

**San Bernardino County**  
**2014 Public Safety Realignment Plan**  
**Assembly Bill 109**

Produced by the San Bernardino County  
Community Corrections Partnership  
Executive Committee

**July 1, 2014**

**Michelle Scray**  
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**Chairperson**



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DRAFT



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July 1, 2014

To the Citizens of San Bernardino County:

On April 4, 2011, Governor Brown signed into law AB 109, the Public Safety Realignment Act. Provisions of this bill became effective on October 1, 2011, and “realigned” numerous law and justice responsibilities from the state to the counties.

The bill also expanded the responsibilities of the county’s Community Corrections Partnership (CCP). The CCP is comprised of several County departments and inter-county agencies. This partnership became responsible for the implementation of AB 109 in San Bernardino County.

As the Chairperson of the Community Corrections Partnership, I thank you for your interest in our realignment efforts and for taking the time to read this report. It details both the challenges and the successes of our response to realignment.

AB 109 represented the most significant change to the California Criminal Justice system in a generation. Fortunately, San Bernardino County was in a good position to face the adversities brought on by realignment.

The CCP devised and enacted a plan to respond to AB 109 by the date it became effective. This report details the facets of that plan and charts our future direction.

Two and half years following the enactment of AB 109, we can begin to draw some conclusions regarding the impact of realignment and our efforts. At this time, AB 109 continues to present unique challenges, but we have surpassed our expectations and exceeded the goals initially set in 2011.

Ultimately, our objective is to provide the highest level of public safety to the citizens of San Bernardino County, while deterring recidivism and promoting effective programs that provide permanent rehabilitation solutions for AB 109 offenders who re-enter our communities.

Sincerely,

Michelle Scray Brown  
Chief Probation Officer  
Chair,

Community

Corrections

Partnership

## **SUMMARY OF AB 109**

On April 4, 2011, Governor Edmund G. Brown signed Assembly Bill 109 (AB 109), The Public Safety Realignment Act, which created the most significant changes to the California correctional system and criminal sentencing guidelines in a generation.

This law, which went into effect on October 1, 2011, essentially transferred responsibility for the housing and supervision of state prison inmate and parolee populations who were classified as low-level offenders from the California Department of Corrections and Rehabilitation (CDCR) to the counties.

Low level offenders were those individuals determined to have committed non-serious, non-violent, and/or non-sex related crimes. AB 109 also included a significant shift of responsibility for monitoring, tracking, and managing felons from the CDCR Division of Adult Parole Operations (DAPO) to county-level probation departments.

This shift, or realignment of correctional responsibilities, was proposed by the state and driven by two primary factors:

- (1) The state needed to reduce its prison population.
- (2) The state acknowledged that management of this population would be more effective if individual counties were allowed the opportunity to develop programs based on local specific resources and dynamics.

The bill also extended the responsibilities of the previously established local Community Corrections Partnerships, or CCPs. Each county's CCP is comprised of several county departments and inter-county agencies. The CCP Executive Committee, which is chaired by the Chief Probation Officer, is responsible for overseeing the implementation of AB 109 in each county.

### **Key Provisions of the Public Safety Realignment**

The genesis of AB 109 was a mandate that the state's thirty three (33) prisons reduce the number of inmates to 137.5% percent of intended capacity by May 24, 2013, as ordered by the United States Supreme Court.

The focus of AB 109 has been on two “types” of offenders:

- 1) Certain California Department of Corrections and Rehabilitation (CDCR) parolees, who were classified as “low-level” offenders, or Post Release Community Supervision (PRCS) offenders.
- 2) Offenders who have been sentenced after the effective date of Realignment following conviction of a qualifying “low-level” offense. They are titled Mandatory Supervision or PC 1170 offenders if they receive a supervision tail upon release. (PC 1170 refers to the altered penal code section under which they are now sentenced.)

AB 109 defined “low-level” offenses as those that were non-serious, non-violent, and non-sex related. This criteria colloquially became known as a “triple-non” offense. It is important to note that AB 109 establishes such categorization based only upon the most recent offense. As such, an offender with past serious, violent or sex related convictions, whose most recent conviction does not meet this standard, is eligible for release or subject to sentencing under the law.

#### PRCS Offenders Defined

Persons who were convicted of a triple non offense, sentenced to state prison, and remained incarcerated as of the effective date of the act, October 1, 2011, were eligible for parole back to the community as PRCS offenders. Prior to the passage of AB 109, all imprisoned offenders released to the community were supervised by CDCR Parole Agents under their Division of Adult Parole Operations (DAPO). Following the passage of Realignment, only offenders with serious, violent, or sex related offenses were paroled to the supervision of DAPO. The remainder of offenders, all categorized as PRCS, were released to the jurisdiction of probation departments throughout the state.

Realignment dictated that PRCS offenders be released for supervision to the local county where they were originally sentenced. Additionally, the Penal Code has been modified to prevent PRCS offenders from being sent to state prison for violation of their terms and conditions of

parole/probation. The legislation also required that best practices be utilized for treatment and rehabilitation.

It is important to note that Realignment did not result in the early release of any PRCS offender. These offenders were released to the supervision of probation departments within the normal timeframe in which they otherwise would have been paroled.

No inmates who were in prison as of the effective date of AB 109 were transferred to county jail facilities.

AB 109 also created a provision for the adjudication of parole violations at the local level, rather than returning these offenders to the prison system.

The parole revocation process for PRCS offenders was continued under the Board of Parole Hearings until July 13, 2013. After that time, hearings began to be held in a specialized local PRCS court. However, all parole revocations were and continue to be served in county jails.

#### Mandatory Supervision Offenders Defined

The legislature recognized that AB 109 would realign current state prison inmates to local authorities. However, realignment also had to target future sentencing to prevent the prison population from returning to unacceptable numbers.

Therefore, AB 109 also changed the law, sentencing guidelines in particular, to realign certain other responsibilities for the less serious offender from state jurisdiction to local jurisdictions.

Under the law, any offender who was convicted of a triple-non offense after October 1, 2011 could not be sentenced to a term of imprisonment that included housing in the state prison system. Rather, the Realignment Act provided that these offenders were to be housed in local jail/correctional facilities. This became known as Jail/Prison, to differentiate from other pre or post sentence offenders being housed in local jails.

#### Mandatory Supervision Includes Either Straight or Split Sentencing

When sentenced after October 1, 2011 following conviction of a qualifying triple non offense, an offender could be sentenced under two schemes at the discretion of the court.

In the first, called “Straight Sentencing,” an offender is ordered to serve his entire term of imprisonment in a local jail facility. In the second scheme, referred to as “Split Sentencing,” the offender could be ordered to serve a modified, lesser period of incarceration in the local jail, followed by a period of supervision by the Probation Department. This second type of supervised offender is entitled a “Mandatory Supervision” offender; or a PC 1170 Offender, in reference to the penal code section outlining the sentencing scheme.

It should be noted that AB 109 established no sentencing guidelines to dictate whether an offender should be ordered to serve straight time or given a split sentence.

To house this new classification of offenders in local jails without disruption to jail operations or release of those normally held in the jail population, local custody and supervision efforts were expanded to include:

- Alternative custody options for county jails.
- Home detention for low-level offenders.
- Local jail credits that mirror prison (day-for-day).

#### Revocation Process

- PRCS offenders who were arrested for violations of the terms of their release return to a specialized PRCS court. They can be returned to local custody for a period of time not to exceed 180 days. A return to state prison for revocations is prohibited.
- AB 109 offenders can be subjected to a “flash incarceration,” which provides for a period of detention in local custody up to ten days, for the immediate correction of conduct that does not necessarily warrant a full revocation petition. Flash incarcerations do not require the filing of a petition with the court or a warrant.

#### Additional provisions of Public Safety Realignment provide that:

- PRCS offenders can be subjected to a period of supervision not to exceed three (3) years. However, the law requires they be discharged from supervision at one (1) year if there have been no revocations. Following a revocation, the duration of their supervision window starts over and may be extended up to the three (3) years maximum exposure.
- The supervision period for Mandatory Supervision Offenders is the length of time the penal code would allow for incarceration under determinate sentencing, to include both

the custody time and supervision time of split sentencing. Revocations may not exceed the total exposure of time spent under supervision.

- AB 109 also provided that counties may “contract back” with the state to send local offenders to state prison as an incarceration option. However, the cost was extremely high and would have exceeded available funding within the first year. Contracting Back did not extend to parole revocations. San Bernardino County never utilized Contracting Back as it was cost prohibitive.

### **The continued role of CDCR and DAPO**

The State of California Department of Corrections and Rehabilitation continues to have jurisdiction over offenders placed on state parole prior to the October 1, 2011 implementation date. As noted, local jurisdictions began supervising the non-violent, non-serious and non-sex offenders that were released from prison after October 1, 2011.

Inmates released after serving a life term (i.e., murderers, violent sex offenders and third strikers) have been returned to state prison on revocations if ordered by the Board of Prisons. State Parole continues to supervise the following offenders:

- “Third Strikers” - individuals who were committed to state prison and whose third strike was for a non-violent offense. They remained under the supervision of State Parole.
- Offenders convicted of a serious or violent felony as described in Penal Codes 1192.7(c) or 667.5(c).
- High risk sex offenders as defined by CDCR.
- Offenders classified as Mentally Disordered Offenders (MDO).
- Offenders on parole prior to October 1, 2011.

For the remaining low-level offenders on parole after implementation of realignment, parole had the authority to discharge the parolee if no violations had occurred.

Felons convicted of serious, violent or sexual crimes against children, have continued to be sentenced to prisons and required to register as a sex offender pursuant to Penal Code 290.

Furthermore, other specified crimes [contained in approximately sixty (60) additional exclusions from the “low-level” definition] still require a state prison commitment and housing in the prison system.

## **Local Planning Process**

The Public Safety Realignment Act expanded the role and purpose of the Community Corrections Partnership (CCP), which was previously established in Penal Code 1230. It required the CCP to develop and recommend to their County Board of Supervisors implementation plans for the 2011 Public Safety Realignment and to create an Executive Committee from the CCP members comprised of the following:

- Chief Probation Officer (Chairperson)
- Chief of Police
- Sheriff
- District Attorney
- Public Defender
- Presiding Judge of the Superior Court
- A representative from either the County Department of Social Services, Mental Health, or Alcohol and Substance Abuse Programs, as appointed by the County Board of Supervisors. (In San Bernardino County, the Assistant Executive Officer of Human Services is on the Executive Committee.)

## **The San Bernardino County Probation Department**

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### **Probation's Response to Public Safety Realignment**

The San Bernardino County Probation Department rapidly formulated a response to AB 109. The department recognized the significant shift in responsibilities from the state to local level that were mandated by AB 109, but also understood that much of the realignment burden would fall upon the probation department.

The long standing goal of the San Bernardino County Probation Department has been the protection of the community through a balanced application of supervision or suppression activities that prevent re-offense, and social service and correctional interventions offered through evidence-based programming.

Supervision activities may consist of intensive field contact of offenders by probation officers, property searches, drug tests, attendance checks at mandated counseling or other contact that encourage at-risk offenders to comply with their terms through accountability and the threat of sanction.

Suppression activity may include strict enforcement of terms and conditions of probation, warrant service, arrests or surveillance activity aimed at stopping known recidivist behavior before it impacts public safety.

Intervention includes the delivery programming from a rich athenaeum of social services, including educational, vocational, or cognitive behavior change programming; substance abuse programs, or other intervention services that build the skills offenders need to re-socialize and survive. All probation programs must meet Evidenced Based standards.

By utilizing the paradigms and best past practices of the department, it was possible to propose a comprehensive plan to address the realignment of these new offenders. Some of these best past practices included:

## SB 678

The department has continued to utilize Evidence Based Practices implemented for the SB 678, “Recidivism Reduction Program.” The goal of this program is to reduce prison incarceration and recidivism by instructing felony adult probationers in evidence-based programming (i.e., motivational intervention, cognitive restructuring, and etcetera). SB 678 was in effect for several years before AB 109, and used to specifically target adult probationers who were in violation of probation, or at substantial risk of being in violation when a revocation of probation would have resulted in a state prison commitment. Although SB 678 was a small program with a limited population of offenders, it was instrumental in reducing revocations and commitments to prison with program participants. The probation department was determined to expand the principals of the SB 678 program for the PRCS population.

### Juvenile Day Reporting Centers

For four years preceding the passage of AB 109, the San Bernardino County Probation Department successfully utilized a Day Reporting Center (DRC) concept for juvenile offenders in San Bernardino County. The probation department incorporated the nationally recognized Evidence-Based National Curriculum Training Institute (NCTI) into three Juvenile Day Reporting Centers established throughout the county. NCTI includes effective interventions, validated tools and instruments, motivational interviewing techniques and Cognitive Behavior Therapy (CBT) interventions on a targeted population of juvenile offenders and at risk minors. The San Bernardino County Probation Department expanded and modeled these types of Evidence-Based supervision practices for the adult PRCS population.

### Probation Officer Intervention

At the time AB 109 was passed, the San Bernardino County Probation Department supervised approximately nineteen thousand (19,000) adult offenders. Probation Officers are trained to have a broad knowledge of the criminal justice system, their roles, relationships, and responsibilities to the courts, community, and the offenders under their supervision. The department has a close working relationship with local law enforcement agencies and community organizations that provide a variety of services to adult and juvenile probationers. Currently, 72% of Probation Officers are armed and are trained in a continuum of use of force, arrest

techniques, searches and seizure, and legal requirements. In addition, these officers are trained in various types of treatment services including motivational interviewing and cognitive restructuring.

## **AB 109 Operations**

### Day Reporting Centers

The Probation Department opened three Adult Day Reporting and Re-Entry Service Centers in San Bernardino, Victorville and the West End. These DRCs are the backbone of all services provided to the AB 109 offender population. They consist of a “one-stop shop” for offenders, where they can meet with a probation officer or find all the resources necessary for rehabilitation.

Upon release from State Prison, offenders are directed by CDCR to report to the nearest DRC within 72 hours of release. Currently, there is an 89% reporting rate for these released offenders. This success rate is attributed to the immediacy of having to report upon release, rather than waiting in the community for an officer to contact the offender.

These PRCS offenders meet with a probation officer and in most cases receive an orientation and assessment on their first visit. These are usually medium or enhanced risk offenders. Those offenders that are to be assigned to specialized supervision units, such as the Gang Unit, Domestic Violence, or Sex Offender Unit are referred to those units in area probation offices for an orientation.

Offenders who complete orientation and assessment services at the DRCs are administered a COMPAS assessment to evaluate their risk to the community and adjust the level of supervision they will receive. They may also be referred to any of the services provided by other agencies at the DRCs.

Any offender can then be directed into an extensive array of rehabilitative programs at the DRCs.

While the Probation Department is the lead agency in managing the DRCs, they are truly co-located sites, offering special programs and services from numerous agencies.

The DRCs are centers of operation for the Probation Department's Homeless Coordinator. One officer is assigned to the Victorville DRC, and an additional officer is assigned to coordinate services from both the West End and Central DRCs. The probation department also participates in the Homeless Youth Task Force and Interagency Council on Homelessness, however neither are based at the DRCs.

Unique services are also provided through the Day Reporting Centers. Transportation assistance is made available through bus passes to enable offenders to return for services, or perhaps obtain necessary transportation for other appointments or a job interview. Emergency resources may also be provided for offenders that need food, emergency clothing, or nicer clothing for job interviews.

Workforce Development offers a range of services to assist offenders with the challenges faced by felons in preparing for and obtaining employment.

Some resources made available to offenders are those that assist with the management of important tasks for those recently released from custody. Department of Motor Vehicle staff are available at the DRCs to assist offenders in obtaining valid identification or Driver's Licenses. Child Support Services workers are also present at certain times to assist with child support issues.

Through a partnership with Operation New Hope, this community based organization uses a grant to provide services for offenders with special needs that have a vulnerability in the workplace and require assistance finding employment. They

## Current Programming at the DRCs:

- ❖ **GED** – a free GED preparatory class, which includes tutoring.
- ❖ **Changing Your Life for the Better** – a 40 session class taught by DBH staff which focuses on life skills.
- ❖ **Cognitive Restructuring Group** – Assists offenders in building knowledge and skills to manage their everyday lives and problems they will encounter.
- ❖ **Moral Recognition Therapy** – Cognitive treatment approach for offenders and substance abusers.
- ❖ **Thinking Matters** – A DBH class that allows offenders to examine their own attitudes and beliefs that motivate thinking and dictate behavior
- ❖ **Alcohol and Drug Services**
- ❖ **Public Health** – the Department of Public Health present workshops on a variety of health issues that may impact offenders.
- ❖ **HIV/Hepatitis C** testing and counseling.
- ❖ **Health Class** – Presented by DPH staff on the topics of STDs, HIV, and reproductive health issues.
- ❖ **Parent Project** – a 10 week program taught by probation staff that assists clients who have strong willed children to develop useful parenting skills.
- ❖ **Thinking For A Change** – a 24 session program of integrated cognitive behavior change that teaches social skills, cognitive self-change process, and problem solving skills.
- ❖ **Workforce Development/Job Training Seminar**
- ❖ **Child Support Services** – Department of Child Support Service workers are present in the DRCs to assist with a full range of child support issues and services
- ❖ **Moving On** – a gender specific program with a foundational curriculum examining issues from human trafficking to relationships.
- ❖ **Anger Management Class**

host vocational classes at the DRCs that are separate from Workforce Development programming.

Additional programs are being developed for the DRCs. New ideas for 2014 include a subsidized taxi service for additional means of transportation and a tattoo removal service. However, the resources provided for offenders, and administered through the DRC, also extent to outreach programs in the community or other services that operate beyond the Day Reporting Centers.

One example of this is that the Probation Department stationed Detention Liaison Officers at four Sheriff's Department facilities: The Central Jail, West Valley Detention Center, Glen Helen Rehabilitation Center, and Adelanto Jail. These officers connect with offenders on a pre-release basis to assist with Mandatory Supervision questions and issues. This has the effect of jump starting the supervision process, promoting early compliance. Probation Officers also provide coverage in the PRCS courts as a resource to both the court and the offender.

The Probation Department has developed relationships with Faith Based Organizations that can provide resources for released offenders. An example of this is the Blessing Center of Redlands that provides clothing and living items for released offenders in that area and works closely with probation officers stationed there to accept referrals of needy offenders. In Victorville, the Probation Department partnered with the Victor Valley Rescue Mission to provide a food pantry for persons with low income who were also on supervised release.

While some Community Based or Faith Based Organizations are interested in working with the offender population, the probation department has been cautious when approached by these organizations. Organizations who wish to administer rehabilitative programming for offenders must have the capacity to do so, which includes meeting the standard of having evidence-based programs. However, organizations with an interest in providing non-program resources have also established partnerships with the department.

The department participates in the San Bernardino County Re-Entry Collaborative, a partnership of county agencies, led by Public Health, who marshals community resources for the AB 109 offender population.

The Probation Department has also established contracts with community based providers to open a range of services available to offenders outside of the Day Reporting Centers. These include community located GED programs, general housing services, and housing service contracts for unique situation offenders such as women with children, single women, families, veterans, and the HIV/AIDS population.

As a supplement to the DRC based Department of Behavioral Health Programs, DBH also provides specialized beds for mental health offender housing and the dual diagnosis population.

Some municipalities have established their own version of Day Reporting Centers, who usually operate one or more days per week as Re-Entry Centers, offering a collection of services for offenders that are local to the community. The cities of Fontana and Redlands have both opened such programs. Probation Officers from the Day Reporting Centers routinely provide support for these municipal re-entry programs by distributing brochures for DRC services, making verbal presentations, and providing referrals to a wide array of services available countywide.

<b>DRC Programming Information</b>	
<i>The total number of offenders receiving some form of service:</i>	
San Bernardino DRC -	2454
Victorville DRC -	2161
Rancho DRC -	2056

### Field Operations

The Probation Department's AB 109 efforts also extend to field supervision and suppression. The department recognized the potential impact of realignment on public safety, and put measures in place to ensure that AB 109 offenders were appropriately supervised.

As noted, the Probation Department has a long history of field supervision practices, with progressive policies. Training, equipment, field experience, specialized supervision units, the large number of armed probation officers, and the ability to work closely with allied law enforcement are part of the higher standards and greater capabilities of the San Bernardino County Probation Department. Therefore, following the passage of AB 109, the department moved to hire additional personnel and apply existing field experience to the new offenders.

The Probation Department hired, trained and assigned 107 new Probation Officers within the first year of realignment.

The department recognized the potential impact of these realigned offenders on local law enforcement. As such, a probation officer was assigned to each law enforcement agency or Sheriff's Station in the county. These officers do carry caseloads of higher risk AB 109 offenders; but otherwise can be assigned at the discretion of the Police Chief or Sheriff's Captain in that jurisdiction. This offers immediate and direct access to probation resources by law enforcement agencies, in addition to having a probation officer embedded in their rank and file that can respond to AB 109 issues that arise in those communities.

Offenders on supervised release, either from AB 109 or probation grants, have grown more sophisticated over the years. Criminogenic risk factors have escalated in the supervised population and now include serious offenses, gang activity, financial crime, narcotic and weapon trafficking, and sex offenses. When offenders do violate, the potential for committing additional crimes and creating new victims is great. As such, the Probation Department felt obligated to provide the intelligence resources that could feed probation officers and other law enforcement agencies with information to assist in the suppression of new offenses. To this end, the department used AB 109 funding to form and staff a Criminal Intelligence Unit.

In past practice, probation officers would request an arrest warrant for probationers who absconded supervision. If the officer had some knowledge of the probationer's whereabouts, or new information was gleaned, the officer may attempt to serve the warrant. Otherwise, these warrant cases were accumulated in a warrant caseload and held until the offender was randomly picked up on the warrant or other charges.

In regard to AB 109 offenders, the department was concerned about the potential risk to the community from offenders who were in violation and remained unsupervised due their whereabouts being unknown. For this reason, the department formed a Probation Apprehension Team to active pursue AB 109 or other supervised offenders with active arrest warrants. This proactive approach to bench warrant case management has helped keep the active number of AB 109 bench warrant cases low. To date, the Apprehension Team has arrested 296 offenders on warrants, keeping the current number of PRCS offenders with active warrants to 487.

Initially, AB 109 cases were assigned to officers who carried exclusive PRCS caseloads. However, an objective of the department was to eventually assign realignment cases to all probation officers in supervision units. This would provide officers with mixed caseloads of PRCS and Mandatory Supervision offenders, and adult probationers. It is important to note that each offender receives a proscribed amount of contact based upon their COMPAS risk scores, not the classification of their type of supervision. The mixed caseload concept eliminates exclusivity in supervision and emphasizes that every offender should receive the appropriate amount of supervision and resources for their risk level.

While there has been a lot of public scrutiny of AB 109 cases, the Probation Department never forsook the supervision of probationers or juveniles while focusing on AB 109 offenders.

In 2013, the department completed an “adult restructuring” that served to rebalance caseload sizes, the geography of supervision areas, and the assignment of cases and officers. This enhanced the department’s ability to maintain appropriate contact levels, based upon risk factors, for all offenders irrespective of their classification.

AB 109 offenders are assigned to one of three supervision levels: high, medium, or low risk, based upon COMPAS scores of one (1) through (10). High and medium level offenders receive active supervision and services, while low risk offenders can be supervised on an as-needed basis. All offenders, regardless of COMPAS scores, can receive programming at the Day Reporting Centers if they choose.

AB 109 Offenders who are assigned for supervision and have a conviction for a sex related offense (but still qualify for sentencing under AB 109 guidelines), or individuals with a conviction for domestic violence, felony DUI, or those with histories of gang involvement may be assigned to a special supervision unit. The Sex Offender, Gang, DUI and Domestic Violence Units provide supervision that is unique to the risk and need factors of these offenders.

The Probation Department has successfully used GPS monitoring where needed on AB 109 cases. The most notable use of GPS monitoring is for PRCS offenders who report to be homeless. Without the use of GPS they could not be successfully monitored. Every PRCS offender who is homeless is placed on GPS. Sex Offenders with a STAT-99 risk assessment score of six (6) or higher are also placed on GPS pursuant to legal mandates. Other PRCS

offenders may be placed on GPS as circumstances warrant. Mandatory Supervision Offenders may be placed on GPS monitoring, but require a term and condition of supervised release authorizing the use of GPS monitoring.

Prior to realignment, the Probation Department routinely conducted large scale, multi-agency compliance operations. The department has continued to do so over the course of the last two years, focusing primarily on the AB 109 population but also targeting adult probationers. The objective is to continue to rotate these operations around the county, eventually covering all communities, but prioritizing those areas with a larger AB 109 population, higher crime rates, or where law enforcement resources are limited. These operations have proven to be a highly effective method of discovering violations, potential risks to public safety, and enforcing compliance.

The AB 109 population

6,975 PRCS offenders have been released in San Bernardino County since the inception of AB 109. The department received projections from CDCR regarding the expected number of releases, and this number is 36% higher than projected as of this date.

Some 527 cases have been transferred from other counties, bringing the total number of PRCS offenders supervised by San Bernardino County Probation under AB 109 to 7,502.

2,251 PRCS offenders are still being supervised in San Bernardino County. Through attrition, this number will continue to decline.

**PRCS Offenders**  
 Total number supervised – 7,502  
 Currently being supervised – 2,251

Analysis of the prior offenses for these offenders reveal that 24% have prior drug convictions, while 25% have prior convictions for serious or violent felonies. (As such, they would have been precluded from AB 109 eligibility had those prior convictions been the more recent, controlling offense.)

Since October 1, 2011, there have been 10,614 offenders sentenced pursuant to PC 1170. Of

<b>PC 1170 Sentencing</b>		
<b>Straight Sentences</b>		<b>Split Sentences</b>
	<i>In 2011</i>	
882		58
	<i>In 2012</i>	
3,720		836
	<i>In 2013</i>	
3,260		1,271
	<i>In 2014 to date</i>	
403		244

those, 77% have been sentenced to straight time and received no supervision following the completion of their jail/prison time. 22%, or 2,409 offenders, have been split sentenced affording a supervision tail for these Mandatory Supervision offenders upon their release from jail/prison. However, it is important to note that probation department advocacy of the re-socialization and public safety benefits of split sentencing has eroded the number of straight sentences over the last six months. Split sentencing has risen to an average of 39% of the PC 1170 cases over the last three months.

Of the Mandatory Supervision population, 30% have past convictions for drug offenses, while 10 have convictions for serious or violent prior felonies

### The Impact of AB 109 Programs and Supervision

Prior to the passage of AB 109, under CDCR parole agent supervision, the arrest rate for parolees in the first year of their release was 67.5%. This parolee population included the AB 109 offenders now supervised by probation departments.

In San Bernardino County, this first year of release arrest rate was 82.5%. Eight (8) out of ten (10) persons released on supervision to parole agents were returned to custody within a year.

Utilizing the measures outlined in this report, The San Bernardino County Probation Department and allied agencies have been able to reduce the re-arrest rate to 36.4% in 2013.

The Chief Probation Officers of California (CPOC) needed to standardize the definition of recidivism being used through the state. For the purpose of AB 109 offenders, CPOC defined recidivism as any arrest that results in either a felony or misdemeanor conviction. As a single arrest may or may indicate criminal activity, the added factor of a conviction is essential in truly defining an offender as a recidivist. And, recidivism is the best measure of whether AB 109 supervision is deterring re-offense.

Of the 36.4% of AB 109 offenders who were arrested, 17.3% of them were arrested for technical violations of supervised release- violations that did not amount to a new criminal act. Of the remaining 19.1% of this population who were arrested for new criminal activity, 15.6% were convicted of felony or misdemeanor, thus resulting in a 15.6% recidivism rate.

This recidivism rate can be compared to the 7.8% recidivism rate for adult probationers, which has remained relatively flat for a number of years. Although the AB 109 recidivism rate is twice that of the probation rate, this is a very successful number given the severity of offense, heightened criminogenic factors, and previous arrest rate of this population under CDCR supervision.

There has been success in other areas. Attendance at DRC programs, reporting rates, and other areas of compliance have been good. One example of this is the rate at which PRCS offenders report to the Probation Department/DRCs with 30 days of their release from state prison. The current reporting rate is 89%, which exceeds the previous “report upon release rate” of parolees to DAPO prior to realignment.

### **Cal-State San Bernardino Research Grant**

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On December 17, 2013, the County of San Bernardino, through the Probation Department, entered into a three-year contract with Cal State San Bernardino’s Criminal Justice Department to conduct a comprehensive criminal justice statistical analysis and evaluation of the impact and outcomes of the implementation of Public Safety Realignment.

Measuring the impact and outcomes is intended to ensure that current and future programs developed for the AB 109 population are effective at reducing the rate of recidivism, thus contributing to the goal of maintaining public safety.

Integral to measuring the effectiveness of such programs at reducing recidivism is comprehensive research, which is best performed by an entity outside of the county venue, but one that has a vested interest in the local community and positive outcomes.

The CCP considered a number of local universities to be selected for this task, including CSUSB, the University of California Riverside, the University of Redlands, and the University of La Verne. Of these institutions, however, only CSUSB has a credentialed Department of Criminal Justice.

Due to the breadth of experience, availability of staff and students, depth of the criminal justice program, and past research and accomplishments, CSUSB was selected to carry out this research grant.

The grant is for a total of \$360,000 over two years, and will be funded through revenue received from the state for the sole purpose of assisting with costs related to public safety realignment.

DRAFT

## **The San Bernardino County Sheriff's Department**

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### **Impact to the Department**

The realignment of state prisoners and the shifting of parole violator housing to the county jails increased San Bernardino County Sheriff's Department (SBSD) costs associated with housing, processing, feeding, and out-of-custody supervision. There has also be increased inmate health costs as the average length of stay for our inmate population has increased.

The following update provides an overview of the impact of AB 109 on the Sheriff's Department.

### **State Parole Revocation Hearings**

Prior to the passage of AB 109, the Board of Parole Hearings conducted parole revocation hearings at both the California Institution for Men in Chino (CIM) and at the Sheriff's West Valley Detention Center (WVDC). Under AB 109, parole hearings were no longer held at State Prison Facilities. All area parole revocation hearings have now been conducted at the WVDC, and incarcerations for parole violations are now served in the county jail. The number of revocation hearings per month at WVDC has averaged **XXX** since the implementation of Realignment.

In past practice, the state reimbursed the Sheriff's Department at the rate of forty one (41) dollars for each revocation hearing. This funding was always inadequate for the amount of resources expended to ensure the safety of the hearing officers, the public, and the security of the inmates. However, this revenue source terminated when AB 109 took effect, leaving the Sheriff's Department to shoulder the cost of these hearings

### **Sentenced Inmate Management Program**

The retention of approximately eight thousand three hundred (8300) additional inmates per year within the jurisdiction of the Bureau of Detention and Corrections by virtue of AB 109 created an enhanced need for alternative custody programs such as educational, vocational, and counseling diversion; as well as work release programs, so that qualified violators could serve their sentences in an out-of-custody setting. The establishment and administration of these

programs has been vital for both inmate population management and the reduction of recidivism rates within the county.

Therefore, the Sheriff's Department expanded both the mission and the staffing of the "Work Release" program. This unit became responsible for not only revising and administering the work release and electronic monitoring programs that were already in operation, but has also initiated and administered other alternative custody programs such as county parole, as well as voluntary work release programs (such as weed abatement and flood channel clean-up) as authorized by PC 4024.2.

### **Re-entry Programming**

The foundation of the re-entry process throughout the Sheriff's Department is based on a solid pre-release process to ensure successful re-entry into the community. The cornerstone of this process is a collaborative partnership that was developed to provide a comprehensive system of re-entry services utilizing community stakeholders, various services, and private industry groups.

This process was successfully outlined in the San Bernardino County Community Corrections Plan (CCP) of 2011. Both the Sheriff's Department and the San Bernardino County Probation Department have put Evidence Based Practices in place to fulfill the goals of the CCP. Examples include utilizing day reporting centers and key members of the San Bernardino County Re-Entry Collaborative. The Sheriff's Department has made a substantial effort to meet the re-entry goals of the CCP as illustrated below.

The Sheriff's Department has utilized the Correctional Offender Management Profiling for Alternative Sanctions System (COMPAS) to determine inmate program placement. Several risk and need factors are received from this assessment that inform staff of criminogenic needs and risk potential based on a history of substance abuse, education, family dynamics, criminal activity, and social functioning. Staff utilize these factors to determine treatment options for the inmates, as well as to adapt services to enhance inmate's abilities to learn new skills for placement in the most effective pre-release program.

The Sheriff's Department, in conjunction with the Chaffey Joint Union High School District and the San Bernardino County Superintendent of Schools, has an interagency partnership that is dedicated to the education of inmates. The Inmate Rehabilitation through Occupational and Academic Development Systems (INROADS) Program provides programs and services to inmates. Inmates are enrolled in academic, vocational, and crisis intervention classes essential to facilitating their rehabilitation during incarceration and upon release. The mission of the INROADS Program is to reduce the rate of recidivism

by providing viable and resourceful programs and services to inmates. The goal of the program is to provide an opportunity for inmates to develop an improved sense of well-being and a better quality of life upon release, as well as to make constructive use of the inmates' time while in the facility, making re-entry into the community more successful.

The Department realizes there is a great operational and resource advantage to supporting programs that equip inmates with cognitive behavior therapy tools to successfully reintegrate back into the community. The Department is committed to expanding inmate programs that reduce recidivism, aid inmates in becoming better citizens, and promote their success as they re-enter the community. These skills help them remain out of the criminal justice system.

Statistics from 2010 to 2012 show approximately forty percent (40%) of the 1,115 inmates that completed the program since 2010 have not re-offended.

### **INROADS Classes**

Outlined below are is curriculum of INROADS classes available to inmates.

Anger Management: Teaches basic origins of human anger and examines the negative effects of anger and how to re-direct it in a positive way.

Thinking for a Change: Participants learn to identify and change thinking errors in a positive way through group interaction.

Computer Skills: Provides basic instruction in keyboarding, computer terminology, and word processing (Microsoft Office Word); explains success-oriented techniques for self-presentation and demonstration of the basic skills necessary to obtain and retain a job.

General Education Development (GED): Prepares students who have not earned a high school diploma or a GED certificate to take and pass the examination.

High School Diploma: Students participate in a combination of classroom and independent study courses and earn credits to earn their high school diploma.

Living Skills: Increases student's abilities to meet their basic needs upon release from custody through social skills and public services.

Literacy/Reading Enrichment Classes: Designed to improve reading and writing ability and teach illiterate inmates to read and write. The program offers a non-traditional, motivational approach that will provide inmates with immediate positive feedback.

Parenting: Increases basic parenting skills through the exploration of current parenting practices and how these practices are developed.

T.A.L.K.: (Teaching And Loving Kids) Enhances quality parenting skills by offering hands-on experience through weekly two-hour contact visits with inmate's children.

PACC: Parent And Child Connection is a reading program designed to strengthen parent-child relationships through positive communication. Inmates choose from a generous selection of children's books and record their reading under the supervision of custody staff. Both the book and the CD are mailed to the child at home.

Substance Abuse: Inmates learn the cycles of addiction and how their relationship with drugs and/or alcohol has impacted their lives. They are given tools needed to identify patterns of relapse and how to disrupt them.

### **Vocational Training**

Auto Mechanic: Upon successful completion of this course, inmates are able to safely and correctly use appropriate tools to repair and maintain cars, vans, and trucks. Inmates receive instruction on the working components of today's automobiles and are able to follow individual instruction manuals and checklists to evaluate, diagnose, and eventually solve mechanical problems.

*Certification:* Inmates completing the course receive Chaffey College's Automotive Electrical Systems Certificate. Students with the certificate will qualify to take the Automotive Service Excellence (ASE) examination for certification.

Bakery Occupations: This course is designed to prepare students with a well-rounded skill level in all areas of commercial bakery operations. Students receive instruction in measuring ingredients, making and shaping dough, managing the baking process and decorating the product. Inmates learn to clean the kitchen, stock the pantry, order ingredients, and of course,

make a variety of baked goods using recipes. Students prepare baked goods for distribution and sales. Instruction prepares students to take the Food Handler's Certification Exam.

Culinary Arts: Provides instruction in general sanitation and safety, menu planning, cooking techniques, inventory control, the safe and proper use of kitchen tools and appliances, food preparation, service cashiering, and bussing. Instruction prepares students to take the Food Handler's Certification Exam.

HVAC: This competency-based course prepares students for entry-level positions as helpers for the technicians who install, maintain, and repair heating, ventilation, and air conditioning apparatus and equipment. The course includes the use and purpose of common tools and equipment found in the field.

Welding: Upon successful completion of this course, students will learn to design, fabricate, join, and/or repair equipment, fixtures, and various types of metal objects and structures using oxygen-acetylene, electric arc, and MIG and TIG welding techniques.

*Certification:* Shield Metal Arc Welding (SMAW) Exam - this is an on-site administered practical examination provided by Valley College. The college is a certified American Welding Society (AWS) testing facility consistent with the certification requirements of the Los Angeles City Code (which is universally recognized) and OSHA 10.

*LA City Written Exam:* Los Angeles City comes to the facility to conduct the written exam. Within one year after the written and hands-on test (Department faculty conducts the hands-on test) the students can go to Los Angeles to have a picture taken and obtain a card from the city.

Forklift Operator: Provides instruction on how to operate an industrial forklift to move materials in a warehouse and to load and unload trailers and shipping containers.

### **Fire Camp Vocational Training**

Hazardous Waste Operations and Emergency Response (HAZ-WOPER): This course prepares students for many types of hazardous waste operations and emergency response conducted in the United States under OSHA Standard 1910.120 "Hazardous Waste Operations and Emergency

Response.” The standard contains the safety requirements employers and their subcontractors or public sector responders must meet to conduct clean-ups or emergency response operations.

Small Engine Mechanic: Students will learn how to repair fractional-horsepower gasoline engines used to power lawnmowers, garden tractors, and similar machines using hand tools. They will also be trained to locate causes of trouble, dismantle engines, use hand tools, and examine parts for defects.

Log-Chipper Operator: Provides skills to operate a trailer-mounted grapple-loader and chipping machine and to reduce logs and logging waste to wood chips.

### **Employment Readiness**

The Sheriff’s Department provides a hands-on course facilitated by the San Bernardino County Workforce Development Department (WDD) in which inmates complete 60 hours of training and education in the following areas: comprehensive career assessments (identify interest, skills, values, and barriers); resume writing, interview skills, training and job search techniques, goal setting, planning, and evaluation.

Inmates are also provided with a one-on-one interview with a workforce development specialist regarding job skills, interests, and abilities. They receive an appointment in one of the three workforce development resource centers with services that include job search assistance, job referrals, and career exploration. Counseling, coaching, mentoring and employment resources are also provided; in addition to access to the Employment Development Department job bank; and WIA-Workforce.

The Workforce Investment Act provides funding for training and free access to computers, fax, and copy machines and employment related telephone usage.

### **Re-Entry Services**

Prior to release, inmates are provided the following re-entry services to assist in their transition back into the community:

Quarterly Resource/Job Fair

The quarterly Resource/Job Fair is offered to inmates in an attempt to provide them with necessary resources, documents, and information that will assist them with employment, housing/shelter, education, counseling, rehabilitation, medical/dental, child support, and probation information.

Inmates are provided an opportunity to participate in face-to-face interviews with local employers and community-based organizations. Numerous local employers participate in the event, duplicating hiring practices. The inmate's interactions with employers allows them to put into practice the job-seeking skills learned in the classroom with local employers and community-based organizations.

#### Community Participants in the Resources/Job Fair

The following local San Bernardino County agencies are involved in the Resource/Job Fair.

*Department of Motor Vehicles:* Provides information regarding procedures for obtaining a California Identification and Driver's License. DMV provides applications and driver's manuals for those who request them.

*Workforce Development Department:* Provides information on training and employment.

*Department of Child Support Services:* Child support officers meet individually with men and women who have current child support cases to discuss what is necessary to meet their child support requirements.

*Arrow Care Program:* Provides applications and information for indigent adults ages 19-64 that are not eligible for Medi-Cal or Healthy Families programs. Services are offered through Arrowhead Regional Medical Center, DBH, and public health departments.

*Sober Living Homes:* Provides information for living-sober programs, for example: Grace House, Sober Living Homes and House of Angels. Provides addicts with information that can aide them in maintaining their sobriety while becoming productive members of society.

*Residential Treatment:* Inpatient treatment facilities such as Inland Valley Recovery and Delancey Street give details of their in-home recovery programs which require clients to receive

daily individual and group counseling for their addiction. Interested parties may be referred and placed on a bed waiting list while still incarcerated.

*Probation Department:* Probation Officers educate inmates on terms and conditions of probation or supervised released. They provide information on services and answer inmate's concerns regarding their probation grant or AB 109 release.

*Counseling Programs:* Provide outpatient treatment to inmates who feel they would benefit from counseling services upon release.

*Community-Based Organizations:* Programs such as Goodwill, United Way, and the Catholic Charities of San Bernardino and Riverside Counties explain the various assistance programs they offer and case management services they provide; assistance in areas such as shelter referrals, transportation, employment, counseling, food, and clothing.

### **SAN BERNARDINO COUNTY RE-ENTRY COLLABORATIVE**

The San Bernardino County Re-Entry Collaborative (SBCRC) is a partnership of agencies, organizations, and individuals committed to making communities safer through the successful re-entry and long-term success of formerly incarcerated inmates.

SBCRC is comprised of the Sheriff's Department, San Bernardino County Probation Department, Public Health, local government agencies, non-profits, and community stakeholders. The SBCRC includes the following agencies overseeing healthcare, behavioral health, and employment services: San Bernardino County Department of Workforce Development (provides training and employment services), San Bernardino County Department of Behavioral Health (provides behavioral health/substance abuse services), Community Development & Housing (establishes the continuum of care and facilitates the Interagency Council on Homelessness), multiple non-profits focusing on re-entry services, and local law enforcement.

To ensure every aspect of the re-entry process is addressed, the SBCRC is comprised of eight committees: public safety, health/human services, faith-based community organizations, education, employment, research and evaluation, housing, and outreach and sustainability.

As a vested partner in this collaborative, the Sheriff's Department, Probation Department, Public Health and other stakeholders have provided solutions to address the immediate need to diminish criminal behavior and hold offenders accountable, while lessening the impact of criminal behavior on victims in the community, which results in improved long-term public safety.

The Sheriff's GHRC has committed to engage in a demonstration project to provide intensive case management, beginning three months prior to the inmate's release, to engage and build trust with these individuals. Case managers from SBCRC are stationed at GHRC and coordinate with GHRC staff on re-entry planning, that includes following individuals six months post-release to enhance probation supervision by actively linking re-entrants to services. A re-entry housing specialist is also assigned to work with United Way's 211 Program to identify and catalog all housing resources available to post-incarcerated individuals.

## **SAN BERNARDINO COUNTY DISTRICT ATTORNEY'S OFFICE**

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The implementation of Public Safety Realignment has also had an impact on the District Attorney's Office. In 2010, the year prior to AB 109 taking effect, 7107 defendants were sentenced to state prison. The District Attorney's Office remains concerned about the impact of AB 109 on public safety, particularly as it applies to the availability of jail bed space and the release of charged or convicted felons from county jail. While the expectations of AB 109 and the ultimate goal of the CCP is to substantially improve on the state recidivism rate of 70%, even the most effective rehabilitation planning cannot eliminate recidivism. Criminal cases generated by this new population of AB 109 offenders will impact public safety and necessitate increased criminal prosecutions.

Unfortunately, the District Attorney's Office lost staffing in the three fiscal years preceding the passage of AB 109. Additional staff were necessary to handle increased prosecutions, in addition to other case work, such as victim notification in each geographic region of the county as mandated by Marsy's Law.

In 2013, however, the District Attorney's Office received additional funding from the CCP committee which allowed the following positions to be added to the office:

### (3) Deputy District Attorneys

The purpose of funding Deputy District Attorneys was to allow adequate staffing of PRCS and Parole Revocation Hearings. The volume of these hearings steadily increased after the passage of AB 109. As reported by the District Attorney's Office last year, in 2012 the average number of hearings was 155 per month. In 2013, it more than doubled to average 365 hearings per month. After July 1, 2013, when Parole Revocation Hearings became an activity solely handled by the District Attorney, the office stated to experience increases averaging 385 per month. The District Attorney anticipates this number will continue to rise. To handle these matters, three Deputy District Attorneys have been assigned to the PRCS unit. Moreover, the court modified its hearing schedules to accommodate this growing need. As a result, these three Deputy District Attorneys are essential to meet this demand.

### (6) Office Assistant IIIs

Since 2012, the District Attorney's Office has utilized CCP funding for six Office Assistant III positions. That number has remained constant since the initial funding was received. The purpose of the positions is to handle PRCS and Parole Revocation Hearings. Caseloads have increased since cases are not settling at formerly experienced rates. These Office Assistants are also utilized to assist victims of crime with processing paperwork for reimbursement or for required assistance as a result of victimization.

While case filing have remained relatively flat, cases are not settling at the same rate that occurred prior to the passage of AB 109. Specifically, due to jail overcrowding, defendants and their attorneys are opting to take matters to trial, or further litigate cases, since they know that jail space is limited. At times, matters will progress further toward trial simply because there is a disagreement between the parties as to sending the defendant to state prison versus county jail/prison. Additionally, assistance to victims of crime continues to rise, notwithstanding the flat statistic of criminal case filings.

### (4) Victim Advocate IIs

Victim advocates are provided to give victims of crime support, as well as to provide a resource for other assistance, in addition to serving as an in-court support person. With the jail overcrowding as described herein, defendants in cases involving victim crimes that would normally be housed in State Prison are sent to County Prison. This increased population in the jails means that, in traditional lower-severity victim crimes, such as many domestic violence cases, defendants are released sooner than they would have been prior to the imposition of AB 109. Our advocates spend additional time explaining the court process, the strain on jail system, and that defendants are and will be released earlier than in previous years. These Advocates assisted victims in registering for the VINELink program, which is the National Victim Notification Network. To assist some victims, advocates process more claims for assistance than they have done in the past. These claims include relocation or other services available to victims, as they need to resolve such matters prior to the release of the defendant.

#### (5) Senior Investigators

A new component to the District Attorney's CCP plan was the inclusion of Senior Investigators in 2013. Last year, these five investigators were funded through the CCP. The direct purpose was to fill necessary trial preparation units related to cases being prepared for trial. Senior Investigators are needed to conduct follow-up investigations on matter that are pending trial, as well as the service of subpoenas and the transportation of witnesses. With the closure of the Needles and Barstow Courts, victims who have few or no transportation options (private or public transportation) are unable to come from those remote locations to Victorville for court and testimony without assistance. This same phenomenon existed with the closure of the Chino Court, and will arise again with the impending closure of the Fontana Criminal Courts. To meet the District Attorney's constitutional and statutory obligation to bring these matters to trial effectively and efficiently, we sought and received funding for these additional positions, as well as for costs related to the transportation of witnesses and victims.

However, fifteen (15) investigator positions were cut from the District Attorney's budget between 2008 and 2012. Current staffing levels, with these five (5) positions returned to the Office, simply mirror 2006 staffing levels. And, as noted above, workload has significantly increased in the same period.

### (1) Business System Analyst II

The purpose of the Business System Analyst II (BSA II) position is to make modifications to District Attorney's Office case management systems to more readily track activity related to AB 109. This analyst continues to work on re-tooling the case management system to allow the tracking of AB 109 specific casework. The Business Analyst II coordinates the current expansion of reporting infrastructure. This includes SQL Server Reporting Services, SQL Server Integration Services, and SQL Analysis Services. The Business System Analyst has developed the Key Performance Indicator requirements for the executive management dashboard to glimpse statistics and facts about current AB 109 operations for increased efficiency. The requirements will focus on creating business rules for real-time error and fact checking capabilities.

### Future Goals and Plans

At present, the plan of the District Attorney is to maintain these staffing levels for the purpose of addressing the demands of Public Safety Realignment on the District Attorney's Office, as outlined above. The current funding assists the District Attorney in meeting the legal requirements, demands and future issues that are currently foreseen. No planned augmentations to District Attorney staffing or service is currently being considered, in light of the announced proposed changes to Realignment funding formulas statewide.

## **LAW OFFICES OF THE PUBLIC DEFENDER**

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Following the passage of Public Safety Realignment in 2011, the Public Defender's Office sought additional funding from the CCP to fulfill their constitutional mandate to defend the additional influx of clients.

The funds were used to augment staffing and add one (1) attorney, one (1) social worker, and one (1) Office Assistant II. Pre-AB 109 staffing levels only allowed the Public Defender to devote a single attorney to the realignment project, without sacrificing the level of service to remaining mandated clients.

The initial AB 109 plan called for the construction of two separate hearing rooms at the Sheriff's facility. Not having an attorney to staff each hearing room would have resulted in a substantial slowdown of cases being heard, which would have resulted in greater inefficiency of the overall realignment program. It would also have resulted in overburdening the single attorney with a caseload significantly higher than our current office standards.

The social worker was intended to serve as the "point person" for these clients and have primary responsibility for assisting clients to receive necessary services.

However, following the passage of AB 109, the Public Defender's Office has also created the REBAR program, which stands for Removing Every Barrier and Rehabilitating.

REBAR is the Public Defender's post-conviction unit, which provides defense representation to indigent individuals who are facing petitions for violating the terms and conditions of their community supervision or state parole. At the hearings held at the West Valley Detention Center, Public Defender's resolve petitions, working out strategies and options that may include additional custody time and/or further referrals for programming and treatment. REBAR has handled community supervision revocations since October 2011, and the unit assumed responsibility for parole violations on July 1, 2013.

Understanding the causes that lead to criminality plays a critical role in redirecting clients on their rehabilitative paths. Assessing the presence of such factors in the life of a client often lies outside the expertise of attorneys. To support the attorneys' efforts, the unit has a social worker. The social worker also supervises interns from local colleges and universities. Daily, the social worker and interns are present at the hearings to assess clients and to interact with the clients' family members in developing plans that will support the clients' rehabilitative efforts in the community. The social work team has assisted clients with:

- Referrals to homeless services and housing
- Referrals to programs and treatment beds to address alcohol and substance abuse issues
- Veterans' services referrals
- Transportation arrangements to and from treatment or from the jail upon release from custody
- Mental health and medical services referrals

The social work team, working in conjunction with attorneys, allows REBAR to address our clients holistically for the purpose of increasing their chances at rehabilitation.

### **Statistics/Data**

From October 2011 through February 2014, REBAR handled 2,735 petitions revoking community supervision; and since July 1, 2013, through February 2014, the unit has handled 623 petitions revoking parole. Since the inception of the unit, the social work team has assessed 3,131 clients.

During the assessments, the social worker and interns ask clients to identify areas where they are experiencing difficulties. The challenges reported by clients are illustrated in the following diagram. Based on their self-reports, employment, homelessness, alcohol and substance abuse, and medical and mental health issues present as top challenges for clients.

### **Future Goals**

Under realignment, in the state's attempt to shift low-level offenders from state prison to community incarceration and supervision, attorneys in the trial courts fashion dispositions that may include a split sentence or an extended incarceration period in a county jail without a supervision tail. Trial court attorneys may also address community supervision and parole revocations if the revocation is based on a new criminal case. Currently, REBAR's social work team supports attorneys in the trial courts; however, such assistance is limited by REBAR's sizeable workload. To enable the Law Offices of the Public Defender to move closer to a complete holistic model in defense representation, the caseload requires that a social work team member be added to each of its adult divisions located in Victorville, San Bernardino, and Rancho Cucamonga. This will enable the Public Defender to assist their most needy clients in accessing more comprehensive services, which will aid in their rehabilitation and result in less recidivism and safer communities.

## Department of Behavioral Health

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### Program Description Overview

Since the inception of the 2011 Public Safety Realignment Act, Assembly Bill (AB) 109, the Department of Behavioral Health (DBH) has worked proactively with the Probation Department (Probation) to develop an array of behavioral health treatment services [Substance Use Disorder (SUD) and Mental Health Services (MHS)] accessible to the probation population upon their release from county and state correctional settings.

On July 27, 2012, a Memorandum of Understanding (MOU) was signed between DBH and Probation. This agreement outlines the delivery of case management and treatment services by DBH staff co-located at the respective Day Reporting and Reentry Services Centers (DRRSCs) located in the cities of Rancho Cucamonga, Victorville and San Bernardino.

During this past year (2013), DBH enhanced its provision of services to the probation population reporting at the three DRRSCs through the establishment of onsite Medi-Cal certified outpatient MHS programs at each DRRSC and a certified SUD outpatient program at the DRRSC in Rancho Cucamonga. Individuals at these locations are screened and provided with referrals to community resources to address their MHS, SUD and co-occurring related needs. Individuals who are seeking behavioral health treatment services are assessed and enrolled in an outpatient program onsite at the DRRSCs to receive individual and group therapy by clinical staff.

For individuals who require an intensive level of mental health treatment, a day treatment program is available in the city of Colton, where individuals also enrolled in both treatment modalities can access psychiatric services. Additionally, DBH provides SUD services through the utilization of existing DBH contracted SUD programs throughout the County of San Bernardino. The addition of the certified SUD outpatient program at the Rancho Cucamonga DRRSC allows immediate access to SUD services, especially during the early phase of their transition back into the community after any given period of incarceration.

The behavioral health treatment services provided by DBH include, but are not limited to: Screening, Brief Intervention, Referrals to Treatment (SBIRT); Assessment to determine appropriate level of treatment services; Individual Treatment; Group Therapy; Educational Groups; Medication Support Services; Residential SUD Treatment to include detoxification, as medically necessary; Case Management; Referrals; Community Resources; Short-term housing; and Transportation.

### **Statistical Data**

For the period of July 1, 2013 through December 31, 2013, the Alcohol and Drug Counselor (ADC) and Social Worker II (SWII) located at each DRRSC have provided screenings for 521 probationers along with 507 referrals for mental health, substance abuse or co-occurring services. This number includes duplicate referrals due to clients who may have initially declined services and are returning to request services and others for failing to follow through on the previous referral(s) provided them. Additionally, 354 probationers have returned to the DRRSCs for follow through services and 166 follow-up phone calls have been completed between these DBH staff and probationers.

The ADC and SWII have also led 108 educational classes that address areas such as self-esteem, coping skills, relapse prevention, communication skills and time management. These classes, which are encompassed under the title “Changing Your Life for the Better,” are open to all probationers who are supervised through one of the three DRRSCs. During this period, 550 individuals have been in attendance at these classes. This is also a duplicate number due to enrolled probationers must attend a minimum of ten classes to receive a certificate of completion. Probationers may also participate in an additional ten classes in order to receive a second certificate of completion.

Furthermore, the ADS program has treated 241 probationers amongst several SUD modalities. These modalities include residential, outpatient, drug court and perinatal substance use disorder treatments and a narcotic treatment program (NTP-Methadone). The SUD outpatient program located at the Rancho Cucamonga DRRSC began admitting individuals into the program on January 2014 and to date, six probationers are receiving treatment services with another four pending intake assessments.

## **Future Plans for Enhancement of Services**

DBH embodies a collaborative and whole person approach to meeting the behavioral health needs of the probation population supervised at the respective DRRSCs. Areas such as enhancing auxiliary services (shelter, food, and clothing), increasing transportation services, establishing and enhancing collaborative partnerships with community stakeholders, and increasing knowledge on the types of identifiers specific to the physical health needs of this population will be the focus of program development for DBH and the basis for enhancement of services during this upcoming 2014/15 fiscal year.

DBH will continue to implement evidence based practices that will align with the tenets of the MHS and SUD focus on recovery and wellness. Additionally, DBH will maximize caseload capacity at each outpatient program onsite at the DRRSCs to optimize the opportunities for success for the probation population.

DBH will continue to develop its ongoing collaboration and participation with the California Institute of Mental Health (CiMH) in the Advancing Recovery Collaborative (ARC) project, which focuses on client strengths and recovery.

To transition from a criminogenic model to a more recovery oriented model, DBH is also in the process of renaming its program to the “CHOICE program (Choosing Healthy Options to Instill Change and Empowerment) from the “AB 109 program” to reduce the stigma linked to notions associated to this assembly bill.

Finally, sustainability of the proposed funds is essential to address the comprehensive treatment needs of this population and to ensure that every effort is made to reduce recidivism and improve public safety outcomes. Therefore, DBH will continue to closely monitor services provided to the probation population reporting to the DRRSCs to identify additional service needs, to address areas that may require funding that may not have already been identified, and to identify all service entry points identified through our collaborative efforts with community partners to prioritize the continuum of care for this population.

## **The Department of Public Health**

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### **Program Description:**

The Department of Public Health, under the division of Clinic Operations, provides services to the AB 109 offender population through a program entitled “Health Screenings and Education.”

The San Bernardino County Department of Public Health (DPH) collaborates with the San Bernardino County Probation Department to make health care resources available for low-risk criminal offenders released under the California Public Safety Realignment Plan-Assembly Bill (AB) 109. The Probation Department established three Day Reporting Centers (DRC) for adults in Central Valley, West Valley and the High Desert. These DRC locations, under the requirement of the AB 109 legislation, provide comprehensive treatment and rehabilitative services and the opportunity to access resources that will assist participants to fulfill parole/probation requirements and effectively transition into the community and workforce. Since September 2012, DPH (Clinic Operations) has provided a Registered Nurse 24 hours a week for on-site health screenings, TB testing, alcohol and substance abuse education and medical referral services to AB 109 clients at each of the three DRCs. This interaction helps promote DPH services as well as a provision to access medical care and treatment as needed.

In a response to a request for ongoing health education group presentations, on August 7, 2013, DPH provided a Health Education Assistant to present educational classes for AB 109 clients in West Valley DRC. Within a classroom style setting, the Health Education Assistant provides a 2-hour class that covers Sexually Transmitted Diseases and Birth Control Methods. Victorville DRC was the second to implement classes which began September 5, 2013. Victorville DRC currently provides this service every 1<sup>st</sup> and 3<sup>rd</sup> Thursday of each month. Lastly, San Bernardino DRC initiated their educational classes on October 18, 2013 and is offered every 2<sup>nd</sup> and 4<sup>th</sup> Friday of each month. Incentives are given for those that attend the classes.

**Department of Public Health Medical Assessments for Day Reporting Centers**

*January 1, 2013 – December 31, 2013*

San Bernardino DRC

107

Victorville DRC

57

West Valley DRC

129

**Statistics and Data**

Additionally, attendance breakdown for educational classes taught by site:

San Bernardino DRC

- 4 classes taught in 2013 Total Participants - 30
- 3 classes taught in 2014 (To Date) Total Participants - 25 (To Date)

West Valley DRC

- 4 classes taught in 2013 Total Participants – 18
- 3 classes taught in 2014 (To Date) Total Participants – 14 (To Date)

Victorville DRC

- 6 classes taught in 2013 Total Participants – 11
- 3 classes taught in 2014 (To Date) Total Participants – 8 (To Date)

**Future Goals and Plans**

With the roll out of the Affordable Care Act and Medi-Cal Expansion, AB 109 clients at the DRC will be offered resources to assist with enrollment by the Transitional Assistance Department (TAD) staff. This increase accessibility to healthcare coverage will create a shift in the current focus and role that DPH historically has had within the DRC. Care coordination and linkage to care to the assigned provider will create more of an impact for AB 109 clients during their visit as ultimately the goal is to help access and establish a medical home. DPH will accomplish this by providing a Health Education Assistant to assist in scheduling referrals to the various Public Health Departments based on individual needs assessment. Additionally, DPH will continue to provide bi-weekly educational classes that will include chronic disease management (nutrition, exercise, disease prevention and management of diabetes, blood pressure, cholesterol, and asthma) in concurrent with STD/Birth Control. A Program Coordinator will assist the Health Education Assistant in developing the educational curriculum. The

proposed implementation for scheduled classes would add Chronic Disease Management and STD/Birth Classes, offered once per month rotating through each of the three DRCs.

Lastly, DPH will continue to have available an Alternate Testing Site (ATS) for West Valley DRC twice a month on the 1<sup>st</sup> and 3<sup>rd</sup> Wednesday, and once a month on the 3<sup>rd</sup> Thursday at Victorville DRC which provides free anonymous or confidential rapid HIV antibody testing and counseling. DPH is currently in the process of targeting an ongoing time and day for the San Bernardino DRC. It is expected to be in place by the end of March 2014. This service is funded and made available by the California Department of Public Health State Office of Aids, HIV Prevention grant. The goal is to increase access to free HIV testing and the reinforcement of risk reduction methods among AB 109 clients as well as the community.

## **Transitional Assistance Department**

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The Transitional Assistance Department (TAD) provides services for the AB 109 offender population, or their family members, at each of the Day Reporting Centers.

TAD has one Eligibility Worker (EW) assigned to each of the three Day Reporting Centers (DRC). The EWs have been stationed at the DRCs since June 2012. The EWs serve the released offenders by performing the following services:

- Interview of applicants for potential eligibility to four programs: CalFresh, CalWORKs, General Relief, and Expanded Medi-Cal.
- Assisting offender/applicants with the completeness of applications and obtaining information needed to approve benefits.
- Offender/applicants are seen the same day by the eligibility worker to determine eligibility and are issued an Electronic Benefit Card.
- Approval of applications in a timely and accurate manner to ensure basic needs are met and customers are on track to self-sufficiency.

**Statistics and Data:**

<b>TAD New Assistance Cases</b>	
<i>Opened at DRCs in 2013 for supervised offenders:</i>	
<b>CalFresh:</b>	<b>1,690</b>
<b>CalWORKs:</b>	<b>316</b>
<b>General Relief:</b>	<b>8</b>
<b>Medi-Cal:</b>	<b>639</b>

**Future Goals and Plans:**

TAD will continue to have Eligibility Workers stationed at each of the DRC's. TAD will continue to monitor staffing levels at the DRCs based on workload needs.

**Aging and Adult Services – Office of the Public Guardian**

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Aging and Adult Services provides a conservatorship program for the AB 109 population.

The Public Guardian manages the affairs of incompetent or gravely disabled individuals under authority granted by the Superior Court. Services provided to AB109 clients who have been referred include case management and various intake-related services.

Case Management Services include “under the order of the court,” filing of petitions, and responsibility for all of the clients personal and or financial needs.

Intake Services include a thorough investigation to ensure the client meets criteria for conservatorship as required by law when no viable alternative exists.

Conservatorship under AB109 is not time limited as long as the client meets criteria.

Between January 2012 and December 2013, Aging and Adult Services received three (3) AB 109 related referrals.

The Public Guardian plans to continue working diligently to identify AB 109 related referrals. Failure to capture correct information at the referral level hinder the Guardian’s ability to capture real information as it relates to investigations, service delivery and available funding.

## **Economic Development Agency – Department of Workforce Development**

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The Department of Workforce Development provides an integral service at the Day Reporting Centers through their Day Reporting Center Workforce Development Specialists Program.

The San Bernardino County Workforce Development Department (WDD) provides on-site employment services to both referred and “walk-in” AB 109 clients at the Day Reporting Centers located in the West End (Rancho Cucamonga), Central Valley (San Bernardino) and High Desert (Victorville).

WDD has one Workforce Development Specialist (WDS) on-site at each DRC to address the employment needs of the clients. Those services include but are not limited to: one-on-one employment counseling, administration of an Orientation and Skills Assessment, networking, résumé writing and tips, job search review and choices, interview and expectations, employment enhancement workshops, individual assessment, job search and job placement assistance, career counseling, vocational training information and assistance, and job readiness.

The WDS also connects the clients to the WDD Employment Resource Centers (ERC) whenever possible and informs clients about different events, services, recruitments, hiring events, resources, and organizations that are available to clients at the ERC’s.

Workforce Development plans to continue extending the same level of services to the AB 109

### **Workforce Development Statistics for Day Reporting Centers**

*(June 2012 through February 2014)*

Total number of AB 109 offender/clients seen by WDS:	1,789
Total number of classes, workshops, seminars facilitated:	187
Total number of workshop attendees:	949
Total number of employments:	150

population, through the Day Reporting Centers.

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## FY 2014-15 Funding Breakdown for AB 109 Allocations

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The CCP intends to provide the following funding in FY 14-15 per department:

Department	FY13-13 Allocation	Percent Change	Estimated Reduction	FY 14-15 Estimated Allocation
Probation	\$27,908,628	-6.35%	(\$1,772,198)	\$26,136,430
Sheriff	\$28,407,422	-6.35%	(\$1,803,871)	\$26,603,551
District Attorney	\$2,842,626	-6.35%	(\$180,570)	\$2,663,056
Public Defender	\$2,169,593	-6.35%	(\$137,769)	\$2,031,824
Public Health	\$106,359	-6.35%	(\$6,754)	\$99,605
DAAS	\$82,169	-6.35%	(\$5,218)	\$12,951
DBH	\$4,335,308	-6.35%	(\$275,292)	\$4,124,016
WDD	\$195,000	-6.35%	(\$12,383)	\$182,618
TAD	\$6,665	-6.35%	(\$425)	\$6,270
HR	\$126,409	-6.35%	(\$8,027)	\$118,382
<b>Totals</b>	<b>\$ 66,181,209</b>		<b>(\$4,402,507)</b>	<b>\$61,978,702</b>

### Funding for municipal law enforcement:

Apart from state funding to the CCP for realignment costs to the county is revenue made available to cities, specifically municipal law enforcement, for costs incurred by the cities for their response to AB 109. This revenue is provided through **AB 118**. Those monies are not included above.

## **Conclusion:**

The Public Safety Realignment Act, or AB 109, mandated a sea change in the housing, supervision, and sentencing of criminal offenders. It represented the most sudden and comprehensive change ever undertaken in criminal justice.

AB 109 presented a series of significant challenges for the Probation Department, Sheriff's Department, municipal law enforcement agencies, the court system, and other county agencies. The massive jurisdictional shift of responsibilities away from the state left San Bernardino with unique problems: an insufficient number of jail detention beds; the need to supervise thousands of additional offenders, many of whom represented a threat to public safety; different legal processes for the sentencing of felons; violations of parole and PRCS; supervision of those released; and, a large population of offenders that were able to avoid supervision altogether. The Probation Department had to move quickly to hire, train, and deploy over a hundred new officers, while the Sheriff's Department worked to develop new protocols for the release of offenders and had to contend with the county jails being re-purposed as state prisons. The initial Community Corrections Partnership plan called for raising three Day Reporting Centers and enjoined Probation, the Sheriff's Department, Behavioral Health, Public Health, Workforce Development, Adult and Aging Services, the District Attorney and Public Defender in a unique partnership, which was a massive undertaking.

However, as noted in the 2011 Community Corrections Partnership plan, San Bernardino County also had several key advantages that, arguably, other counties did not. The Probation Department had a very progressive supervision system and a proven track record with the operation of Day Reporting Centers. Moreover, the Probation Department, Sheriff's Department, and Behavioral Health had a history of strong partnerships in the co-delivery of services to the county. In fact, all San Bernardino County agencies share cooperative relationships. The Probation Department had embraced evidence based programming years earlier and seen success with its SB 678 program.

Therefore, two and half years after the inception of Public Safety Realignment, the Community Corrections Partnership is able to point to several benchmarks of success:

- A re-arrest rate that has fallen dramatically from 82.5% to 36.4%.
- A 15.6% recidivism rate for AB 109 offenders- a rate that is slight higher than the static recidivism rate for adult probationers, despite greater challenges with this population.
- The formation of three Day Reporting Centers which offer the most comprehensive package of rehabilitative resources in the state.
- A supervision system that has been able to effectively track released offenders. Examples of this were the ability to keep PRCS bench warrants at a minimum, currently only 6.49% of all PRCS offenders released in the county; quickly arrest PRCS offenders who did abscond; and promote a PRCS report upon release rate of 89%.
- A significant expansion of personnel and programs, which was still commensurate to the needs of public safety and contained within state provided funding for AB 109.
- The union of nine county agencies, from the fields of law enforcement, corrections, and social work, law, and public health; and every police department in the county, who joined together to address the problems of realignment.

It is an accomplishment in itself to have completed so much, and to have seen these positive outcomes in only two and half years. It appears that San Bernardino County has been able to avoid many of the struggles and tribulations of other jurisdictions. Nevertheless, the Community Corrections Partnership must be cautious of potential problems and will continue to focus on several areas of grave concern:

- Detention facilities that were built as a jail system are now being used as a prison system. Inmate on inmate and inmate and deputy assaults are on the rise. Bed space continues to be limited, forcing the release of non-AB 109 or less serious offenders that still may represent a risk to public safety. The Adelanto Jail will come on line in 2014 with an additional 1,392 beds, greatly easing this burden, but still must be staffed at a considerable cost.
- Only 23% of all defendants sentenced under PC 1170 have been ordered to serve split sentences. 77% of the offenders who, before realignment would have been committed to state prison and paroled for three (3) to four (4) years following their release, are now able to serve shortened periods of local detention and are released without any

supervision. While recent rates of split sentencing have risen to 39%, the CCP believes that supervision after release should be presumptive for all PC 1170 sentenced offenders.

- The designation of non-serious, violent or sexual related offense only extends to the most recent offense. AB 109 offenders may have past significant criminal activity and may represent a considerable threat to public safety. While re arrest and recidivism rates show tremendous success with this population, individual offenders may still commit serious crimes. We must continue to remain vigilant and remember that potential risks to public safety may lessen but will never go away.
- The response to realignment has come with significant costs. Accomplishments have been possible because of sufficient funding for services and programs. These revenues must continue, at sufficient levels, to maintain realignment operations.

We are confident that the response to Public Safety Realignment in San Bernardino County has been swift and comprehensive, perhaps the best in the state. It has been inclusive of all public agencies and jurisdictions. Moreover, our response has been financially reasonable given the fact that all programming has been executed within the parameters of state funding. As the PRCS population recedes through attrition, we will need to refocus our efforts on the problems of PC 1170 sentencing, Mandatory Supervision offenders, and the lasting impact AB 109 will have on our justice system.