

Public Safety Realignment Act

**2011 PUBLIC SAFETY REALIGNMENT
ASSEMBLY BILLS: AB 109, AB 117, AB 117**

County of San Bernardino, Department of Behavioral Health
Overview



Assembly Bill 109 (AB 109)



- o Signed AB109 (The Public Safety Realignment Act) on April 4, 2011

- o Press Release on April 5, 2011 by Governor Brown:

“Makes fundamental changes to California’s correctional system to stop the costly, ineffective and unsafe “revolving door” of lower-level offenders and parole violators through our state prisons”.

AB 109: Goals



- Reduce the state's cost of incarcerating felons and parolees and to decrease the cost of parole and parole supervision
- Reduce the current state prison population to comply with federal court prison supervision orders
- To accomplish these goals:
 - Legislature and the Governor have shifted (realigned) much of the state's responsibility for the incarceration of felons and their post release supervision from CDCR (California Department of Corrections and Rehabilitation) to the counties and the courts



AB 109: Significant Changes



- Redefinition of a Felony
- New Felony Classification – “Triple Non Offenses”
- Changes in the manner and location in which individuals convicted of felonies are incarcerated – County Jail versus Prison
- Reduces the number of individuals that can be sentenced to State Prison
- Changes to the State Parole System:
 - Eliminates parole for some classes of released inmates
 - Creates new types of parole
 - Changes who supervises these new parolees
 - Changes the manner in which parole is revoked
- Displaces responsibility for the supervision of these offenders from the state to the local level



AB 109 Important Dates



- 10/1/2011: Effective date of most realignment changes
- 7/1/2013: Secondary changes related to the local responsibility for parole revocation hearings for serious and violent offenders



AB 109 Funding



- Funded by a dedicated portion of sales tax revenue and Vehicle License Fees (VLF)
 - Outlined in trailer AB 118 and SB 89
- Funding has been appropriated through the state budget process for Fiscal year 2011-2012
- Ultimate Goal: To have a guaranteed dedicated funding stream



AB 109: Other Bills



- AB 109 – bill contains the major outlines and changes of Realignment
- AB 117 – this is a major clean up and revision of AB 109
- ABX1 17 – this is a clean up of AB 109 and AB 117

- Three bills must be read together to determine the realignment changes

- Can be viewed at:
<http://www.leginfo.ca.gov/bilinfo.html>



LEVELS OF SUPERVISION



- State

- Local

- Post Release Community Supervision (PRCS)



AB 109: State Custody



- Realignment makes no changes to the three strikes provisions and sentencing
- Serious and Violent Crimes – offenders will still be sentenced to State Prison and serve their time at a CDCR facility
- Inmates released after serving a life term (i.e. murderers, violent sex offenders and third strikers) will be returned to state prisons on revocations if ordered by the Board of Prisons
- No inmates currently in prison will be transferred to county jails
- 60 statutory exemptions not defined in Penal Code as serious or violent however requested by law enforcement to be added as offenses to be served in state prison rather than local jails



AB 109: State Parole Supervision



- Inmates paroled after serving a life term including three strikes offenders
- Offenders whose current commitment offense is violent or serious, as defined by CA Penal Code §§ 667.5(c) and 1192.7(c)
- High risk sex offenders (HRSO) as defined by CDCR
- Offenders classified as Mentally Disorder Offenders (MDO)
- Offenders on parole prior to October 1, 2011



AB 109: Local Custody



- Triple Non Offenses – A new felony classification – also known as 1170(h) felonies; also called 3 NONs
 - Non violent
 - Non serious
 - Non sex offenders (non Penal Code section 290 registerable cases)

- 500+ crimes that prior to 10/1/2011 would have been served in State Prison will now be served in County Jails



AB 109: Local Custody (cont...)



- If court imposes WHAT WOULD BE a state prison sentence prior to 10/1/2011 – it will now be a term of imprisonment to be served in the county jail
- SB County Probation Department in collaboration with the SB County Sheriff Department will have available the following intermediate sanctions:
 - Alternative custody options for county jails:
 - Home detention (Home Confinement and House Arrest) for low-level offenders
 - Local jail credits that mirror prison (day-for-day)
 - Community Service
 - Electronic Monitoring (EM) and Global Positioning System (GPS)
 - Work Release



**AB 109: Post Release Community Supervision
(PRCS)- Release Prison effective 10/1/2011**



- Penal Code § 3450 *et. seq.* (AB 117)
 - PRCS to take place of parole and transfer supervision from CDCR to the Probation Department
- Penal Code § 3451
 - All non lifer prisoners and non high risk sex offenders (HRSO) released from prison after 10/1/2011 will be placed on PRCS



**AB 109: Post Release Community Supervision
(PRCS)- Release Prison effective 10/1/2011
(cont...)**



- PRCS offenders released from prison and supervised by County Probation will include:
 - Current non-violent offenders (irrespective of priors)
 - Current non-serious offender (irrespective of priors)



AB 109: Post Release Community Supervision (PRCS)



- Not on parole and CDCR has no jurisdiction
- Violators cannot be returned to State Prison except on a new commitment offense
- Supervision by County Probation – not Parole Agents
- Total maximum aggregate period of PRCS is 3 years
- Maximum time in custody for a revocation is 180 days served in a County Jail
- After 6 months of supervision and no violations can be discharged from PRCS
- After 1 year, no violations, person must be discharged from PRCS



AB 109: Flash Incarceration



- Probation may impose immediate sanction of up to 10 days in county jail for a violation without a court hearing
- Can be imposed more than once – but does not count against the maximum 180 days that can be imposed for a revocation
- Designed to punish without disrupting work or home establishment
- Considered as an immediate step short of full revocation



AB 109: PRCS Revocation



- Superior court will handle revocation hearings for those on PRCS
- Will be used for more serious violations or violators where immediate steps like flash incarceration are insufficient
- Public Defender, District Attorney, probation and the court involved



AB 109 Parole Revocations as of 7/1/2012



- Board of Parole will do hearings on parole considerations for:
 - Lifers
 - Medical Parole Hearings
 - Mentally Disorder Offender (MDO)
 - Sexually Violent Predator (SVP) cases
- All other parole revocation hearings will be handled by the superior court



AB 109: PRCS Population



- Anticipated Releases (per SB Probation) of PRCS offenders:
 - 10/1/11-6/30/12= 2,500
 - 2nd and 3rd year= expected increase to between 5500 and 6500
- Currently SB Probation supervises 19,000 adult felony offenders
 - Drug offenses, Serious and/or Violent Offenses, Sex Crimes, Property Crimes and Other
 - PRCS are deemed “low risk” due to their committing offense
 - CDCR gives no consideration to gang involvement, prior criminal history, prior violence



AB 109: PRCS Mental Health



- Approximately 14% of the felons released from CDCR in Fiscal Year 2006-2007 were designated as EOP or CCCMS
- EOP (Enhanced Outpatient Program)
 - Adjustment difficulties in General Population but not so impaired that they require 24 hour inpatient care
 - Similar to a secured day treatment service program in the community, 10 hours of structured clinical activity per week, individual clinical contact every two weeks, enhanced nursing services
- CCCMS (Correctional Clinical Case Management System)
 - Housed in General Population and may participate on an outpatient basis
 - Similar to outpatient treatment in the community, crisis intervention, and medication review, social skills training
- MHCB (Mental Health Crisis Bed)
 - Provides stabilization and treatment of inmates who are experiencing a severe exacerbation or acute onset of symptoms



AB 109: DBH Role Today



- DBH Forensic Services Program
 - Social Worker II (SWII), Clinic Supervisor, Program Manager II
- Coordinating and Monitoring Mental Health, Alcohol and Drug and Public Health treatment services for EOP (Enhanced Outpatient Program) cases
 - Partnering with the following departments:
 - CDCR Prisons – Mental Health Packet Information
 - 30 days supply of medication; possible transport by Probation from Prison to residence
 - Rapid Response Team (RRT) – Case Consultation
 - Probation Department
 - Department of Public Health
 - Community DBH Clinics (Including the Crisis Walk-In Center)
 - DBH AOD Services
 - Family Members (National Alliance on Mental Illness)
 - Housing (Assisting Probation with housing options)
 - DBH Diversion Program
 - Arrowhead Regional Medical Center
 - Local Law Enforcement (Flash Incarcerations)
 - Out of county Mental Health and Probation Departments



AB 109: Future: Day Reporting Centers (DRC)



- Three sites
 - San Bernardino
 - Rancho Cucamonga
 - Victorville
- Expected to be in operation by March, 2012
- Individuals to report to Probation Department within 48 hours after release
 - Currently reporting to assigned Deputy Probation Officer (DPO) at local Probation Department



AB 109: Future DRC Services

- DRC (Day Reporting Center) will be a “One Stop” program
- Appointments will be done daily or on a scheduled basis by the assigned DPO
- Access to the following resources and services:
 - Mental Health and Alcohol and Drug Services (DBH)
 - Physical Health (Public Health)
 - Education
 - Vocational Training (Workforce Development)
 - Transitional Assistance Department (TAD)
 - Child Support
 - Department of Aging and Adult Services (DAAS)
- Resource Manual will be provided (online also)

AB 109: Future Role of DBH at the DRC

- Model of Integrated Care: Treatment and Supplementary Services (i.e. vocational, housing)
 - Funding by Probation for six (6) FTEs:
 - 3-Social Worker II (SWII) and 3-AOD Counselor
 - Co-locate one SWII and one AOD at each DRC (Day Reporting Centers)
 - Screenings and appropriate referrals for Mental Health (MH) and Alcohol and Drug (AOD) treatment services and related community resources (i.e. 12 Step, ALNON, NAMI)
 - All AB 109 participants
 - Partner with Department of Public Health for medical needs (on site)
 - Utilize a brokerage and linkage process to community resources
 - Public Assistance Programs, Veteran Programs, State Department of Rehabilitation
 - Provide an array of gap services (i.e. Life Skills, AOD education groups)
 - Evidenced based practices
 - Identify barriers to accessing services (i.e. transportation)
 - Monitor cases (i.e. appointments completed)
 - Continue to coordinate and monitor PRCS EOP cases that are incoming to SB County from CDCR and county jail sites

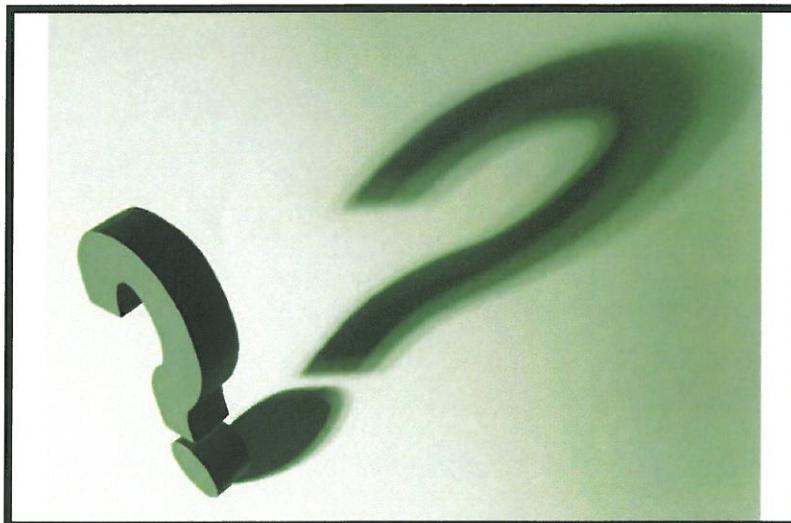
AB 109: DBH - Future Plan



- Memorandum of Understanding (MOU) with Probation
- Continue to collaborate with partnering departments
 - Public Safety
 - Communication
- Developing an efficient and effective tracking system for AB 109 participants
- Continue to participate in AB 109 Committee meetings with the partnering agencies and/or counties
 - California Mental Health Director's Association
 - Prison to Parole
 - Behavioral Health Consensus Committee
 - Community Corrections Partnership Sub-committee
 - Community Corrections Partnership Executive Committee



QUESTIONS





FINAL CRIME EXCLUSION LIST

CRIME	CODE SECTION
Administering stupefying drugs to assist in commission of a felony	PC 222
Battery against a juror	PC 243.7
Gassing of a peace officer or local detention facility employee	PC 243.9
Abduction or procurement by fraudulent inducement for prostitution	PC 266a
Purchasing a person for purposes of prostitution or placing a person for immoral purposes	PC 266e
Sale of a person for immoral purposes	PC 266f
Pimping and pimping a minor	PC 266h
Pandering and pandering with a minor	PC 266i
Procurement of a child under age 16 for lewd or lascivious acts	PC 266j
Felony child abuse likely to produce great bodily injury or death	PC 273a
Assault resulting in death of a child under age 8	PC 273ab
Felony domestic violence	PC 273.5
Sex Offender Registration Violation	PC 290.018
Poisoning or adulterating food, drink, medicine, pharmaceutical product, spring, well, reservoir, or public water supply	PC 347
Felony physical abuse of an elder or dependent adult	PC 368b
Brandishing firearm or deadly weapon to avoid arrest	PC 417.8
Unlawfully causing a fire that causes an inhabited structure or inhabited property to burn	PC 452
Felony stalking	PC 646.9
Solicitation for murder	PC 653f(b)
Petty Theft with specified prior convictions	PC 666(b)
Possession of a firearm by a prohibited person	PC 12021/12021.1
Carrying a firearm with detachable magazine	PC 12021.5(b)
Carrying concealed firearm by gang member	PC 12025(b)(3)
Possession of an explosive or destructive device	PC 12303.2
Escape	PC 4532
Possession of a controlled substance while armed with a firearm	HS 11370.1
Evading a peace officer by driving in a willful or wanton disregard for safety of persons or property	VC 2800.2
Evading a peace officer causing death or serious bodily injury	VC 2800.3
Hit and run driving causing death or injury	VC 20001



CRIME	CODE SECTION
Felony driving under the influence causing injury	VC 23153
Felony convictions with a Penal Code Section 186.11 enhancement	PC 186.11
Bribing an Executive Officer	PC 67
Executive or Ministerial Officer Accepting a Bribe	PC 68
Bribing a Legislator	PC 85
Legislator Excepting a Bribe	PC 86
Judicial Bribery	PC 92/93
Peace Officer Intentionally Planting Evidence	PC 141
Local Official Accepting a Bribe	PC 165
Misappropriation of Public Funds	PC 424
Embezzlement of Public Funds	PC 504/514
Conflict of Interest by Public Officer or Employee	GC 1090/1097
Taking Subordinate Pay	GC 1195
Destruction of Documents	GC 1855
Public Official Who Aids and Abets Voter Fraud	EC 18501
Assault on a Peace Officer	PC 245(d)
Persuading, Luring, or Transporting a Minor Under 13	PC 272(b)
Employment of Minor to Sell Controlled Substance	HS 11353
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Use of Minor to Transport/Possess/Possess for Sale	HS 11380(a)
Employment of Minor to Sell Marijuana	HS 11361(a)(b)
Brandishing Firearm in Presence of Peace Officer	PC 417(c)
Brandishing Firearm or Deadly Weapon to Resist Arrest	PC 417.8
Vehicular Manslaughter While Intoxicated	PC 191.5 (c)
Knowingly Exposes Someone to HIV	HS 120291
Knowingly Facilitates the Collection of Wrongfully Attributed DNA Specimens	PC 298.2
Wrongful Use of DNA Specimens	PC 299.5
Criminal Gang Activity	PC 186.22
Street Gang Activity	PC 186.26



CRIME	CODE SECTION
Gang Registration Violation	PC 186.33
Possession or Importation of Horse Meat	PC 598c
Sale of Horse Meat	PC 598d
Manufacture/Distribution of False Documents for Citizenship Purposes	PC 113
Use of False Documents for Citizenship Purposes	PC 114



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