

SOLANO COUNTY 2011 PUBLIC SAFETY REALIGNMENT PLAN

California counties and their Sheriff's and Probation Departments have embarked on a journey that brings to mind Dorothy Gale and the yellow brick road on which she seeks the Wizard of Oz. Developing a new integrated, collaborative, best practices - based correctional model to reduce recidivism and enhance public safety requires the courage of the Lion, the brains finally awarded the Straw Man and the heart of the Tin Man. As Correctional Realignment moves California into a whole new world, one thing is for sure....."we're not in Kansas anymore....." L. Frank Baum, The Wonderful Wizard of Oz

Introduction

The 2011 Public Safety Realignment is a major and dramatic paradigm shift, comprised of multiple pieces of legislation that together change the way the State of California deals with a large percentage of criminal offenders. This Realignment revises more than 30 years of increasing reliance on incarceration in state prison as the sanction of first resort, seeking instead to minimize the number of lower level offenders sent to state prison and maximize the use of proven practices and evidence-based interventions to affect offenders' behavior and thereby reduce recidivism.

Intended to cut down prison crowding, save the state money, and improve post-incarceration outcomes, the 2011 Public Safety Realignment reverses the course set in 1977 when California enacted what was known as the determinate sentencing law (DSL).¹ The DSL declared the purpose of prison to be punishment and sought to move sentencing "away from reliance on 'a medical model' in which the length of incarceration is based on individual 'needs' and rehabilitation toward a system designed to promote equity, procedural fairness, and just punishment." The DSL "not only established general sentencing policy but also limited the variation in sentences, defined the principle bases for such variation, and established the specific lengths of prison terms."

² At or near the same time, California's Legislature passed laws imposing mandatory prison terms and modifying the Probation Subsidy Act, and California voters overwhelmingly passed Proposition 13, which drastically reduced local property tax revenues, "leading some to predict that more felons would be sentenced to state rather than local incarceration."³

In 1980, a RAND study pointed out several effects of the determinate sentencing law, noting among other things that:

- Prison commitments rates have increased substantially under the new law.

¹ Chapter 1139, Statutes of 1976

² Lipson, Albert J. and Peterson, Mark A., California Justice Under Determinate Sentencing: A Review and Agenda for Research, Rand Corporation, June 1980, page 1

³ Ibid., page v

- California faces a major problem of prison crowding. The new law's elimination of Adult Authority 'safety valve' parole release powers may have exacerbated this problem.
- Since passing the new law, the California legislature has continued to increase imprisonment and the length of prison terms, all of which will further aggravate prison crowding.⁴

Those observations were, of course, accurate and, even though new prisons have been built and opened in the intervening decades, California has continued to struggle with prison crowding and resulting litigation concerning medical and mental health care and the appropriate management of prison inmates. In 2009, a panel of three federal court judges ordered California to reduce its prison population from 156,000 to 110,000, i.e., to 137.5% of the system's design capacity, within two years. In May 2011, that decision was upheld by the United States Supreme Court.⁵

The 2011 Public Safety Realignment is the Governor's and Legislature's effort to address the Supreme Court decision and safely reduce prison crowding by expanding local responsibility for custody and control of specified offenders and providing funding to support counties' use of evidence-based practices (EBP) in that effort. The realignment legislation – Assembly Bills 109, 116, 117, 118 – significantly change the sentencing and supervision of people convicted of felony offenses and amend a large number of statutes concerning where sentences are to be served and how defendants are to be supervised on parole. The basic realignment elements are embodied in AB 109, signed by Governor Brown April 5, 2011.⁶ Technical and substantive amendments and funding issues are found in AB 117 and 118, signed June 30, and AB 116 signed July 27, 2011.⁷ There is undoubtedly more legislation to come; nonetheless, the start date of October 1 requires counties to begin with what is currently known and to include in their planning mechanisms for adjusting to additional legislative directions as those emerge, in both the short and the long run.

Key Elements of Realignment

Realignment is based on two key concepts. One is that "California must reinvest its criminal justice resources to support community corrections programs and evidence-based practices that will achieve improved public safety returns on this state's substantial investment in its criminal justice system." The second is that "Realigning

⁴ Ibid., pages vi

⁵ Brown v. Plata, No. 09-1233

⁶ Chapter 15, Statutes of 2011

⁷ AB 117 is Chapter 39, AB 118 is Chapter 40 and AB 116 is Chapter 136 of the Statutes of 2011

the...supervision of certain felons...to local community corrections programs, which are strengthened through community-based punishment, evidence-based practices, and improved supervision strategies, will improve public safety outcomes among adult felons...and will facilitate their successful reintegration back into society.”⁸

Built on those concepts, realignment legislation not only mandates specific sentencing and correctional procedures, it also calls on California’s counties to develop local plans that describe implementation strategies best suited to each jurisdiction’s needs and approaches. Thus while realignment is happening in all 58 counties, implementation may not look exactly the same in all of them. What follows is Solano County’s plan and approach.

Community Corrections Partnership (CCP) – An important precursor to realignment, continuing in tandem with it, is Senate Bill 678, the Community Corrections Performance Incentives Act, signed by then-Governor Schwarzenegger in October, 2009. SB 678 encourages reductions in recidivism of felony probationers by improving probation services using evidence-based practices (EBP) and thereby seeks to produce savings at the state level, reduce prison crowding and enhance public safety. SB 678 provides incentive funding for adult probation services to improve probation outcomes as measured by a reduction in probation failures committed to prison.

In 2010, SB 678 was credited with reducing the number of probation failures sent to prison by 6,182. In that year, Solano County reduced its probation failures committed to prison by 10% and therefore was awarded \$334,000 to continue its efforts in FY 2011/12.

SB 678 required that each county establish an advisory body to be known as the Community Corrections Partnership (CCP) and specified its membership. The Public Safety Realignment legislation requires counties to create an Executive Committee of the CCP and specifies its membership. The Chief Probation Officer is designated as chair; the additional members are the Sheriff, the District Attorney, the Public Defender, the Presiding Judge, a Chief of Police, and a seventh member designated by the Board of Supervisors from among specified county agencies. The Solano County Board of Supervisors selected the Director of the County’s unified Department of Health and Social Services to serve in that capacity. The CCP is charged with developing the county’s plan for implementing realignment while the Executive Committee is responsible for approving the plan for recommendation to the county Board of Supervisors.

⁸ AB 109, Title 2.05, Section 3450 (b) (4) and (5)

Evidence - Based Practices – Evidence-based correctional programs and practices are central to the realignment legislation as well as to the realignment concept as they were and are to SB 678 efforts. AB 109 does not intend for prison sentences to be replaced simply by jail sentences; rather it requires the use of proven practices that focus on identifying and targeting offenders' criminogenic needs and addressing these with effective interventions. Evidence-based correctional sanctions and interventions include programming while incarcerated as well as alternatives other than incarceration alone. The evidence-based correctional sanctions and services mentioned in AB 109 include, but are not limited to:

- intensive community supervision
- home detention with electronic monitoring (EM) or Global Positioning Satellite (GPS)
- flash incarceration
- Cognitive Behavioral Therapy (CBT)
- mandatory community service
- restorative justice programs such as victim restitution or victim-offender reconciliation
- work, training or education in a furlough or work release program
- day reporting
- mandatory random drug testing
- mandatory residential or nonresidential substance abuse treatment programs and
- community based residential programs.

As described below, Solano County will continue and expand its use of evidence-based sanctions, services and practices in the management of realigned offenders as well as those currently under the County's supervision.

Changes in Sentencing – To accomplish realignment, AB 109 and its related measures redefine many felonies, make certain crimes punishable by sentences to jail for more than one year, expand alternative custody for offenders under local jurisdiction, make changes to custody credits and eliminate state prison as a sentencing option for specified offenses.

Effective October 1, 2011, the legislation realigns three populations of felony offenders from state to local control. The first of these is the population known as Post Release Community Supervision (PRCS). These are lower-risk offenders who formerly would have been supervised by state parole and will now come under the management of local correctional agencies. PRCS applies to all inmates released from state prison on or after October 1, 2011, except those whose commitment offenses are serious or violent, those who are third strikers, those who are high risk sex offenders and those who are Mentally Disordered Offenders (MDO) as defined by statute.

People on PRCS are to be supervised in the community for up to three years and provided evidence-based services and intermediate sanctions to help prevent their recidivism. Those who comply with their case plans and have no violations can be discharged from supervision after 180 days and must be discharged after one year. Those who do not comply with the conditions of their release, can be put in jail for flash incarceration (up to 10 days at a time) and, although a pending rule (Pending Rule 4.540) prohibits filing a petition to revoke if an intermediate sanction would be an appropriate response to a violation, those who violate their terms can be referred to court and ordered into jail for up to 180 days (90 days with credits).

The information provided by CDCR indicates that Solano County can expect approximately 370 PRCS cases over the first three years of realignment, with 287 anticipated in 2011/12.

A second major population determined by the Realignment legislation to be subject to local supervision is the group called the Non-Non-Nons (or 3/Non) – those who commit non-serious (1192.7(c) PC), non-violent (667.5(c) PC) and non-sex offenses that require registration under 290 PC. These offenders also cannot have committed prior serious, violent or 290 PC registration-required offenses, nor can they have committed offenses on the Exception List of 60 or so felonies, including stalking and crimes with gang involvement, which preclude offenders from being eligible for local control.

Although each 3/Non conviction carries a maximum penalty of 3 years incarceration in county jail, with enhancements and consecutive sentences for multiple offenses, actual custody time could be considerably longer than the three year, single sentence maximum. Those with sentence imposed/committed to jail for the full term will leave jail with no supervision; those with split sentences, i.e. combined jail and post incarceration supervision by Probation, will be subject to oversight after their incarceration. The sentencing options available for the 3/Non population are as follows:

- a) Felony probation with or without jail
- b) Incarceration in jail (to be recorded as a prison sentence served in county jail) for the same period of time the person would have served in state prison, with no supervision upon release
- c) Combined jail time as specified by the Court with the remainder of the sentence on mandatory probation (to be recorded as a prison sentence served in county jail) – the ‘split sentence’ cannot be longer than the time the person would have served if sentenced to prison.

In each of these options, some or all of the jail time can be served through custody alternatives.

The information provided by CDCR indicates that Solano County can expect approximately 324 3/Non cases over the first three years of realignment with 146 anticipated in 2011/12.

The third new population to come under local custody is parole violators who will continue to be supervised by CDCR Parole Agents, until 2013 can have their parole revoked by CDCR's Board of Parole Hearings. (After 2013, revocations will become the responsibility of the Superior Court.) If a parolee violates the terms of his or her parole and the Board of Parole Hearings orders him or her to a term of incarceration, that term cannot be served in state prison. These parole violators will be ordered to serve up to 180 days (90 days with credits) revocation time in the county jail.

Based on the information provided by CDCR, the Sheriff anticipates having to house an average daily population (ADP) of approximately 54 parole revocation cases in the Solano County Jail from the first year of realignment on.

The obvious implications of realignment's sentencing changes are multiple. Fewer felony offenders will be sent to state prison and more will be housed in the county jail – some for very short periods of time pursuant to flash incarceration and others for extended periods up to and potentially exceeding three years. More will be placed on electronic monitoring (EM) and/or GPS tracking and many more will be subject to supervision by the Probation Department with that supervision incorporating case management and a coordinated continuum of evidence-based programs, services and interventions to reduced reoffending.

Funding: The realignment legislation provides funding for counties to use to develop locally appropriate correctional service capacity and evidence-based programs including facility based and alternatives kinds of custody as well as community based programs, services and interventions that help support law abiding behavior.

For the first nine (9) months of realignment (the October 1 start date means the first year is not a full fiscal year), Solano County is due to receive a total of \$4,226,337 of which \$3,807,662 is anticipated recurring program support; \$268,675 is non-recurring, one time start-up support; and \$150,000 is non-recurring, one time support for the CCP for development of the local plan. Additionally, it is possible that some portion of the \$450,000 the Bay Area Parolee Services Network (PSN) is reported to have available for substance abuse and other treatment needs of Solano County parolees may be able to be used for offenders on PRCS.

As described later in this document, it is the intention of the CCP that these funds be used first to address infrastructure needs so as to ensure Solano County's capacity to safely and effectively manage those offenders coming into local custody as well as those currently under correctional supervision who may be displaced by realignment offenders. Dollars will also be dedicated to ensure the availability of necessary treatments, services and programming and to secure essential equipment, tools and instruments necessary for start-up.

Planning for Realignment

To address the enormous changes and challenges proposed in AB 109 and the related legislation comprising Public Safety Realignment, Solano County undertook a comprehensive, collaborative planning process by which to rethink, restructure and redesign its adult correctional capacity to enhance public safety while taking on new populations and new responsibilities. As mentioned previously, Solano County established its Community Corrections Partnership (CCP) in 2010 to implement SB 678; the CCP has been meeting regularly since then. The strong working relationships built prior to and during that effort have enabled the County to begin planning for AB 109 from the point at which realignment was first announced.

To augment its ongoing planning efforts, the CCP established two committees – one to design a Sanctions grid and the other to develop an assessment based protocol to increase the use of Alternatives to Custody for unsentenced inmates – and convened four focus groups to identify specific subject matter issues. Each of the four Focus Groups – one comprised of judges, one of attorneys mainly from the District Attorney's and Public Defender's offices, one of Law Enforcement Commanders from police agencies throughout Solano County, and one made up of members of the Reentry Council – reported their ideas to the CCP at its meeting August 22. All were considered in development of this plan.

In late August, the planning process moved from information gathering to crafting a draft proposed plan to address both short term, immediate steps necessary to be ready for October 1 and the longer term work required to take realignment forward over the next three to five years. The County's plan presents overarching concepts and strategies, rather than operational details, both because the law is still changing and because agency specific policies and procedures as well as multi-agency protocols will continue to be worked out as the first AB 109 offenders come into the County and the courts and other agencies assess their needs and required responses.

The draft plan was reviewed and discussed in detail at the CCP's September 9 meeting, after which revisions and amendments were made and approved by the Executive Committee prior to submission to the Board of Supervisors for approval October 4,

2011. Also at that meeting, the CCP determined its priorities for funding for realignment's first fiscal year and a description of these priorities was added to the plan. *[this paragraph anticipates the September 9 meeting]*

Key Elements of the Solano County Public Safety Realignment Plan

Solano County's plan seeks to address realignment by coalescing and enhancing existing sanctions and services into a comprehensive, collaborative continuum of care which it is calling the Criminal Justice Intervention and Reentry System. The System's primary goals are to:

Reduce crime,
Reduce county costs, and
Improve the quality of life in Solano County.

The System's Mission is:

We will reduce recidivism and increase public safety in Solano County by generating positive change in the system of rehabilitative services delivered to incarcerated persons, those under community supervision, and their families. In collaboration with our partners, we will connect people with services supporting community reentry and rehabilitation.

It is the CCP's long range intention that, when it is fully developed, the Criminal Justice Intervention and Reentry System will have robust capacity in the following major elements:

- ❖ Risk and Needs Assessments
- ❖ Community Supervision, including Alternatives to Custody for Unsentenced and Sentenced Individuals
- ❖ Intermediate Sanctions
- ❖ Custody and In-Custody Programs
- ❖ Reentry

and will include among its proven effective and cost effective service delivery strategies:

- ❖ Service Center(s)
- ❖ Day Reporting Center(s)

❖ Risk and Needs Assessments are a fundamental evidence-based practice. With research clearly demonstrating that effective treatment and reduction of criminogenic needs correlates to reduced recidivism, assessment is critical to identifying those needs as well as individual's risk levels. Assessment information is the lynchpin for all decision making as to the most effective supervision and programming of offenders. Thus assessments are a core element of Solano County's realignment plan. Risk and needs assessments, as well as additional specialized assessments which may be necessary, such as those to identify mental health and/or substance abuse issues, will be used to guide the development and implementation of individualized case plans in order to ensure public safety by providing the appropriate levels of custody and control while addressing offenders' criminogenic needs.

The Solano County Probation Department (SCPD) will be responsible for assessing realigned offenders at intake or as soon thereafter as possible. SCPD uses the validated Level of Service Inventory-Revised (LSI-R) and Level of Service - Case Management Inventory (LS-CMI) to determine risk and program needs and enable development of case plans. The LSI-R / LS-CMI scores will identify the criminogenic risk, needs and responsivity factors to be taken into account in tailoring an appropriate case plan by which to address needed services.

When realigned offenders are involved in court processes, Probation will make every effort to get the risk/needs information generated by assessment to the Court after arraignment and before an individual's readiness conference. Probation will also provide the Court with assessment information relevant to alternatives to custody and terms and conditions of probation targeting criminogenic needs. Probation will additionally take the lead in developing, and/or coordinating with relevant partners on, case plans and will, of course, provide the appropriate levels of supervision, as indicated by assessment, to realigned offenders under its authority.

In order to accomplish its assessment-related responsibilities as well as its supervision of medium and high risk realigned offenders, the Department will have to hire and train additional staff.

❖ Community Supervision, Including Alternatives to Custody for Unsentenced and Sentenced Individuals, comprise a second essential element of the Criminal Justice Intervention and Reentry System. Community supervision is critical to the success of this or any other correctional system, and, in fact, community supervision is the correctional approach used to manage more than two-thirds (2/3) of all offenders under any kind of correctional supervision throughout the nation. Because people eligible for probation supervision in the community can continue their employment and/or education, get needed treatment, and maintain relationships with family and other support systems, they are able work toward rehabilitation at reduced costs to taxpayers.

Probation supervision, shown to produce positive outcomes in terms of the kinds of behavior change and recidivism reduction that protect public safety, costs significantly less than incarceration in county jail or state prison

The Probation Department uses a range of evidence-based supervision strategies, geared to the risk levels of those being supervised, to manage the 3,100 adult offenders, (2,600 felons and 500 misdemeanants) currently on community supervision in Solano County. Offenders who pose a low risk to the community may be placed on telephone reporting, while most moderate, high and very-high risk individuals are subject to regular, face-to-face contact with a probation officer trained to support and enforce compliance with offenders' case plans and terms of probation. The caseload size for high risk supervision is 1 officer to 50 probationers; that caseload size will be maintained for the PRCS and 3/Non offenders Probation will supervise pursuant to realignment.

In addition to assessment and targeted case planning, the SCPD has extensive experience with another well researched evidence-based practice, Motivational Interviewing (MI). MI, which is being used with current probationers and will be used as indicated with PRCS and 3/Non offenders, is a directive, engagement-oriented, client-centered approach for eliciting behavior change that encourages people to rely on inner motivation rather than external control. Solano County Probation Officers have been trained in MI and a method of evaluating knowledge and skill in using MI is being built into the PO Tasks and Standards. The SCPD is developing training for trainers in Intermediate Level MI to further advance use of this proven practice. It is noteworthy too that MI, and the assessment tools, come with built in quality control, as they are both subject to ongoing review and quality improvement.

Community supervision programming for realigned offenders will make extensive use of the principles of yet another evidence-based practice, Cognitive Behavioral Therapy (CBT). CBT

...focuses on patterns of thinking and the beliefs, attitudes and values that underlie thinking. It has been shown to be reliably effective with a wide variety of personal problems and behaviors, including those important to criminal justice such as aggression, substance abuse, being anti-social and persistent delinquent and criminal behavior. ...CBT places responsibility for thinking in the hands of the client and supplies him or her with the means of solving problems in everyday living, focusing on the present rather than the person's past. CBT has been shown to reduce recidivism ... even with high risk offenders. ... It also appears that CBT is more effective in reducing further criminal behavior when delivered with

other program items such as supervision, education and training and with other mental health counseling.⁹

It will likely be necessary to expand the number of contracts Probation has with community based providers of cognitive behavioral services in such areas as anger management, substance abuse reduction, parenting, decision making skills and others.

The Probation Department expects its strategies for supervision of the PRCS and 3/Non populations of realigned offenders to be similar to those in use for high risk offenders now, although more collaborative in terms of additional compliance checks by local police departments and more involvement of service providers. SCPD intends to build in additional staff, i.e., Group Counselors (similar to Probation Aides), to connect PRCS offenders to needed services, help them get identification cards or register for benefits, and generally facilitate their return to Solano County after prison. These case manager / program coordinators, whose main responsibility will be to help implement case plans may well be the link, the point of contact, by which the Reentry Council and local service providers will identify, develop and/or make Probation aware of resources needed by and for offenders reentering the community and/or otherwise on community supervision.

As noted above, Community Supervision includes alternatives to custody for both sentenced and unsentenced offenders. The Court releases low risk offenders on Own Recognizance (OR) without formal supervision and on Supervised OR under the supervision of the Probation Department. The Sheriff notes that his Department has had alternatives to incarceration for post adjudicated offenders in place for 30 years and has operated home detention with electronic monitoring (EM) for 15 or 20 years and a Global Positioning Satellite (GPS) program for 5 years or so. AB 109 extends sheriffs' authorization to use both of these alternatives without voluntary agreement by the offender and without dependence on the offender's ability to pay for the monitoring equipment.

However, even though the Courts are planning to do all they can to expedite cases and the District Attorney and Public Defender are committed to helping move cases along as well, there is the concern that without the use of additional alternatives to custody for unsentenced offenders, there will be unacceptable crowding in the jail. The Sheriff must be able to manage the jail population in ways that make space available for realigned populations and flash incarceration. To this end, the Sheriff, working with justice system partners has developed an Alternatives to Custody (ATC) Program for pre-adjudicated offenders. Designed to reduce the population of unsentenced, low to medium risk offenders currently being housed in the jail, the ATC will allow those awaiting trial and/or sentencing to be conditionally released from custody and, in lieu of incarceration, be

⁹ Patrick M. Clark, "Cognitive Behavioral Therapy: An Evidence-Based Intervention for Offenders," Corrections Today, February/March 2011

supervised in the community by the Probation Department or the Sheriff's Department, while maintaining their employment, educational, vocational training commitments and other family responsibilities. The program offers direct and immediate relief to jail overcrowding while creating space to house sentenced offenders and offenders deemed to be high risk. Further, it provides cost-effective alternative to incarceration and ensures the offender's appearance at court proceedings.

ATC procedures will begin after the arraignment, with offenders potentially eligible for release being screened by the Probation Department. The defendant will be interviewed by Probation to assess the person's suitability for possible release and to make a recommendation to the Court. At the readiness conference, if the person is found appropriate for release, the Probation Department will submit a report requesting release on OR/SOR or that the Sheriff have the discretion to release the defendant on one of the following:

- Voice ID
- Alcohol monitoring
- EMP
- GPS

The type of release requested will be based on the assessment using the validated tool described previously (LSI-R / LS-CMI) as well as an interview and investigation to determine the individual's: prior criminal history, outstanding charges, failures to appear, substance abuse history, personal and family information including address, employment history, medical information and any other relevant data.

Offenders who are found appropriate for release will receive treatment and supervision while in the community. They will be supervised at a level consistent with the risk assessment with those released on Sheriff's ATC programs supervised at an intensive level. All must remain in compliance with the conditions of their release pursuant to the laws governing pretrial release programs.

❖ Intermediate Sanctions are interventions that fall between standard probation and incarceration and are used to help reduce recidivism by targeting the behaviors that lead offenders to commit crime, i.e., criminogenic factors. The Intermediate Sanctions Solano County intends to incorporate in its Criminal Justice Intervention and Reentry System include but are not necessarily limited to:

- Use of sanction grid
- Flash incarceration for a period of not more than ten days
- Intensive community supervision
- Mandatory community service
- Home detention with EM or GPS

- Work, training or education in a furlough program pursuant to Section 1208
- Work, in lieu of confinement, in a work release program pursuant to Section 4024.2
- Day reporting
- Mandatory residential or nonresidential substance abuse treatment programs
- Mandatory random drug testing
- Community based residential programs

Two slightly different versions of the sanction grid mentioned above – one for offenders on PRCS and the other for offenders on all other kinds of Community Supervision / Probation – were developed by the CCP to provide consistent sanctions for technical violations in lieu of filing petitions with the Court. They are attached as Appendix A.

❖ Custody and In-Custody Programs are critical, core elements of the Criminal Justice Intervention and Reentry System, essential to the success of realignment. Unless the Sheriff has room for realigned offenders in the Solano County Jail – for flash incarceration; for unsentenced as well as sentenced 3/Nons; for revocations of PRCS, parole, and violations of other community supervision – realignment will not work. The Intervention and Reentry System would have no teeth. The protection of public safety demands adequate jail capacity as well as necessary and appropriate programming for those who are incarcerated.

The state Corrections Standards Authority (CSA) Board-rated capacity (BRC) of Solano County's jail system is 1,081 inmates; the Main Jail's BRC is 702 beds and the Claybank facility's is 379, although parts of the Claybank jail are not being used due to budget cuts and related staffing reductions. Solano County has been awarded an AB 900 grant to construct a new 362-bed jail at Claybank and is proposing a staffing plan that provides for a gradual increase in staff over a period of several years. Barring any unexpected delays, the new jail is expected to open in 2014, increasing the number of available beds at approximately the same time the number of inmates transitioned to Solano County under Public Safety Realignment will reach its peak.

At present, the average daily population (ADP) of Solano County's jails is 809 inmates. As is true in most California jails these days, the great majority – 602 inmates (78.3%) – of those in Solano County's jails were unsentenced while only 166 inmates (21.7%) were sentenced. Of the incarcerated population, 92% had felony charges and 8% were charged with misdemeanors only. In early August, 2011, the Sheriff said, even with about 100 people per day released from jail on supervised own recognizance release (SOR) the jail was so crowded that 37 inmates were "sleeping on the floor," i.e., placed in temporary beds because all regular beds that could be used were being used.

Inmates in Solano County jails have access to a rich array of programs while in custody, some provided by outside organizations and others run by the SO Custody Division. In addition to health and mental health treatment services provided through a contract with the California Forensic Medical Group (CFMG), the programs provided by outside providers are:

- Solano County Jail Alcohol and Drug Residential Programs, provided by Anka Programs, includes “Tools for Transformation” for both men and women; anger management, trauma and recovery groups, parenting skills groups; and individual counseling based primarily on need related to co-occurring issues.
- Youth & Family Services - Community Resource Services include case management services for male or female inmates who will be homeless upon release. Information and referrals and post-release services are provided to assist men and women in linking with emergency shelter, sober living residences, domestic violence shelters, health insurance, health and mental health appointments, and other basic needs.
- Women's Reentry Achievement Program (WRAP) - WRAP case managers provide pre-release services in the jail 30 – 60 days prior to a woman's release. Services include individual risks/needs assessments, reentry planning, “Helping Women Recover” empowerment groups, Reading Legacies (a program helping incarcerated women stay connected with their children), and peer mentor support. Intensive case management services are provided after release.

Programs run by the Custody Division are:

- Jail Counseling Program, begun in fall 2010, is a collaboration between the Sheriff's Office and the Wright Institute, a professional school of psychology in Berkeley, California. Interns provide counseling to selected inmates during the academic year.
- Custody Inmate Program: “Recovery Too” (“R2”) is a self-run therapeutic community, housed in one 20-bed module at Claybank Jail, primarily for unsentenced men. Participants are involved in one peer-led group a day. Program staff of Sheriff's Office facilitates two group sessions weekly. Focus is on substance abuse recovery and personal development, and the process of changing negative behavior.
- Weekly Discussion Groups occur in both Medium and Minimum Security Sections in Fairfield Jail. The topics discussed focus on gaining insight into causes of negative behavior, and learning how to change behavior in positive directions.
- The Angry Heart Group is a volunteer run group in PC; a volunteer also sees individuals there and throughout the jail. Treatment focuses on issues relating to anger, trauma, abuse, borderline behavior and substance abuse. Planning

for utilization of community resources post-release is provided to inmates as well as family members.

- The Chaplain provides religious programs in the jail. In cooperation with local religious leaders and chaplain volunteers, weekly Bible studies and religious faith group rites and prayers are offered to some housing units. The Chaplain also coordinates distribution of religious reading materials, conducts weddings, and provides personal counseling services.
- Community volunteers facilitate groups such as AA, NA, and Religious Services.
- Veterans Justice Outreach Program is provided by a VA social worker who comes to the jail every other Friday to help inmates who are veterans access VA and community resources; the social worker assists in establishing eligibility, discharge and transition planning, health and housing services, etc.
- Inmate Library Services include legal reference services provided by Legal Research Associates, (LRA), an outside service; recreational and self-help books are also available, as are lists of programs by county.
- GED/Literacy Program is run by the Solano Co. Office of Education for male and female inmates, with or without a high school diploma. Focus is primarily on math, writing, and English skills; students also can work on science and social studies; and can be preparing for GED exam, as well as other types of tests, such as vocational training, college. Students stay in class as long as they continue to be productive.

In addition to the alternatives to custody described previously, the Sheriff's Office (SO) also operates a Work Furlough and a Work Release program by which properly screened inmates are released from jail to perform work at either their regular, paying jobs or at public service work sites in the community. All of the Sheriff's Alternative to Custody programs, for unsentenced and sentenced offenders, include monitoring for compliance. Further, the Sheriff maintains a Recovery Team to find and return to custody those who abscond from these or other community supervision programs.

Supporting the Criminal Justice Intervention and Reentry System's continual focus on protecting public safety, the SO is talking with local police departments about the best ways to collaboratively provide 'boots on the street' for random compliance checks and other forms of surveillance and monitoring of realigned offenders. While working on strategies to further coordination and liaison among all the law enforcement agencies in the County, the SO, like other departments involved in realignment, will continue to identify and flesh out the myriad realignment-related operational issues facing it while trying to stay abreast of the legislative changes that keep modifying the process. Among other things, the Sheriff is considering creating a position to serve as the SO's designated point of contact for operational and programmatic questions and concerns.

The Sheriff is analyzing anticipated impact data to determine the number of staff the Department will need to properly monitor realignment-related compliance with community supervision, EM, GPS, and other elements of ATC, as well as custody and jail programming. He is also considering the possibility of using AB 109 funds to help pay for police overtime for assistance with compliance efforts.

❖ Reentry is the fifth of the major essential elements of Solano County's Criminal Justice Intervention and Reentry System, vitally important because it is the bridge from correctional supervision to productive, crime-free life in the community. Reentry is comprised of multiple processes, services and supports brought to bear as the result of thoughtful planning by and for each individual returning to the community; ideally, reentry planning begins when the person comes into custody. Encompassing pre-release planning, coordination and integrated case management, assistance and support from a variety of agencies and individuals, reentry can involve linkage to any or all of the following: provision of required medications at release; health and/or mental health treatment; substance abuse treatment; help with education, vocational training and employment; assistance finding and securing either independent or supported housing; family reunification and/or parenting services; help with transportation to needed services, e.g., bus passes, for example; and assistance securing identification cards and registering for benefits. Effective reentry programs incorporate input from offenders, their families, members of the Faith Community and others who have successfully left incarceration behind. Reentry is a critical component in recidivism reduction, as it paves the way to success.

Solano County is fortunate in that it has an active Reentry Council ready and willing to liaison with the faith community and other volunteers to identify resources and needed support. The Reentry Council has developed a handbook of local reentry resources that might be of benefit to offenders as well as perhaps to those involved with realignment who have asked for a comprehensive resource directory, potentially one that could be made available via the internet for ease of updating.

As realignment goes forward, perhaps the Reentry Council will be called on to assist with a coordinated reentry approach that can be adapted and/or modified to meet the specific needs of individual offenders while presenting a consistent statement of the Criminal Justice Intervention and Reentry System's reentry goals and principles. The strategy could recommend preferred approaches such as comprehensive pre-release planning and "rapid referral" protocols that line up appointments for offenders to meet with providers of health, mental health, substance abuse, employment, housing and/or other needed services immediately after release.

Attorneys and others involved in realignment have said they would find it beneficial to have a practical, easy to use and understand resource guide to programs and services

that could be proposed in lieu of and/or in support of jail, in other words a guide to acceptable, available alternatives to custody. They also requested that there be a single point of contact, a person described alternately as a reentry coordinator or a program coordinator or a realignment coordinator to whom they could go for information about programs and resources that might be used for recommendations or referrals.

As noted above, the Probation Department will have designated staff working with realigned offenders to connect them to needed services. These case managers / program coordinators will interact with offenders and their families to facilitate reentry and may well be the link, the point of contact, by which attorneys, the Reentry Council and local service providers can best identify, develop and/or make Probation aware of resources needed by and for offenders reentering the community.

Consideration may also be given to employing a designated Reentry Coordinator to manage reentry issues across agencies. Such a position, assuming the person was at the manager level, may cost as much as \$150,000 a year. The CCP may want to think about whether to allocate resources this way and, if so, decide whether this is an immediate priority or one to implement later as more AB 109 offenders are returned to Solano County.

For reentry as well as all the other elements of realignment to be effective, it will be necessary to involve more community based partners and develop more services and programs in the community in order to address and meet offenders' issues and service needs.

❖ Service Centers and Day Reporting Centers (DRC) are among the most widely researched and therefore evidence-based, proven effective and cost effective rehabilitative service delivery strategies in use today. Similar in many respects, Service Centers and Day Reporting Centers produce such positive outcomes as reductions in recidivism, reductions in average daily jail populations, increases in successful completion of probation or parole and successful reintegration into the community. Both Service Centers and DRCs can effectively serve a variety of correctional populations including:

- Offenders released from jail or prison,
- Repeat/chronic offenders,
- Parole and probation violators,
- High-risk offenders; pre- and post-sentence,
- Drug offenders who have relapsed or reoffended, and
- Offenders who do not respond effectively to traditional supervision methods.

A Service Center is a one-stop community center designed to serve judges, jail administrators, state parole and local probation officers by providing multidisciplinary treatment and rehabilitative services to offenders who have been determined through assessment to be at risk of recidivism. Service Centers provide access to comprehensive services, help develop community collaborative and connect formerly incarcerated and at-risk individuals to rehabilitative and support services including job preparation and search, and evidence-based, cognitive behavioral interventions that target negative offender behaviors known to promote recidivism.

A Day Reporting Center is a one-stop community center for supervision and treatment which can be used as: a pre-trial program to better maintain defendants on bond; as an alternative to detention and residential confinement for appropriate, lower risk criminal offenders; as a step-down program for high risk offenders leaving jail or prison; and/or as an intermediate sanction for probation violators in lieu of custody. Like Service Centers, DRCs are cost effective alternatives to high-cost detention, designed to serve judges, jail administrators, state parole and local probation officers by directly impacting criminogenic risk factors. Offenders appear in person (report) at the DRC several days or every day of the week depending on the level of supervision required to receive supervision services that can include alcohol and drug testing, electronic monitoring, case management, and immediate reporting of program violations as well as support services including job preparation and search, and treatment services such as evidence-based cognitive behavioral interventions that target negative offender behaviors known to promote recidivism.

The CCP is considering incorporating a Service Center, a DRC or both into Solano County's Criminal Justice Intervention and Reentry System, potentially through a contract provider.

Training

Because realignment is new, complex and challenging, it will necessitate ongoing training for the Courts, DAs, Public Defenders, probation officers, sheriff's personnel, police officers, service providers and others involved in its implementation. Individual agencies are already in the process of training their staffs and will maintain continuous contact with their partners with a view toward having everyone on the same page, using the same language as realignment goes forward. As agencies and various task groups, develop operational policy, procedures and protocols, ongoing training will be developed to ensure all their staffs are familiar with realignment and the implementation steps.

Local police agencies are seeking to develop in-house training to enable briefings for line officers, dispatchers, records personnel and others about the full scope of AB 109, including, for example, which agencies are responsible for what, what services and interventions are being used for which kinds of offenders, how flash incarceration will work and who to contact about various programs.

As implementation approaches, staff of the various partner agencies are involved in trainings being offered by the Administrative Office of the Courts (AOC), the Chief Probation Officers of California (CPOC), the California State Association of Counties (CSAC), the California State Sheriffs Association (CSSA), and others, singly and in concert, to prepare for implementation and identify emerging issues and legislative changes in the realignment package. Each of these organizations maintains web sites and will continue to provide its members with new information as it becomes available.

Note too that the AOC's CJER/Education Division is developing various written materials, broadcasts, webinars and live programs regarding revocation hearing procedures, sentencing updates, and models of implementation. In addition, the AOC has launched an online Criminal Justice Realignment Resource Center at

www.courts.ca.gov/partners/realignment.htm.

The web site contains information about criminal justice realignment funding, proposed rules of court and forms, pending and enacted legislation affecting realignment, and other resources.

Communication

As implementation goes forward it will be important to maintain communication among all partners and stakeholders; the Courts, Probation Department and Sheriff's Office will need to be working closely together and sharing updates as the law is amended and rules of court change. Consideration may want to be given to consolidating the multiple sources of information into a regular bulletin that is available to all partners, since shared information will be especially useful in the early stages of building this new way of doing business.

In terms of the communication of specific information needed by agencies to coordinate with one another, it is noteworthy that local law enforcement agencies – police departments and the Sheriff's Office – have convened a work group to develop systems and procedures to share data so that, among other things, officers on the street will know when they are dealing with realigned offenders.

Public education should also be considered as implementation goes forward to allay fears and explain what is being done to ensure public safety during the correctional paradigm shift that is realignment. It is likely that much of the public does not know or care about realignment and possible that those who do know have incorrect information or unfounded fears. To avoid the kind of backlash that occurred around incidents like the Willie Horton case, it may be beneficial to hold public forums and continue efforts that have been begun to publicize information about Solano County's realignment plans in the local media.

Evaluation and Quality Control

Consistent with the evidence-based approaches being used throughout Solano County's realignment efforts, the CCP will monitor and track the implementation progress of and outcomes produced by its realignment efforts. The CCP will track the recidivism outcomes required by AB 109 and will track and report data about offenders on PRCS similar to what is required to be reported about SB 678 clients, including but not limited to: a count of the population quarterly, the number who successfully complete their PRCS, the number with new offenses, the number with new felony convictions, and the number of revocations, among others.

It is the CCP's intention to develop collaborative processes for ongoing quality control of programs and services as well to enable continuous improvement of the Criminal Justice Intervention and Reentry System and to accomplish its goals:

To reduce crime,
Reduce county costs, and
Improve the quality of life in Solano County.

APPENDIX A

SANCTION GRIDS

DRAFT

ADMINISTRATIVE SANCTIONS FOR VIOLATIONS OF TERMS OF POSTRELEASE COMMUNITY SUPERVISION

It is the intent of the Solano County District Attorney, Chief of Probation, Public Defender and Sheriff to facilitate successful completion of postrelease community supervision for offenders under their supervision by imposing graduated sanctions in response to technical violations in lieu of filing a petition for revocation with the court.

Below are guidelines for response to technical violations of postrelease community supervision relating to the imposition of graduated sanctions. The Level 1, 2, and 3 violations listed are not all-inclusive and may include other behaviors regarding noncompliance with terms and conditions of post release community supervision. Violations will be considered on a case-by-case basis consistent with risk level. The following list of sanctions consists of actions available to be utilized proportionately by your Probation Officer in response to your action(s). The sanctions are community-based interventions and are considered swift and certain consequences to your behavior as delayed response encourages violations. Sanctions do not always occur in a linear fashion.

| Level 1 Violations | Level 1 Sanctions |
|--|---|
| Failure to Report – Arrest/Citation Failure to Report – As Instructed Failure to Report – Address/Telephone Number Change Failure to Register – 11590 HS Failure to Pay Fines/Fees Failure to Complete Community Service 1 st positive Drug/Alcohol Test Refusal to Drug/Alcohol Test Missed Treatment/Program Group Possession of Prohibited Items (non-weapons) | Verbal Warning Written Letter of Apology Referral to Education/Employment/Life Skills Program Develop Relapse Prevention Plan Educational / Home Study Activity Increased Drug Testing Increased Alcohol Testing Referral to Drug/Alcohol Treatment Community Service with Probation (Complete up to 24 hours within 30 days) |
| Level 2 Violations | Level 2 Sanctions |
| Multiple Level 1 Violations Failure to Comply with Level 1 Sanction 2 nd Positive Drug/Alcohol Test Offense Related Violation Continued Missed Treatment/Program Group Contact with Restricted Person/Place Possession of Prohibited Items (weapons) Failure to attend Offense-Specific Treatment Failure to follow Electronic Monitoring program rules Failure to follow Work Release program rules | Any Level 1 Sanction Multiple Level Sanctions in combination Referral for Treatment Assessment Increased Drug/Alcohol Testing Increased Reporting as Directed Modification of Treatment Plan Work Release with Sheriff's Office (Complete up to 48 hours within 30 days) Alcohol Monitoring with Sheriff's Office Curfew with Restriction using Voice ID System |
| Level 3 Violations | Level 3 Sanctions |
| Multiple Level 2 Violations Failure to comply with Level 2 Sanction Non-Threatening contact with victim Misd. Behavior (non-offense related) Leave State of CA without permission | Any Level 1 or 2 Sanction Multiple Level Sanctions in Combination Modification of supervision terms and conditions Electronic Monitoring for up to 30 days Flash Incarceration up to 10 days |

Multiple or severe violations such as but not limited to the following will result in immediate incarceration and will be reported to the court through the filing of a petition for revocation of community supervision:
 Abscond/termination from residential treatment program, Escape from Electronic Monitoring Program, new law violation, threatening contact with victim, and any continued Level 3 sanction violation.

ADMINISTRATIVE SANCTIONS FOR VIOLATIONS OF TERMS OF COMMUNITY SUPERVISION

It is the intent of the Solano County District Attorney, Chief of Probation, Public Defender and Sheriff to facilitate successful completion of probation for offenders under their supervision by imposing graduated sanctions in response to technical violations of probation in lieu of filing a formal violation of probation with the court.

Below are guidelines for response to technical violations of probation relating to the imposition of graduated sanctions for probationers. The Level 1, 2, and 3 violations listed are not all-inclusive and may include other behaviors regarding the violations of conditions as set by the court. Violations will be considered on a case-by-case basis consistent with risk level and in coordination with conditions set by the court. The following list of sanctions consists of actions available to be utilized proportionately by your Probation Officer in response to your action(s). The sanctions are community-based interventions and are considered swift and certain consequences to your behavior as delayed response encourages violations. Sanctions do not always occur in a linear fashion.

| Level 1 Violations | Level 1 Sanctions |
|--|---|
| Failure to Report – Arrest/Citation Failure to Report – As Instructed Failure to Report – Address/Telephone Number Change Failure to Register – 11590 HS Failure to Pay Fines/Fees Failure to Complete Community Service 1 st positive Drug/Alcohol Test Refusal to Drug/Alcohol Test Missed Treatment/Program Group Possession of Prohibited Items (non-weapons) | Verbal Warning Written Letter of Apology Referral to Education/Employment/Life Skills Program Develop Relapse Prevention Plan Educational/Home Study Activity Increased Drug Testing Increased Alcohol Testing Referral to Drug/Alcohol Treatment Community Service with Probation (Complete up to 24 hours within 30 days) |
| Level 2 Violations | Level 2 Sanctions |
| Multiple Level 1 Violations Failure to Comply with Level 1 Sanction 2 nd Positive Drug/Alcohol Test Offense Related Violation Continued Missed Treatment/Program Group Contact with Restricted Person/Place Possession of Prohibited Items (weapons) Failure to attend Offense-Specific Treatment Failure to follow Electronic Monitoring program rules Failure to follow Work Release program rules | Any Level 1 Sanction Multiple Level Sanctions in combination Referral for Treatment Assessment Increased Drug/Alcohol Testing Increased Reporting as directed Modification of Treatment Plan Work Release with Sheriff's Office (Complete up to 48 hours within 30 days) Alcohol Monitoring with Sheriff's Office Curfew with Restriction using Voice ID System |
| Level 3 Violations | Level 3 Sanctions |
| Multiple Level 2 Violations Failure to comply with Level 2 Sanction Non-Threatening contact with victim Misd. Behavior (non-offense related) Leave State of CA without permission | Any Level 1 or 2 Sanction Multiple Level Sanctions in Combination Modification of Probation Electronic Monitoring for up to 30 days Flash Incarceration up to 10 days |

Multiple or severe violations such as but not limited to the following will result in immediate incarceration and will be reported to the court through the filing of a formal violation of probation: Abscond/termination from residential treatment program, Escape from Electronic Monitoring Program, new law violation, threatening contact with victim, and any continued Level 3 sanction violation.