



# Orange County Public Safety Realignment and Postrelease Community Supervision

## 2011 Implementation Plan

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As recommended to the Orange County Board of Supervisors

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# EXECUTIVE SUMMARY OF RECOMMENDATIONS

The Orange County Community Corrections Partnership (OCCCP) submits the following recommendations to the Orange County Board of Supervisors.

1. Consider and adopt 2011 Implementation Plan herein, as the County of Orange's Public Safety Realignment plan as required by California Penal Code (CPC) Section 1230.1 and the Postrelease Community Supervision strategy as required by CPC 3451 as added by the Postrelease Community Supervision Act of 2011 contained in AB 109 and subsequent legislation, hereby referred to as "Public Safety Realignment".

Although Public Safety Realignment delineates a funding formula for implementation of this legislation, it is uncertain whether the initial funding will accomplish the specified objectives of realignment, or to establish the framework necessary to implement the OCCCP plan within the time line set by the State of California. This plan contains recommendations for implementation within the initial funding allocated by the State.

2. Consider and adopt the following:

Electronic Monitoring/Home Detention Program for Persons under Postrelease Community Supervision

Pursuant to Resolution No. 11-111 of Orange County Board of Supervisors, the Orange County Probation Department is designated as the county agency responsible for implementing Postrelease Community Supervision as specified in CPC § 3451 as added by the Postrelease Community Supervision (PCS) Act of 2011.

Adopt Resolution (...) authorizing the Chief Probation Officer pursuant to CPC § 3450 to provide an electronic monitoring and/or home detention program for persons under PCS.

Home Detention Program

Pursuant to Resolution No. 89-425 of Orange County Board of Supervisors, the Chief Probation Officer is designated as the County Correctional Administrator for the purpose of administering the County Supervised Electronic (Home) Confinement Program as specified in CPC § 1203.016, in which inmates committed to the County jail or other County correctional facility or inmates participating in a Work Furlough program may voluntarily participate or involuntarily be placed in a home detention program during their sentence in lieu of confinement in the County Jail or other County correctional facility.

# **OVERVIEW OF 2011 PUBLIC SAFETY REALIGNMENT ACT**

The Public Safety Realignment Act was signed into law on April 4, 2011. Public Safety Realignment transfers responsibility for the incarceration, treatment and supervision of specified adult felony offenders from the California Department of Corrections and Rehabilitation (CDCR) to counties. Implementation of the Public Safety Realignment Act will begin on October 1, 2011.

Additionally, Public Safety Realignment amended CPC § 1230.1 to provide that each county's local community corrections partnership executive committee is responsible for creating and recommending a plan for the implementation of the 2011 Public Safety Realignment Act to its Board of Supervisors.

California Penal Code Section 1230.1 provides as follows:

- (a) Each county local Community Corrections Partnership Executive Committee 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, the presiding judge of the superior court, or his or her designee, and one department representative listed in either subparagraph (G), (H), or (J) of paragraph (2) of subdivision (b) of Section 1230, 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 the board rejects the plan by a vote of four-fifths of the board, 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 multi-service centers, mental health treatment programs, electronic and GPS monitoring programs, victim restitution programs, counseling programs, community service programs, education programs, and work training programs.

**Key Elements of Public Safety Realignment Include:**

*Target Population:* Prison inmates previously released on parole and non-revocable parole who are currently incarcerated for non-violent offenses pursuant to CPC § 667.5(c), non-serious offenses pursuant to CPC § 1192.7(c), and not high-risk sex offenders as defined by CDCR, will be released to local jurisdictions for supervision under PCS. These offenders may have prior violent or serious offenses, or be registered sex offenders not rated as high-risk.

The population that will serve their prison sentences locally includes those with no current or prior violent, serious, or registerable sex offender offenses. The CDCR estimates Orange County's "average daily population" (ADP) of these offenders will be:

- 1,750 Postrelease Community Supervision
- 220 Postrelease Community Supervision violators in jail on revocations
- 1,464 Sentenced to local incarceration with possible supervised release

It is projected that 3,434 offenders will be supervised in Orange County at full implementation requiring the full range of supervision, sanctions, including incarceration, and service resources available County wide. This population becomes a County responsibility as of October 1, 2011 when the Postrelease Community Supervision Act of 2011 is implemented.

**Additional Key Elements:**

- Redefining Felonies: Revises the definition of a felony to include certain crimes that are punishable in jail for 16 months, 2 years, or 3 years. Some offenses, including serious, violent and sex-offenses, are excluded and sentences will continue to be served in state prison.
- Local Postrelease Community Supervision: Offenders released from state prison on or after October 1, 2011 after serving a sentence for an eligible offense shall be subject to, for a period not to exceed 3 years, Postrelease Community Supervision provided by the Orange County Probation Department, as designated by the Orange County Board of Supervisors on July 26, 2011.
- Revocations Heard and Served Locally: Postrelease Community Supervision and parole revocations will be served in local jails (by law maximum revocation sentence is up to 180 days), with the exception of paroled 'lifers' who have a revocation term of greater than 30 days. The Courts will hear revocations of Postrelease Community Supervision while the Board of Parole Hearings will conduct parole violation hearings in jail until July 1, 2013 when that responsibility will be moved to the local courts.
- Changes to Custody Credits: Jail inmates will earn day-for-day credit for time served in custody. Time spent on home detention (i.e., electronic monitoring) is credited as time spent in custody.

- Alternative Custody: CPC § 1203.018 authorizes electronic monitoring for inmates being held in the county jail in lieu of bail. Eligible inmates must first be held in custody for 60 days post-arraignment, or 30 days for those charged with misdemeanor offenses.
- Community-Based Punishment: Authorizes counties to use a range of community-based punishment and intermediate sanctions other than jail incarceration alone or traditional routine probation supervision.

## **LOCAL PLANNING AND OVERSIGHT**

### ***COMMUNITY CORRECTIONS PARTNERSHIP***

In the last two 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. SB 678 (2009) established a Community Corrections Partnership (CCP) in each county, chaired by the Chief of Probation, charged with advising on the implementation of SB 678 funded initiatives. Public Safety Realignment established the CCP to develop and recommend a realignment plan for consideration and adoption by the Board of Supervisors.

The OCCCP will advise on the progress of the Implementation Plan. Chaired by the Chief Probation Officer, the OCCCP will oversee the realignment process and advise the Orange County Board of Supervisors in determining funding and programming for the various components of the plan. The OCCCP includes an executive committee that consists of the following voting members: a Judge (appointed by the Presiding Judge); the Chief Probation Officer; the County Sheriff; the District Attorney; a Chief of Police; the Public Defender; and the Director of County Social Services or Mental Health or Alcohol and Drug (as determined by the Orange County Board of Supervisors).

This plan was developed by OCCCP members, their designees and other key partners.

The planning group has been meeting to discuss funding methodology, policies and programming necessary to implement the plan. The implementation plan was voted on and approved at the September 29, 2011 meeting.

### ***PROJECTED FUNDING***

The level of local funding available through Public Safety Realignment is based on a weighted formula containing three elements:

- 60% based on estimated average daily population of offenders meeting Public Safety Realignment eligibility criteria
- 30% based on U.S. Census Data pertaining to the total population of adults (18-64) in the County as a percentage of the statewide population; and

- 10% based on the SB 678 distribution formula

Based on this formula Orange County is projected to receive \$ 25,734,096 for FY 2011-12 to serve approximately 3,434 additional offenders at any point in time. This funding includes:

Postrelease Community Supervision (PCS)/local incarceration	\$ 23,078,393
AB109 Planning grant (one-time funds)	\$ 200,000
AB109 Training and implementation activities (one-time funds)	\$ 1,628,450
District Attorney/Public Defender (PCS representation)	<u>\$ 827,253</u>
<b>Total</b>	<b>\$ 25,734,096</b>

The formula establishing statewide funding allotments for Public Safety Realignment implementation in Fiscal Year (FY) 2011-12 assumes \$25,000 per offender for six months of local incarceration, with each of these offenders allocated \$2,275 for rehabilitative services while incarcerated or in alternative incarceration programs. This same level of funding will be made available for parole violators serving a 60-day revocation, albeit on a pro-rated basis. Offenders on PCS are funded at \$3,500 per person for community supervision and \$2,275 per person for rehabilitative services (for a maximum of 18 months). The above formula establishing a statewide allotment was developed by the State Department of Finance and agreed to by County Administrative Officers (CAO) and California State Association of Counties (CSAC).

The funding formula is based on an October 1, 2011 implementation through June 30, 2012 and is for the first year only. CSAC/CAO's and the Department of Finance will revisit the formula for future years.

The funding recommendation for this plan includes:

Orange County Sheriff's Department	\$ 13,616,251
Orange County Probation Department	\$ 6,692,733
Orange County Health Care Agency	\$ 2,077,055
Orange County Municipal Law Enforcement	<u>\$ 692,354</u>
<b>Total</b>	<b>\$ 23,078,393</b>

These funding allocations are preliminary at this time and will be adjusted as needed as the plan becomes fully implemented.

## **PROPOSED IMPLEMENTATION STRATEGIES**

The proposed strategies that follow take into consideration the multifaceted needs of the Public Safety Realignment population, and the resources necessary to achieve desired public safety outcomes.

CPC § 3450(b)(7), as added by Public Safety Realignment, states that "fiscal policy and correctional practices should align to promote a justice reinvestment strategy that fits each county." Public Safety Realignment defines justice reinvestment as "a data-driven

approach to reduce corrections and related criminal justice spending and reinvest savings in strategies designed to increase public safety.” Orange County plans to utilize evidence-based practices and make use of alternative custody options.

## **I. SHERIFF’S DEPARTMENT – County Jail Inmates**

### **Projected Additional Number of Inmates**

The Orange County Sheriff’s Department (OCSD) believes it will see an average monthly jail population increase of 143 inmates per month totaling 3432 inmates over a 2-year period. The additional inmates include (1) those convicted of a felony; (2) the additional number of people in the county jail who are pretrial; (3) violators of postrelease community supervision; (4) violators of state parole up to 180 days (an exception is that paroled lifers with revocation terms greater than 30 days will serve time in state prison); and (5) Post release community supervisees sanctioned with flash incarceration of up to 10 days for each violation.\*

*\* These estimates are based upon data provided by CDCR*

### **Proposed Strategies for County Inmates**

To address these projected increases, OCSD will maximize county jail capacity and utilize alternatives to incarceration through existing and new re-entry programs managed by the OCSD’s Inmate Services Division, in concert with the Orange County Probation Department. Additionally, with the approval of this plan by the Orange County Board of Supervisors, OCSD in partnership with the Orange County Probation Department will make use of home detention and electronic monitoring for both pretrial and sentenced populations. This will be accomplished by expanding the Orange County Probation Department’s current Supervised Electronic Confinement (SEC) program.

### **Existing County Jails**

The Sheriff’s Department currently operates five jails: the Intake Release Center and four additional housing jails (Theo Lacy Facility, Central Men’s Jail, Central Women’s Jail, James A. Musick facility). The Central Women’s Jail with a 352-bed capacity is currently closed due to a low jail census and the James A. Musick Facility is also partially closed due to a low jail census and ongoing repair work. It is anticipated that all jail facilities will need to be fully operational within 6 to 12 months, which will require additional jail staffing and resources to meet operational needs.

### **Jail Expansion**

As part of the overall plan to realign responsibility for housing prisoners to the counties, the State, by way of AB 900 has created a competitive funding source for the expansion and/or construction of new jails. Orange County is well positioned to qualify for up to \$100 million of AB 900 grant funding with only a 10% requirement for matching funds. This level of funding could support

construction of approximately 750 jail beds. OCSD intends to pursue AB 900 funding aggressively and a portion of the revenue received through Public Safety Realignment could be used to make up the 10% matching fund requirement. This would reduce the need for general fund revenue and consign Public Safety Realignment funding directly to the areas impacted by its implementation.

### **Sentencing**

People convicted of non-serious, non-violent, and non-sex offense felonies will serve their sentences in the county jail. This change is prospective and will apply to anyone who is convicted on or after October 1, 2011. Typically these sentences will be 16 months to three years; this is longer than the average 90-day sentence currently served in California's county jails. Enhanced and consecutive sentences may create even longer sentences.

AB109 changes how credits for good time and work time are calculated from one day of good time and one day of work time for every six days served in jail to one day of good time and one day of work time for every 4 days served in jail. This means that inmates will be required to serve 50% of their sentence in custody, minus any credits for time served prior to their sentence as determined by the Court, instead of two-thirds of their sentence, which is the current law. This change will help mitigate, to some degree, the impact of longer sentences being served in the county jails. Further, all postrelease community supervision revocations and almost all parole revocations will be served locally. AB109 encourages the use of flash incarceration up to 10 days in county jail for postrelease community supervisees who violate their community supervision terms.

Further analysis is necessary once AB109 is implemented to determine accurately the impact on jail beds, alternative incarceration programs and court security/inmate transportation. Based on current population trends there is limited capacity for additional inmates before the closed Central Women's Jail needs to re-open. With these increases, expansion of in-custody programming is necessary to maintain safety and offer productive use of free time while incarcerated. Enhancements to existing jail programming and education are considered necessary. AB109 offenders will be assigned to programming based on eligibility criteria and availability. OCSD will work with the courts and CDCR parole personnel to provide programs and services to inmates serving time in the Orange County jail for a parole revocation to the extent possible within funding constraints. OCSD will continue to partner with community resources to expand programming and consider alternatives to incarceration through the Inmate Services Division of OCSD.

### **Community Programs and Alternatives to Incarceration**

OCSD will provide a number of alternatives to local incarceration and supervise people in these alternatives while they remain in the constructive custody of the Sheriff. These alternatives to incarceration are frequently utilized to transition

inmates back into the community. OCSD will increase reliance on alternatives to incarceration in order to manage anticipated population increases under AB109. The additional alternatives provided for by AB109 legislation include involuntary home detention and electronic monitoring for the pretrial population.

CPC § 1203.018 will allow OCSD to release prisoners being held in lieu of bail in the county jail to an electronic monitoring program under specific circumstances. The Sheriff and the District Attorney may prescribe reasonable rules and regulations under which such a program would operate. Specific eligibility criteria will limit the number and type of pre-trial prisoners eligible for this program.

Additionally, AB109 provides legal mechanisms to use alternatives to incarceration for sentenced populations. In Orange County, these alternatives may include electronic monitoring, home detention/confinement, residential treatment beds, substance abuse services, parenting classes, employment counseling and services, community work programs and transitional housing. An inmate under the supervision of OCSD staff may require multiple services as determined by their individual needs.

All jail programming and alternatives to incarceration managed by the Sheriff will be made available to AB109 offenders providing they meet eligibility criteria and space is available. Once an offender has been sentenced to the county jail, both jail program staff and OCSD staff will review the program and services the prisoner is participating in and develop a timeline and plan for the prisoner, if eligible, to transition from the county jail to an appropriate alternative to incarceration. Decisions regarding this plan will consider in-custody behavior, participation and progress in jail programs and services, the pre-sentence report and court commitment, eligibility based on current charges and prior convictions, and availability of the alternatives to incarceration best suited for the prisoner. OCSD, in partnership with the Orange County Probation Department will supervise people in alternative to incarceration programs through a highly visible community presence and random site checks. OCSD and Orange County Probation Department will provide a swift response if a person violates conditions of their participation in the program. Increased staffing for Inmate Services Division will likely be needed to implement these alternative programs.

At least 60 days prior to the inmate's date of release from OCSD custody, OCSD Inmate Services staff will meet with the Orange County Probation Department's Pre-Release Specialists to ensure a smooth transition at the time of the prisoner's release. Changes may be made to the preliminary transition plan at any time while the prisoner is in OCSD custody.

## **II. MUNICIPAL POLICE DEPARTMENTS**

Public Safety Realignment may have an impact on Municipal Law Enforcement; however, the impacts are unknown at this time. In light of this fact, Municipal

Law Enforcement agencies may be requested to provide enhanced services as needed to achieve the objectives of Public Safety Realignment. Upon request, Municipal Law Enforcement agencies may be asked to participate in enforcement and compliance activities. For these enhanced services, Municipal Law Enforcement agencies may be compensated as determined by the OCCCP.

### **III. DISTRICT ATTORNEY**

The Orange County District Attorney's Office will begin its involvement with the Post Release Community Supervision Revocation Hearings beginning on October 1, 2011. The District Attorney's Office will provide a full time experienced deputy district attorney to staff the revocation courtroom. This Deputy District Attorney will review petitions, negotiate pre-hearing revocation sentences as well as handle all revocation hearings. The District Attorney's Office will also provide office wide training in changes to the felony sentencing law pertaining to new felony cases as well as post release community supervision revocations. Moreover, the District Attorney's Office will work with the Court and the Orange County Probation Department in continuing to increase the effectiveness and efficiency of supervising post release community supervision defendants.

To further enhance local law enforcement's response to public safety realignment needs within the entire County, the Office of the District Attorney is preparing and sponsoring legislation that will require probation departments to provide ongoing critical identifying and case information on PCS offenders to police departments in the same manner that the CDCR is mandated to do pursuant to Penal Code section 3003.. Municipal law enforcement agencies have expressed a critical need to obtain such information on PCS offenders that are released in their jurisdictions, in the same manner that CDCR is mandated to do pursuant to Penal Code section 3003.

### **IV. PUBLIC DEFENDER**

The Public Defender's response to Realignment and the cases and clients that will be impacted by this restructuring will encompass a multidimensional approach. Staff will need to be fully versed in evidence-based practices, theories of appropriate incentives and sanctions, and the wide range of service needs of the clients. They will need to be effective advocates for those resource and service needs while at the same time being equally well versed in the legal issues and effective advocacy techniques implicated in the revocation process. They will be required to prepare and assist clients in the risk/needs assessment process to encourage honest data for reliable risk/needs conclusions to ensure the quality and viability of the case planning process. Public Defender staff are committed to working closely with the Orange County Probation Department's Realignment Team to help foster success for the shared goal of reduced recidivism while remaining effective advocates for their clients' needs and rights.

Clients who need access to case planning and life skills resorting will be able to

receive the support of a richly connected re-entry specialist paralegal. This staff member will assess client needs based on the comprehensive intake interview and immediately begin to link them to services, while coordinating with the Orange County Probation Department's Realignment Team. Working with Probation to identify the participating clients, the paralegal will be able to coordinate and advocate for the needed services. The paralegal will also, as warranted, accompany the client to critical appointments to help promote the success of the linkage.

The assigned attorney staff will help coordinate and identify those services best designed to promote successful reentry programming. This may include, in addition to the resources of the reentry paralegal, referrals to Collaborative Court Programs and other evidence based programming. Staff workloads in the Collaborative Court programs are expected to increase as this new population filters into these courts. The assigned attorney staff will also assist in the training of deputy public defenders in evidence-based programs and services and the corollary risk/needs assessments, as these are critical components of Realignment. This plan, and the resources provided for by these funds, addresses only a limited portion of the impact of Realignment on public defense representation. Additional attorney, investigator and paralegal staff may be required to appropriately represent the clients affected by Realignment's new paradigm.

The Department's New Leaf program provides relief for those who have worked past their convictions and seek to 'clean up' their records to avoid the barriers that such convictions present to employment, housing, public benefits and various other life sustaining services and citizenry goals. Outreach is done to shelters, community based programs and the jail, and Realignment will increase the numbers of clients who are seeking these services and relief. Often coordinated with the motion work involved in this assistance is linkage to needed services, such as employment support, tattoo removal, job training, and benefits referrals and advocacy. The Public Defender's Office experience in case managing these clients, along with its work in its other client service programs, will contribute to the overall Realignment success.

## **V. SUPERIOR COURT – Revocation of Community Supervision**

The Court will assume responsibility for Postrelease Community Supervision revocation hearings beginning October 1, 2011. Pursuant to proposed California Rules of Court 4.540 and 4.541<sup>1</sup> and upon receipt of a petition for revocation of community supervision<sup>2</sup> from the supervising agency, the Court will accept and

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<sup>1</sup> Proposed California Rules of Court supporting implementation of the criminal justice realignment are currently out for public comment. The proposed amendments are being circulated on a special cycle and have been posted to the California Courts web site, at <http://www.courts.ca.gov/policyadmin-invitationstocomment.htm>. The comment period closes August 17, 2011.

<sup>2</sup> Proposed Petition for Revocation of Community Supervision is Judicial Council form CR-300 that will be adopted for mandatory use. The proposed form is being circulated on a special cycle and has been posted to the California Courts web site, at <http://www.courts.ca.gov/policyadmin-invitationstocomment.htm>. The comment period closes

file the matter for action. Within 5 court days of filing the petition, the Court will conduct a probable cause review based on information contained in the petition and the written report of the supervising agency. The Court will prescribe the date and time of the revocation hearing within 45 days of filing of the petition unless time is waived or the Court finds good cause to continue the matter. The Court will provide a hearing officer, courtroom facility, interpreter services and the means to produce a record. The Court will comply with reporting requirements to local and state agencies when defined.

## **VI. PROBATION**

### **Projected Additional Number of Offenders on Local Supervision**

CDCR estimates there will be 1,750 offenders during the initial phase of realignment each day on county Postrelease Community Supervision. These include inmates released from state prison who would have otherwise been placed on state parole and offenders in jail on violations. In addition, the County will be responsible for 1,464 offenders sentenced to County incarceration and potentially placed on supervised release by the Court.

### **Proposed Strategies for Supervision**

As referenced above, there will be two new populations supervised by the Orange County Probation Department. This includes the full range of options for community supervision spanning intensive community supervision, home detention with electronic monitoring, day reporting, residential substance abuse treatment, outpatient behavioral health treatment (e.g., substance abuse, mental health, sex offender, batterer's intervention), urinalysis testing, cognitive behavioral interventions, restorative justice programs, community service, family strengthening strategies, referral to education, vocational training/employment services and housing resources, and imposition of up to 10 days jail (PCS only) as a sanction for violating supervision conditions.

The Orange County Probation Department is committed to achieving better outcomes for offenders by using Evidence-Based Practices. The department's quest to improve public safety through Effective Correctional Practices has been supported by a technical assistance grant from the National Institute of Corrections (NIC). The Crime and Justice Institute (CJI) has provided consultant expertise as our department has employed components of the "What Works" practice, launching the "Implementing Effective Probation Practices" (IEPP) project. The goal is for the department to focus its resources on programs that are proven to work.

The Orange County Probation Department has utilized a validated risk/needs assessment instrument since the mid-1980s. This instrument has been the foundation to implementing evidence-based practices known to reduce

recidivism. The tool allows the department to differentiate an offender population into groups with different probabilities of reoffending, so resources can be effectively and efficiently allocated according to risk. Probation is currently undergoing an independent, comprehensive revalidation study by the Council of State Governments Justice Center.

### **Postrelease Community Supervision Unit**

The term of Postrelease Community Supervision will not exceed three years, and individuals may be discharged following as little as 6 months of successful community supervision. Those who remain violation free for twelve months must be discharged pursuant to law. Supervisees may be revoked for up to 180 days; all revocations will be served in the local jail. Postrelease Community Supervision shall be consistent with evidence-based practices demonstrated to reduce recidivism.

Orange County Probation Department has created a specialized supervision unit with responsibility for intensive supervision of the PCS population. The unit's staff will administer the risk/needs assessment tool to every PCS offender and ultimately develop a case plan identifying criminogenic needs. The Orange County Probation Department utilizes the Integrated Case Management System (ICMS) as the primary conduit to case information and management. ICMS is a web-based application that allows everybody within the department with a right to know case information in order to effectively meet the needs of the offender, the courts and the community.

A key component of successfully implementing Public Safety Realignment relies on creating an effective violational hearing process combined with consistent imposition of graduated sanctions in response to violations of supervision conditions. Promoting immediate, certain, consistent and fair responses to violations is an evidence-based, research-supported adjudication strategy. A continuum of interventions allows the Probation Officer to consider offender risk, the severity of the violation and the behavior of the offender to link the consequence to the case plan objectives. Incentives for compliance will be offered with each sanction, such as reduction in duration. Additionally, when an offender achieves a certain milestone in supervision, (e.g., completes substance abuse treatment); the Probation Officer will identify an appropriate reward. This establishes a decision-making structure for Orange County Probation Department staff to ensure consistency in responses to violations. A methodology of this type is important given the fact a provision in Public Safety Realignment allows discharge of offenders on PCS following six months of violation-free supervision.

Given the anticipated high-risk level of PCS offenders, Orange County Probation Department projects additional Deputy Probation Officers are needed to provide more intensive supervision of this offender.

Another key element of enhanced supervision with the Public Safety Realignment population includes an emphasis on actively engaging the offender's family in the supervision process. A family focused model, tapping into available positive supports in the client's social ecology and building capacity within the family has proven effective in improving outcomes with high-risk offenders. The Orange County Probation Department will continue to work collaboratively with the Social Services Agency on the development of plans for those offenders who have family members who are child welfare clients.

It is likely that many offenders will require a wide array of services from multiple County agencies and community based organizations as part of a plan to promote reintegration into the community and reduce the risk of recidivism. Collaborative case planning is the focal point of this active engagement approach involving the offender, his/her family, Probation Officer, law enforcement and multiple service providers (e.g. housing, employment, vocational training, education, physical health, nutritional supports, behavioral health, and pro-social activities). Individual factors such as strengths, risk factors, needs, learning style, culture, language and ethnicity are integral to determination of appropriate interventions and services. In addition to these important considerations, the Risk/Needs Assessment will determine the level of supervision the probationer requires and identify the type of evidence based treatment and services the probationer needs to be successful on supervision, promoting the goals of reducing the risk of re-offense and increasing pro-social functioning and self-sufficiency.

### **Reentry Division and Pre-release Team**

The Orange County Probation Department currently has an Adult Reentry Unit that targets newly granted persons on probation and probation violators. The Orange County Probation Department will replicate this model to prepare the offender for successful community reentry, which includes offender accountability, public safety and offender rehabilitation. This approach will utilize an interview and assessment in order to identify and link clients with appropriate community resources and services that are specific to their needs. For offenders that are in custody, the cornerstone of the reentry program will be the working relationship and collaboration between the Orange County Probation and Sheriff's Departments. This will maximize the opportunity to engage the offender in reentry planning prior to the completion of their jail sentence and release from custody into the community.

### **Center for Opportunity Reentry and Education (CORE)**

The Orange County Probation Department in collaboration with the Orange County Department of Education established a Day Reporting Center to reduce the costs of incarceration and provide offenders with the necessary education and life skills. The program provides adult probationers the opportunity to earn High School Diplomas or General Education Development (GED) Certificates, as

well as develop the life skills, employment skills and behavioral modification that has been lacking in their lives.

### **Day Reporting Center**

The Orange County Probation Department plans to open several regional adult day reporting centers, as collaborative and evidence-based one-stop service delivery sites. It is anticipated that each day reporting center will accommodate approximately 50 individuals in varying stages of intervention and supervision. As part of the collaborative model, the Health Care Agency (HCA) will seek the participation of community based treatment providers for needed services. This includes mental health and substance abuse treatment, domestic violence, child abuse along with vocational, education and job preparation services. The Orange County Department of Education proposes to address the offender's educational deficits by continuing the educational programming initiated while in the Sheriff's custody when they are released. In addition to providing core academic instruction to advance participants toward a high school diploma or GED certificate, they will use the Microcomputer Evaluation of Careers and Academics to assess the offender's career and vocational aptitudes. Work Shop Facilitators along with Deputy Probation Officers will also provide Thinking for a Change (T4C). T4C is an integrated, cognitive behavior change program for offenders that includes cognitive restructuring, social skills development, and development of problem solving skills. Budgeting and money management training is also a component of this program.

### **Law Enforcement Contact**

To enhance communication and provide access to probation records, the department will assign peace officer staffing for contact after regular business hours. This is designed to provide the ability for local law enforcement to obtain specific case information on offenders supervised by the Orange County Probation Department.

## ***VII. HEALTH CARE AGENCY – Treatment and Health Services for Offenders under Postrelease Community Supervision***

The Health Care Agency has identified several programs that can be made available to offenders who have untreated substance abuse and mental health issues.

### **MEDICAL AND PUBLIC HEALTH SERVICES**

#### **Medical Services Initiative (MSI) – Insurance for Low Income Individuals**

MSI is a Federal, State and County funded healthcare program that provides medical care for Orange County's low-income citizens. It provides a full range of medical services for County residents 19 through 64 years of age. All program participants are assigned to a "medical home" that coordinates all aspects of their care and assures the appropriate referral to other providers as needed. The MSI program contracts with all of the County's key clinics and hospitals and

provides integrated care through contractual relationships with surgery centers, skilled nursing facilities, urgent care facilities, "minute clinics" and a variety of diagnostic centers and programs. Financial eligibility is determined on a case-by-case basis; however, only persons with annual incomes below 200% of the Federal Poverty Level are eligible. In applying for the program, proof of Orange County residency and U.S. citizenship or legal residency is required.

### **Public Health Services**

Orange County Health Care Agency provides prevention and treatment, while Public Health Services monitors the incidence of disease and injury in the community and develops preventive strategies to maintain and improve the health of the public. Several Public Health divisions provide services directly to clients.

*Disease Control and Epidemiology* provides diagnosis and medical care for infectious diseases posing a significant risk to the public including tuberculosis and sexually transmitted diseases. This division also coordinates countywide HIV care and prevention services.

*Family Health* programs include clinical and community-based services for Maternal, Child and Adolescent Health (MCAH), Nutrition Services, and Dental Health Services for children, people living with HIV, and emergency dental services. MCAH Services offers, to specific target populations, services such as: physicals and immunizations (including influenza), family planning, and management of the Child Health & Disability Prevention (CHDP) Program. In addition, Family Health manages the Childhood Lead Poisoning Prevention Program, the Adolescent and Family Life Program, Cal LEARN, the Immunization Assistance Program, and the Perinatal Hepatitis B Project. Nutrition Services is responsible for a variety of services and programs – including the Women, Infants and Children (WIC) – that improve the nutritional status of the general community and several priority subgroups.

*Public Health Nursing* provides public health nursing assessments, health education, case management, advocacy, referral and follow up services to individuals at high risk for health problems including medically high-risk newborns, individuals with chronic or communicable disease, and those with challenges accessing healthcare. High-risk populations served include individuals with barriers to self-sufficiency, children in out-of-home placement, victims of child abuse and neglect, adults with unmet medical needs and pregnant teens or women with a history of substance abuse.

*Health Promotion* protects the health and safety of Orange County residents by educating individuals, organizations and communities on preventing disease, disability and premature death. Services include community health education, professional training, coalition building, and media outreach. Programs focus on injury prevention, chronic diseases (such as diabetes and cancer), alcohol, tobacco and drug awareness, maternal and child health, multi-ethnic health

education, health access, and communicable disease. Direct services include programs such as tobacco cessation services and provision of child car safety seats.

### **Risk-reduction, Education and Community Health (REACH)**

The Risk-reduction, Education, and Community Health (REACH) Program provides a variety of services to help people improve their physical and emotional health, regardless of their circumstances or lifestyle. Services include case management, education and prevention, and outreach and engagement. Case management services are available to current and/or former substance users who are HIV positive. Case managers work with individuals to identify their needs and develop plans to meet these needs as well as provide on-going support. Transportation assistance to medical appointments are also provided to qualified clients. Education and Prevention services include HIV, Hep B & C, and Syphilis community educations. In addition, HIV education classes are provided to court-ordered individuals and testing and counseling are provided at the County Alcohol & Drug Abuse Services (ADAS) outpatient clinics and county-contracted substance abuse treatment programs. Outreach and engagement services include mental health wellness services to homeless and/or adults in transitional living settings throughout Orange County. These services include group interventions that teach participants how to develop and practice healthy coping skills. Individuals are linked to community resources including mental health services as needed.

### **Community Based Treatment Services**

Through the Request for Proposal (RFP) process, Health Care Agency (HCA) will seek the participation of community based treatment providers for needed services. This includes mental health and substance abuse treatment, and referrals for vocational, educational, and job preparation services. This will require collaboration and evaluation with Orange County Probation Department (OCPD), HCA and Orange County Sheriff's Department (OCSD).

Recognizing that inmate reentry is a vital part to making our communities safer, reducing recidivism rates, reducing jail overcrowding, and reuniting families. Orange County will have the opportunity to expand current services to this target population. This proposed collaboration will provide a variety of in custody programming followed by a continuum of post release community-based substance use disorder and mental health treatment services. Inmates will be provided an initial screening immediately upon entering the jail to determine level of risk to reoffend using the approved screening tool. Inmates classified as high risk to reoffend will be assessed using the Wisconsin risk and needs validated assessment tool. Inmates with co-occurring disorders will be assessed by qualified Correctional Mental Health staff to determine their level of needs. Based on the level of risk to re-offend, inmates will be placed into appropriate evidence-based in custody programs. Individualized discharge plans will be made for each participating inmate and upon release, inmates will be placed into voluntary

substance abuse and or mental health treatment in a state licensed, probation approved residential facility.

Immediately upon release those clients participating in a residential treatment program will be picked up from the jail by the community partner. Client will be reassessed by the treatment provider to make an individualized treatment plan.

Contract Treatment Providers will be required to employ evidence-based treatment models and practices through-out the continuum of services offered to offenders as these have been proved to increase the likelihood of reducing recidivism. The evidence-based programs must contain certain characteristics that can demonstrate measurable outcomes.

Mental Health providers must be Medi-Cal certified and will be required to provide mental health assessments for services and develop a treatment plan. Providers will be required to refer offenders to local mental health agencies for treatment and services in the community and provide follow-up assessments services to gauge the offender's progress. Additionally, due to the increase in the inmate population there will be a need to expand the existing correctional mental health services.

Substance Abuse Services will include a requirement for the use of an addiction severity assessment tool such as American Society of Addiction Medicine Patient Placement Criteria (ASAM PPC) that will identify the offender's level of substance abuse and need for services. ADAS will include requirements that will facilitate the referral and enrollment of the offender for contracted department paid treatment providers.

Additional services such as education, vocational and job readiness services will be provided either by the contracted providers, selected as described above or through a separate RFP process. The provider will be required to complete an educational assessment and vocational assessment to determine the offender's skill level and readiness for employment. Offenders will be referred for adult education classes, vocational training or employment as part of their overall case plan. In addition, to contracting for mental health and substance use disorder services, HCA may also be a direct provider.

HCA will administer these contracts including program monitoring and assessment of treatment implementation, review of client files, and risk/needs-oriented records that monitor treatment progress and correspond. This will require routine documented observation of providers with regard to delivery of treatment services and programming, with written feedback to staff. Periodic documented surveys of clients, while participating in the programs, will be conducted regarding satisfaction with services being provided will be used to aid in program modifications/improvements when needed.

## **PROPOSED SERVICES**

### **In-custody treatment program with post release aftercare (Males Only):**

This program will be provided by a drug treatment contractor in custody to adult male inmates. Treatment will be based on the principles of the Therapeutic Community (TC) model. TC programs, have several distinctive features in jails and prisons: (1) they present an alternative concept of inmates that is often more positive than prevailing beliefs; (2) they provide activities that embody positive values, help promote positive social relationships, and encourage a more responsible and productive way of life; (3) they have staff that are positive role models; and (4) they help offenders transition from institutional to community existence, with treatment typically occurring just prior to release and with continuity of care in the community.

Male inmates currently sentenced for 60 days or more will be eligible to receive intensive in custody substance abuse treatment services, which will consist of daily structured activities including group and individual counseling, education, relapse prevention and self-help facilitation. The program will be voluntary and inmates will be recruited by contractor with assistance from the Sheriff's Department. In order to further improve treatment outcomes, and assist inmates with reintegration to the community, a continuum of after care treatment will be available to clients upon release from jail. This component will include services ranging from intense residential treatment for 90 days, outpatient treatment 90 - 180 days, and sober living with outpatient treatment for 90 - 180 days. Case Management will be provided for one year to all clients. Clients will be picked up by the community treatment provider immediately upon release from jail. This service was recently approved via RFP process, but was not funded for in-custody component.

## **VIII. HOUSING AND SUPPORT SERVICES**

Central to the success of individuals and their families are individualized housing and support services. Public-nonprofit partnerships exist to help ensure comprehensive, regional coordination of efforts and resources to reduce the number of homeless and persons at risk of homelessness throughout Orange County.

### **TRANSITIONAL HOUSING**

Of the 3,434 individuals estimated to be shifted to local supervision, the Orange County Probation Department estimates that 20% of this population, or 687 individuals, will be in need of housing assistance. For many of the offenders being release from State Prison back into the community, sober living environments will be the most appropriate option. Sober living homes are a safe and supportive interim housing option for offenders to live while they transition back into the community. While each sober living environment will have different requirements of the residents, they will all have structure and rules, which include sobriety, mandatory curfew, and chores. Some sober living environments will

require participation in 12-step meetings and will randomly drug test the residents. This initial housing option will stabilize the offender so that a complete and thorough risk and needs assessment can be conducted and he/she can be referred to appropriate services and programs in the community.

For some offenders with significant abuse issues, a sober living environment is not enough and are in need of more structured residential treatment. The Orange County Probation Department will work with the Health Care Agency for availability and placement into local treatment programs. Offenders who are placed in transitional housing via a sober living environment and residential treatment will continue to be intensively supervised by the Orange County Probation Department.

### **TRANSPORTATION NEEDS**

Transportation is a major barrier to the success of many of the offenders being placed on community supervision. In developing the offender's individual case plan, referrals are made to various services and programs in the community. In addition to securing transportation for daily living, offenders may have Court appearances, office visits at the Probation Department, community service, treatment appointments and evidence based programming classes to attend. Oftentimes, transportation to these various requirements is a hurdle many offenders cannot overcome. In order to eliminate some of these barriers these offenders face, bus passes will be made available to those offenders who are making satisfactory progress. This incentive will encourage and support the positive steps the offender is making towards their rehabilitation.

### **ADDITIONAL SUPPORT SERVICES**

The following benefits and services that are available to those that qualify:

- CalWORKs. Cash assistance and welfare-to-work services for low-income adults with dependent children.
- CalFresh (formerly Food Stamps). A monthly benefit that can be used to purchase food.
- Medi-Cal. Health coverage for low-income children, pregnant women, seniors and persons with disabilities. Individuals who are screened for Medi-Cal and determined to be ineligible are referred to other state and local subsidized health care programs.
- Services for seniors and persons with disabilities. A range of community-based services including in-home supportive services, meals programs, transportation, legal services, socialization programs and naturalization services.

Most of these services and benefits are mandated by federal, state or local law, meaning that anyone who meets the program eligibility criteria is entitled to be served. Applications are accepted in person, by mail, fax, phone and/or online, depending on the program. The online portal at [www.BenefitsCalWIN.org](http://www.BenefitsCalWIN.org) can be used to apply online for CalWORKs, CalFresh and Medi-Cal, and there are several community-based organizations whose staff are trained to help clients submit online applications.

## **PROPOSED OUTCOMES**

This policy initiative and the intervention strategies articulated in the Public Safety Realignment plan are intended to improve success rates of offenders under supervision resulting in less victimization, reduced recidivism and increased community safety. Accomplishing this in the most cost efficient manner and employing proven correctional and justice system practices, is emerging as the primary strategic goal of the initiative. The OCCCP recognizes the importance of reporting outcome measures to guide future long-term planning decisions.

The Realignment Plan seeks to achieve the following three system goals:

1. Implementation of a streamlined and efficient system in Orange County to manage our additional responsibilities under realignment.
2. Implementation of a system that protects public safety and utilizes best practices in recidivism reduction.
3. Implementation of a system that effectively utilizes alternatives to pre-trial and post-conviction incarceration where appropriate.

To achieve these goals, OCCCP partners will develop and track several outcome measures. Examples of potential outcome measures include:

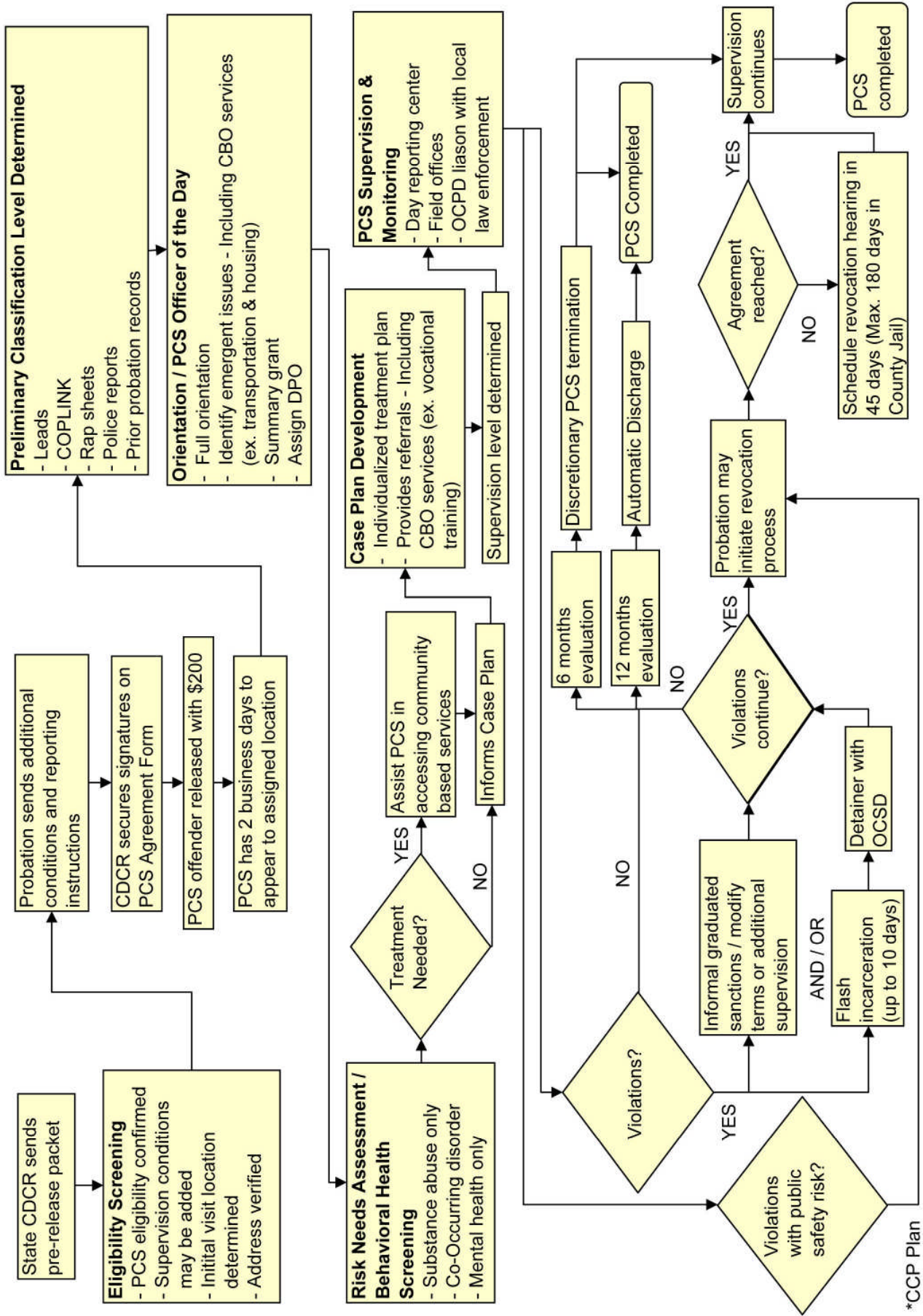
- OCCCP partner feedback on effectiveness of mechanisms in place to collaboratively address realignment issues as they arise.
- Recidivism rates for PCS population.
- Recidivism rates for non-violent, non-serious, non-sex offenders now under local jurisdiction.
- Number and type of offenders sentenced to county jail and state prison.
- Number and type of offenders sentenced to supervised release or alternative programs.

## **GLOSSARY OF TERMS**

<b>AB109</b>	Public Safety Realignment Act of 2011
<b>APPA</b>	American Probation and Parole Association
<b>BPD</b>	Board of Parole Hearings
<b>CalWORKs</b>	Cash assistance and welfare-to-work services for low-income adults with dependent children.
<b>CalFresh</b>	(formerly Food Stamps) - a monthly benefit that can be used to purchase food.
<b>CJI</b>	Crime and Justice Institute
<b>CPC</b>	California Penal Code
<b>CSAC</b>	California State Association of Counties
<b>DA</b>	Orange County District Attorney
<b>EBP</b>	Evidence-Based Practices
<b>EM</b>	Electronic Monitoring
<b>GPS</b>	Global Positioning System
<b>HD</b>	Home Detention
<b>HCA</b>	Health Care Agency
<b>ICMS</b>	Integrated Case Management System
<b>IEPP</b>	Implementing Effective Probation Practices
<b>Medi-Cal</b>	Health coverage for low-income children, pregnant women, seniors and persons with disabilities.
<b>PCS</b>	Postrelease Community Supervision
<b>PD</b>	Orange County Public Defender
<b>PV</b>	Probation or Postrelease Community Supervision Violation

# PCS FLOW CHART

## POST RELEASE COMMUNITY SUPERVISION (PCS)





AB 109 also required each local community corrections partnership (CCP), as established by SB 678 (the Community Corrections Performance Incentives Act of 2009) through section 1230 of the California Penal Code, to develop a plan to implement the 2011 public safety realignment legislation. Once developed, the plan is to be voted on by an executive committee consisting of specified members of each county's CCP. The Executive Committee of the Orange County Community Corrections Partnership (OCCCP) consists of the following members:

1. Chief Probation Officer, Chair
2. Presiding Judge of the Superior Court, or designee
3. District Attorney
4. Public Defender
5. Sheriff
6. Chief of police
7. Health Care Agency Director (appointed by your Board on 9/20/11), for behavioral health-related services

Once the executive committee of a CCP votes to accept the plan developed by the CCP, the CCP recommends the plan to its respective board of supervisors. Pursuant to section 1230.1 of the Penal Code, the plan shall be deemed accepted by a county's board of supervisors unless rejected by a 4/5 vote. In such event, the plan would return to the CCP for further consideration.

As AB 109 and subsequent related legislation started to take shape, OCCCP leaders met over several months to discuss the goals of public safety realignment, as well as the potential ramifications and impacts of the state mandate on local needs and resources. Working collaboratively, the OCCCP developed a plan for applying evidence-based correctional and supervision policies, programming and sanctions towards a successful implementation of the new public safety realignment laws.

The Executive Committee of the OCCCP voted and approved that implementation plan on September 29, 2011. The plan addresses the roles, responsibilities, and activities proposed by County agencies, municipal law enforcement, other public entities and community resources for implementing the new public safety realignment laws, with their potential impacts on those various stakeholders.

Accordingly, attached for your Honorable Board's consideration is the "Orange County Public Safety Realignment and Postrelease Community Supervision 2011 Implementation Plan."

### **New Populations Under Local Jurisdiction**

There will be two new populations of persons that will now be under local County jurisdiction.

One such population consists of persons released from prison on PCS instead of parole. This population, commonly referred to as "non-non-nons" or "N3s," includes persons currently incarcerated for non-violent, non-serious, and non high-risk sex offenders as defined by the California Department of Corrections and Rehabilitation (CDCR). However, these persons may have prior violent or serious offenses, or be registered sex offenders who have not been rated as high-risk. It is anticipated that at some point, 1,970 persons released from state prison will be under PCS; and it is anticipated that approximately 220 of these persons will be jailed due to violations of their PCS terms and conditions.

The other population is made up of persons who have committed felonies and will now be sentenced to County jail instead of state prison. This population includes persons with no current or prior violent, serious or registerable sex offenses. It is estimated that 1,464 persons will be sentenced to County jail that otherwise would have been sentenced to state prison. In addition, a court may also order that these persons be placed on supervised release to the Probation Department.

Thus, at full implementation, it is projected that the total number of offenders that will be under County

jurisdiction will be 3,434.

### **Preliminary Funding Allocations**

State funds to support services and activities required by counties due to public safety realignment are allocated to the Local Community Corrections Account within each County Local Revenue Fund. Orange County is projected to receive \$25,734,096 for the period October 1, 2011-June 30, 2012. Of this total, the amount allocated for incarceration, supervision and services is \$23,078,393. CDCR targets the remaining \$2,655,703 to fund a one-time planning grant (\$200,000), training and implementation activities (\$1,628,450), and PCS representations by the Orange County offices of the District Attorney and the Public Defender.

Orange County's public safety realignment implementation plan recommends a service distribution of the \$23,078,393 allocation among the following resources:

Orange County Sheriff's Department	\$13,616,251
Orange County Probation Department	\$ 6,692,733
Orange County Health Care Agency	\$ 2,077,055
Municipal Law Enforcement	\$ 692,354

The above funding allocations are preliminary and can be adjusted as the true costs of implementing public safety realignment become known.

### **Proposed Resolution for PCS Home Detention and Electronic Monitoring**

AB 109 and subsequent related legislation added sections 3450 and 3454 to the Penal Code. Penal Code section 3450 authorizes the designated county agency that will provide PCS to use home detention with electronic monitoring or GPS monitoring, as intermediate sanctions for persons on PCS. Penal Code section 3454 authorizes the designated county agency that will provide PCS to impose additional appropriate conditions of supervision, including the use of continuous electronic monitoring, to those conditions of PCS already mandated by Penal Code section 3453.

As the County agency designated by your Board to provide PCS, it is recommended that the Board adopt the attached resolution authorizing the Chief Probation Officer to provide home detention with electronic or GPS monitoring for persons under PCS.

### **FINANCIAL IMPACT:**

N/A

### **STAFFING IMPACT:**

N/A

### **REVIEWING AGENCIES:**

Office of County Counsel

### **EXHIBIT(S):**

Exhibit A - Proposed Resolution

### **ATTACHMENT(S):**

Orange County Public Safety Realignment and Postrelease Community Supervision 2011 Implementation Plan



EXHIBIT A

RESOLUTION OF THE BOARD OF SUPERVISORS OF  
ORANGE COUNTY, CALIFORNIA

October 18, 2011

WHEREAS, AB 109, titled "2011 Realignment Legislation Addressing Public Safety", became effective on July 1, 2011 and provided for the enactment of the "2011 Postrelease Community Supervision Act";

WHEREAS, the 2011 Postrelease Community Supervision Act specifies that certain offenders released from state prison shall be subject to postrelease community supervision provided by a county agency designated by each county's board of supervisors;

WHEREAS, AB 109 and subsequent related legislation added section 3450 to the Penal Code authorizing the designated county agency providing postrelease community supervision to impose intermediate sanctions on persons under its supervision including the use of home confinement with electronic monitoring or GPS monitoring;

WHEREAS, AB 109 and subsequent related legislation added section 3454 to the Penal Code authorizing the designated county agency providing postrelease community supervision to add electronic monitoring as an additional condition of supervision when appropriate;

WHEREAS, pursuant to Resolution No. 11-111 of the Board of Supervisors of Orange County, the Orange County Probation Department is designated as the County agency responsible for providing postrelease community supervision as specified in section 3450 of the Penal Code as added by AB 109; and

WHEREAS, the local plan for the implementation of the 2011 public safety realignment, as developed and approved by the Orange County Community Corrections Partnership, and as presented to the Orange County Board of Supervisors for acceptance on October 18, 2011, includes the use of home detention and electronic monitoring for persons under postrelease community supervision.

NOW, THEREFORE, BE IT RESOLVED that this Board does hereby authorize the Chief Probation Officer as the administrator to provide home detention with electronic monitoring and electronic monitoring without home detention for persons under postrelease community supervision, pursuant to Penal Code sections 3450 and 3454.

Resolution No. \_\_\_\_\_, Item No. \_\_\_\_\_  
Orange County Probation Department – Electronic Monitoring for Postrelease Community Supervision