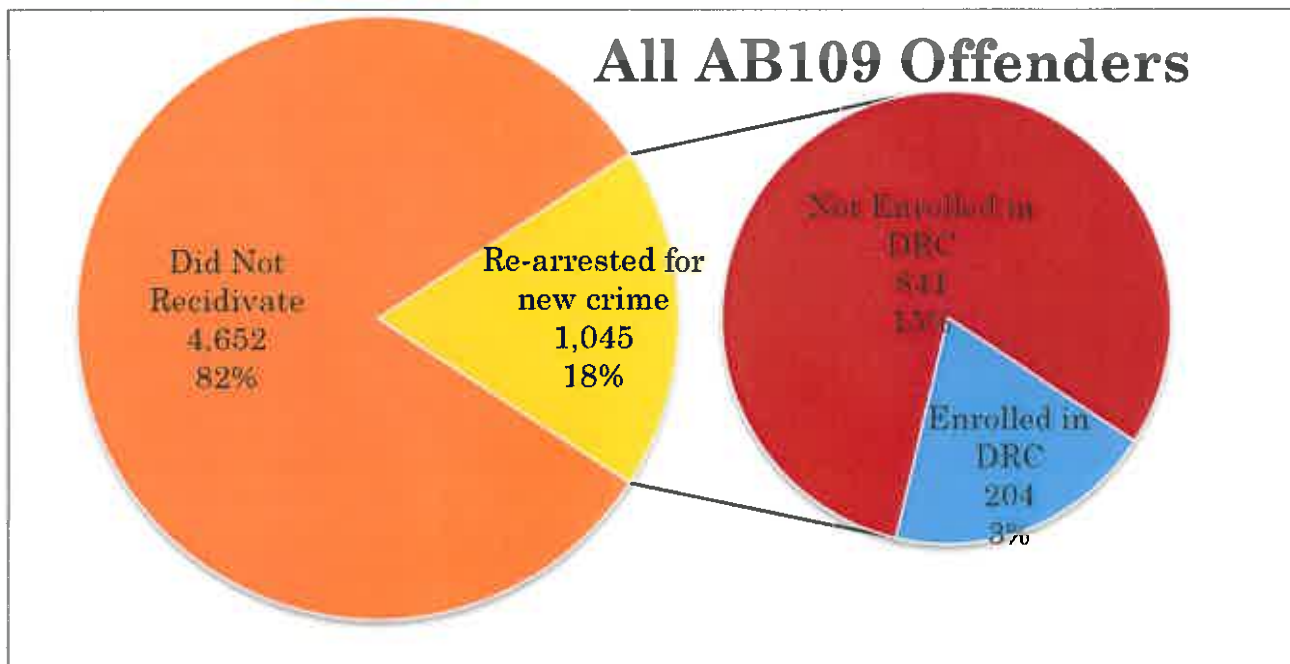
- ✓ Employment/job preparation services
- ✓ Vocational training
- ✓ Transportation services
- ✓ Education assistance
- ✓ Medical services
- ✓ Transitional housing
- ✓ Mental health services

AB109 Outcomes – Recidivism; Recurrence of re-arrests (Combined)(includes those sentenced under 1170(h))



Recidivism: a new felony or misdemeanor conviction while under supervision.

DRC Recidivism – Recidivism related to DRC Enrollment



Recidivism PRCS – Quick Facts

- ✓ Parole recidivism in San Bernardino County is 82.2%
- ✓ Parole recidivism statewide is 67.6%
- ✓ Total arrests (Technical Violations, Felony & Misdemeanor) is 37%
- ✓ Arrests (Felony & Misdemeanor – no Technical Violations) is 32%
- ✓ Convictions (Felony & Misdemeanor) 18%
- ✓ Convictions (Felony, Misdemeanor & Technical Violation 21%)

AB109 Impact for the Sheriff's Department

The impact of AB109 was more drastic than anticipated. Jails are now housing inmates for a longer period of time. Prior to AB109, the average length of stay was 41 days; currently it stands at approximately 182 days. The Department operates two jails under the Haas Agreement court order to eliminate overcrowding. Haas authorizes the sheriff's department to manage its jail population. The Haas agreement and the Board of State and Community Corrections (BCSS) rate the maximum number of inmates for each facility.

Adelanto Detention Center Expansion Project

Currently the Department is working on the expansion of the Adelanto Detention Center (ADC). ADC is the only Type II jail in the high desert region. ADC was purchased in 2004 and opened in 2006 to alleviate jail crowding. In 2008, ADC received AB900 grant funds to expand; construction of the expansion began in 2011 and is expected to be completed in late 2013.

Population Management

Prior to AB109, Glen Helen Regional Center was the primary facility for sentenced inmates. The Department currently has 227 inmates on work release, 3,123 weekenders, and 466 inmates on electronic ankle monitors. Since the implementation of AB109, 2,968 inmates who would have been housed in jail have been automatically placed on either electronic monitoring or work release to help alleviate overcrowding.

Inmate Classification

The Department is housing more inmates that normally would have been sentenced to state prison. Protective custody and high security populations have increased, along with the criminal sophistication. This has caused the Department to move inmate housing locations and modify its classification system.

Glen Helen Rehabilitation Center (GHRC)

Date Opened: 1960

BSCC Rating: 1068

Haas Rating: 1294

Central Detention Center (CDC)

Date Opened: 1971

BSCC Rating: 740

Haas Rating: not rated as this facility was closed at the time

West Valley Detention Center (WVDC)

Date Opened: 1991

BSCC Rating: 3072

Haas Rating: 3072

Adelanto Detention Center (ADC)

Date Opened: 2006

BSCC Rating: 706

Haas Rating: note rated as the department had not acquired the facility at that time

Increased Operational Costs since 2010 (Pre-AB109)

Inmates in custody for longer periods have led to higher health care costs. The number of nursing visits has increased by more than 25% since 2010. Pharmaceutical costs have risen 20% and dental visits and costs are expected to increase. Currently a 32-bed wing at ARMC is under negotiations.

AB109 Impact on District Attorney Operations

Impact of AB109 on District Attorney Operations has been felt on several levels: PRCS Revocation Hearings (discussed below), the impending diversion of state parole revocation hearings beginning July 1, 2013, and increasing case filings.

Currently, an average of 81 parole revocation hearings are conducted weekly (or a monthly average of 324). These matters, prior to July 1, 2013, are handled by the Board of Parole Hearings. Commencing July 1, 2013, the District Attorney will handle these state parole revocation hearings for any inmate released from prison or released directly onto parole after July 1, 2013. These matters will be conducted in the county courts. This will cause an approximate increase of 3,888 cases in county courts annually.

As for increased case filings, since AB109 implementation to March 31, 2013, 3,528 defendants have been sentenced to county prison. Subsequent to their release from county prison, 1,500 defendants have committed 2,055 new crimes within San Bernardino County. This amounts to 42.5% of the sentenced county prisoners committing new offenses.

PRCS Revocation Hearings

From implementation of AB109 to May 31, 2013, the District Attorney has handled 3,741 PRCS revocation hearings. In 2012, the District Attorney conducted an average of 155 revocation hearings per month. However, in 2013, that average more than doubled to 365 hearings per month. At this current pace, 4,378 hearings will be conducted by year's end.

Impact on Public Defender

Similar to the District Attorney, realignment has also affected the Public Defender's operation. First, realignment diverted a category of crimes from state prison to local custody time, introducing new sentencing options to the present complex sentencing scheme for felony cases. Second, as a result of realignment, the Public Defender now provides post-conviction defense representation for offenders convicted of various offenses that fall under community supervision. From October 2, 2011, through March 3, 2013, the Public Defender's Office represented PRCS offenders in 1,506 cases, requiring two to three appearances before resolution. In addition, after July 1, 2013, the Public Defender will assume defense representation for offenders who remain under the jurisdiction of state parole. Finally, corresponding to the increase in new case filings as noted by the District Attorney, the Public Defender's trial court caseload has increased approximately 4%.

Impact on Public Defender (continued)

In the post-conviction release unit, a Public Defender Social Service Practitioner assists attorneys with treatment plans and offender placement at the revocation hearings, handling 303 referrals since December 11, 2011. Common issues reported by PRCS offenders include homelessness, drug and alcohol addiction, mental health problems, and unemployment. Transportation continues to be an issue, especially for those living in remote desert communities. Inpatient drug and alcohol treatment has limited availability for the number of offenders that require treatment. Many of the high-functioning developmentally disabled offenders do not qualify for Regional Center services. Additionally, there is a lack of access to services and medication for offenders with mental health issues.

Human Services in Partnership

Human Services offers a partnership of services from the Department of Behavioral Health, the Department of Public Health, the Transitional Assistance Department, Children and Family Services and the Department of Aging and Adult Services. Together these agencies work in conjunction with the law and justice departments to offer a multitude of services to PRCS Offenders and their families.

DBH Services Overview

The Department of Behavioral Health (DBH) plays an integral role in providing behavioral health services to the AB 109 Realignment Population. At each of the respective Day Reporting Centers (DRC), DBH program staff complete a comprehensive needs assessment, along with also coordinating and directly linking this population to community resources such as medication support services, housing, and support groups (i.e. NAMI, 12-step programs). Additionally, PRCS offenders with a CDCR designated classification known as Enhanced Outpatient Program (EOP) receive intensive case management services prior to their upcoming release. This process provides DBH the opportunity to address need for continuity of care as they transition back into the community.

Other services offered include a continuum of care for alcohol and other drug treatment services, such as residential and outpatient treatment, recovery center services and other specialized services such as Narcotic Treatment Programs (NTP), Drug Court and Perinatal Services.

DBH provides a two-tiered approach for their delivery of services to the AB 109 Realignment population. Phase 1 includes case management (screening, referrals, and education); whereas Phase 2 will include the delivery of mental health treatment services at each of the DRCs, an intensive day treatment program in the city of Colton and lastly, an outpatient alcohol and drug treatment program at the Rancho Cucamonga DRC.

The AB 109 Realignment population may access DBH services through additional points of entry such as outpatient clinics, crisis walk-in centers, the mobile crisis response teams, and inpatient psychiatric and medical hospital settings.

A noteworthy achievement and major milestone reached since the inception of AB 109 was to have the Rancho Cucamonga DRC be the first in the state to receive Medi-Cal certification along with also being state certified to provide alcohol and drug treatment services on-site.

DBH – Next steps

While continuing to proudly service in this partnership, DBH will continue to enhance services and training to provide the most effective services available to the AB 109 Realignment population. DBH program staff receiving evidence based training along with Probation personnel being offered Crisis Intervention Training (CIT). Lastly, a HIPAA compliant data tracking system to gather and monitor statistical data and performance outcomes is under development.



BUDGET

Department	2013-2014 Total Allocations/Budgeted	2012-2013 Allocations
	\$66,181,209.00	\$55,845,571.00
Probation	27,908,628	23,862,404
Sheriff	28,407,422	25,141,920
District Attorney	2,843,626	1,429,001
Public Defender	2,169,593	1,010,566
Public Health	106,359	96,489
Children Family Svcs.	0	87,775
DAAS	82,169	74,544
DBH	4,335,308	3,845,216
WDD	195,000	176,904
TAD	6,695	6,074
HR	126,409	114,678
Total	66,181,209	55,845,571

Future

AB109 in San Bernardino County has proved to be a continuous work in progress that has evoked change, collaboration and creativity to find ways to deal with a difficult population and succeed. The future of AB109 will continue to present its challenges as CDCR has not yet reached its capacity agreement and another 9,000 PRCS offenders will need to be released to come into compliance with the court's orders. Finding local jail beds for long term sentences and providing effective services to offenders will be on-going issues. State and local data collection will serve a vital role in the coming years to determine the successes and areas of concern along the way.

Keeping the public well informed with factual information is a goal of the CCP. It is important to keep the public conscious of the changes impacting their communities and the positive work that will be done as we continue to work together.

AB109 has made significant changes in the Criminal Justice System in California. The residents of San Bernardino County should be proud of the collaborative effort and accomplishments made during the past 18-months. These efforts were recognized by the California State Association of Counties (CSAC) with an Innovation Award. Each year, CSAC presents awards to individual county departments that they recognize as being amongst the best county programs in the state. However, CSAC also presents "Innovation Awards," for programs that exceed the stringent standards applied for their program awards. In 2012, CSAC recognized 37 county programs from around the state, but only bestowed two "Innovation Awards." We were proud to receive one of these two awards for our AB 109 program. This honor was best described by then Board of Supervisors Chair Josie Gonzales, who stated, "These coveted awards send a message to our residents that their county is among the best in the state in terms of working hard and working smart to create better communities where families and businesses can thrive and prosper." We continue to move forward with our AB109 program, meeting the challenges of Realignment, mindful of this prestigious award and our commitment to public safety through innovation and excellence.

All of the members of the Community Corrections Partnership are dedicated to the ongoing collaboration to increase public safety in San Bernardino County.