

SUTTER COUNTY COMMUNITY CORRECTIONS PARTNERSHIP

Phase I – AB 109 Local Public Safety Realignment Plan

The mission and goal of the Sutter County Community Corrections Partnership is to comply with the Public Safety Realignment Act by adopting evidence-based, cost-effective policies and practices that reduce recidivism, improve offender outcomes and promote public safety.

9/29/2011 Approved by CCP Executive Committee

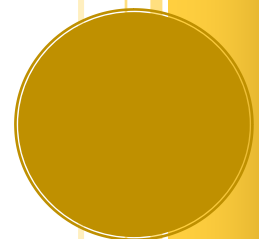


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SUTTER COUNTY COMMUNITY CORRECTIONS PARTNERSHIP

EXECUTIVE COMMITTEE

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- The Honorable Brian R. Aronson, Judge of the Superior Court
- Carl V. Adams, District Attorney, also representing Victim Services
- Mark Van den Heuvel, Public Defender
- Sheriff J. Paul Parker, Sheriff
- Chief Rob Landon, Chief of Police
- Tom Sherry, Human Services Director

REMAINING CCP MEMBERS

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- Lori Harrah, Asst. Director of Human Services for Welfare & Social Services
- Dr. Brad Luz, Asst. Director of Human Services for Mental Health/Alcohol and Drug Programs
- Bill Cornelius, Sutter County Superintendent of Schools
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- The Honorable Chris Chandler, Presiding Judge
- Supervisor James Gallagher
- John Buckland, City of Yuba City Councilmember
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- Susan Rottman, Administrative Services Officer, Probation/AB 109
- Emmy Yandall, Executive Secretary, Secretary to CCP

In Challenge There is Opportunity

The Challenge

California state prisons have been operating significantly over capacity for many years. A series of court cases, including a recent decision by the United States Supreme Court, found health care, treatment and rehabilitation to be unacceptably poor in our state's prisons. Under the current CDCR structure, California has a dismal record (one of the worst in the country) of re-offense and recidivism. By passing AB 109, AB 117 and associated legislation, over the next three years the state is significantly reducing the number of inmates to be housed in state prisons, thereby transferring considerable risk from state responsibility to the counties.

Three different groups of offenders will be affected by this change in law. Beginning October 1, 2011, individuals who are convicted of specified low level felonies will no longer be eligible for incarceration in state prisons. Instead, if they are sentenced to be incarcerated, it will be in the county jail rather than prison. Further, specified individuals who have completed their prison sentence after October 1, 2011, will be supervised by county Probation rather than state Parole upon their release from prison. Finally, those under supervision by state Parole who violate conditions of Parole will serve their parole violation time in county jail rather than state prison.

AB 109 funding is clearly not adequate to allow counties to focus only on prosecution and incarceration. Once AB 109 goes into effect on October 1, 2011, the limited unused capacity in our county jail will be exhausted quickly and AB 109 funding is not sufficient to significantly expand jail capacity.

As with past transfers of other state functions, the funding coming to the counties will not be sufficient to meet all of the responsibilities being passed on by the state. As the offenders transfer from state to county jurisdiction, many of the mandates and standards previously applied to prison care will in the future be applied to county-level care. This will result in currently unforeseen additional costs to the county.

The Opportunities

AB 109 legislation, and the very limited associated funding, presumes that the counties will do a much better job of offering treatment and rehabilitation along with incarceration, thereby reducing recidivism rates and helping these low level offenders reintegrate into society more effectively. Good public safety policy has a two pronged approach: enforcement and prevention/rehabilitation. The Sutter County CCP is unanimously committed to enhancing public safety through a continuum of enforcement, incarceration, supervision and rehabilitation.

Sutter County is very fortunate to have a tradition of excellent communication and cooperation between the Courts, Sheriff, Police, District Attorney, Probation, Human Services, not for profit organizations and the faith-based community. AB 109 will require all of these entities to work closely together in order to meet the competing and complex demands inherent in AB 109 within the limited resources available. The members of the CCP are committed to working closely together, and to continuing to refine the services funded by AB 109 to insure that two primary goals are met:

- It is necessary to continue to insure public safety to the residents of Sutter County and to avoid overcrowding and premature releases by considering alternative strategies across all aspects of the local criminal justice system from pretrial through community re-entry.
- Further, some AB 109 funds will need to be set aside to offset increased local costs for healthcare, treatment and rehabilitation associated with these additional inmates/probationers and to achieve necessary reductions in recidivism.

Reduced recidivism is the best protection for the community since previous criminals would now not be involved in criminal behavior. Utilizing evidence-based rehabilitation practices will insure that scarce resources are committed to approaches that are effective in reducing criminal behavior, and will complement the evidence-based approaches currently used to improve law enforcement outcomes (for example, focusing enforcement in high crime areas).

Evidence-based interventions are effective. The Sutter County Probation Department has shown considerable foresight and initiative in recent years in adopting a number of evidence-based practices for serving adult probationers. This commitment to excellence is reflected in the fact that Sutter County's recidivism rates declined by 22% in the past year, an extraordinary achievement within the state. Whenever possible, the services funded by AB 109 will be proven, evidence-based practices that yield positive outcomes that directly result in significant reductions in recidivism.

OVERVIEW OF 2011 PUBLIC SAFETY REALIGNMENT ACT (AB 109)

Community Corrections Partnership and Local Public Safety Realignment Plan

In an effort to address overcrowding in California's prisons and assist in alleviating the State's financial crisis, the Public Safety Realignment Act (Assembly Bill 109) was signed into law on April 4, 2011. AB109 transfers responsibility for supervising specified lower level inmates and parolees from the California Department of Corrections and Rehabilitation to counties. Implementation of the Public Safety Realignment Act is scheduled for October 1, 2011. (See Addendum #A-Roadmap for the Local Plan.)

Each county is required to develop a realignment plan for the expenditure of realignment funds. The Executive Committee of the CCP shall approve the plan and recommend approval by the Board of Supervisors. The Board of Supervisors can reject the plan only with a 4/5th super majority vote.

Section 1230.1 of the California Penal Code was amended to read:

(a) each county local Community Corrections Partnership (CCP) established pursuant to subdivision (b) of Section 1230 shall recommend a local plan to the County Board of Supervisors for 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), the Director of Welfare and Social Services, (H), the Director of Mental Health or (J), the Director of the County Alcohol and Substances Abuse Services, 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;

Community Corrections Partnership Human Services Representative

On July 26, 2011, the Sutter County Board of Supervisors appointed Human Services Director Tom Sherry as the Executive Committee member representing mental health, social services and drug & alcohol.

(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 multiservice centers, mental health treatment programs, electronic and GPS monitoring programs, victim restitution programs, counseling programs, community service programs, educational programs, and work training programs.

For the past two years, there has been a statewide effort to expand the use of evidence-based practices in sentencing and probation practices and to reduce the state prison population through a reduction of the probation failure rate. SB678 (2009) originally established a Community Corrections Partnership (CCP) in each county to review Probation Departments' use of SB678 funds.

AB 109 OFFENDER POPULATION

Non-Violent/Non-Serious/Non-Sex Offenders (Non/Non/Non; N/N/N; N³): AB109/AB117 revises the Penal Code to allow certain offenders convicted of specified crimes to serve their "prison" terms in the county jail, effective October 1, 2011. The population that would serve their sentences locally would be those convicted of certain non-violent/non-serious/non-registerable sex offenses. These offenders may be sentenced to a period of mandatory supervision as part of their sentence and would be under the supervision of the probation department. Approximately 60 Non/Non/Non offenses on an exclusion list may still render an offender eligible to be sentenced to State Prison, although this list is continuing to expand. (See Addendum #B - Excluded Offenses)

Post Release Community Supervision (PRCS): Non/Non/Non offenders released from State Prison after October 1, 2011, will be placed on post release community supervision under the jurisdiction of county authorities. These offenders will be released from the State Prison to community supervision on their regularly anticipated parole date; there will be no acceleration of release dates. On July 26, 2011, the Sutter County Board of Supervisors designated the Probation Department as the agency responsible for post-release community supervision.

Probation: Eligibility for Probation will not change under the provisions of AB109 or AB117.

Postrelease Community Supervision Will Not Include:

- 3rd Strikers (667PC) or inmates serving a life term.
- Individuals with a current serious felony conviction under section 1192.7 (c)(1)PC.
- Individuals with a current violent felony conviction under section 667.5 (c)(1)PC.
- High risk sex offenders as defined by the California Department of Corrections and Rehabilitation (CDCR)
- Mentally Disordered Offenders (MDO)

Felonies Excluded From Serving a State Prison Sentence in County Jail:

- 3rd Strikers (667PC)
- Individuals with a prior or current serious felony conviction under section 1192.7 (c)(1)PC.
- Individuals with a prior or current violent felony conviction under section 667.5 (c)(1)PC.
- Individuals with an out-of-state felony conviction of a crime that would qualify as a serious or violent felony under California law.
- Individuals required to register pursuant to section 290PC.
- Certain excluded offenses
- PC 186.11 sentence enhancement (\$1,000,000)

Parole Revocations: Parole revocation hearings will continue to be heard by the Board of Parole Hearings until July 2013. However, parole revocation terms will be served in the County Jail beginning October 1, 2011, and may not exceed 180 days. Only those offenders previously sentenced to a term of life can be revoked to prison.

Local Post Release Community Supervision (PRCS): 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, post release community supervision. Offenders may be terminated from community supervision if they remain free of custodial sanctions

(including flash incarceration) for six months, and shall be discharged after a continuous year with no custodial sanctions.

Mandatory Supervision: Mandatory Supervision is the term given to the period of supervision imposed as part of a “split sentence” under 1170 (h) (5) PC. While probation departments have jurisdiction over this subgroup, these offenders are not on traditional probation, although they will be managed under the terms and procedures similar to probationers.

Revocations Heard and Served Locally: PRCS and parole revocations will be served in local jails. By law, the 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 Board of Parole Hearings will conduct parole violation hearings through July 2013. The Courts will hear revocations of post release community supervision as well as parole violation hearings after July 2013.

Changes to Custody Credits: AB 109 changes good time/work time credits 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 four days served in jail. This means that all inmates will be required to serve 50% of their sentence in custody (minus any credits for time served prior to sentencing as determined by the court) instead of two-thirds of their sentence, which is the current law for inmates serving time in county jails. Time spent on home detention (i.e. electronic monitoring, GPS) is credited as time spent in 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.

Flash Incarceration: Flash incarceration entails a brief jail stay (up to 10 days consecutive) to motivate treatment and probation compliance. This method receives strong theoretical support based on the notion that sanctions must be swift, specific, consistent, and use the least amount of punishment necessary to achieve a desired behavioral change. Research indicates the most important elements are swiftness and certainty, but as severity increases, the correlation with behavior change does not necessarily increase. No custody credits or good/work time are applied to these periods of incarceration.

Community Based Punishment: Authorizes and requires counties to use a range of community-based punishment and intermediate sanctions other than jail incarceration alone or traditional routine “probation” supervision.

Contracting Back: Counties are permitted to contract back with the State to send local offenders to State Prison. Counties are also permitted to contract with public community correctional facilities. Contracting back does not extend to parole revocations.

PROJECTED POPULATION FY 11/12

The California Department of Corrections and Rehabilitation provided information on the projected institutional discharges to post release community supervision on a monthly basis from October 1, 2011, through June 30, 2012. Additionally, CDCR estimated the number of offenders no longer eligible to be sentenced to State Prison as a new admission (Non/Non/Non), or as a Parole Violator.

Category of Offender	Number of Offenders
Post Release Community Supervision (PRCS)	69
Non-Violent/Non-Serious/Non-Sex Offenders	96
Parole Violators with New Terms	17

For the first nine months of Public Safety Realignment, it is anticipated that Sutter County will handle an additional 182 offenders locally under community supervision or in the custody of the jail. In an attempt to differentiate the two populations, Non/Non/Non offenders who are released under supervision after serving prison terms in the county jail will now be known as Mandatory Supervision cases vs. "PRCS" Post-Release Community Supervision cases that are being released from State Prisons.

SUTTER COUNTY PROFILE OF OFFENDERS

Prior to developing the Phase I Plan, the Probation Department conducted a study of the characteristics of a sample of offenders sentenced to prison from Sutter County as a result of a probation violation or a new felony conviction in 2010. This quick study was a limited review because 7-21% in certain categories was unknown as the information was not readily available at the time of the case review. Where that lack of data affected the interpretation of the data, the % unknown is also reflected. (Addendums C & D – Characteristics Study)

The following is a summary of the findings of 263 offenders sentenced to prison in 2010.

- Of those sent to prison from Sutter County in 2010, nearly three quarters (73%) had a commitment offense that qualifies as Non/Non/Non, with the majority of offenses being either a drug offense or theft offense (59% combined).
- For probationers sentenced to prison on a VOP or fresh case, the majority had either no prior sustained VOP (35%) or one prior sustained VOP (41%) in the present case.
- The large majority of probation violators were revoked and sent to prison for technical violations or new misdemeanor offenses (65.7%), while 34.3% committed a new felony. The greatest number of technical violations was for failure to report (21.4%).
- Most commitments were for offenders who committed a fresh felony only (52%), and had either none or one prior felony conviction (45% combined). [Unknown category = 19%]
- Most offenders had not had a prior prison commitment (42%), and they typically received a commitment of 16-24 months (64%). [Unknown category = 19%]
- The number of offenders having no prior history of violence or weapons offenses was slightly higher (42%), although of the 37% who had a history, the level of violence and the type of weapon varied widely. [Unknown category = 21%]

- About a third of the offenders sent to prison had known gang association (33%).
- 44% [Unknown category = 17%] had a history of alcohol use, but a substantial number of offenders had a drug history (72%). [Unknown category = 10%]
- Most offenders had no known history of receiving mental health services (76%). [Unknown category = 7%]
- The typical offender sentenced to prison out of Sutter County in 2010 was a Caucasian (54%) male (81%), between the ages of 20-29 (40%).
- This population was also statistically more likely to be single (57%), without children (52%), unemployed (60%), with an 11th grade or lower education level (49%). [Unknown category = 10%]
- The majority of these offenders lived in Sutter County at the time of their commitment (63%). About a third lived out of county (34%).
- A large majority of this population (97%) was not required to register per 290 PC as a sex offender.

FUNDING FORMULA AND ISSUES:

The formula establishing statewide funding allotments for AB109 implementation in Fiscal Year 2011-2012 was developed by the State Department of Finance and agreed to by the County Administrative Officers (CAO) and the California State Association of Counties (CSAC). The funding available through AB109 is based on a weighted formula containing three elements:

- 60% based on the estimated average daily population (ADP) of offenders meeting AB109 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
- 10% based on the SB678 distribution formula.

SUTTER COUNTY FUNDING FY 11/12	AMOUNT
Public Safety Realignment Funding	\$1,167,419
District Attorney/Public Defender Activities	\$ 41,847
AB109 Planning Grant (one-time funding)	\$ 100,000
AB109 Training/ Startup Activities, including hiring, retention, training, data improvement, contracting costs and capacity planning. (one-time funding)	\$ 82,375
TOTAL	\$1,391,641

Of particular concern is the lack of agreement on the distribution formula for subsequent years. If future allocations are determined by a different formula such as one based upon population only, there will be a significant shortage in funding. If the formula remains the same, the initial revenue is slated to double in FY 12/13 and triple in FY 13/14. Funding for FY 14/15 is slightly above FY 13/14. The Governor continues to pursue a constitutional amendment for realignment funding.

FY 2011/12 funding for the Sutter County Superior Court related to Revocation Hearings is set at \$51,785 for Operations Funding and \$3,364 for Security Funding.

FY 2011/12 funding for the District Attorney and Public Defender is established at \$41,847. Distribution for this allocation will be determined in Phase II.

CCP AGENCY KEY STAKEHOLDERS AREAS OF CONCERN

Sheriff's Department:

- *The jail will be affected by the number of arrests made by other agencies, as well as by the length of sentences handed down by the court. Jail staff and operations will be impacted as new programs are introduced by the probation department (Flash Incarcerations, additional inmate programs, etc.).*
- *If the influx of AB109 inmates causes overcrowding, two major issues for the jail will be lack of bed space and inadequate staffing. Overcrowding will depend on the size of the jail population and the resulting classification issues. The jail must prepare for frequent housing reconfigurations based on significant changes in classification.*
- *Increased programming and recreation will be needed to accommodate inmates being held for extended terms.*
- *Another issue to be addressed immediately is to ensure the jail has a plan in place outlining the order in which inmates will be released to alternative sentencing programs should there be a sudden influx of AB109 inmates to house.*
- *The jail recognizes the potential for increased inmate grievances, lawsuits and even officer injuries when dealing with the more criminally sophisticated and potentially more violent inmates who are who are accustomed to being housed in state prisons.*

Police Department:

- *Post-release felons will be living in communities protected by police chiefs. They are a unique new burden on front-line law enforcement and impose daunting challenges to successfully protecting the rest of the community. Police Chiefs are in a position to advocate that appropriate allocations of realignment funds be earmarked for front-line public safety services. Although the California Police Chiefs Association continues to work at the state level for a dedicated funding source for front-line public safety, police chiefs can and should seek a fair share of the local realignment funding. (See Addendum #E)*

Health:

- *Jail healthcare costs have been rising overall due to increased costs of healthcare in general and also due to increased chronic health conditions among inmates, necessitating high cost healthcare such as dialysis.*
- *The provision of care to those inmates with chronic illnesses, as well as emergency medical or dental care, results in a substantial cost to the county.*
- *Health care costs for those inmates on alternative custody status may also continue to be the financial responsibility of the county.*
- *It is not possible to firmly estimate the financial costs, but the costs will most likely increase at least proportionate to the increase in the overall jail inmate population (whether in custody or on alternative custody status), and likely at a rate greater than this number (i.e. a higher overall % of increased cost) due to the presence of chronic health conditions and the longer length of incarceration for a number of these inmates.*
- *Medication costs are significant and will rise at least proportional to the increase in the number of inmates.*
- *The physical space currently available to jail medical staff will not be adequate if nursing or medical staffing must be increased due to the increased numbers of inmates incarcerated in the jail.*
- *Since custody staff must bring inmates to the medical office or accompany medical staff to the units, an increase in medical staffing will place a greater burden on jail custody staff.*

Mental Health:

- *Increased demands for inpatient and outpatient psychiatric services for which Mental Health (MH) will only receive partial reimbursement of actual costs thru CMSP or Medi-Cal. Due to closure of Parole Outpatient Clinics there will be new patients, adding to MH's workload. Current MH resources are already committed to present operations.*

Drug and Alcohol:

- Significant increase in need for Drug/Alcohol (D/A) treatment services for which there is no other source of funding to cover added costs other than AB 109 funds. Possibly CMSP coverage will be expanded to include limited D/A treatment services to offset some of these new costs.

One Stop:

- Currently, the One Stop does not have the funds to provide staffing services for the realigned population, but is always pursuing funding opportunities as they become available. One Stop has very limited funds to provide skills trainings under the Workforce Investment Act (WIA) Program.

Welfare and Social Services:

- There is a potential for increased costs to the county General Fund for benefit programs, since those people who remain in the community will now be eligible for these benefits.

Probation:

- There are difficult challenges ahead in implementing widespread systemic change in order to avoid simply transferring the prison overcrowding problem to the local jail.
- It is essential to remain true to the "Principles of Effective Intervention," while incorporating a new offender population, attempting to keep probation a viable sentencing option and focusing on reduced recidivism and improved offender outcomes for all. (See Addendum #F – Principles of Effective Intervention)
- There is a need to continue the efforts to date via SB 678 to improve probation failure rates and to keep supervision ratios at a maximum of 1 to 50 to allow officers to become change agents, while also assuring public safety.
- Probation services within custody and alternative sentencing settings must be incorporated.
- A matrix of sanctions and rewards must be developed, along with all new policies and procedures related to sentencing and supervision of Non/Non/Non's, PRCS and probation post-AB 109.
- Of major concern is the possibility that available funding will fall short of what is needed to address unexpected or unforeseen costs of implementation. This may also affect the probation department's ability to provide the level of services and programming desired to properly serve offenders.

District Attorney:

- Based on 2010 commitments, 192 prison inmates will now be sentenced to prison and housed in jail. That is the population that will most impact services and create new community issues. The District Attorney is concerned that those 192 offenders will be incarcerated for shorter periods of time and will be released into the community earlier possibly committing new offenses more quickly. The related concern is that those 192 inmates housed locally will push some approximately 150 current jail inmates into the community with the same risk. The impact of these two related factors of reduced incarceration need to be measured and evaluated with respect to additional enforcement, investigation and prosecution resources.
- The District Attorney's Office anticipates possible impacts in three areas. First, changes in criminal procedure including but not limited to "parole violations" being processed in court will require the District Attorney to provide prosecutors for new proceedings. Second, changes in sentencing practices may drive additional cases to trial or extend the time required for the processing of each case through the system from filing to sentencing. Third, changes in incarceration and supervision may release more criminals into the community at earlier points in time and result in an increase in the crime rate itself, generating a larger prosecution caseload.

PHASED APPROACH TO IMPLEMENTATION

Considering the multifaceted needs of the AB109 population and the necessary resources to achieve desired public safety outcomes, the CCP is proposing the implementation strategy be completed in multiple phases. This Phase I Public Safety Realignment Plan will outline the anticipated and immediate impacts that need to be addressed prior to or immediately following the implementation date of October 1, 2011. Phase II of the Public Safety Realignment Plan (and subsequent plans if necessary,) will identify and measure the actual impact of the new procedures and programs while also allowing time to thoroughly identify gaps in services, identify issues in community protection, expand programs already in existence, modify court and sentencing practices and norms, and to consider the formation of new efforts to enhance public safety across the continuum of enforcement, incarceration, supervision and rehabilitation.

ANTICIPATED IMPACT, POTENTIAL SERVICES & RESOURCES NEEDED

SUTTER COUNTY SHERIFF'S DEPARTMENT

Anticipated Impact

- After October 1, the jail expects an increase in the number of inmates housed within the jail, as well as those participating in alternative sentencing programs. Historically, inmates sentenced to state prison are only housed in the jail short term while awaiting transfer to a state prison once their case is adjudicated. Effective October 1, qualifying inmates sentenced to prison will serve their sentences locally in the jail. The same is true for parole violations committed after October 1. Considering that 82% of the current jail inmate population is pending pretrial proceedings, any increase will have a significant impact. (See Addendum #G)
- Typical prison sentences are 16 months to three years, which is longer than the average 90-day sentence currently served in California county jails. Enhanced and consecutive sentences may create even longer sentences.

The California Department of Corrections and Rehabilitation (CDCR) has provided the following figures regarding the projected number of offenders who will need to be housed locally because they are no longer eligible to be sentenced to State Prison as New Admissions or as Parole Violators with new terms:

October 2011-2012 (9 months in FY 11/12)

Category of Offenders	Number of Offenders
Non-Violent/Non-Serious/Non-Sex Offenders	96
Parole Violators w/New Terms	17
Total Estimated Increase In Jail Population	113

July 2012 – June 2013 (12 months of FY 12/13)

Category of Offenders	Number of Offenders
Non-Violent/Non-Serious/Non-Sex Offenders	87
Parole Violators w/New Terms	41
Total Estimated Increase In Jail Population	128

July 2013 – September 2013 (3 months of FY 13/14)

Category of Offenders	Number of Offenders
Non-Violent/Non-Serious/Non-Sex Offenders	30
Parole Violators w/New Terms	4
Total Estimated Increase In Jail Population	34

- For the first nine months of Public Safety Realignment, CDCR estimates the Sutter County Jail will handle an additional 113 inmates locally.
- The estimated increase in inmates will result in an increased cost for inmate food. On average it costs \$1.00 per meal for each inmate. Multiply that times three meals each day, and again by 365 days each year, for an average cost of \$1,095 to feed one inmate for one year. If the jail houses an additional 113 inmates for the first nine months of Realignment, the food budget increases by \$92,801.
- The same applies for mandatory supplies provided each inmate such as mattresses, sheets, towels, blankets and clothing (i.e. pants, shirts, bras, underwear, socks, shoes, sweatshirts); as well as toiletries at initial intake. The cost to outfit one inmate at intake is approximately \$127.80. Housing 113 additional inmates for the first nine months of Realignment will cost \$14,441.
- An increase in jail population will also result in a demand for increased inmate services. Examples of critical services that will be impacted include: laundry, clothing exchange, transportation (court, outside medical and dental appointments), programming (church services, NA and AA meetings, GED prep), recreation time, processing inmate mail, security checks/hourly rounds, med pass, in-house doctor calls, visiting (attorney and personal), bookings and releases.

Potential Services

An increase in jail population will be served through a combination of available bed space and alternative sentencing programs. Complications due to classification issues often make it impossible to use all 352 beds within the jail at any one time. Therefore, the jail will consider many approaches to maximizing bed space, including significant reconfiguration of current jail housing units and alternatives to custody.

- Alternatives to custody, or alternative sentencing programs, are currently in use by the jail and will be expanded to accommodate additional low level offenders that do not pose a great threat to the community. Among these programs are Home Detention, Electronic Monitoring, Outside Work Release and Work Furlough. Other programs such as Day Reporting Centers, Conditional Releases (i.e. subject to urine testing and alcohol breath testing), and Sheriff's Parole are being researched.

- The jail will work in partnership with the Probation Department to provide a targeted population of inmates with a saturation of programs to better prepare them for re-entry to the community. Some of these in-custody programs include: anger management, parenting skills, job and resume preparation, money management and life skills.

Potential Resources Needed

- Space issues will need to be assessed regularly in response to population trends and could eventually result in having to lease, remodel or build additional housing.
- In order to provide critical services and supplies to an increased population, the jail requires 5 additional Correctional Officers (C/Os) by January 2012. One of the 5 will be a designated transportation/recreation officer. There are only *recommended*, not standardized, guidelines when it comes to establishing staff-to-inmate ratios, since efficient staffing depends upon operational philosophies and facility shortcomings. However, it is reasonable to conclude that the current jail staff is overtaxed with a current staff-to-inmate ratio of about 1 to 27. Also note, adding 5 C/Os is a conservative request, given it has been determined that each 24-hour, fixed post within the jail requires a relief factor of 6.6 FTE.

The goal of the jail is to incarcerate offenders that pose a risk to the community, allow for adequate programming and assist in providing pre-release discharge planning for those that have fulfilled their sentence and are being released back into the community. The jail is equally committed to identifying offenders that do not pose a risk to the community and will place them in alternative sentencing programs for the purpose of minimizing the costs associated with incarceration.

YUBA CITY POLICE DEPARTMENT

Anticipated Impact

- At this time the YCPD is not receiving any direct funding from the impact of AB-109. Currently the impact is directly affected by the type of Probationers/Parolees currently being monitored and what their capacity for breaking the law and types of crime they are committing. Gang members, based on their influence, have a much greater impact than a regular parolee or probationer. The impact post-AB 109 will be totally dependent on what types of resources are made to this population and the propensity for recidivism. It is hard for the police to quantify this, since they will be the reactive part of this bill. Increases in non-violent crimes, burglaries/vandalism etc. are anticipated.

Potential Resource Needed

- YCPD would be very interested in receiving up-to date information on all offender releases to the city, including offense history and where they are living. The department would anticipate increased workloads and associated costs for increases with combating the effects of the released population
- YCPD requests 5-10% of the realignment allocation be reserved for the YCPD and SCSO to address directed enforcement.

SUTTER-YUBA MENTAL HEALTH & ALCOHOL AND DRUG SERVICES

Anticipated Impact

- Parole operated Outpatient Clinics will be phased out as a result of AB 109 implementation. Therefore, MH will see an increase in clients formerly who would have received counseling and psychiatric services for parolees from the local Parole Outpatient Clinic.
- MH may see some current parolees who do not receive services at Parole Outpatient for psychiatric needs. There are an unknown number of parolees receiving Drug/Alcohol (D/A) services. MH does not track that data and cannot estimate those numbers.
- It is estimated that a total of about 20% of those leaving prison will be in need of some type of MH service. After 10/1, under AB 109, most out of custody PRCS will not be eligible for Medi-Cal. They will likely be eligible for CMSP. Thus, in providing psychiatric services MH will incur matching fund costs for these individuals, but will likely receive some form of offsetting revenue to cover partial costs for services to most of them. Absorbing significant numbers of additional clients who are indigent/uninsured will be a significant challenge for the MH program.
- It is estimated by CDCR that about 5% of those leaving prison have serious mental illness. Those individuals will probably ultimately be eligible for our specialty mental health services and also eligible for Medi-Cal and so can be absorbed relatively easily into the MH system.
- There is no CMSP or Medi-Cal reimbursement for D/A services. CMSP may expand coverage to include limited D/A treatment services, beginning in 1/12.
- The vast majority of PRCS (estimated as high as 80%) will require substance abuse treatment services. Current funding for D/A treatment is very limited and it is not possible to expand current services without enhanced D/A staffing, requiring direct funding via AB 109.
- Mental Health currently has D/A staff working on site with Sutter County Probation, paid for with Probation funding. It will be necessary to enhance this staffing to serve these additional individuals, given the lack of available D/A unused capacity.
- MH currently provides Sutter County Jail mental health services in the form of psychiatric services, crisis MH evaluations and the services of a part-time Licensed Psychiatric Technician. As the number of inmates in custody increases it may become necessary to increase time for the psychiatrist or other MH staff. There is no form of reimbursement for these jail MH services. The current costs are covered in full by MH realignment funds, which are fully committed to current operations.
- MH currently receives no funding for serving parolees. MH provides limited forensics services through the ConREP program, for which SYMH is paid a direct allocation from the State Department of Mental Health. MH received no funding in the past from Parole Outpatient clinics.
- Under AB 109 MH is not mandated to provide out-of-custody services. Under other previous mandates MH is required to provide jail based psychiatric care and emergency evaluations. It is anticipated that expansion of in-custody and out-of-custody D/A

treatment services will be highly desirable given the estimate that up to 80% of this population has substance use disorders.

Potential Services

- Expansion of D/A treatment for out of custody PRCS (perhaps through Day Reporting program) for which added staffing will be needed.

Potential Resource Needed

- Substance abuse staff to assist with skills building and D/A treatment program at the jail.
- Substance abuse staff for out of custody PRCS through Day Reporting program or outpatient services.
- Although MH does not provide housing, it is anticipated there will be a need for sober housing or to assist individuals to acquire rental housing and recommend that some AB 109 funds be reserved for this purpose.
- The addition of specific MH staff is not requested at this time, and hopefully will not be necessary. Although MH will likely experience increased non-reimbursed cost we recommend this year's resources be used for D/A treatment expansion given the limited funding available through AB 109. MH may need to look at some augmentation to offset non-reimbursed costs in future years.

SUTTER COUNTY HEALTH DEPARTMENT

Anticipated Impact

- The Health Division is mandated to provide jail medical care. The number and type of medical staff currently working in the jail is mandated by court decree.
- It is clear that the number of inmates in the county jail will increase as a result of the implementation of AB 109. It is anticipated that there will be greater demands for jail medical care, including medications, and also the potential for increased emergency medical care for inmates.
- Current inmate levels are already placing a strain on the capacity of the jail nursing and medical staff. Health staff is endeavoring to identify and improve efficiencies and effectiveness within their current limitations. With added inmates in the county jail as a result of AB 109, the number of hours of nursing and medical support to the jail may need to be increased, and space may also need to be added in order to adequately accommodate additional staff.
- The Health Division does not receive any funding from State Parole. Most Health funding comes from federal and state public health grants and county general funds.
- Jail mental health care will be discussed under the MH section, but the MH staff and jail medical staff work together to serve these inmates.
- The county may continue to incur financial responsibility for health care costs for inmates who are on alternative custody status. While Medi-Cal may cover offenders on this status, those not eligible for Medi-Cal and covered by the county's indigent

healthcare program, CMSP, will not be eligible for CMSP coverage if on alternative custody status.

Potential Services

- The Health Division provides a wide range of public health services, some of which could be of particular interest to this population. Jail medical staff is interested in developing a release planning program where inmates who are interested are connected with healthcare and other health services immediately after release to facilitate improved follow-up of needed healthcare.

Potential Resource Needs

- The Health Division could offer educational groups to both in-custody and out of custody inmates (for instance at a day reporting setting) on a range of topics to increase wellness and reduce the likelihood of spread of disease (eg. obesity, diabetes, nutrition, STDs, AIDS testing, etc.). It is not certain whether additional funding would be required to accomplish this; this will be reviewed as the AB 109 services are implemented.
- It is anticipated that additional costs will be incurred to provide in-custody medications and emergency health and dental care. It is not possible to accurately predict the exact costs/inmate since these costs vary widely year to year. Health is not requesting AB 109 funds for this purpose today but anticipates there will likely be a need for AB 109 supplementation due to these increased costs in the future.

SUTTER COUNTY WELFARE AND SOCIAL SERVICES

Anticipated Impact

- It is anticipated that there will be an increased number of applications for Medi-Cal/CMSP and Food Stamp programs, as well as the addition of adults to Cash Aid programs. This will result in minimal increased cost to the County General Fund. The increased demand will not likely necessitate increases in staffing.
- There may possibly be increased number of applicants for General Relief, which is a direct cost to the county General Fund.
- Welfare & Social Services gets no current funding from Parole.

Potential Resource Needed

- Welfare & Social Services does not anticipate significant resource needs as a result of AB 109.

SUTTER COUNTY DISTRICT ATTORNEY

Anticipated Impact

- No impacts are certain and all are subject to continuing evaluation and measurement during Phase One. For that reason, no potential resources are identified at this time. There are a few immediate impacts but they seem at the outset to be minor.

Potential Resource Needed

- Potential resources needed by the District Attorney will be deferred to a consideration during Phase II planning.

SUTTER COUNTY PROBATION

Background

The probation department has for the past five years been implementing the “Principles of Effective Intervention,” first in the juvenile division and more recently in the adult division. Staff have been preparing for significant systems change through intensive and ongoing training and practice in evidence-based principles, motivational interviewing and cognitive behavioral programs. The implementation of a new assessment tool for the adult division took place in 2010. As a result, the department has been able to reduce the probation failure rate for adult probationers from 19.3% to 15% in one year, with the anticipation of even more improved outcomes in 2011.

In keeping with the current evidence-based trends for offender management, the Probation Department utilizes the Static Risk Assessment and Offender Needs Guide (STRONG) which is an evidence-based assessment tool utilized to determine the risk level of an offender to re-offend (recidivate). The STRONG also provides Probation with information relating to the offenders protective and risk factors linked to criminal behavior (criminogenic needs). Additionally, the STRONG provides information regarding what treatment modalities and dosage would best achieve measureable outcomes.

The Sutter County Probation Department is implementing a classification system to determine the level of supervision and services provided to each offender based on the results obtained from the STRONG assessment. By assessing the offenders, Probation will be able to target services to the high and moderate risk offenders and tailor these services to the offenders’ individual needs.

In an effort to reduce recidivism, high and moderate risk offenders will receive more intensive services compared to low risk offenders. Low risk offenders will be placed on an administrative case load as research indicates too much exposure can increase a low risk offender’s risk to recidivate.

Currently the population of probationers is as follows based upon STRONG assessment data:

Risk Level	High Drug	High Property	High Violent	Moderate	Low
Count	47	70	47	233	131
Percent	8.9%	13.3%	8.9%	44.1%	24.8%

The Probation Department will have to assess and classify, and create a case plan for all offenders under PRCS or Non/Non/Non supervision with the STRONG Assessment Tool, but anticipates that the distribution of low, moderate and high risk cases may not be entirely different than the current probation cases. Even focusing the most efforts on moderate to high risk offenders, there will still be a need to provide additional staff in view of the following figures.

Estimated Prison Post-Release Community Supervision Population (PRCS) per CDCR	#
October 2011 – June 2012	69
July 2012 – June 2013	51
July 2013 – September 2013	14
Total Estimated Population Oct 2011-Sept 2013	134

Anticipated Impact

- The 2011 Post-Release Community Supervision Act declares that PRCS shall be “subject to post-release community supervision provided by a county agency designated by the Board of Supervisors (BOS) which is consistent with evidence-based practices, including, but not limited to, supervision, policies, procedures, programs and practices demonstrated by scientific research to reduce recidivism among individuals under post-release supervision.” The Probation Department will have to institute policies, procedures and practices to comply with the legislation for this population that will be entirely new.
- During October and November at least 29 prison inmates will be released to community supervision. The department will be notified of the pending release by CDCR 30 days prior to release from custody. Prior to that time no other information will be available about the crime committed, risk classification or needs of these offenders. Although some offenders will be terminated after six months of supervision without a violation resulting in a custodial sanction, it is also believed that CDCR is underestimating this population. Offenders will be released to the county of residence, not the county of commitment, so there will be offenders where no prior information is available about them.
- The desired caseload ratio is 1 to 40 for high risk offenders and 1 to 50 for moderate cases. Officers will take responsibility for offenders from the time they are released from prison, and will need to immediately perform a risk/needs assessment and coordinate any needed services, to include facilitating group or individual cognitive behavioral programs.

- Pursuant to the legislation, officers will need to handle technical violations with graduated sanctions, without involvement from the Court or attorneys. Only a new felony offense or the exhaustion of all other sanctions will allow for a revocation of supervision and appearance in Court. Graduated sanctions will be carried out with the use of a sanctions/rewards matrix to address technical violations in a timely manner as evidenced-based practices dictate that swift and certain responses result in improved outcomes. The department, in coordination with justice partners, will adopt flash incarceration procedures for all offenders within their jurisdiction.

Estimated Non/Non/Non - Mandatory Supervision Population per CDCR	#
October 2011 – June 2012	96
July 2012 – June 2013	71
July 2013 – September 2013	48
Total Estimated Population Oct 2011-Sept 2013	215

- It is difficult to determine how many Non/Non/Non cases will come under the jurisdiction of the probation department with housing in the county jail. The above information is only an estimate from CDCR based upon past practices.
- More pre-sentence reports may be needed as opposed to abbreviated reports (PRCS) being completed now or, at the very least, officers will have to create a new hybrid post-sentence report, including a complete assessment of risk and needs to properly prepare a case plan.
- Non/Non/Non cases may be placed under the supervision of the probation department after they complete their prison term within the jail. (These cases are referred to in legislation as “Split Sentences” or “Mandatory Supervision.”) This is an entirely new population to probation.
- As reflected in the charts above, the department could be supervising at least 165 more offenders (PRCS and Mandatory Supervision) at any given time during the first nine months of realignment. Although some of these offenders will be serving terms in jail, supervision, case planning and re-entry services will be started by the officer from the beginning of the sentence.

In addition, supervision will encompass a full range of services tied to the criminogenic factors identified in the case plan. The full range of supervision options include office visits, home visits to verify the offender’s residence and to conduct compliance checks when probable cause exists, urinalysis testing, residential and outpatient substance abuse treatment, and referrals to evidence-based programs and cognitive behavioral intervention programs. Other interventions and incentives may include educational, vocational, employment training and services, and flash incarceration. The Probation Department and MH Drug and Alcohol staff currently facilitates, and will continue to use, evidence-based programs and cognitive behavioral intervention programs for the new Non/Non/Non and PRCS cases. In addition, a process will be implemented by the Probation Department to

insure that community based organizations utilized by offenders also employ evidence-based treatment models and practices. (See Addendum #H)

Eventually the PRCS cases will trail off as the Non/Non/Non population now in prison will have all been released, and new Non/Non/Non Mandatory Supervision cases will be housed in the county jail. It is also of note that offenders sentenced to state prison for the 60+ “Excluded Offenses” are still subject to Post-Release Community Supervision by probation, essentially making PRCS a permanent part of probation’s jurisdiction. It should be noted that either group could be terminated from supervision if they are clear of custodial sanctions for six months after their release from custody. We have yet to determine how the population will ebb and flow based upon that criteria.

Potential Resources Needed

- Based upon the above, the Probation Department requests **one additional Deputy Probation Officer I/II/III** for Phase I implementation addressing the anticipated increase of at least 69 new offenders. PRCS will be distributed amongst the existing caseloads, rather than being separated out from current probation caseloads. This will allow continuity of EBP principles and practices regardless of the classification as a probationer or PRCS. The outcome of a new recruitment will determine the level of officer to be hired; although an experienced Deputy Probation Officer II or III would be preferred to avoid a long training period or the necessity of formal core training. It is believed that a second officer for PRCS supervision may be needed in Phase II, but the department will gauge caseloads after October 1 before requesting a second officer based upon the actual impact of the PRCS population.
- In view of the anticipated impact of the Non/Non/Non population on court and supervision services, it is requested that **two additional Deputy Probation Officers I/II/III** be hired. The department will delay the hiring of the second officer until the PRCS population begins to rise to the level that will necessitate the additional position. If the increase does not occur as expected, the position will remain vacant.
- The Substance Abuse Services Team is at full capacity with the current services being provided to the regular probation population. Based upon the need to expand these current services to accommodate the anticipated PRCS and Non/Non/Non populations, at minimum **two full-time Substance Abuse Counselors** will be needed to assist with assessments and to facilitate groups for the new realignment population in and out of custody. This would be in addition to services to be provided by probation staff and/or jail staff.

SUTTER COUNTY ONE STOP

Anticipated Impact:

- The One Stop does not currently identify prison parolees at the time services are provided and is, therefore, unable to determine the potential impact of the realigned population.
- Increase in referrals from probation.

Potential Services:

- Provide specialized workshops for the realigned population in the areas of employment readiness.
- One Stop will need to be working with employers/business community to carve/create opportunities as access to employment opportunities in our current economy will be difficult and challenging for this population.
- On the education side at the One Stop, there may be some individuals in the realigned population that may be limited to only being able to attend certain classes due to our high school student enrollment.
- Services/programs may be offered by other agencies so there will be a need to coordinate services in reference to employment readiness to provide a comprehensive service.
- Sutter County One Stop can design programs/services to prepare this population for education, training and employment. The work readiness component may include vocational/interest types of assessments to assist individuals in preparing their portfolio. When services are provided in a program design which first prepares the individuals to be able to benefit, they will have a greater impact for the individual.
- The educational attainment component can be offered by staff from our Adult Education Program Independent Study method. The instructor will meet with individuals at least once a week to review and assign work. The completed work is given appropriate credits toward diploma.
- As part of the Second Chance Program (also known as the Re-Entry Program through the Jail), the Sutter County One Stop has offered similar services in the Sutter County Jail which were coordinated with other agencies. Sutter County One Stop was one of the services provided focusing on vocational assessment, goal setting and area of employment readiness which included: interviewing, applications, resumes, etc.
- Sutter County Jail/Sheriff had a MOU/contract in place with Sutter County One Stop to provide Adult Ed. Diploma/GED Preparation in the jail. The individuals received credits from this work through the Adult Education Program. This MOU covered the cost of the staff providing these services.

Potential Resources Needed:

- Possibly hire one FTE (Employment Specialist)– cost \$45,000 to \$55,000
- Possibly hire one FTE (Adult Independent Study Program) - the cost could range from \$45,000 to \$55,000 depending on frequency of services needed.
- Currently One Stop does not have the funds to provide staffing services, but is always pursuing funding opportunities as they become available. One Stop has very limited funds to provide skills trainings under the Workforce Investment Act (WIA) Program (also a concern).

DATA AND EVALUATION

While AB 109 does not specifically mandate data collection or evaluation, the CCP believes data analysis and evaluation are important elements to assure that realignment programs and practices are providing the best outcomes and to properly analyze the impact on CCP agencies and the community from AB 109. Currently, SB 678 requires 5% (\$18,400) of probation's allocation to be dedicated to evaluation of SB 678 programs. A portion of the SB 678 funds can be used to offset some of the costs for the requested AB 109 data position.

No staffing exists within any department to provide data collection, analysis or evaluation. The archaic JALAN case management system does not provide data readily. The officer providing research and evaluation coordination will be responsible for research, planning, implementation, database support, data analysis, and reporting of results. This officer will be tasked with developing project-based research designs and evaluation plans, and will be responsible for the appropriate collection of all necessary project data. This officer will provide timely feedback based on the analysis of project data, presented in a way that is easily accessible to a broad audience. This officer must have a solid understanding of the criminal justice system, research methods, evaluation designs, statistical/analytic techniques, and the design of data collection instrumentation. This officer must also have proficiency in statistical analysis software and programming, such as STATA, SAS, or SPSS.

Potential Resources Needed

- One **DPO II/III** for AB 109 specific data collection, analysis and evaluation of programs/outcome measures. (A portion of this position would be offset by SB 678 within the probation department. Next FY, the position could additionally be offset by juvenile probation funds.)
- Additional funds for related software.
E4x

PHASE I – REALIGNMENT BUDGET RECOMMENDATIONS

The Phase I Budget is outlined in the budget attachments. This budget addresses immediate impacts to the Sheriff and Probation, including the need for substance abuse counselors and a position to perform data analysis and outcome evaluation. As a result some potential resource needs identified by CCP agencies will need to be addressed and further evaluated in future plans.

PHASE II - LOCAL NEEDS ASSESSMENT & NEXT STEPS

As part of Phase II, the CCP will be conducting a local needs assessment to determine which programs are in existence, which could easily be expanded, and which could be created to fill the gaps. The Needs Assessment will review the impact of the target population, the identified and quantified needs of CCP agencies, alternatives to incarceration, and the appropriate agencies to meet those needs.

The general focus areas will be as follows:

- *Pre-Trial*
- *Sentenced Prisoners and Alternatives to Incarceration*
- *Re-Entry*
- *Overall impact of offender population on CCP agencies and the community*

The Phase II Plan will allocate the balance of Public Safety Realignment Funds, although it should be noted that funds will have to be carefully prioritized as the anticipated fiscal impact will be greater than the allocation. Caution will also have to be used until the formulas for Year 2 and Year 3 are determined.

The potential areas for further assessment in no particular order include:

- Potential need for increased line level law enforcement
- Transportation and housing issues
- Pre-Trial services
- Jail re-entry services
- Community Service Program
- Increased programming in the jail
- Need for programming space in the jail
- Expanded use of Electronic Monitoring
- Staffing to allow attorneys to appear at arraignments in an effort to reduce the PT population.
- Potential new impact on health services within the jail
- Potential new impact on mental health services within the jail
- Need for staff and treatment space for probation services
- Day Reporting Centers
- Implementation of random drug testing program (HOPE Model)
- Child Abuse Offender Treatment Programs
- Programs to address the needs of Spanish and Punjabi speaking offenders
- Programs addressing family issues
- Vocational, employment and educational services, including One Stop Services
- Independent living/money management/medication management services/education
- Availability and accessibility of resources for victims
- Protection of victims' rights and compensation
- Enhanced restitution and fine collections from offenders
- Involvement of other community partners, including the faith-based community
- Consideration of services identified in this Phase I plan that were not funded

CONCLUSION

The Sutter County Public Safety Realignment Plan is intended to insure public safety and the rights of victims, while offering evidence based programs and services to the targeted population to promote positive offender outcomes and offender accountability, and to reduce recidivism. It is important that the CCP continue to meet during Phase I and throughout subsequent phases of implementation to determine the direct impacts of realignment. These impacts may include inmate housing and community supervision, service and treatment needs, staffing levels and outcomes of enhanced/expanded programs. This will also include the review of the impacts of realignment on the community with regard to crime rates, and the accompanying impacts on justice partners, such as law enforcement, Probation, District Attorney, Public Defender and the Courts.

Once the Phase I plan is implemented and the impacts identified, the CCP will be able to use those findings to develop a recommended plan for Phase II. Despite our best planning efforts, the unknown costs and unexpected events may have a devastating effect on budget and funding, and the possibility of continuing existing and future programs. Although other counties have the ability to contract services with outside providers, in consideration of fiscal restraints, Sutter County will have to use new and existing staff across all disciplines to service this population in innovative ways. Perhaps in the end this situation affords the opportunity to create an environment that effects change for offenders and all systems alike. The CCP is committed to staying the course, but understands that there will be challenges that will arise and outcomes that may not meet expectations. CCP agencies must be prepared to try, test, repeat, as they enter uncharted territory with AB109 and associated legislation, taking on new responsibilities as never before.