

# County of Santa Clara Probation Department Administrative Services



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PRO01 092711

Prepared by: Karen Fletcher  
Deputy Chief Probation Officer

DATE: September 27, 2011

TO: Board of Supervisors

FROM: 

Sheila E. Mitchell  
Chief Probation Officer

SUBJECT: 2011 Public Safety Realignment Implementation Plan

## **RECOMMENDED ACTION**

Consider and Adopt the 2011 Public Safety Realignment Implementation Plan as recommended by the Community Corrections Partnership.

## **FISCAL IMPLICATIONS**

The State Department of Finance, in conjunction with County Administrative Officers and the California State Association of Counties developed a formula to determine statewide allotments. The level of local funding available through AB 109 is based on a weighted formula containing three elements:

- 60% based on estimated average daily population (ADP) of offenders meeting AB 109 eligibility criteria
- 30% based on U.S. Census Data pertaining to the total population of adults (18-64 years

old) in the County as a percentage of the statewide population; and

- 10% based on the SB 678 distribution formula

Based on this formula, Santa Clara County is projected to receive \$12,566,312 for FY 2011-12. This funding formula is based on an October 1, 2011 implementation through June 30, 2012 and is for the first year only. In addition, Santa Clara County will have a one-time allocation of \$886,700 for training and start-up costs and another one-time allocation of \$200,000 for planning expenses.

### **CONTRACT HISTORY**

There is no contract history associated with this action.

### **REASONS FOR RECOMMENDATION**

On April 4, 2011, the Governor signed into law AB 109 and subsequently AB 117 related to the 2011 Public Safety Realignment. Effective October 1, 2011, this legislation shifts major public safety programs from the state to local counties. Key elements of AB 109/AB 117 include revising the definition of a felony to include certain crimes that are punishable in county jail for more than one year, changing the process and custody options for parole revocations, changing the calculation of custody credits resulting in the reduction of actual days in custody, expanding alternative custody for local commitments, and establishing a Post Release Community Supervision model.

### **Local Planning Process**

AB 109 and AB 117 expands the current role of the Community Corrections Partnership (CCP) previously established through Senate Bill 678 as an advisory body on the implementation of the California Community Corrections Performance Incentive Act. Each County's CCP is required to prepare and recommend to the Board of Supervisors an implementation plan for realignment.

As outlined in the legislation, the CCP shall be comprised of the following membership:

- Chief Probation Officer (Chair)
- Presiding Judge (or designee)
- County Supervisor or Chief Administrative Officer (or designee)

- District Attorney
- Public Defender
- Sheriff
- A Chief of Police
- Head of the County Department of Social Services
- Head of the County Department of Mental Health
- Head of County Department of Employment
- Head of the County Alcohol and Substance Abuse Programs
- Head of the County Office of Education
- A Representative from a Community Based Organization with experience in successfully providing rehabilitative services to persons who have been convicted of a criminal offense
- An individual who represents the interests of victims

The public safety realignment bill also established an Executive Committee of the CCP, consisting of members from the larger committee. The executive committee is charged with voting on the plan that will be presented to the Board of Supervisors for consideration and approval. The Executive Committee of the CCP shall be comprised of the following membership:

- Chief Probation Officer (Chair)
- Presiding Judge (or designee)
- District Attorney
- Public Defender
- Sheriff
- A Chief of Police
- The head of either the County Department of Social Services, Mental Health, or Alcohol and Drug Services

Pursuant to legislation, the Implementation Plan shall be deemed accepted by the Board of Supervisors unless the Board rejects the plan by a vote of four-fifths of the Board, in which case the plan would be referred back to the CCP for further discussion.

#### **CHILD IMPACT STATEMENT**

The recommended action will have a neutral impact on children and youth.

## **BACKGROUND**

On July 18, 2011, the County Executive's Office, on behalf of the Board of Supervisors, notified the California Department of Corrections and Rehabilitation (CDCR) that the Probation Department was designated as the supervising agency in Santa Clara County. On September 7, 2011, the Public Safety and Justice Committee considered and approved the Implementation Plan as presented on behalf of the Community Corrections Partnership. The draft spending plan to support the Implementation Plan was also considered and approved.

## **CONSEQUENCES OF NEGATIVE ACTION**

The 2011 Public Safety Realignment Implementation Plan would not be implemented. Consequently, the Probation Department and system partners would not be able to effectively manage the shift of responsibilities from the state to the county effective October 1, 2011.

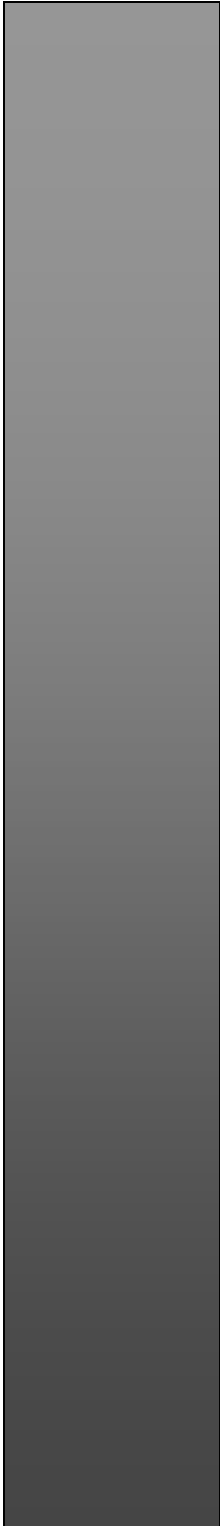
## **STEPS FOLLOWING APPROVAL**

Upon the Board of Supervisors' approval, the Clerk of the Board's Office is requested to send Keyboard notification of completed processing to Karen Fletcher, Delores Nnam, and Vickie Gorley of the Probation Department.

The Department will continue to collaborate with system partners and community based organizations to operationalize the 2011 Public Safety Realignment Implementation Plan in Santa Clara County.

## **ATTACHMENTS**

- 2011 Public Safety Realignment Implementation Plan
- 2011 Public Safety Realignment Implementation Plan Powerpoint Presentation



# **Santa Clara County, California**

## **2011 Public Safety Realignment Implementation Plan**

August 25, 2011

## **Community Corrections Partnership**

- Sheila Mitchell, Chief Probation Officer (Chair)
- Karen Fletcher, Deputy Chief Probation Officer
- Laurie Smith, Sheriff
- Richard Loftus, Jr., Presiding Judge
- Mary Greenwood, Public Defender
- Kevin Kyle, Chief of Police, City of Santa Clara
- Jeff Rosen, District Attorney
- Bob Garner, Director, Drug & Alcohol Services
- Nancy Pena, Director, Mental Health
- Gina Sessions, Director, Social Services Agency
- Gary Graves, Chief Operating Officer
- Erin O'Brien, CEO/Director, Community Solutions
- Rose Amador, President/CEO, Center for Training & Careers
- David Tran, Director, Victim Witness Assistance Program
- Charles Weis, Superintendent County Office of Education

## **Executive Committee of the Community Corrections Partnership**

- Sheila Mitchell, Chief Probation Officer (Chair)
- Karen Fletcher, Deputy Chief Probation Officer
- Laurie Smith, Sheriff
- Richard Loftus, Jr., Presiding Judge
- Mary Greenwood, Public Defender
- Kevin Kyle, Chief of Police, City of Santa Clara
- Jeff Rosen, District Attorney
- Bob Garner, Director, Drug & Alcohol Services
- Nancy Pena, Director, Mental Health
- Gina Sessions, Director, Social Services Agency

***With special appreciation to Deputy Chief Probation Officer Karen Fletcher & Assistant Public Defender Nancy Brewer who devoted tireless hours in reading every page of AB109/117 legislation and their outstanding leadership in helping craft a stellar Community Corrections Partnership implementation plan. It is also worth mentioning that the creation of this plan would not have been possible without contributions from our long list of justice system partners and community/faith based organization leaders.***

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## EXECUTIVE SUMMARY

In an effort to reduce the number of offenders incarcerated in our state prison system 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. Subsequently, on June 30, 2011 Assembly Bill 117 was signed by the Governor further outlining the provisions of Realignment. AB 109 and AB 117 shifts the responsibility of supervising specified lower level offenders being released from state custody back to their county of legal residence for supervision by a county agency. Additionally, this legislation changes the penal code and sentencing laws to keep these offenders from being committed to state prison.

### ***Key Elements of AB 109 and AB 117 include:***

**Redefining Felonies:** Revises the definition of a felony to include certain crimes that are punishable in the county jail in excess of one (1) year. Some offenses, including serious, violent and high-risk sex offenses, are excluded and will continue to be served in state prison. Offenders serving their commitment locally will be eligible for release programs and may be subject to a period of "mandatory probation."

**Post Release 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 a period of post release community supervision for a period not to exceed three (3) years.

**Revocations:** Post release community supervision, mandatory probation and parole revocations will be served in local custody, with a maximum revocation sentence of up to 180 days. Paroled "lifers" with a revocation term of greater than 30 days may be returned to state prison. Local Courts will hear revocations of post release community supervision and mandatory probation beginning October 1, 2011. The Board of Parole Hearings will continue to conduct parole revocation hearing on serious, violent and high-risk sex offenders through June 30, 2012, at which time they will be transferred to local courts.

**Custody Credits:** County Jail inmates will be able to earn four days of credit for every two days served, which is comparable to credits earned when serving state prison commitments. Time served on home detention (e.g., electronic monitoring, global positioning system) is credited as time spent in local county jail custody.

**Alternative Custody:** Penal Code Section 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 graduated sanctions other than jail incarceration alone or traditional probation supervision.



## **Population Impacts to Santa Clara County:**

The California Department of Corrections and Rehabilitation (CDCR) has provided each county in California estimates of the anticipated impact each county will experience at full implementation of AB109 and AB 117. Per CDCR, the numbers provided are based on CDCR's historical data. CDCR estimates Santa Clara County's average daily population (ADP) of these offenders will be:

**Post Release Community Supervision: 1,067**

This population includes inmates released from a state facility who, regardless of prior offenses, is not serving a current state prison commitment for a serious, violent or high-risk sex offense.

**Post Release Community Supervision and Parole Violators in County Jail on a Revocation: 115**

This ADP is based on the assumption that the average length of stay for this population of offender is 30 days.

**Sentenced to Local Incarceration under AB 109 and AB 117: 693**

CDCR data reflects that 402 of the total 693 inmates served a state prison commitment of less than three (3) years, while the remaining 291 inmates served a commitment of more than three (3) years. CDCR data indicates that Santa Clara County will average approximately 55 defendants per month who will now serve their commitment in the county jail rather than state prison.

## **Community Corrections Partnership (CCP)**

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, to serve in an advisory capacity regarding the implementation of SB 678 funded initiatives. The CCP consists of the following members: the presiding judge of the superior court, a county supervisor or the chief administrative officer of the county, the district attorney, the public defender, the sheriff, a chief of police, the heads of the county department of social services, mental health, employment, alcohol and substance abuse programs, county office of education, a representative from a community based organization, and an individual who represents the interests of victims.

AB109 established an Executive Committee of each county's CCP, chaired by the chief probation officer, consisting of the sheriff; a chief of police; district attorney, public

defender, presiding judge, and the director of the Department of Social Services, Mental Health or DADS.

Penal Code Section 1230 states that each County's CCP is charged with developing a local realignment plan, which shall be voted on by the executive committee of the CCP. The plan shall be deemed accepted by the County Board of Supervisors unless rejected by a 4/5ths vote, in which case the plan would be returned to the CCP for further consideration.

## **Implementation Plan**

A cross-systems collaborative, representative of the CCP, participated in creating the Implementation Plan. The CCP is using an iterative planning process knowing that the Plan will require revisions as we learn more about the population to be served. Our Plan uses an evidence based model with supervision programs to serve both the Post Release Community Supervision population and those non-serious, non-violent, non-high risk sex offenders who will serve their commitments locally and may be subject to a period of mandatory probation. A fourth generation risk and needs assessment tool will be utilized to identify criminogenic risk and need factors in order to effectively link offenders to appropriate services and to determine the appropriate level of required supervision in the community.

A Re-entry Team consisting of Probation, the Sheriff's Department, Health and Behavioral Health staff will engage with and assess offenders before being released from custody to develop individualized case plans that will better prepare offenders being released from state prison facilities and our local County Jail. These Re-entry Teams will provide intensive supervision and services for 30 to 90 days after release to ensure the needs of the offenders are addressed and they are stabilizing in the community. Following this initial intensive supervision team approach, offenders will be supervised by the Probation Department.

A case supervision management protocol with procedures designed to incorporate the principles of evidence based practices will be utilized. This protocol will include the application of Motivational Interviewing techniques, the implementation of graduated sanctions or a response grid and the use of Cognitive Behavioral Therapy (CBT) interventions which have shown positive effects on our targeted population.

## **Community Involvement and Input**

In an effort to engage our community members in this process, Community Meetings are being scheduled to provide information and opportunities to discuss the impacts of Realignment, services available to offenders and their families and how the Criminal Justice System in Santa Clara County plans to serve this population to increase successful reintegration into our neighborhoods.

## **SUMMARY OF RECOMMENDATIONS**

1. Consider and adopt the Public Safety Realignment Implementation Plan as Santa Clara County's Public Safety Realignment Plan as required by Section 1230.1 of the Penal Code and the Post Release Community Supervision strategy as required by Section 3451 of the Penal Code, as added by the Post Release Community Supervision Act of 2011 contained in AB 109. This plan contains recommendations for implementation including using funds allocated by the State to successfully implement the plan.
2. Support ongoing efforts to implement evidence based practices in the supervision and case management of all adult offenders in Santa Clara County with the goal of reducing recidivism.
3. Continue to explore options to leverage community and treatment resources in order to provide effective evidence based programs to adult offenders.
4. Support and strengthen relationships with local law enforcement agencies and task force teams to ensure public safety and offender accountability.
5. Strategize to reduce racial and ethnic disparities at key decision points across the criminal justice system.

# LOCAL PLANNING EFFORTS

## Senate Bill 678

In the last two years there have been statewide efforts to implement and expand the use of evidence based practices in sentencing and probation practices and to reduce the state prison population. SB 678 (2009) was designed to reduce the felony probation failure rate by investing in probation and achieving three key goals:

1. Reduce crime in California's communities through a community corrections strategy focused on increasing the supervision and management of felony offenders on probation.
2. Reduce state prison overcrowding by decreasing the criminal activity of those already on felony probation. This strategy includes the utilization of more effective supervision, monitoring and the use of graduated sanctions that will change behavior. By improving outcomes for adult felons who are failing on probation, the number of offenders sent to state prison would be reduced by deescalating their criminal behavior.
3. Establish sustainable funding for enhanced adult felony probation through performance incentive funding.

The purpose of SB 678 was to enact the California Community Corrections Performance Incentive Act of 2009, which would establish a system of performance-based funding to support evidence based practices relating to the supervision of adult felony offenders.

It is estimated that 40% of new admissions to state prison are composed of offenders who were on formal probation. With a statewide estimate of approximately 200,000 offenders on formal probation at any given time, it is clear that the impact of these failures on California's prison overcrowding is significant.

SB 678 has key goals to reduce the failure rate among felons on formal probation. These goals include implementing community corrections strategies and other programs aimed at intensifying the supervision and monitoring of offenders locally. These strategies would also include reduced caseload sizes and the increased use of graduation sanctions.

Finally, the purpose of SB 678 was to create a sustainable funding source to maintain and enhance local felony probation programs. In Santa Clara County, the initial funding from SB 678 has been utilized to create a High Risk Offender Unit supervising young offenders, ages 18 to 30 years, who are at risk of being committed to state prison on a violation of probation. These funds enabled the Probation Department to create four new positions for the purposes of enhancing adult supervision services for this high risk population in order to improve offender outcomes, enhance public safety and reduce

system-wide criminal justice costs. Funding has also allowed for a contract to be awarded to a community based organization to provide both Cognitive Behavior Therapy (CBT) and substance abuse treatment to these offenders and to partially fund a fourth generation risk and needs assessment tool. In addition, intensive staff training in the area of Motivational Interviewing is being required beginning in October 2011. Further, a graduate student is volunteering her time and skills to facilitate a weekly GED preparation course for this population.

Continued funding for the Evidence Based Probation Supervision Program is based on improved probation outcomes as measured by a reduction in probation failures committed to state prison. The amount appropriated for distribution to counties is based on costs avoided by CDCR due to a reduction in the percentage of defendants committed to state prison for a probation failure.

While the statewide Probation Failure Rate (PFR) was 6.06%, Santa Clara County's PFR baseline data (2006-2008) was 7.4%. By implementing evidence based supervision practices with this population of offender, 2010 data for Santa Clara County demonstrated a successful reduction of our PFR to 7.0%. This reflected a reduction in admission to state prison by 49 defendants in 2010. Statewide data for 2010 reflected an approximate reduction of 3,500 new admissions to state prison. Funding allocations for FY 2012 (\$647,289) will be utilized for community based services including additional treatment and educational/vocational training through a competitive RFP process.

## **AB109/ AB 117**

In an effort to approach the planning process for the implementation of realignment in an effective and efficient manner, four work groups were established from the CCP. The work groups are representative of the partners who are members of the CCP. The work groups are:

### **Court Processing**

Judge Pennypacker – Superior Court  
Judge Pichon – Superior Court  
Karen Fletcher – Probation  
Nancy Brewer – Public Defender  
Molly O'Neal – Public Defender  
David Howe – District Attorney  
Pete Rode – Sheriff's Department  
Toby Wong – Sheriff's Department

## **Custody/Probation/Programming**

Dr. Nancy Pena – Mental Health  
Gina Sessions – Department of Social Services  
Bob Garner – Department of Alcohol and Drug Services  
Karen Fletcher – Probation  
Pete Rode – Sheriff's Department  
Toby Wong – Sheriff's Department  
Rose Amador – Center for Training and Careers (CTC)  
Erin O'Brien – Community Solutions  
David Tran – Victim Witness

## **Evaluation Design and Policy Research and Data Analysis/Validation**

Joan Petersilia – Stanford University Law School  
Javier Aguirre – Office of Budget and Analysis  
Fran Palacio – Office of Budget and Analysis  
Mariel Caballero - Public Defender  
George Doorley – District Attorney  
Joseph Mensah – Probation

Each of these work groups has worked collaboratively to understand the impacts of AB 109 and subsequent related bills and to operationalize changes impacting sentencing laws and the implementation of evidence based supervision and services. Each work group has contributed to the overall plan being submitted to the Board of Supervisors for consideration.

## **Santa Clara County Re-Entry Network**

On March 1, 2011, the Board of Supervisors approved the concept of establishing a cross-system Re-Entry Network for the purpose of directing a comprehensive re-entry and recidivism reduction strategy to leverage existing efforts, streamline processes to link inmates to effective in-custody and community-based programming, identify cost-saving methods and prepare the organization and its partners for State realignment of parolees and low-level prisoners.

Due to pro-active efforts already underway in Santa Clara County to address re-entry, key issues have already been identified. These issues include the need to develop a comprehensive vision and direction for re-entry in preparation for the changing

landscape at the state level and the need to articulate a vision to reduce recidivism and promote community safety. Incorporating both system and community based partners on the re-entry team will ensure a collaborative and coordinated approach that is both creative and effective in this fiscally uncertain environment.

The inaugural meeting of the Re-Entry Network, co-chaired by Supervisor George Shirakawa and Sheriff Laurie Smith, was held on August 3, 2011.

The proposed goals for the Re-Entry Network included:

- Building safer communities and stronger families by reducing crime and recidivism through proper assessment and effective programming in-custody and in the community.
- Establishing an integrated method to effectively transition inmates into the community.
- Ensuring linkages between inmate/ex-offenders and the resources and benefits needed for a stable, self-sufficient, successful lifestyle.
- Prepare the County and partners for the State realignment of parolees and low-level offenders to our jurisdiction.

## EVIDENCE BASED SUPERVISION AND SERVICES

Until recently, community corrections had suffered from a lack of research that identified proven methods of reducing offender recidivism. Recent research efforts based on a meta-analysis have broken through this barrier and are now providing the field with indications of how better to reduce recidivism.<sup>1</sup> This research suggests that certain programs and intervention strategies, when applied to a variety of offender populations, reliably produce sustained reductions in recidivism. This same research literature suggests that few community supervision agencies (probation, parole, residential community corrections) in the U.S. are using these effective interventions and their related concepts/principles.<sup>2</sup>

The conventional approach to supervision in this country emphasizes individual accountability from offenders and their supervising officers without consistently providing either with the skills, tools, and resources that science indicates are necessary to accomplish risk and recidivism reduction. Despite the evidence that indicates otherwise, officers continue to be trained and expected to meet minimal contact standards which stress rates of contacts and largely ignore the opportunities these contacts have for effectively reinforcing behavioral change. Officers and offenders are not so much clearly directed what to do, as what not to do.<sup>2</sup>

An integrated and strategic model for evidence based practice is necessary to adequately bridge the gap between current practice and evidence supported practice in community corrections. This model must incorporate both existing research findings and operational methods of implementation. The biggest challenge in adopting better interventions isn't identifying the interventions with the best evidence; so much as it is changing our existing systems to appropriately support the new innovations. Identifying innovations with good research support and realigning the necessary organizational infrastructure are both fundamental to evidence based practice.<sup>2</sup>

Evidence based practice is a significant trend throughout all human service fields that emphasize outcomes. Interventions within corrections are considered effective when they reduce offender risk and subsequent recidivism and therefore make a positive long-term contribution to public safety.<sup>1</sup>

As outlined by the National Institute of Corrections, current research points to eight principles that, when taken together, increase the likelihood of offender risk reduction. The following illustrates the Eight Evidence Based Principles for Effective Intervention:

1. Assess Actuarial Risk/Needs
  2. Enhance Intrinsic Motivation
  3. Target Interventions
- *Risk Principle*: Prioritize supervision and treatment resources for higher risk offenders.



- *Need Principle*: Target interventions to criminogenic (correlated to crime) needs.
  - *Responsivity Principle*: Be responsive to temperament, learning style, motivation, culture, and gender when assigning programs.
  - *Dosage*: Structure 40-70% of high-risk offenders' time for three to nine months.
  - *Treatment Principle*: Integrate treatment into the full sentence/sanction requirements.
4. Skill Train with Directed Practice (e.g., use cognitive behavioral treatment methods)
  5. Increase Positive Reinforcement
  6. Engage Ongoing Support in Natural Communities
  7. Measure Relevant Processes/Practices
  8. Provide Measurement Feedback

### **Assess Actuarial Risk/Needs**

Assessing offenders in a reliable and valid manner is absolutely necessary for the effective management (i.e., supervision and treatment) of offenders. Offender assessments are most reliable and valid when staffs are formally trained to administer the tool. Screening and assessment tools that focus on dynamic and static risk factors, profile criminogenic needs, and have been validated on similar populations are preferred.<sup>3</sup> The Santa Clara County Probation Department has recently entered into a contract with the National Council on Crime and Delinquency (NCCD) for the Correctional Assessment and Intervention System (CAIS) assessment tool. This tool combines a case management classification system, a risk assessment system validated and revalidated in many jurisdictions over the last two decades, a needs assessment that, when combined with the case management classification system and the risk assessment, forms the basis for effective case planning, and a web-based data system that supports quality control.

### **Enhance Intrinsic Motivation**

Staff should relate to offenders in constructive ways to enhance intrinsic motivation in offenders. For lasting change to occur, a level of intrinsic motivation is needed. Motivation to change is dynamic and the probability that change may occur is strongly influenced by interpersonal interactions, such as those with probation officers, treatment providers and institution staff. Research suggests that motivational interviewing techniques, rather than persuasion tactics, effectively enhance motivation for initiating and maintaining behavior changes.<sup>2</sup> The Santa Clara County Probation Department, through the use of SB 678 funding, has scheduled intensive training on Motivational Interviewing for all probation officer staff assigned to our Adult Division beginning in October 2011. Each staff will be required to attend 24 hours of training focused on this client-centered approach for eliciting behavior change.

## Target Interventions

**Risk Principle** – Prioritize primary supervision and treatment resources for offenders who are at higher risk to re-offend. Research indicates that supervision and treatment resources that are focused on lower risk offenders tend to produce little, if any, positive effect on recidivism rates. Shifting these resources to higher risk offenders promotes harm reduction and public safety as these offenders have greater need for pro-social skills and thinking.<sup>2</sup> Successfully addressing higher risk offenders requires smaller caseloads, the application of well developed case plans, and placement of offenders into sufficiently intense cognitive-behavioral interventions that target their specific criminogenic needs.<sup>4</sup>

**Criminogenic Need Principle** - Address an offender's greatest criminogenic needs. Offenders have a variety of needs, some of which are directly linked to their criminal behavior. These criminogenic needs are dynamic risk factors that, when addressed or changed, affect the offender's risk of recidivism. Examples of criminogenic needs are: criminal personality; antisocial attitudes, values and beliefs; low self control; criminal peers; substance abuse; and dysfunctional family. Based on an assessment of the offender, these criminogenic needs can be prioritized so that services are focused on the greatest criminogenic needs.

**Responsivity Principle** – Responsivity requires that we consider individual characteristics when matching offenders to services. These characteristics include, but are not limited to: culture, gender, motivational stages, developmental stages, and learning styles. These factors influence an offender's responsiveness to different types of treatment. The principle of responsivity also requires that offenders be provided treatment that is proven effective with the offender population. Certain treatment strategies, such as cognitive-behavioral methodologies, have consistently produced reductions in recidivism.

**Dosage** – Providing appropriate doses of services, pro-social structure, and supervision is a strategic application of resources. Higher risk offenders require significantly more initial structure and services than lower risk offenders. During the initial three to nine months post-release, 40% to 70% of their free time should be occupied with appropriate services.

**Treatment Principle** – Treatment, particularly cognitive-behavioral types, should be applied as an integral part of the supervision/sanction process. This should be accomplished through effective case management and planning. Delivering targeted and effective interventions will provide the greatest long-term benefit to the community, the victim and the offender.

### Skill Train with Directed Practice

Provide evidence based programming that emphasizes cognitive behavioral strategies and is delivered by well trained staff. Skills are not simply taught to the offender, but are

practiced or role-played and the resulting pro-social attitudes and behaviors are positively reinforced by staff.

### **Increase Positive Reinforcement**

When learning new skills and making behavioral changes, human beings appear to respond better and maintain learned behaviors for longer periods of time, when approached with carrots rather than sticks. Behaviorists recommend applying a much higher ratio of positive reinforcements to negative reinforcements in order to better achieve sustained behavioral change. Research indicates that a ratio of four positive to every one negative reinforcement is optimal for promoting behavior changes. Increasing positive reinforcements should not be done at the expense of nor should it undermine applying swift, certain, and real responses for negative or unacceptable behavior. With exposure to clear rules that are consistently and swiftly enforced with appropriate graduated sanctions, offenders will tend to comply in the direction of the most rewards and least punishments. Research indicates that this type of extrinsic motivation can often be useful for beginning the process of behavior change.

### **Engage On-going Support in Natural Communities**

Realign and actively engage pro-social supports for offenders in their communities. Research indicates that many successful interventions with extreme populations (e.g., inner city substance abusers, homeless, dual diagnosed) actively recruit and use family members, spouses, and supportive others in the offender's immediate environment to positively reinforce desired new behaviors. This Community Reinforcement Approach (CRA) has been found effective for a variety of behaviors (e.g., unemployment, alcoholism, substance abuse, and marital conflicts). In addition, relatively recent research now indicates the efficacy of twelve step programs, religious activities, and restorative justice initiatives that are geared towards improving bonds and ties to pro-social community members.

### **Measure Relevant Processes/Practices**

Accurate and detailed documentation of case information and outcome measurement is the foundation of evidence based practices. Agencies must routinely assess offender change in cognitive and skill development and evaluate offender recidivism, if services are to remain effective. In addition to routinely measuring and documenting offender change, staff performance should also be routinely assessed for fidelity to program design and service delivery principles.

### **Provide Measurement Feedback**

Once a method for measuring relevant processes/practices is in place, the information must be used to monitor process and change. Monitoring delivery of services and fidelity to procedures helps build accountability and maintain integrity to the agency's mission. Regular performance audits and case reviews with a focus on improved

outcomes, keep staff focused on the ultimate goal of reduced recidivism through the use of evidence based principles. <sup>2</sup>

AB 109 and subsequent bills require the use of evidence based practices in the supervision and monitoring of both the Post Release Community Supervision population as well as those offenders who will be sentenced to local custody rather than state prison.

The Santa Clara County Probation Department's success with the recently established High Risk Offender Unit in response to SB 678 will serve as a springboard for a successful implementation of AB 109, and ensure positive outcomes for the population we serve.

## **NEW POPULATION AND FUNDING**

Santa Clara County has received national recognition for their innovation and commitment to providing effective services and programs to the variety of criminal justice clients we serve. Criminal justice partners and community based organizations are committed to providing effective services with a strong focus on rehabilitation, accountability and public safety. Local partners will continue to collaborate to build upon successful models and implement evidence based programs and a supervision model that will reduce recidivism and enhance the safety of our communities.

### **Projected Population**

CDCR has estimated that Santa Clara County will assume responsibility for approximately 1,067 offenders at full implementation of Realignment. This population includes Post Release Community Supervision (PRCS) offenders who will begin being released from state institutions on October 1, 2011 and the non-serious, non-violent, non-high risk sex offenders who would have otherwise been sentenced to state prison that will now serve their commitments locally and may be subject to a period of mandatory probation. Of these 1,067 offenders, CDCR estimates that the ADP of offenders who will serve their commitments locally and/or serve their revocation term in the county jail is estimated at 602 during the first year of implementation. It is anticipated that this number will level out; as it is projected an average of 77 releases will occur per month at full implementation. A percentage of this population may be deemed eligible and suitable for release to an alternative custodial or programmatic option.

### **Projected Funding**

Santa Clara County will receive a total funding allocation of \$14,103,456 for the balance of FY 2011-2012 (10/01/11 – 06/30/12). The funding breakdown is as follows:

|  |                     |
|--|---------------------|
| Implementation of AB109 (custody, supervision and programs)      | \$12,566,312        |
| AB109 Planning Funds (one time)                                  | 200,000             |
| AB109 Start-up Funds (one time)                                  | 886,700             |
| AB109 District Attorney/Public Defender Activities (Revocations) | 450,444             |
| <b>TOTAL</b>   | <b>\$14,103,456</b> |

# IMPLEMENTATION PLAN

## Superior Court

Santa Clara County Superior Court Realignment Implementation Model: AB 109/117

### Goals of the Court:

- (1) Reduce Recidivism, and Reduce Incarceration
- (2) Ensure Public Safety

### General:

- A. To accomplish these goals, the Court will welcome the collaboration of Probation, the Sheriff, DADS, Mental Health and other providers of treatment and services.
- B. The Court will review its own internal sentencing, and work to adopt best practices at the time of sentencing consistent with the intent of the Realignment Legislation.
- C. The Court has offered to closely collaborate with Probation to assist Probation in enforcing community supervision, including issuing warrants for individuals released from prison who do not report to the Probation Department, as well as assist Probation with the imposition of flash incarceration sanctions as well as making the Parolee Reentry Court available for referrals of persons for Court monitoring in supervised treatment and rehabilitation services prior to the filing of violation Petitions.
- D. These alternatives will also be available to Judges at the time of sentencing offenders eligible for community supervision, including the treatment and review process by Judges presently available at our Terraine Facility.
- E. In addition, the Court will redesign forms, calendars and processes to give defendants the maximum exposure to the advantages of treatment for substance abuse, treatment for the mentally ill and mentally challenged, and rehabilitation services.
- F. The Court will continue in its efforts to assist the Probation Department in the implementation of SB 678 to curtail the number of probation violations filed under the existing system through the utilization of evidence based practices prior to the filing of violations as an existing model to diminish the number of offenders sent to prison.

### **Violations of Post Release Community Supervision:**

- A. The Court will hire a Judicial Hearing Officer who will be responsible for triaging cases when petitions for violation of post release community supervision are filed. The violation hearing department will initially operate two to three days per week.
- B. On the filing of a Petition by Probation, the hearing officer will appoint counsel and follow all of the procedures outlined in the new Rule of Court to be adopted by the Judicial Counsel prior to October 1, 2011, including the consideration of whether or not Probation has utilized interim sanctions as well as treatment and rehabilitation prior to filing the petition.
- C. Our Parolee Reentry Court, and other treatment courts that we have established at our Terraine facility will be utilized for the large number of offenders in violation who are in need of Court monitored treatment and rehabilitation. As appropriate, these offenders will be brought back for reviews before the Judges, utilizing our existing model that has demonstrated success and is a best practice.
- D. A regimen of incentives and sanctions, including flash incarceration will be utilized by the Court where treatment and rehabilitation services are being provided.
- E. Those offenders in violation who pose a substantial risk to the community, are highly likely to reoffend, and/or refuse treatment, and/or will not benefit or have not benefited from treatment or other interventions ordered by the Court will be sentenced by the hearing officer for up to the statutory maximum.
- F. In more serious matters, where the circumstance of violation is the commission of a new crime, the violation will be combined with the new offense for one resolution by the trial Judge.

### **District Attorney and Public Defender**

Realignment will have a significant impact on the workload and operations of both the District Attorney's Office and the Office of the Public Defender. The impacts will result from the increase in cases heard with respect to Post Release Community Supervision violation hearings, potentially more court appearances in an attempt to reach agreement with regard to sentencing terms and options for the non-violent, non-serious and non-high risk sex offenders who will be commitment locally and the implementation of changes in sentencing laws and options. Both the District Attorney's Office and the Office of the Public Defender have worked collaboratively with system partners to understand the impacts of AB 109 and all subsequent legislation and to identify how these impacts will affect our criminal justice system in Santa Clara County. Current

efforts include continuing to develop a revocation process and a graduated sanctions model which will be implemented to ensure consistency in the supervision and prosecution of cases.

## **Probation Department**

The Santa Clara County Probation Department, in collaboration and partnership with the Sheriff's Department, the Department of Mental Health and community based providers will implement an evidence based supervision and service delivery model to serve both the Post Release Community Supervision population and the non-serious, non-violent, non-high risk sex offenders who will begin serving their commitments in the county jail rather than being sent to state prison.

Based on population estimates received from CDCR, the Probation Department will supervise approximately 1,067 additional offenders in the community at full implementation of Realignment. These are offenders who would have previously been supervised by state parole upon their release from state prison and those who would have served their commitments in a state prison facility followed by a three year period of parole supervision. These offenders are diverse with respect to criminal histories, the risk they pose to public safety and the needs they present that will require services in order to achieve rehabilitative goals.

### ***Supervision Strategies***

The Probation Department has been designated by the Board of Supervisors as the county agency responsible for supervising offenders being realigned from the state to the county. As outlined in AB 109, this responsibility requires the use of evidence based correctional sanctions and programming encompassing a range of custodial and non-custodial responses to criminal or non-compliant behavior. In addition to providing intensive supervision, the use of a validated risk/needs assessment tool, evidence based programs provided by county agencies and community based organizations, home detention with electronic monitoring and/or GPS to support alternatives to custody and to enhance supervision options, community service, random substance abuse testing, cognitive behavioral interventions, substance abuse treatment, flash incarceration and re-entry courts will be tools available to staff to promote success and rehabilitation within this population.

Re-entry is one of our most complex challenges and the key to reducing recidivism and protecting public safety. The goals of re-entry not only include making our communities safer by reducing recidivism and victimization, it includes assisting those returning from custody (prison or county jail) in becoming productive law-abiding citizens and saving taxpayer dollars by lowering direct and collateral costs of incarceration. In a collaborative effort with the Sheriff's Department, the Department of Mental Health and the County's Re-Entry Network, the Probation Department will work to establish a Re-entry Team to implement a re-entry model to serve state inmates being returned to Santa Clara County on Post Release Community Supervision and those eligible



offenders who will serve their commitments in the county jail rather than in a state prison facility.

Re-entry programming, which often involves a comprehensive case management approach, is intended to assist offenders in acquiring the life skills needed to succeed in the community. These life skills include obtaining and maintaining long-term employment and stable residences, and addressing both substance abuse and mental health needs. It is anticipated that the re-entry model will ensure that programming begins in the correctional institution and continues throughout an offender's transition to and stabilization in the community.

The Re-entry team, consisting of staff from Probation, the Sheriff's Department, and Mental Health will meet with all of the non-serious, non-violent, and non-high risk sex offenders serving a local commitment in the county jail a minimum of 60 days prior to release. An assessment will be conducted by both Probation and Mental Health staff to gauge the offenders risk and needs after which a comprehensive case plan will be developed outlining supervision strategies, specific referrals to programs and treatment and information related to access and linkages to benefits, peer support and other community resources. The Re-entry Team will again meet with the offender 30 days prior to release to review the case plan, to explain the terms and conditions of release and to provide appropriate referrals to services and programs, including substance abuse and mental health treatment and resources for benefits, employment and housing. Probation and Sheriff's Department staff will jointly monitor the offender's release from custody and their transition back into the community. The two agencies will work together to provide intensive case management/supervision to ensure the case plan remains relevant to the offender's life situation and to make adjustments and provide support in the initial 30 to 90 days. Following the initial transition period (30-90 days) the Probation Department will assume full responsibility for the monitoring and supervision of the offender in the community and will enforce graduated sanctions and rewards up to Court involvement and revocation. If an offender returns to custody for a period of flash incarceration or on a short term revocation, the Re-entry team will reconvene and meet with the offender prior to release in order to re-assess and modify the case plan as appropriate.

The re-entry model for the Post Release Community Supervision population will also include a Re-entry Team, which will consist of staff from Probation and the Department of Mental Health. Approximately 60 days prior to an offender being released from a state prison facility, the Re-entry Team will travel to the state facility and meet with the offender. The same assessments will be administered with this population and a discussion will take place with the offender regarding their specific needs (treatment, housing, employment, medical benefits, etc), conditions of release, and reporting responsibilities. The offender will be provided with a list of referrals to services in Santa Clara County at this time. The offender will be directed to report to the Probation Department within 48 hours of release at which time Probation Department staff will have sole responsibility for the supervision of these offenders and will employ graduated sanctions and rewards to provide both accountability and support in the community. If a

Post Release Community Supervision offender returns to custody for a period of flash incarceration or on a short term revocation, the Re-entry team will reconvene and meet with the offender prior to release in order to re-assess and modify the case plan as appropriate.

The ultimate goal of the Re-entry Team is to prepare offenders to re-enter society, provide evidence based programs both prior to and immediately following release from custody and to link offenders to long-term support programs. We envision these programs would serve to connect those who have left the supervision of the criminal justice system with a network of social services agencies and community based organizations to provide on-going services and mentoring relationships.

Both of the identified populations (PRCS and Non/Non/Nons sentenced locally) will be supervised by our High Risk Offender Units. These Units will provide intensive supervision to offenders at a ratio of 30:1. Research conducted by the American Probation and Parole Association (APPA) supports that the importance of caseload size to the effectiveness of probation and parole supervision cannot be overstated. Offender supervision is a human capital intensive activity. While technological innovations have transformed the work of probation and parole officers, it has done little to change the core correctional practices that comprise case management. People, in the form of probation and parole officers are the core correctional resource. Caseloads must be a size that provides officers with enough time to devote to each offender to achieve supervision objectives. Probation and parole officers with overly large caseloads can do little more than monitor the offenders and return the non-compliant ones to court. Without adequate time for supervision, effectiveness is just a pipe dream. APPA recommends that intensive caseloads be supervised at a ratio of 20:1.<sup>5</sup> This reduced caseload size will require the assigned deputy probation officer to make a minimum of three (3) face-to-face contacts with each offender every month, two of which will be required at the offender's residence.

The Probation Department's supervision strategies are designed to adapt evolving evidence based practices. These strategies involve four main dimensions:

1. Use a valid risk and needs assessment tool to identify criminogenic needs.
2. Develop case plans that are responsive to the criminogenic needs of high and moderate risk offenders.
3. Provide appropriate services and controls, and ensure that programs and services use social learning or cognitive-behavioral interventions.
4. Provide an environment where the offender can learn pro-social behaviors and successfully complete supervision.

The CAIS was selected as the risk/needs assessment tool to be used by the Probation Department in Santa Clara County. The training on the new fourth generation tool will be implemented the first week of October 2011 and will be completed the first week of December 2011. Every deputy probation officer and supervising probation officer will

receive intensive training in the use of the tool and its results to ensure fidelity to its implementation. The tool will not only be administered at the time of release from incarceration, it will be utilized at the pre-sentence level in order to guide and support recommendations to the Court for sentencing purposes. Further, reassessments will be conducted to ensure the needs of the offender are being met in an effective manner.

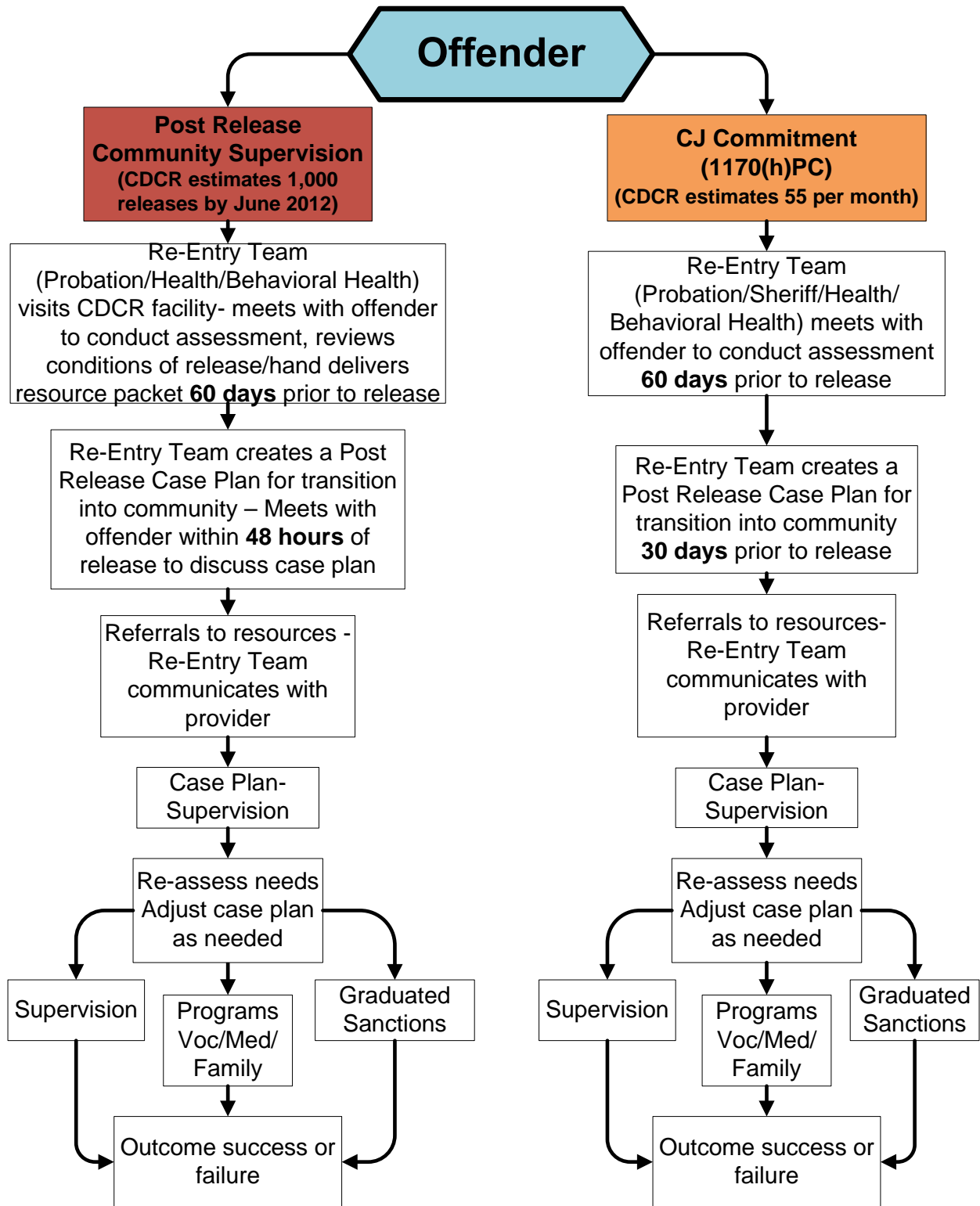
The value of a risk and needs assessment is that it provides a framework from which case planning can occur. It is against the backdrop that deputy probation officers will develop individualized case plans for offenders to ensure that time, energy and resources are focused on those activities that are most needed to reduce the likelihood of future criminal conduct.

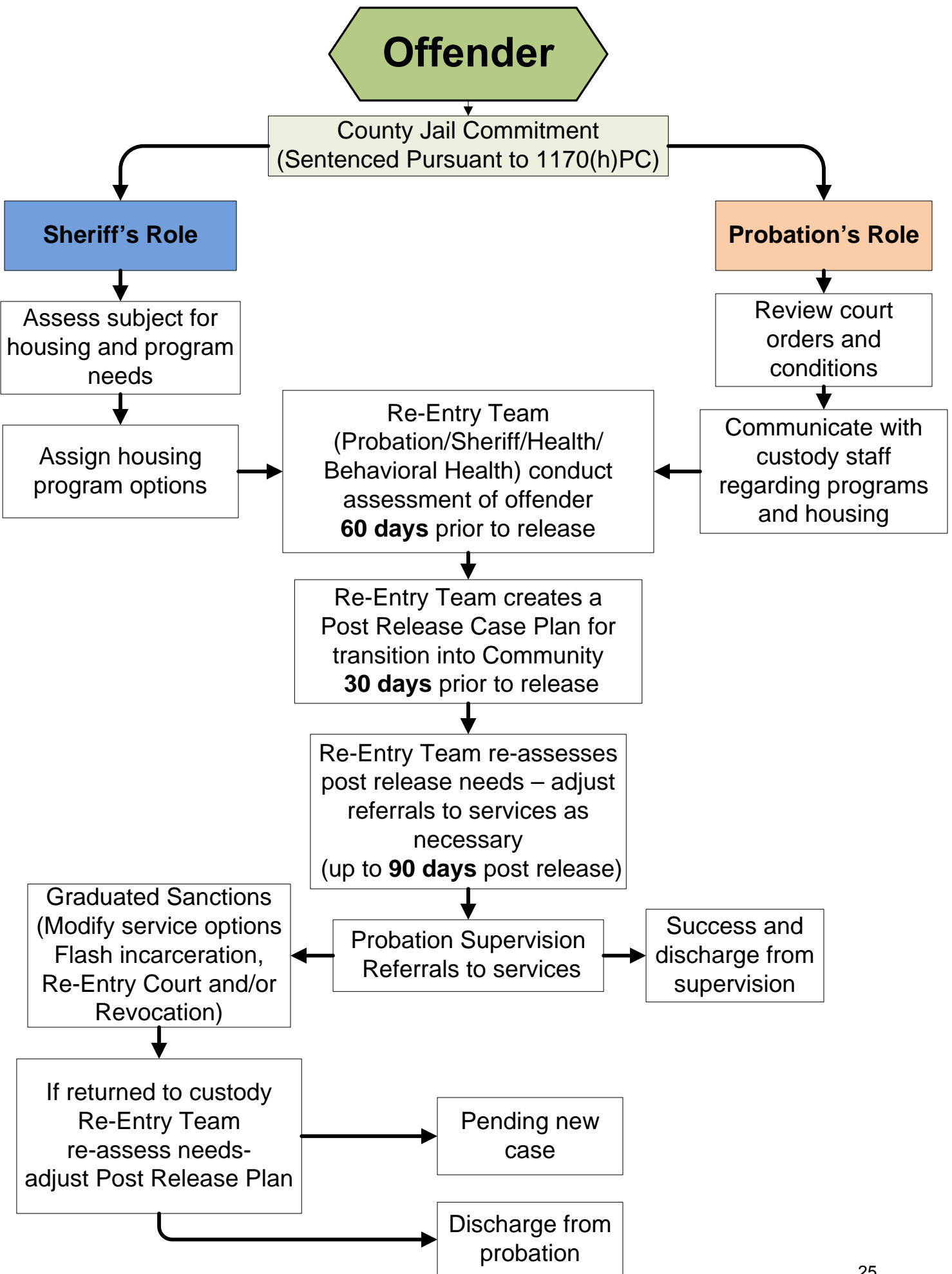
Research shows that those intervention programs and practices that are most effective are those that ensure that staffs are appropriately skilled and trained in specific offender management techniques.<sup>6</sup> Consequently, Motivational Interviewing training will also be required of staff assigned to the Adult Division. This 24 hour intensive training program will enhance the skills of staff to ensure that a client-centered approach is being utilized to elicit behavior change by helping offenders explore and resolve ambivalence. This evidence based practice, which models a goal-directed approach to working with offenders, has been shown to effectively change behaviors. This training will also begin in October 2011.

Through the use of SB 678 funding, a contract was recently awarded to a community based organization to provide cognitive behavioral therapy (CBT) and substance abuse treatment. Cognitive behavior is the key to social behavior, thus, permanent change in problem behavior demands change at a cognitive level. Changing underlying beliefs, attitudes and criminal thinking is the key to changing behavior.

A system of sanctions and rewards is being developed for use as a graduated sanctions or response grid model which will guide intervention decisions with all offenders under supervision. This model will facilitate consideration of the risk/need criminogenic factors of individual offenders and the severity of the violation when determining and imposing the appropriate level of sanction or reward.

A fundamental principle of effective community corrections management is the measurement of outcomes.<sup>7</sup> The formation of the Evaluation Design and Policy Research and Data Analysis work group by the CCP will promote the implementation and long term sustainability of data collection and analysis, track outcomes, and determine the effectiveness of our policies, programs and practices in effecting offender behavior change, reducing recidivism and enhancing public safety.





## **Sheriff's Department and the Department of Correction**

Beginning October 1, 2011 the County of Santa Clara will be responsible for housing several hundred additional inmates per year. The Public Safety Realignment Act will essentially shift the responsibility for housing and supervising non-violent, non-serious and non-sex offenders from the State to the Counties. This "new" population will present significant challenges to staff and facilities based on the anticipated increases in post-sentenced population and length of incarceration.

There will be a significant fiscal impact to the County of Santa Clara, some of which will be offset by state funding. The county will be responsible not only for housing and supervising of this new population but also for costs related to food, medical, mental health, facilities, clothing, rehabilitation, re-entry programs and other direct and indirect costs.

In addition to the anticipated financial impact, the current programming and custodial methodology being used in the county correctional facilities will have to be altered to meet the needs of this new population. New procedures will have to be developed to deal with long term custodial situations, and classification metrics will have to be upgraded to address the needs of parolees returning to custody after spending years in state prison facilities. Additionally, some of the county correctional facilities that have been closed in recent years will have to be re-opened and upgraded to meet the increase in inmate population. The Department of Correction is also charged with incorporating these individuals into the current rehabilitation and re-entry programs, and developing additional programs to meet the needs of the changing population.

The following is a brief summary of some of the fundamental changes that will need to be adopted in the first year of this implementation plan. The immediate nature of the changes reflect the principle that custodial supervision begins upon arrest and extends through sentencing so the Department of Correction will experience the full effect of this new population within the first 8 months of realignment. Over the last few years the Department of Correction has significantly reduced staffing and the corresponding operating budgets in each area of custodial operations, (facility security, inmate supervision, rehabilitation, food services, custody support services, transportation, medical/mental health treatment, classification, employee supervision, and investigations). Since any increase in population will undoubtedly impact every unit within the Department of Correction, staffing and service costs will have to be added to each area of operations in order to adequately address the needs of the new population.

### ***Custodial Supervision***

California State Penal Code § 1170(h), compels counties to incarcerate certain types of felons within their respective correctional facilities. The sentencing parameters under California Penal Code § 1170 indicate that a majority of this new population will be sentenced to one of three sentencing scenarios; 16 months, 2 years, or 3 years in

county jail. Under existing law, this new population would be serving two-thirds of these sentences in local facilities. However, in an effort to relieve some of the problems associated with this legislation, the Public Safety Realignment Act changed state law to allow inmates in county correctional facilities to be released after serving half-time, or one day credit for each day served in custody. While this provides some relief, it should be noted that a certain percentage of the new population will be serving sentences at the top end of the scale or serving consecutive sentences. The California Department of Corrections and Rehabilitation (CDCR) data suggests that between 35% and 40% of this new population will receive sentences ranging from 2 to 6 years.

The need for bed space in any correctional facility is based on what is known as the “average daily population,” or ADP. ADP is an average of the number of inmates in custody on a daily basis over a 365 day time period. Based on the data provided by CDCR, the ADP in Santa Clara County will increase by approximately 55 newly sentenced prisoners per month over the twelve month period beginning October 1, 2011. The CDCR projects that approximately 65% of this new population will be serving the minimum sentence of approximately 8 months, with the other 35% serving between 18 months and six years. This translates to an increase in the ADP for Santa Clara County for the 12 month period beginning October 1, 2011 of approximately 660 additional inmates. With our current population of approximately 3,500 inmates, the increase of 660 inmates represents a population increase of more than 18%.

In addition to the newly sentenced inmates, the Public Safety Realignment Act will require counties to supervise and house violent, serious or sex offenders who violate the conditions of their parole after they are released from state prison. The data received from the CDCR indicates that Santa Clara County can expect approximately 27 new parole revocations per month over the next twelve months. Although this is 324 new parole revocations per year, the maximum revocation is only 180 days so two inmates serving 180 day revocations equates to one ADP. The ADP increase in Santa Clara County for inmates housed on parole revocations is anticipated to be 162. With our current population of approximately 3,500, this ADP increase of 162 inmates represents a population increase of approximately 5%.

### ***Custodial Alternatives Supervision Team***

One of the ongoing issues facing county jail facilities throughout the state is jail overcrowding. With the passage of the Public Safety Realignment Act and the resulting substantial increase in local jail populations, this issue is of critical importance throughout California. Because the true impact of this legislation may not be fully recognized for years to come, the State Legislature incorporated certain population management tools into the Public Safety Realignment Act. For example, the Public Safety Realignment Act allows for the release of pre-sentenced inmates on electronic monitoring or the Supervised Own Recognizance Program. The Act also allows the Office of the Sheriff to expand the definition of “custodial supervision” for the sentenced population to include a number of alternatives including home confinement and day reporting programs. While these tools will give counties the ability to institute

alternatives in the event that jail population numbers exceed operational capacity, these alternatives will require additional staff to provide the intense supervision and monitoring necessary to maintain public safety.

Additional staffing is required for managing custodial alternative programs and providing the intensive monitoring of both pre-sentenced and post-sentenced inmates assigned to these programs. Additional responsibilities would include collaboration with the Probation Department for the supervision of high risk felony offenders or County Parole, and for managing the re-entry program that will monitor inmates from 30 days prior to release until approximately 90 days post-release.

### ***Classification Unit***

Of the new population that will begin serving their sentences locally on October 1, 2011, most have been housed in county facilities awaiting adjudication of their criminal charges and will now remain in local facilities to serve their sentence. However, due to the length of the sentences and the more sophisticated nature of the offenders, there will be a significant change in the environment within the county correctional facilities. As an example, some of the new population may include parolees that have been violated and returned to custody after having spent many years in state prison.

Over the last few months the Department of Correction has been re-organizing the classification process; re-drafting policies and procedures; and establishing new guidelines for facility operations in an effort to prepare staff for this change.

### ***Rehabilitation Programs***

In addition to the costs associated with housing and supervising this new population, inmate program costs will also increase. In fact, the data received from the CDCR indicates that the programming needs for the new population will be greater than the needs of our existing population. This is due to the fact that the new population will be incarcerated in the county correctional facilities for a longer period of time. Since a large portion of the current population does not enroll in rehabilitation programming due either to their charges or their length of stay, there will be a greater need for additional programs and program capacity.

### ***Administrative Booking***

Once the Public Safety Realignment Act was passed, CDCR provided the California counties with projected impact information. While this information is based on historic data, there are variables to consider in these calculations. One of these variables is the success that an individual county has in the reduction of recidivism.

Because the funding for the current fiscal year has been established, it is imperative that valid data detailing actual impacts be developed and tracked for the purpose of



identifying actual costs. It is important for staff to evaluate the sentencing of the new population, and monitor both formal and informal custodial alternatives. In addition, staff will track the new population and provide critical statistical information.

### ***Custody Support***

The Custody Support Unit handles a variety of tasks within the facilities on a daily basis. These tasks include the overall management of supply services, laundry services, food distribution, facility maintenance, shops supervision, mail services, etc. The increase in population will have an impact on each of these operations.

### ***Training***

As part of the annual budget reduction for FY 2012, the recruit training budget was cut based on the belief that there would not be a need to hire additional correctional staff this fiscal year. With the implementation of the Public Safety Realignment Act, there is a need to re-open the Recruiting and Training Unit and hire and train additional staff. The Department of Correction is requesting the funds required to hire and train the needed personnel.

### ***Food Services***

During the budget reduction process for FY 2012 the Food Services Unit was forced to reduce their staff and alter their operational structure to meet the targeted budget reductions. Because the staffing is at minimum levels, any increase in population will have a negative impact on their operation and food services budget.

### ***Additional Considerations***

One issue of interest is the prospect of the county entering into a contract with the California Department of Corrections and Rehabilitation to house county prisoners. Although the State has already indicated that they would not be interested in 90% of the new population, they are interested in contracting for long-term inmates who could work in the State-run fire camps. The State currently has over 45,000 inmates working in fire camps throughout California, and the majority of these inmates match the profile, (non-violent, non-serious, non-sex offenders), that make up the population of these camps. The State believes that by early next year they will be running out of inmates to send to these camps, and they have told the counties that they would be willing to house this portion of the population in these fire camps for an undetermined daily rate that would be charged to the county. This was presented as an ADP management tool for counties lacking the bed space to handle the anticipated increase in population. The minimum anticipated cost of this option appears to be approximately \$20,000 per year per inmate.

Another potential cost to the County is the development of custodial alternatives, such as day reporting programs, electronic monitoring programs, or other alternatives identified by the County. Each of these programs would require a facility as well as additional personnel. We are currently working with Facilities and Fleet to determine the overall costs to the County for security enhancements and facility upgrades at the current facilities as well as additional space needs for the custodial alternatives.

The Department of Correction is asking that funds be set aside for facility improvements. Funds should also be set aside for additional staffing and facility costs should alternatives be needed to address the needs of the new population.

### ***Re-Entry Programs***

At the present time, additional evidence-based re-entry programs, designed with the intent of reducing recidivism, are being developed. One aspect of these evidence based programs requires an evaluation and supervision component that begins 30 days prior to being released into the community and extends up to 90 days post-release.

The development and success of these programs is essential to effectively manage the in-custody ADP in this county. This is accomplished through both the reduction of new crimes committed and the reduction in probation/parole revocations. An effective re-entry program will result in a lower in-custody population, and will enhance the quality of life in our local communities.

In order to effectively manage the in-custody ADP in this county the Department of Correction will have to be involved in the attempt to reduce recidivism by taking an active part in re-entry. Providing Re-entry programs for the inmate in their actual county of residence is an opportunity to achieve a higher level of success.

With any major change in a system coupled with enhanced programs, an evaluation component is required. Baseline data is being researched for the purpose of evaluation and comparison.

The request for funding as outlined, are all portions of achieving positive results.

### **Mental Health Department**

The Mental Health Department, working collaboratively with the CCP partners, proposes to implement a Mental Health Services Act (MHSA) Innovation Project to benefit the realignment population as they transition from custody to the community. This Re-Entry Multi-Agency Pilot (Re-Entry MAP) will serve those being released from state prison facilities onto Post Release Community Supervision as well as those non-serious, non-violent, non-high risk sex offenders who will be committed to local custody and may be subject to a period on mandatory probation.

## Project Aim

The aim of the Re-Entry Multi-Agency Pilot (Re-Entry MAP) is to develop and test a service need assessment and delivery model that will facilitate interagency coordination in assessing and providing relevant and effective re-entry services for incarcerated adults in exiting prison and jail settings. The project will seek to answer three questions:

- 1. Who are those that are re-entering the community as the result of the new AB109/ state legislation and what needs does this population have that are critical to their successful re-entry into the community?***
- 2. What essential services are needed by this population and what structure or “model” of service access, delivery and coordination will best meet client needs and minimize recidivism and other defined outcomes?***
- 3. What policy, system, and service level changes are needed for Santa Clara County departments and partner agencies to achieve maximum outcomes for this population?***

To answer these critical questions, the Mental Health Department in collaboration with other partner agencies and stakeholders will conduct an 18-month inter-agency pilot project comprised of an inter-departmental team of skilled and knowledgeable staff.

## Project Charter and Desired Outcomes

The charter to the team will be to improve re-entry efforts for newly released inmates by testing whether an integrated multi-domain assessment and service planning tool, utilized and applied by an integrated interagency team achieves the following outcomes:

- 1. An accurate prediction of re-entry client needs**, service types (duration and intensity),
- 2. An accurate prediction of system resource needs and costs;**
- 3. A model for efficient and effective service coordination** and reduced redundancy in case management efforts;
- 4. Lower rates of re-incarceration** than currently achieved in Santa Clara County;
- 5. Lower rates of homelessness** among criminal justice population than currently measured in Santa Clara County;
- 6. Increased access to health and behavioral health services** as compared to current County re-entry populations ;
- 7. Increased access to self-sufficiency supports:** benefits, housing, employment and educational resources;
- 8. Increased access to interpersonal and community supports** (family, peer support, self-help, faith connection).
- 9. Increased client and family satisfaction with system** rehabilitative support;

10. **Increase client and family perception of rehabilitative success**, (i.e., “I am done with involvement with the criminal justice system”: “I have hope and confidence in my ability to have a crime-free life” and I have the resources to achieve that aim” etc.).

## **Project Deliverables**

This team will be involved in the following activities:

1. **Design and test a unified assessment model.** The objective is to test the value of a comprehensive “Need Index” that predicts re-entry needs and service intensity (including type, duration, level of service and costs). The team will:
  - a. Research and incorporate key elements of evidenced based models of assessing criminogenic risk, health, behavioral health, housing, employment/educational, economic, family and social support needs.
  - b. Design and test a comprehensive multi-domain assessment of adults who are impacted by AB109/117. This will be achieved through the development of an integrated “**Re-entry and Transitional Needs Assessment**” tool and assessment process.
2. **Design and test a comprehensive multi-domain service plan based on the assessment tool.** The team will?
  - a. Research and incorporate key elements of evidenced based models of service plans for outlining critical service needs of criminal justice involved individuals.
  - b. Design and test a comprehensive “**Re-Entry Service Plan**”. The plan that will outline and prioritize needed services for transitioning parolees and probationers and will estimate specific types, duration and costs of service per person.
3. **Conjointly assess, complete service plans, facilitate and oversee services for the “First 50” individuals re-entering the community under AB109/117 and as defined the Community Corrections Partnership Steering Committee.** The Team will:
  - a. Work together to coordinate team roles and responsibilities in assuring that all population referrals are assessed, plans are developed and implemented.
  - b. Obtain legal consultation to assure that the Team is designated as a Multi-Disciplinary Team (MDT) and legally able to share information needed to insure optimal care and service coordination of referrals.

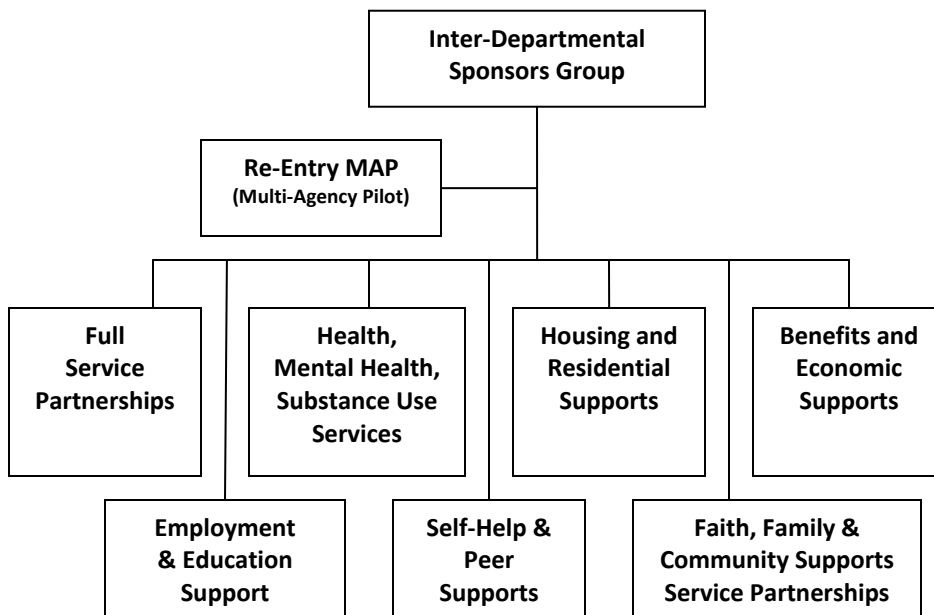
- c. Maintain thorough records and other documentation to provide essential learning benefit from the pilot.
  - d. Engage and coordinate team and non-team resources to the maximum benefit of the pilot population.
  - e. Collaborate and coordinate activities and efforts with Innovation 06- Transitional Mental Health Services to Newly Released County Inmates to maximize peer and community support through the newly formed Faith Collaborative.
4. **Conjointly design and test a “Re-entry Outcomes Dashboard”.** The Team will:
- a. Work with evaluation staff from all participating departments to identify a set of pilot outcome measures to be tracked;
  - b. Design and test an outcomes “dashboard” to track pilot progress in addressing client needs in multiple functional domains (health, mental health, substance use, housing, benefits, employment/education, benefit assistance, social network).
5. **Prepare regular reports to the AB109/117 Community Corrections Partnership Executive Steering Committee.** The Team will:
- a. Inform the leadership on population needs and pre-incarceration history of service utilization;
  - b. Summarize community re-entry service access and utilization by the population served;
  - c. Identify system resource and inter-departmental interface issues and recommendations.
6. **Complete Final Pilot Summary Report and Recommendations to the AB109/117 Community Corrections Partnership Executive Steering Committee.** The Team will:
- a. Summarize pilot activities, outcomes and recommendations to inform the ongoing structure, processes and resources needed to achieve maximum beneficial outcomes for populations transitioning to the community as a result of AB109/117.

The Mental Health Department, in conjunction with other collaborating partners/service providers will provide support for the development of an infrastructure to coordinate service access and service delivery to inmates through discharge planning to

community re-entry. This project will utilize MSHA funds for 18 months of staffing and administrative costs of the pilot team, evaluation and data collection support.

The pilot will work in concert with the overall Re-Entry service delivery system being developed in Santa Clara County, which will include the MSHA Criminal Justice Full Service Partnership system of services, the Innovation -06 Re-Entry Faith Collaborative; and service and support resources being put in place for the Community Corrections Partnership. A draft overview of the proposed project oversight structure is presented below.

**Community Corrections Partnership  
Steering Committee  
Service Delivery Overview**



**Community Based Treatment Services**

Research supports that supervision without services is ineffective. Research further supports that implementing a more balanced, evidence based approach to supervision which includes an emphasis on working with offenders on their criminogenic problems through counseling, services and treatment produces better outcomes. Improved outcomes using this approach has shown positive results in terms of reducing criminal activity and technical violations, and increasing pro-social behaviors like working, avoiding substance abuse, performing community service and paying court-ordered

obligations, such as restitution and child support. These programs demonstrate that small caseloads, combined with effective strategies can produce improved results.<sup>5</sup>

In addition to the recently executed contract for cognitive behavioral therapy and substance abuse treatment (SB 678 funds), Probation will seek the participation of community based treatment providers for needed services through the Request for Proposal (RFP) process for much needed services pertaining to employment and education support. It is anticipated an RFP will be released in the September- October timeframe.

In addition, through a collaborative effort with the Department of Mental Health additional services will be secured. These services include further expansion of Full Service Partnership, Mental Health Outpatient Services and Transitional Housing Units. Benefits and economic support system will be in place as well as a Self-Help & Peer Supports network. These services will be funded through the MHSA.

A contract will be secured for Faith, Family and Community Support Service Partnerships as well.

Contract providers will be required to employ evidence based treatment models and practices throughout the continuum of services offered to offenders. The evidence-based programs must contain certain characteristics that can serve as indicators of measurement to ensure the effectiveness of services. The service offering listed above will use a strength-based approach ensuring successful reentry for the offender.

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## **PROPOSED OUTCOME MEASURES**

- Increase the use of community sanctions and programs (both for lower level felons, parole violators, and community supervision clients).
- Increase the connections and coordination between offenders and potentially helpful people and services in the community. Including family, educators, potential employers, and faith-based agencies.
- Develop an efficient system that strengthens cross agency coordination and use of services.
- Increased outcomes as it pertains to housing, sobriety, and employment.
- Reduce offender recidivism rates.
- Reduce prison commitments from the counties, thus reducing the overall prison population.
- Reduce racial and ethnic disparities in key decisions across the criminal justice system.



## REFERENCES

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<sup>1</sup> Bogue 2002; Carey 2002; Corbett et al. 1999; Gornik 2001; Lipton et al. 2000; Taxman and Byrne 2001

<sup>2</sup> National Institute of Corrections, Community Corrections Division, U.S. Department of Justice. *Implementing Evidence-Based Practice in Community Corrections: The Principles of Effective Intervention* (2004).

<sup>3</sup> National Institute of Corrections, Community Corrections Division, U.S. Department of Justice, *Implementing Evidence-Based Practice in Community Corrections – Second Edition* (2009).

<sup>4</sup> Gendreau, 1997; Andrews & Bonta, 1998; Harland, 1996; Sherman, et al, 1998; McGuire, 2001, 2002.

<sup>5</sup> American Probation and Parole Association, *Caseload Standards for Probation and Parole* (2006)

<sup>6</sup> Latessa, Edward, Francis Cullen and Paul Gendreau, *Beyond Professional Quackery: Professionalism and the Possibility of Effective Treatment* (2002)

<sup>7</sup> Crime and Justice Institute, *Implementing Evidence –Based Practice in Community Corrections: The Principles of Effective Intervention* (2004)



# Santa Clara County, CA 2011 Public Safety Realignment Implementation Plan

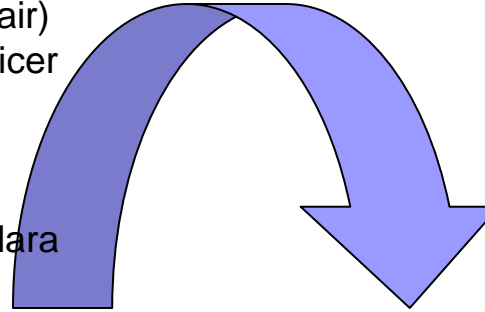
Board of Supervisors Meeting  
September 27, 2011

# AB109/AB117 in a nutshell

- ✓ Begins October 1, 2011
- ✓ Low level sentenced felons go to jail instead of prison (non-violent, non-serious, non-high risk sex offenders)
- ✓ Non-violent, non-serious, non-high risk sex offenders released to County post-release community supervision
- ✓ Parole violators serve time in County jail not prison
- ✓ Expands alternative custody for local commitments
- ✓ No state prison inmates will be transferred to county jail
- ✓ No state prison inmates will be released early to County post-release community supervision
- ✓ Local planning (Community Corrections Partnership)

## Community Corrections Partnership

- Sheila Mitchell, Chief Probation Officer (Chair)
- Karen Fletcher, Deputy Chief Probation Officer
- Laurie Smith, Sheriff
- Richard Loftus, Jr., Presiding Judge
- Mary Greenwood, Public Defender
- Kevin Kyle, Chief of Police, City of Santa Clara
- Jeff Rosen, District Attorney
- Bob Garner, Director, Drug & Alcohol Services
- Nancy Pena, Director, Mental Health
- Gina Sessions, Director, Social Services Agency
- Gary Graves, Chief Operating Officer
- Erin O'Brien, CEO/Director, Community Solutions
- Rose Amador, President/CEO, Center for Training & Careers
- David Tran, Director, Victim Witness Assistance Program
- Charles Weis, Superintendent County Office of Education



## Community Corrections Partnership, Executive Committee

- Sheila Mitchell, Chief Probation Officer (Chair)
- Karen Fletcher, Deputy Chief Probation Officer
- Laurie Smith, Sheriff
- Richard Loftus, Jr., Presiding Judge
- Mary Greenwood, Public Defender
- Kevin Kyle, Chief of Police, City of Santa Clara
- Jeff Rosen, District Attorney
- Bob Garner, Director, Drug & Alcohol Services
- Nancy Pena, Director, Mental Health
- Gina Sessions, Director, Social Services Agency

**SANTA CLARA COUNTY  
BOARD OF SUPERVISORS**



**Community Corrections  
Partnership**

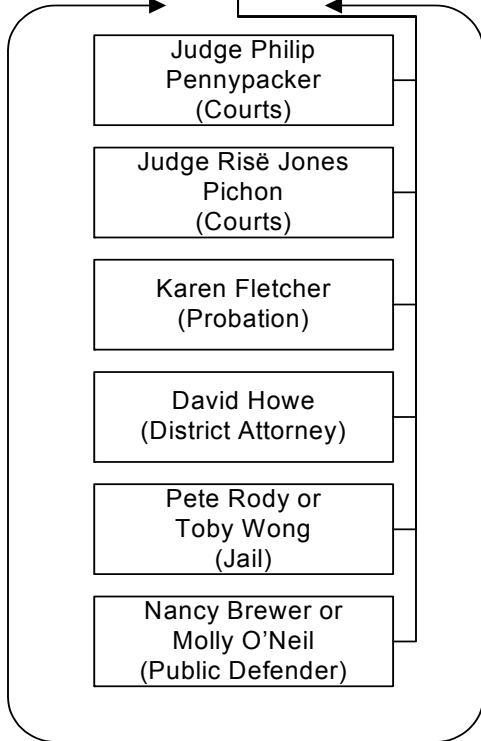
**Community Corrections  
Partnership Executive  
Steering Committee**

**Data Analysis/  
Validation**

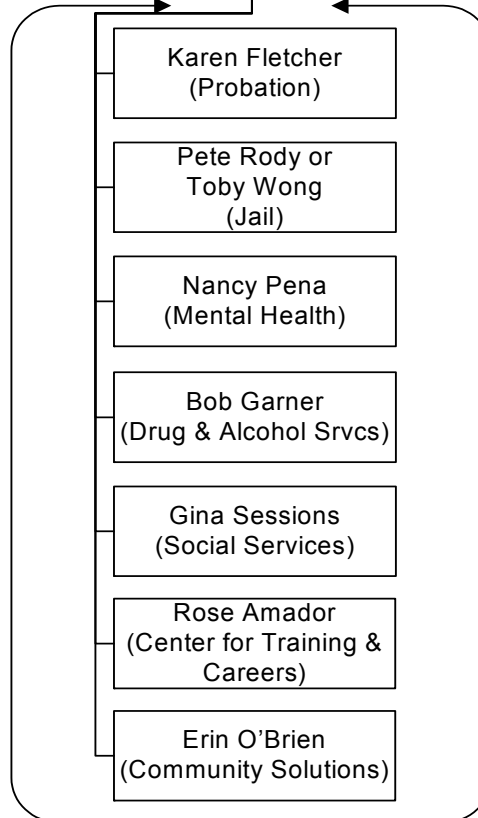
**Court Processing**

**Custody/Probation/  
Programming**

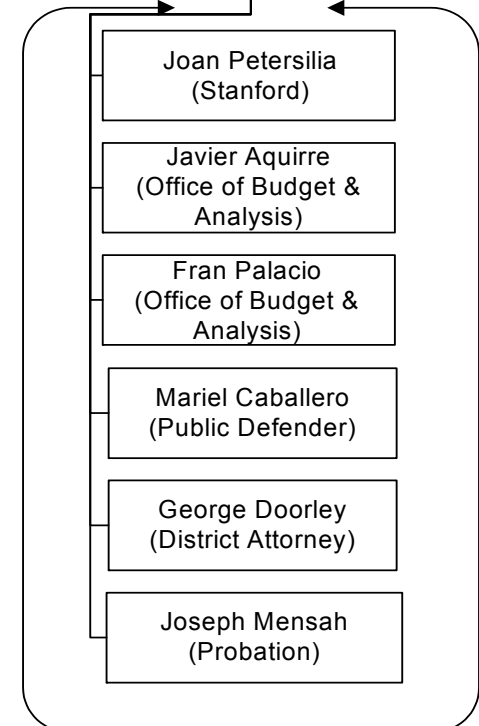
**Evaluation Design  
& Policy Research**



Court Processing Members

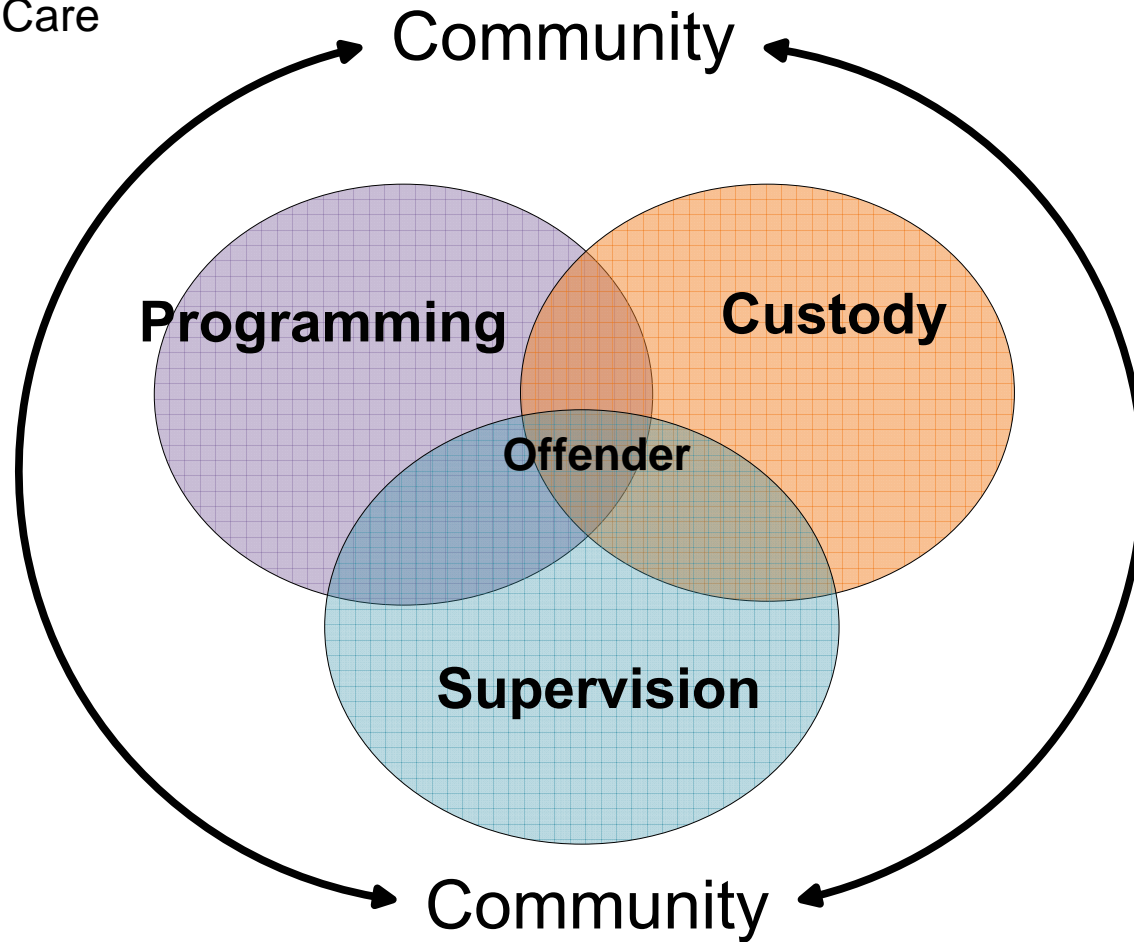


Custody/Probation/Programming Members



Evaluation Design & Policy Research Members

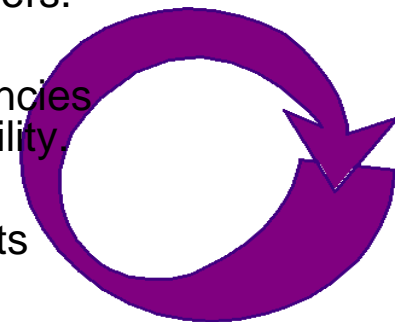
Public Safety Re-Alignment  
AB 109/117  
System of Care



# Summary of Recommendations

*Approved by the Community Corrections Partnership August 25, 2011*

- Consider and adopt the Public Safety Realignment Implementation Plan as Santa Clara County's Public Safety Realignment Plan as required by Section 1230.1 of the Penal Code and the Post Release Community Supervision strategy as required by Section 3451 of the Penal Code, as added by the Post Release Community Supervision Act of 2011 contained in AB 109. This plan contains recommendations for implementation including using funds allocated by the State to successfully implement the plan.
- Support ongoing efforts to implement evidence based practices in the supervision and case management of all adult offenders in Santa Clara County with the goal of reducing recidivism.
- Continue to explore options to leverage community and treatment resources in order to provide effective evidence based programs to adult offenders.
- Support and strengthen relationships with local law enforcement agencies and task force teams to ensure public safety and offender accountability.
- Strategize to reduce racial and ethnic disparities at key decision points across the criminal justice system.

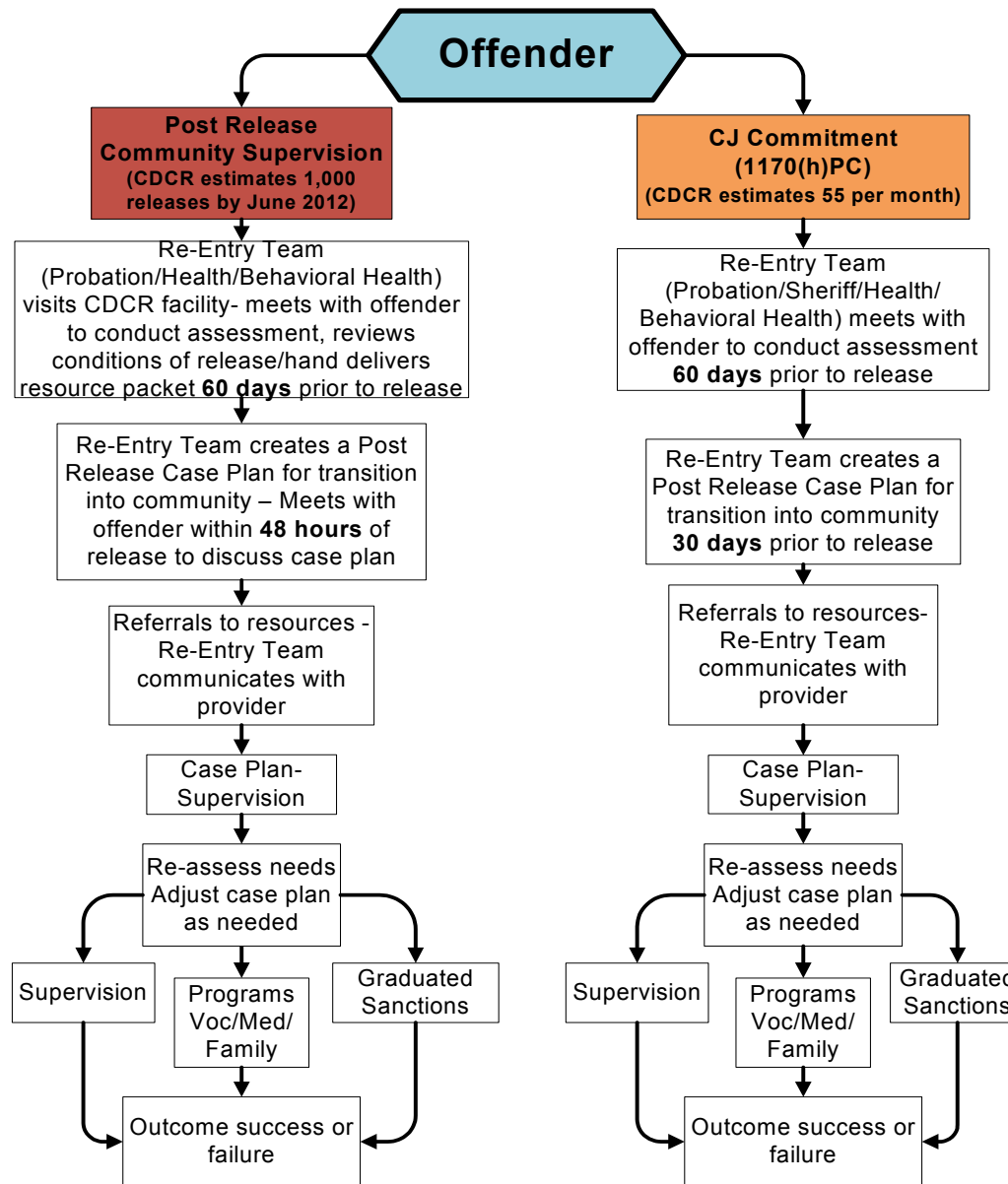


*Continuous & Iterative*

# Proposed Outcome Measures

- Increase the use of community sanctions and programs (both for lower level felons, parole violators, and community supervision clients).
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- Develop an efficient system that strengthens cross agency coordination and use of services.
- Increased outcomes as it pertains to housing, sobriety, and employment.
- Reduce offender recidivism rates.
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- Reduce racial and ethnic disparities in key decisions across the criminal justice system.





# Service Delivery Overview

