

# Solano County Criminal Justice Re-Entry System Planning

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Board of Supervisors  
July 26, 2011

# Legislation

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In recent years, two Governors have signed major pieces of legislation designed to create substantial change in the criminal justice system and reduce recidivism of adult felons.

- ❑ SB 678 (Schwarzenegger)—October 2009
- ❑ AB 109 (modified by AB 117)(Brown)—April and June 2011

# Community Corrections Performance Incentives Act (Senate Bill 678)

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- Goal is to reduce recidivism of felony probationers by improving probation services using evidence based practices (EBP) thereby producing savings at the state level, reducing prison overcrowding, and enhancing public safety
- Is an incentive to use evidence based practices that requires performance measurement
- Establishes a mechanism to provide sustainable funding for adult probation; \$334,000 for Solano for FY2011/12



# Community Corrections Performance Incentives Act (Senate Bill 678)

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- Funding is based on improved probation outcomes as measured by a reduction in probation failures committed to prison
  - 2010 Results: 6182 fewer prison commitments statewide; Solano—probation failures resulting in state prison commitments reduced 10%
- Establishes an advisory body in each county, the Community Corrections Partnership, with specified membership:



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- ✓ Chief probation officer (Chair)
- ✓ The presiding judge of the superior court, or his/her designee
- ✓ A county supervisor or the chief administrative officer for the county
- ✓ The district attorney
- ✓ The public defender
- ✓ The sheriff
- ✓ A chief of police
- ✓ The head of the county department of social services



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- ✓ The head of the county department of mental health
- ✓ The head of the county department of employment
- ✓ The head of the county alcohol and substance abuse programs
- ✓ The 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

# Community Corrections Performance Incentives Act (Senate Bill 678)

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- Solano County's CCP held its first meeting on May 5, 2010, and agreed to meet quarterly
- A work group was formed to explore:
  - ✓ The possibility of a pre-sentence release program
  - ✓ Increasing the use of jail based substance abuse treatment
  - ✓ Strategies to reduce absconds from placement

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- Meeting topics have included:
  - ✓ Evidence Based Probation Supervision Recovery Act Program
  - ✓ California Risk Assessment Pilot Project
  - ✓ LS/CMI Overview
  - ✓ Friends Outside
  - ✓ Young Adult Conditional Release
  - ✓ Principles of Evidence Based Practice (Presentation)

# Community Corrections Performance Incentives Act (Senate Bill 678)

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- Meeting topics have included (Continued):
  - ✓ How do we provide SB 678 and EBP overviews to stakeholders?
  - ✓ SB 678 First Year Data
  - ✓ Criminal Justice Re-Entry System Presentation (Sheriff-Probation)

# Community Corrections Performance Incentives Act (Senate Bill 678)

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- ❑ In an effort to begin preparation for public safety realignment, a work group was formed at the May 4, 2011 meeting. That group has since been divided into two groups:
  - ✓ Alternatives to custody for unsentenced inmates
  - ✓ Development of a sanction grid (for consistent use of intermediate sanctions)
- ❑ The work groups will report out at the next CCP meeting—August 3.



# Public Safety Realignment (AB 109/AB 117)

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- AB 109 signed by the Governor on April 5, 2011; AB 117 signed June 30, 2011
- Operative no later than October 1, 2011
- Prospectively applies to all those sentenced after October 1, 2011



# Public Safety Realignment (AB 109/AB 117)

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## Key Elements

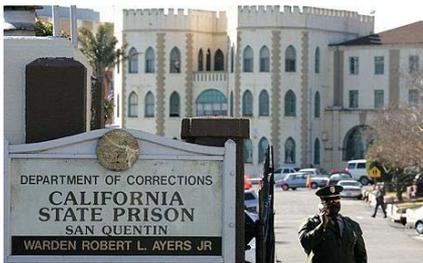
- ❑ Redefines many felonies
- ❑ Expands alternative custody for locals
- ❑ Makes changes to custody credits
- ❑ Creates local “Postrelease Community Supervision”
- ❑ State parole revocation terms to be served in local jail and beginning in 2013, revocations are to be heard by Courts
- ❑ Establishes Executive Committee in the CCP

# Public Safety Realignment (AB 109/AB 117)

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Public Safety Realignment is not:

- ❑ Early release of inmates from state prison
- ❑ Direct transfer of state prison inmates to local jails





# Public Safety Realignment (AB 109/AB 117)

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## Redefining Felonies

- ❑ Revises the definition of felony to include certain crimes that are punishable by sentence to jail (local prison) for more than one year
- ❑ Eliminates state prison as a sentencing option for specified offenses (“non-non-non”)

# Public Safety Realignment (AB 109/AB 117)

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## Non-Non-Non Defined

- ❑ Non-serious (1192.7(c) PC)
- ❑ Non-violent (667.5(c) PC)
- ❑ Non-sex offenses that require registration under 290 PC
- ❑ Have not committed prior serious, violent or 290 PC registration required offenses
- ❑ Are not on list of exceptions (list has about 60 offenses identified such as stalking and crimes with gang enhancements)

# Public Safety Realignment (AB 109/AB 117)

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## Non-Non-Non Sentencing Options

- ❑ Felony probation with or without jail
- ❑ Impose sentence--jail instead of prison for the same period of time as if sent to prison (no supervision upon release)
- ❑ Impose sentence --combined jail time as specified by Court with the remainder of sentence on mandatory probation

# Public Safety Realignment (AB 109/AB 117)

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- ❑ Enhanced local custody and supervision tools:
  - 1203.016 PC (Home Detention) Revised
  - ✓ Fewer restrictions on eligibility
  - ✓ Voluntary or involuntary
  - 1203.018 PC Added
- ✓ BOS may authorize correctional administrator to offer electronic monitoring for inmates being held in lieu of bail
- ✓ Program violation equates to new misdemeanor



# Public Safety Realignment (AB 109/AB 117)

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- Local jail credits aligned with current prison credits (day-for-day)
- Counties may contract for beds:
  - With CDCR (costs still to be set)
  - With other counties
  - With public CCF's (Community Correctional Facilities)
  - MAY NOT contract back parole revocations

# Public Safety Realignment (AB 109/AB 117)

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## Postrelease Community Supervision

- ❑ Applies to all inmates released from state prison except:
  - ✓ Commitment offense is serious or violent
  - ✓ Third strikers
  - ✓ High risk sex offenders
  - ✓ Mentally Disordered Offenders (defined by statute)

# Public Safety Realignment (AB 109/AB 117)

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## Postrelease Community Supervision

- ❑ Defines community-based punishment as evidence based correctional sanctions and programming encompassing a range of custodial and noncustodial responses
- ❑ Encourages the use of intermediate sanctions and indicates they may be provided by local public safety entities directly or through service providers



# Public Safety Realignment (AB 109/AB 117)

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## Postrelease Community Supervision

- ❑ Supervised by a county agency as designated by the county BOS
- ❑ Incarceration as a result of revocation is limited to 180 days county jail
- ❑ Period of supervision is set at 3 years with provisions for early discharge under specific circumstances

# Public Safety Realignment (AB 109/AB 117)

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## Community Corrections Partnership

- ❑ Shall recommend local plan to the county BOS for the implementation of the 2011 public safety realignment
- ❑ Establishes an Executive Committee within the CCP with voting rights regarding the local plan
  - ✓ Chief probation officer (Chair)
  - ✓ A chief of police
  - ✓ The sheriff

# Public Safety Realignment (AB 109/AB 117)

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## Community Corrections Partnership

- ✓ The district attorney
- ✓ The public defender
- ✓ The presiding judge or his/her designee
- ✓ One representative designated by BOS:  
Head of department of social services, head of department of mental health or head of alcohol and substance abuse programs

# Public Safety Realignment (AB 109/AB 117)

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## Funding

- ❑ \$150,000 (one time) planning and/or technical assistance for CCP planning process
- ❑ \$268,000 (one time) to cover start up costs
- ❑ \$3,800,000 first year funding (adjusted due to delayed start)=approx. \$7800 per offender/yr based on CDCR estimates:
  - ✓ 287 Postrelease Community Supervision
  - ✓ 146 Non-non-non
  - ✓ 52 Parole Revocations

# Public Safety Realignment (AB 109/AB 117)

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## Today's Agenda Item

- Requests Board designate the Probation Department as the county agency responsible for supervision of those released on Postrelease Community Supervision
- Requests Board authorize Sheriff, as the correctional administrator, to offer a program of electronic monitoring for inmates being held in lieu of bail



# Public Safety Realignment (AB 109/AB 117)

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## Today's Agenda Item

- Requests Board designate the Director of Health and Social Services as the seventh member of the CCP Executive Committee

# Public Safety Realignment (AB 109/AB 117)

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