

# County of Riverside Public Safety Realignment & Post-release Community Supervision Implementation Plan October 28, 2014

**Executive Committee of the Community Corrections Partnership**

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## **Section 1**

### **BACKGROUND**

In an effort to address overcrowding in California's prisons and assist in alleviating the State's financial crisis, the Public Safety Realignment Act, Assembly Bill 109 (AB 109), was signed into law on April 4, 2011. AB 109 transferred responsibility for supervising specified lower level inmates and parolees from the California Department of Corrections and Rehabilitation (CDCR) to the counties. Implementation of the Public Safety Realignment Act took effect on October 1, 2011.

## **Section 2**

### **LOCAL PLANNING AND OVERSIGHT**

#### **COMMUNITY CORRECTIONS PARTNERSHIP (CCP):**

In the last three years, there have been statewide efforts to expand the use of evidence-based practices in sentencing and probation practices and to reduce the state prison population. Senate Bill 678 (SB678) (2009), Community Corrections Performance Incentive Act, established a CCP in each county, chaired by the Chief Probation Officer, and charged with advising on the implementation of SB678 funded initiatives.

#### **COMMUNITY CORRECTIONS PARTNERSHIP EXECUTIVE COMMITTEE (CCPEC) WORK GROUP:**

In response to realignment legislation, the Riverside County CCP established an executive committee, known as the CCPEC, and developed an implementation plan which was adopted by the County's Board of Supervisors on February 20, 2012 (item 3.42). The initial plan was revised for FY 2012/13 and adopted by the Board on November 6, 2012 (item 3.68). Additionally, on January 15, 2013, all CCPEC agencies presented individual departmental overviews and updates at a Board Workshop on realignment. On March 12, 2013 (item 3.32), the Board approved an update to the Public Safety Realignment and Post-release Community Supervision Implementation Plan. On September 24, 2013 (item 3.43), the Board approved the latest update to the Public Safety Realignment and Post-release Community Supervision Implementation Plan.

The CCPEC oversees the realignment process and advises the Board of Supervisors in determining funding and programming for the various components of the plan. The members of the Executive Committee include the Chief Probation Officer (chairperson), Presiding Judge or designee appointed by the Presiding Judge, District Attorney, Public Defender, the County Sheriff, a Chief of Police, and the Director of Mental Health (as approved by the Board on July 26, 2011, Item 3.56). The Director of Mental Health represents all of the Health and Human Services agencies including the Department of Public Social Services, Department of Public Health, and the Riverside County Regional Medical Center – Detention Health Services (RCRMC-DHS).

Through a collaborative effort, the plan was implemented acknowledging Riverside County has a long history of providing innovative alternatives to incarceration, such as, problem solving courts, progressive prosecutorial programs, holistic indigent defense, rehabilitative in-custody programming, evidence-based supervision and post-release services. This document serves to provide an update as to the progress of the processes and programs created to address the diverse needs of the realigned population.

### **CCPEC SUB-WORK GROUPS:**

In order to address funding methodology, policies and programming necessary to implement the realignment strategy plan, the CCPEC established several sub-work groups. The following sub-work groups continue to address specific issues related to realignment.

- **Court Sub-Work Group:** Chaired by a representative of the Court, this group consists of representatives from the Probation Department, the Court, the District Attorney's Office, the Public Defender's Office and the Sheriff's Department. This group meets as needed to update forms or address court related issues.
- **Day Reporting Center (DRC) Sub-Work Group:** Chaired by a representative from Probation, this group consists of representatives from the Probation Department, the Court, the Public Defender's Office, the Sheriff's Department, DMH, Riverside County Office of Education (RCOE), Workforce Development, DPSS, Department of Public Health, Child Support Services, and Veterans' Support Services. This group was formed to develop regionally located DRCs in Riverside County. The first DRC opened on October 15, 2012, in Central Riverside. Development of a DRC in both the southwest and desert regions is a goal for FY 2014/15. This group meets as needed.
- **Fiscal Sub-Work Group:** Chaired by a representative of the Probation Department, this group consists of senior executive staff and fiscal managers from each CCPEC agency. The key focus is to review and discuss fiscal accounting procedures/reports and related issues surrounding AB 109 Public Safety Realignment funding. This group meets as needed.
- **Health and Human Services Sub-Work Group:** Chaired by a Deputy Director of the Department of Mental Health (DMH), this group consists of representatives from the Probation Department, the Public Defender's Office, Department of Public Health, Department of Public Social Services (DPSS), and DMH (which includes Substance Abuse Services), and RCRMC-DHS. This group works collaboratively on meeting the medical and mental health needs of the Post-release Community Supervision (PRCS) and Mandatory Supervision (MS) populations, including addressing issues related to housing. This group meets on a regular basis.
- **Measurable Goals Sub-Work Group:** Chaired by a Chief Deputy Probation Officer, this group consists of representatives from the Probation Department, the Court, the District Attorney's Office, the Public Defender's Office, the Sheriff's Department, DMH, and Police. The purpose of this group is to develop a defined set of measurable goals and outcomes allowing the CCPEC to gauge the effectiveness of the county's response to realignment which includes updates to the County's Public Safety Realignment Implementation Plan. This group meets as needed.
- **Operational Effectiveness Sub-Work Group:** Chaired by a representative of the Sheriff's Department, this group consists of representatives from the Sheriff and the Probation Departments, including representatives from each department's Information Technology (IT) units. This group meets as needed to address data sharing and technological interfaces.
- **Post-release Accountability and Compliance Team (PACT):** Chaired by a designated Chief of Police, this group consists of police chiefs from 11 police departments in Riverside County. Their focus has been the development of three regional PACTs to assist with sweeps coordinated with

Probation, apprehend high risk PRCS offenders on warrant status and at-large in the community, and assist probation officers with compliance checks.

The CCPEC continues its planning and oversight role collaboratively, with input from all stakeholders, consistent with the realignment objectives of ensuring public safety, reducing recidivism, and promoting community-based alternatives to incarceration. The CCPEC is committed to realignment's stated intent of increasing public safety by reducing recidivism of the adult offender through reinvestment in community-based corrections and re-entry programs, and utilization of evidence-based strategies that increase public safety while holding the offender accountable.

The CCPEC continues to meet and identify needed additions and/or modifications to the plan as determined by individual departments. Thus, the realignment plan should be viewed as a living document, which will be appended on an ongoing basis, as the CCPEC institutionalizes the framework delineated in the plan through the development of operational protocols, procedures and guidelines; assurance of stable and adequate funding; and accumulation of measurable data and information based on multiple years of realignment implementation.

### **Section 3** **FISCAL INFORMATION – FY 2014/15**

#### **STATEWIDE ALLOCATION:**

The AB 109 Public Safety Realignment statewide funding allocation has changed since the implementation of realignment three years ago. In the first year of realignment implementation, the statewide funding was distributed based on a weighted formula consisting of CDCR's estimated average daily population (ADP) of eligible offenders (60%), total population of adults 18-64 (30%) and SB 678 distribution formula (10%). During the last two years, the statewide funding allocation changed to a temporary formula where each county received the best result of three options: population (ages 18-64); status quo (60/30/10); and adjusted ADP.

In September 2014, the County Administrative Officers Association of California (CAOAC) in partnership with the Realignment Allocation Committee (RAC) created a realignment distribution formula for FY 2014/15 and future fiscal years. The FY 2014/15 allocation is a one-time approach and is based on a "blended rate" which includes a combination of programmatic and growth allocations received in FY 2013/14. The one-time approach in FY 2014/15 allows counties to transition to the new base formula and spreads the reduction in allocation equitably. The statewide allocation for FY2014/15 was reduced from \$998.9 million to \$934.1 million, a \$64.8 million (-6.5%) decrease from the prior year. With the new distribution formula, Riverside County is expected to receive 5.11% or \$47.7 million of the \$934.1 million statewide programmatic allocation.

The realignment growth allocation is distributed separately from the base allocation and is based on two-thirds performance and one-third of the share of each county's new base formula. Riverside County will receive \$4.94 million in FY 2013/14 growth funds to be distributed in FY 2014/15.

#### **CCPEC BUDGET ALLOCATION:**

On September 23, 2014, the CCPEC approved the FY 2014/15 proposed budget allocations for the member agencies (Attachment A). The total budget approved was based on a three (3.0%) percent reduction of each CCPEC agency request, except for Health and Human Services. The Health and Human Services - RCRMC-DHS approved budget was maintained at the FY 2013/14 funding level of \$2.75 million

as opposed to their original budget request for \$4.0 million for the current fiscal year.

The CCPEC member agencies will utilize the realignment funding plus their share of rollover funds from the previous fiscal year, and the distribution of contingency funds to fund on-going costs for existing programs and new or expanded programs in the current fiscal year. The FY 2014/15 budget provides a conservative approach along with an estimated contingency fund of \$4.25 million (8.90%) due to the numerous variables and unknown factors each agency is managing during the implementation of realignment. The CCPEC requires the agencies to report quarterly on the financial activity and use of realignment funds.

**OTHER FUNDS:**

As in previous years, the District Attorney/Public Defender will receive a separate funding allocation estimated at \$1.04 million (including an estimated \$0.12 million growth allocation), to be shared equally. These amounts are separately managed by these agencies and do not fall under the CCPEC's purview.

As in previous years, the Riverside Superior Court received a separate funding allocation of \$300,336. In January 2015, the Court's workload will be assessed to determine if additional funds will be needed. These amounts are separately managed by the Court and do not fall under the CCPEC's purview.

The municipal police departments are expected to receive approximately \$2.65 million in state grant funding. The municipal police departments have elected to utilize these funds in support and partnership with the CCPEC to supplement the funding of the three fully functional Post-release Accountability and Compliance Teams (PACT).

The Probation Department is also expected to receive a separate funding allocation of approximately \$1.18 million. This funding is allocated to Probation under AB 1476 for a limited-term increase in Post-release Community Supervision population (2<sup>nd</sup> Strikers) resulting from the Three Judge Panel order to increase credits. This amount is separately managed by Probation and does not fall under the CCPEC's purview.

**JUSTICE REINVESTMENT:**

PC 3450(b) (7), as added by AB 109 Public Safety Realignment, states that "fiscal policy and correctional practices should align to promote a justice reinvestment strategy that fits each county." AB109 defines justice reinvestment as "a data-driven approach to reduce corrections and related criminal justice spending and reinvest savings in strategies designed to increase public safety." Riverside County has utilized and will continue to expand the use of evidence-based practices and make use of alternative custody options.

**Section 4**  
**IMPACT STATEMENT**

**PROBATION:**

The impact of realignment on the Riverside County Probation Department has been significant. The full effects of such broad sweeping legislation will take years to accurately measure. A major challenge has been the increasing caseload sizes and the resulting recruiting efforts for staff to effectively manage this more sophisticated population. Additionally, efforts to develop more effective services, programs and sentencing options will continue to be a top priority. The Probation Department continues to work with

key partners on a plan to best deliver a myriad of public safety services and alternative sanctions for the offender population.

**SHERIFF:**

The major impacts of realignment for the Riverside County Sheriff's Department include increased jail overcrowding, continued funding challenges, the need for massive inmate program expansion, inconsistencies in the law with respect to physical custody, out-of-custody programs and other alternatives, and increased future liabilities and uncertainties. As a result of realignment, four new classes of inmates beyond the traditional county jail inmate are now housed in Riverside County Jails: county jail felons convicted under Penal Code Section 1170(h) straight sentences and MS, parolees, flash incarcerations and PRCS.

The Riverside County Sheriff's Department Corrections Division operates five jails strategically placed throughout the county. Total housing capacity of the five jails is a maximum of 3,914 inmate beds. All five jails were designed to house short-term, pre-trial detainees and sentenced misdemeanors. Due to an already undersized jail system in Riverside County, one of the most visible major impacts of realignment has been the increased inmate population within the county. The County of Riverside continues to have one of the fastest growing populations within the State of California, but construction of jail beds has not kept pace. For comparison, while the Riverside County population is slightly larger than the population of neighboring San Bernardino County, Riverside County currently possesses only 65% of San Bernardino County's jail bed capacity.

Riverside County has experienced overcrowding in the past, but the Riverside County Sheriff's Department was able to effectively manage overcrowding through improved headcount management and building strong partnerships with allied criminal justice departments. With realignment, the flood of inmates with lengthy sentences has overpowered these efforts. The increase has not just been inmate population numbers, but also an increase in the higher classification level of inmates based on their possessing greater levels of criminal sophistication and more violent histories. This has provided an increased immediate critical need for jail construction as well as a continued retrofitting of existing facilities to provide increased security. The need for additional trained staff members has also risen to safely manage the changing jail population. Realignment has led to an increased cost due to the impact on the headcount of inmates in the jail. It is projected in calendar year 2014, 23% of the inmates being housed are a direct result of realignment.

**HEALTH AND HUMAN SERVICES:**

An Urban Institute Justice Policy Center research study published in February 2008<sup>1</sup> documented the health challenges facing men and women being released from prison. This report was discussed with Riverside County Detention Health personnel who indicated the major findings are consistent with the health issues currently experienced by inmates in the county's jail system. Listed below are some of the study's key findings:

- Most of the individuals released from prison (84% of men and 92% of women) reported having chronic health conditions requiring treatment or management.
- About 40% of men and 60% of women indicated they had a combination of physical health,

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<sup>1</sup> "Health and Prisoner Re-entry: How Physical, Mental, and Substance Abuse Conditions Shape the Process of Reintegration," Kamala Mallik-Kane and Christy A. Visher, Urban Institute Justice Policy center, February 2008

mental health, and substance abuse issues.

- Almost two-thirds of men and women reported active substance abuse in the six months prior to their incarceration.
- Almost 50% of men and 66% of women had been diagnosed with a chronic physical health condition. Most commonly cited health problems included high blood pressure, hepatitis, asthma, diabetes, arthritis, and HIV/AIDS.
- Individuals with physical and mental conditions were heavy utilizers of health care services. Within eight to ten months of their release from prison, over 7 in 10 individuals accessed some type of health care services; 30% had used emergency room services and 20% had been hospitalized.

**DISTRICT ATTORNEY AND PUBLIC DEFENDER:**

The impact of realignment on the Riverside County District Attorney's Office and the Office of the Public Defender has been significant in that each has suffered a dramatic increase in caseloads due to the added responsibility of revocation hearings for those on Parole, PRCS and MS. Prior to the Public Safety Realignment Act, PRCS and MS did not exist. Parole violations were handled by state parole agents, administrative hearing officers and state appointed counsel. Now, the obligation for these hearings has been placed upon these two departments and has resulted in the Riverside County Superior Court creating a separate court calendar necessitating the hiring of a hearing officer to preside over these matters.

In addition to the increased workload and pursuant to Marsy's Law, the District Attorney's Office must notify victims of crime of any change in a defendant's custody status. This includes notification to the victims of the thousands of prisoners released early due to overcrowding and, in the case of Parole, PRCS and MS violations, notification to the original victim as well as any current victim that they have a right to comment and to appear at each court appearance.

**Section 5**

**PARTICIPANT NUMBERS, PROJECTIONS AND CHARACTERISTICS**

**POST-RELEASE COMMUNITY SUPERVISION (PRCS):**

Since inception through June 30, 2014, the Riverside County Probation Department has received 6,176 pre-release packets for PRCS offenders from CDCR. Of these, 441 were closed at intake due to ineligibility for PRCS supervision or because packets were sent to Riverside County in error, and 521 were transferred to other counties (Attachment C). Of the remaining 5,214 packets received, the offenders are being supervised in the community, are pending transfer or awaiting acceptance of transfer to other counties or states, or have been terminated from supervision.

The PRCS population is expected to continue a downward trend from the original 4<sup>th</sup> quarter releases in 2011, which amounted to 830, and totaled 373 in 1<sup>st</sup> quarter of 2014. Additionally, it is expected fewer inmates will meet the PRCS eligibility requirements. Further, the mandatory three year discharges began October 1, 2014 potentially offsetting the Second Strikers being released due to enhanced credits that began in February 2014.

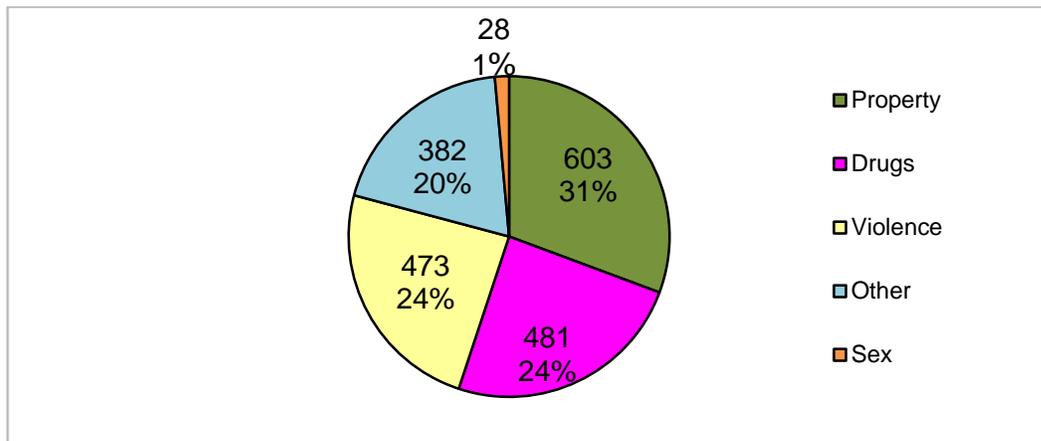
**MANDATORY SUPERVISION (MS):**

Riverside County is responsible for the MS offenders who are convicted of Penal Code Section 1170(h) eligible crimes, and no longer can be sentenced to state prison. Pursuant to Penal Code Section 1170(h)(5), there are two ways an offender may be sentenced to local custody. The first is under subsection (A), wherein an offender is sentenced to serve their entire custodial term with no community supervision upon release. The second is under subsection (B), wherein the offender receives a “split sentence”, a portion of the term in jail and the balance of their sentence under a term of mandatory supervision with the Probation Department. However, effective January 1, 2015, the court must order an offender to complete a portion of a concluding county jail term on MS unless found not to be in the interest of justice.

As of June 30, 2014, the Court has ordered 4,294 MS cases. Of these, 16 were closed at intake and 226 were transferred to other counties (Attachment D). Of the remaining 4,052 cases sentenced, the offenders are being supervised in the community, are pending transfer or awaiting acceptance of transfer to other counties or states, or have been terminated from supervision.

**Key Findings/Trends:**

A query of offense types was conducted on the active PRCS cases being supervised. Utilizing the Universal Crime Reporting Categories, the following is a breakdown of the percentages of offenders released to Riverside County and their most recent commitment offense:



Data provided by the Riverside County Probation Department as of June 25, 2014

As of June 30, 2014, Probation records reflect the following:

- 1,967 PRCS offenders were being supervised in the community.
- As to education level, 59% of the PRCS population did not complete twelve years of education. 20% of the PRCS population obtained their high school diploma, 14% obtained their GED, and 7% completed some college courses.

- Approximately 16% of the PRCS population is homeless, as defined by U.S. Housing and Urban Development (HUD)<sup>2</sup>. This is a key area being addressed by the CCPEC Health and Human Services Sub-Work Group and other county agencies dealing with homeless issues. In addition, the Probation Department is identifying different levels of homelessness to better serve the population's housing needs.

**ASSESSMENTS AND PRE-RELEASE OPERATIONS:**

All pre-release packets are processed through the CDCR's Secured File Transfer System and received by Probation's Riverside Adult Services Division. A determination of eligibility and jurisdiction is made prior to acceptance. The case is subsequently assigned to a probation field office whereby a full Criminal Offender Management Profiling for Alternative Sanctions (COMPAS) assessment is completed to determine supervision level and treatment needs.

***Key Findings/Trends:***

- **Sheriff's Inmate Training and Education Bureau (SITE-B):** SITE-B is continuing to research additional programming options with an emphasis on transitional programming. The Sheriff's Department is building partnerships with the Economic Development Agency, DMH, RCOE, Probation, and select community organizations to provide evidenced-based programs and services that target the needs of an inmate transitioning into the community. SITE-B intervention programs such as Guidance Opportunities to Achieve Lifelong Success (GOALS) and Residential Substance Abuse Treatment (RSAT) will continue to focus on therapeutic, educational, vocational, and substance abuse counseling and assistance with plans to expand where needed. In FY 13/14, 530 applicants were screened for the GOALS program, of which 230 or 43% were sentenced under PC 1170(h). A total of 81 or 35% of the 229 applications processed entered the program. 74% or 170 of the 229 applicants qualified for the program; of those that qualified, 44% refused the program, 48% entered, and 9% were other (i.e. Placed on Wait List or Fed Released). 26% of the 229 applicants were disqualified (e.g., in custody behavior, classification level, un-sentenced, out of county felony warrant, etc.)

***Fiscal Year 2013/2014 Operational Responses Implemented:***

- The Sheriff's Department and Probation have developed joint database systems to reduce labor and information technology costs. The Sheriff's Department is sharing the Jail Information Management System (JIMS) with Probation. In addition, the Sheriff's Department has an agreement with Probation to share the COMPAS assessment tool on a common database structure. By partnering with Probation on the use of the Programs and Alternative Sentence System (PASS), Proxy Triage Risk Screener (PROXY), and the COMPAS assessment tool, it will allow both departments to quickly analyze inmates for potential Own Recognizance (OR) release, GOALS program, Riverside Alternative Sentencing Program (RASP), or other programs offered by the departments. The Sheriff's Department is committed to utilizing evidence-based practices where possible and making full use of appropriate alternative custody options.

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<sup>2</sup> According to HUD, Homeless means: (1) An individual or family who lacks a fixed, regular, and adequate nighttime residence, meaning: (i) An individual or family with a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station, airport, or camping ground; (ii) An individual or family living in a supervised publicly or privately operated shelter designated to provide temporary living arrangements (including congregate shelters, transitional housing, and hotels and motels paid for by charitable organizations or by federal, state, or local government programs for low income individuals); or (iii) An individual who is exiting an institution where he or she resided for 90 days or less and who resided in an emergency shelter or place not meant for human habitation immediately before entering that institution. "Health and Prisoner Re-entry: How Physical, Mental, and Substance Abuse Conditions Shape the Process of Reintegration," Kamala Mallik-Kane and Christy A. Visher, Urban Institute Justice Policy center, February 2008

- Probation continued to incorporate evidence-based principles for effective interventions with the goal of reducing recidivism for PRCS and MS offenders by adopting the following:
  - Probation Officers assigned to realignment caseloads received a variety of evidence-based training including Motivational Interviewing, Cognitive Behavior Journaling, COMPAS, and booster trainings, as well, including AB 109 Law Update; Caseload Strategies; Prison to Probation AB 109: Field Safety; and Prison to Probation AB 109: Search & Seizure, to enhance and update their skills; and
  - Probation designed a three-tiered system focused on ensuring appropriate supervision levels, based on the level of risk and intervention strategies as determined by the COMPAS assessment tool.
- The Sheriff's Department and Probation have developed an agreement for electronic monitoring of PRCS and MS violators. RASP manages this program for Probation from enrollment through the entire monitoring period. Probation is responsible for supervising the offender and caseload management. Electronic Monitoring is utilized as a sanction for violating supervision terms and conditions whenever appropriate in lieu of physical jail custody.

***Fiscal Year 2014/2015 Priorities/Strategies:***

- The Sheriff's Department will continue its efforts to automate the PROXY assessment in the jails.
- The Sheriff's Department will enhance the electronic monitoring program for Supervised Own Recognizance releases through Probation.
- The Sheriff's Department will work with Probation to norm the PROXY score. The PROXY score will allow Probation and the Sheriff's Department to quickly identify which inmates are referred to COMPAS for programs such as OR release, electronic monitoring, in-custody programs, or Probation's Transition and Re-Entry Unit (TRU) program.
- DMH, Probation, and RCRM-DHS will work collaboratively with CDCR (including a social worker, psychologist, psychiatrist, and CDCR administrative staff) to coordinate the transportation and release of identified state prisoners. Determination regarding the ability of the individual to navigate their own transportation, current mental health status, current medications and the availability of a signed release of information is discussed at length. If it is determined that the individual may be homeless, housing and/or residential treatment will be pre-arranged through the Department of Mental Health.

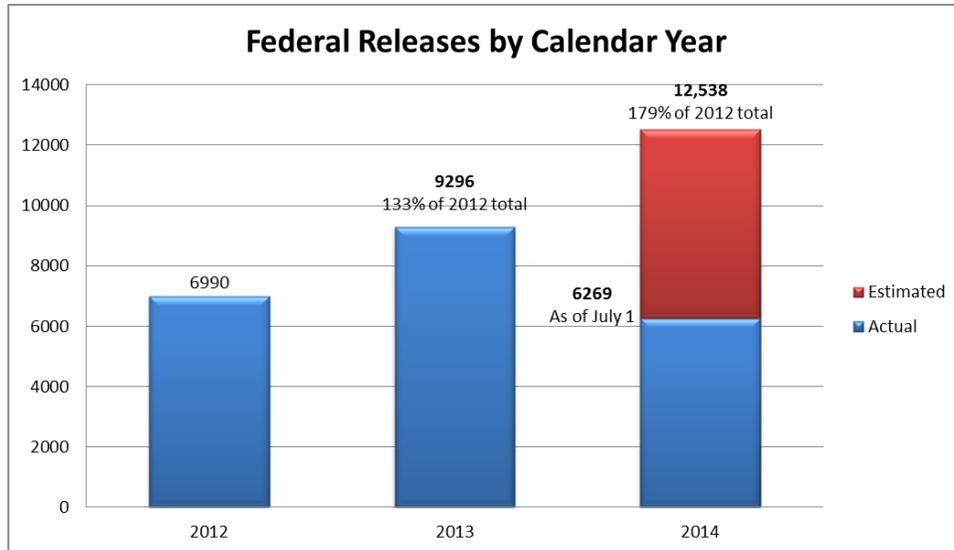
**IN CUSTODY, RE-ENTRY AND PROVISION OF TREATMENT SERVICES:**

Historically, inmate programs within Riverside County jails were designed for low-level inmates with shorter sentences. Due to realignment, programs are undergoing radical redesign and expansion to align with the increased level of inmate classification, while taking into account the fact that inmates will be incarcerated for longer periods of time. Previously, most of the Sheriff's "in-depth" inmate programming was conducted at Smith Correctional Facility in Banning; however, realignment has dramatically increased the need for inmate programs at all five Riverside County jails. A critical element of realignment strategies has been the ongoing development and coordination of treatment services for

PRCS and MS offenders.

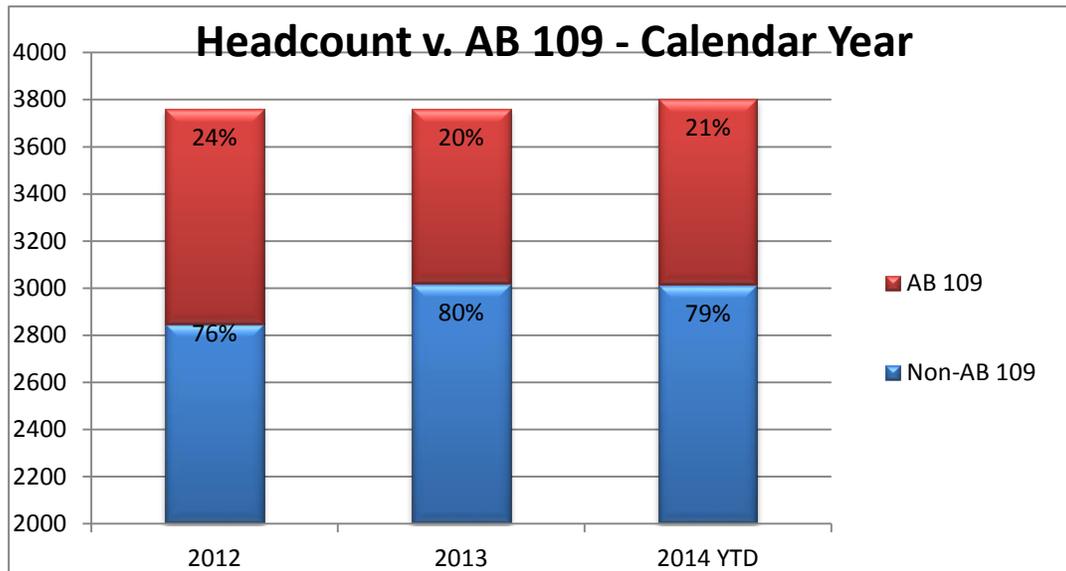
**Fiscal Year 2013/2014 Operational Responses Implemented:**

- **Federal Court Order Releases:** On January 6, 2012, pursuant to the Federal Court Order, the Sheriff's Department was forced to begin early releases as a result of the impact of realignment. Although improvements enabled the Sheriff's Department to routinely manage inmate population at a level above 90% capacity, early releases continue to be a necessity. As of July 1, 2014, Riverside County has been forced to release 22,555 inmates early under the Federal Court Order.



Data provided by the Riverside County Sheriff's Department

- **AB 109 Public Safety Realignment Sentence Inmates:** Impact statistics as of July 1, 2014, showed 17,239 realignment-related inmates had served time in the local Riverside County jails since implementation, with 913 of those still physically remaining in jail on July 1, 2014. This change meant that 913 beds that would have been used in the past to hold the type of inmates traditionally held in county jails before realignment were effectively unavailable. For calendar year 2014, this represents approximately 21% of all the current jail beds in Riverside County, an increase of 3% over the past year. 7,181 of these inmates were sentenced under the new state law wherein certain state prison inmates now serve their sentences in county jail per Penal Code Section 1170(h), with 443 of them remaining in jail still serving out sentences of three years or more. As a result of realignment, this growing population of long-term sentenced inmates has clogged the normal in-out flow of inmates, leading to the need to release 22,555 shorter-term inmates early just to make room. While preliminary attempts to utilize other alternatives to jail custody are beginning to make a dent, the early release cycle continues and the jail system remains in crisis.



Data provided by the Riverside County Sheriff's Department

- Day Reporting Center (DRC):** On October 15, 2012, Probation opened the Riverside DRC in collaboration with DMH, Sheriff's Department, RCOE, Workforce Development, DPSS, Department of Public Health, Veterans Services, Riverside Superior Court, and Child Support Services using county and community resources to support the realignment population. Services and programs provided include: substance abuse, anger management, positive parenting, physical and mental health, welfare assistance, general education, job readiness, peer support and Cognitive Behavior counseling. The Riverside DRC serves the western region of the county with all partners working towards the goal of providing a "one stop shop." DMH also provides mental health assessments and treatment on site. Also, DPSS Eligibility Technicians provide welfare assistance. PRCS and MS clients are encouraged to apply for third party benefits. Additionally, clients can be referred to a psychiatrist for medication evaluation at the DMH clinics. The DRC will also be utilized by the Sheriff's Department as a place where people can enroll in the work release program.
- Emergency and Transitional Housing:** Probation collaborated with DMH's Homeless Housing Opportunities, Partnership and Education (HHOPE) Program to establish re-entry housing. The overall mission was to formulate plans of rehabilitation with the goal of reducing recidivism and independent living for the realignment population in Riverside County. This alliance resulted in an increase of 49 additional beds for a total of 79 beds available as of July 2014, to assist reintegration in a safe, habitable and sober living environment.

As part of the services provided by DMH, emergency housing has been provided to both Mental Health clients and Probation's Public Safety Realignment housing clients without a Mental Health diagnosis, as follows:

- Public Safety Realignment Housing – 4,868 bed nights
  - Mental Health Realignment Housing – 4,569 bed nights
- Educational and Vocational Services:** Education, vocational, and job readiness services are provided by RCOE and Workforce Development at the Riverside DRC who administer educational assessments, vocational readiness and skills assessments. Offenders were referred to adult

education classes, community college, job readiness, and vocational training or employment services and incorporated into a case plan.

- **Mental Health Clinics:** DMH operates four clinics specializing in the treatment of Public Safety Realignment clientele. Clinics are located throughout the county in the cities of Riverside, Hemet, Banning, and Cathedral City. Medication services are provided in each of the clinics, and are administered to clients who are referred to a department psychiatrist who diagnose and prescribe psychotropic medications. In addition, one Forensic Full Service Partnership (FFSP) clinic is operational in Riverside. FFSP offers intensive wellness and recovery based services, specializing in clients with serious mental health diagnosis in order to help break the cycle of homelessness, psychiatric hospitalization and/or incarceration related to their mental health disorders.

During Fiscal Year 2013/2014, DMH provided services to 3,637 realignment individuals in the detention setting, 819 realignment clients in Mental Health out-patient clinics, and 611 realignment clients in substance use services.

***Fiscal Year 2014/2015 Priorities/Strategies:***

- Probation will continue exploration, development, and implementation of program options including: electronic monitoring, re-entry housing, day reporting centers, cognitive behavior treatment, education and vocational training.
- Probation will continue improvements to the incentives and sanctions matrix to develop consistency and measure outcomes for effectiveness to PRCS and MS.
- Probation will increase partnership collaborations to improve responses to offender behavior and maximize service allocation.
- Probation plans to open two additional DRCs in Riverside County serving the Desert and Southwest regions during Fiscal Year 2014/15. Probation will continue to partner and collaborate with the Sheriff's Department, DMH, RCOE, Workforce Development and DPSS to provide the following offenders services and programs: High School and Diploma Education, Mental Health Assessments, Health Education, Parenting, Substance Abuse Education and Anger Management.
- Probation plans to implement a Transition and Re-entry Unit (TRU) to facilitate the release of offenders back to the community and to assist the Sheriff's Department with managing inmate overcrowding by developing:
  - Phase I of the TRU program, staff will be responsible for completing case plans on offenders prior to release to address the greatest needs or risk factors such as housing, substance abuse or education of the realigned population; and
  - Phase II of the TRU program would include a 30-90 day housing component for the realigned population, offering case planning and targeted interventions to further assist with re-entry to the community.
- Probation aims to improve homeless population supervision strategies with better identification

of housing needs through accurate reporting and electronic monitoring, and collaborative case management.

- Probation will continue to seek safe and suitable emergency and transitional housing alternatives with and without programming services.
- The Sheriff's Department will continue to manage headcount in order to minimize the number of inmates released early under the Federal Court Order. Those strategies include the continued use of electronic monitoring, inmate programs, fire camp, and exploring contracting beds with other jurisdictions.
- It is projected that in FY 2014/15 there will be an across the board increase in the number of clients served by Mental Health and Detention Health Services. Mental Health Detention is projected to provide 2,600 screenings and 1,800 assessment and treatment services. Substance Use is projected to screen 650 clients, provide 600 clients out-patient services, and 250 residential treatment services. The DRC's are slated to provide 488 screening and 780 group services.
- Mental Health will also begin to provide services at 4 of the 7 Probation sites, projected to serve 1,200 offenders with mental health screenings, and 2,080 offenders in group services.
- HHS priorities related to Mental Health care include plans to staff the Riverside DRC in the team concept, consisting of one Clinical Therapist, one Behavioral Health Specialist, one Mental Health Peer Specialist and one Community Support Assistant to provide transportation assistance. Additionally, teams will be added for the DRC's slated to open in the southwest and desert regions of the county. The staff will consist of both current employees and newly requested positions to round out the teams.

#### **LAW ENFORCEMENT COORDINATION:**

The Sheriff's Department, Probation, and local law enforcement agencies collaborate and coordinate efforts to ensure community safety and offender accountability. These efforts are essential to AB 109 Public Safety Realignment implementation.

#### **POST-RELEASE ACCOUNTABILITY AND COMPLIANCE TEAM (PACT):**

A multi-agency Post-release Accountability and Corrections Team (PACT) was established in order to augment efforts to supervise high risk offenders and apprehend absconders. The primary mission of PACT is for local law enforcement agencies to work with the Riverside County Probation Department to focus on the non-compliance of PRCS offenders that pose the most risk to public safety. There are currently three teams operating in the West, Central, and East regions of the county dedicated to identifying and investigating "non-compliant" PRCS offenders, locating and apprehending "at-large" and "high risk" PRCS offenders, and performing probation sweeps (Attachment B). Through sustained, proactive, and coordinated investigations, each team is able to share information, serve warrants, as well as locate and apprehend non-compliant offenders. PACTs proactively search for the "at large" PRCS offenders and reduce the number of absconded PRCS offenders as identified by Probation staff, allowing Probation staff more time and resources to focus on case management and compliance checks. Additionally, \$2.5 million has been allocated to Riverside County law enforcement agencies to supplement the funding of the CCPEC for the three fully staffed teams.

**Three Multi-Jurisdictional Regional Teams:**

- West PACT: Riverside Police Department (RPD), Corona Police Department, Riverside County Probation, Riverside Sheriff's Office-Moreno Valley Station, Riverside County District Attorney's Office, supervised by RPD sergeant and housed at RPD.
- Central PACT: Beaumont Police Department, Hemet Police Department (HPD), Murrieta Police Department, Riverside County Probation, Riverside County District Attorney's Office, supervised by HPD sergeant and housed at HPD.
- East PACT: Palm Springs Police Department, Desert Hot Springs Police Department, Cathedral City Police Department (CCPD), Indio Police Department (IPD), Riverside County Probation, Riverside Sheriff's Office-Palm Desert Station, Riverside County District Attorney's Office, supervised by IPD sergeant and housed at CCPD.

**Fiscal Year 2013/2014 Operational Responses Implemented:**

- The Probation Department provided 95 sworn positions assigned to the supervision of realignment offenders.
- On May 20, 2014, the Probation Department completed implementation of the Automated Supervised Release File which is an electronic notification to the Department of Justice (DOJ) of all offenders who receive supervision services. This process increased efficiency and reduced cost. In addition, the DOJ and statewide justice partners have access to information regarding offenders in the counties.
- Probation implemented data sharing through the Law Enforcement Portal providing access of offender information to local law enforcement agencies.

**HOME VISITS AND COMPLIANCE CHECKS:**

The Probation Department, with the assistance from local law enforcement and the Sheriff's Department, conducted compliance checks of realignment offenders. Accountability, as well as support for rehabilitation, were the goals of these visits. In order to improve and expand these services, the Probation Department conducted on-going training and compliance check reviews.

**Probation Training:** Probation officers assigned to realignment supervision caseloads received a variety of evidence-based training. This training was designed to improve the officers' knowledge and skills in interacting with offenders while ensuring the safety of the community.

**Compliance Checks Reviews:** Each month, the Probation Department reviews the number and type of contacts conducted on a PRCS or MS offender by a probation officer. The review assists with a quality assurance component required for accurate data collection and system measurement as well as procedure adherence and identification of any training needs.

**Association of Riverside County Chiefs of Police and Sheriff (ARCCOPS):**

The ARCCOPS provides oversight of the PACT program. A representative of ARCCOPS sits on the CCPEC as a voting member and reports on PACT activities. There are Memorandums of Understanding (MOU) between Probation and the participating local law enforcement agencies (Beaumont Police Department, CCPD, Corona Police Department, Desert Hot Springs Police Department, HPD and Palm Springs Police

Department) for monetary reimbursement from realignment. Probation is the fiscal agent as it relates to realignment reimbursement from the county.

PACTs operate on a task force model similar to the county's successful regional gang task force teams and that of the countywide Sexual Assault Felony Enforcement (S.A.F.E.) team.

***Fiscal Year 2014/2015 Strategies/Priorities:***

- The California Attorney General's Office has developed a statewide data sharing program (SMART Justice). The Riverside Sheriff's Department had representatives on the developmental committee. This statewide data sharing platform will provide public safety agencies across the state with a one-stop, user friendly web portal to access information about offenders. As of this writing, the Sheriff and Probation Departments are working with DOJ to begin the implementation.
- Probation aims to improve the intermediate sanctions program by promoting more use of electronic monitoring and improved consistency with use of the violations matrix.
- Probation will ensure accuracy of data and continue ongoing training of Probation's Law Enforcement Portal to promote wider use of this current database by law enforcement agencies throughout the county in order to facilitate communication, provide current offender data, and improve efficiency between agencies.

**Section 6**  
**REVOCATION HEARINGS**

Offenders who have been sentenced to certain classifications of crimes (non 1170(h) of the Penal Code) serve their sentences in a state correctional facility. Upon their release they are placed on either Parole or PRCS. In the case of Parole, the supervision of the parolee is handled by state parole. In the case of PRCS, supervision is handled by the Riverside County Probation Department. In either case, when a violation of terms is alleged, the offender is entitled to a revocation hearing before an administrative hearing officer.

Prior to the Public Safety Realignment Act, the parole department, state appointed counsel and administrative hearing officers would handle violations of parole as PRCS did not exist. The responsibility for these hearings (Parole and newly created PRCS) has been shifted to the County of Riverside, namely the Superior Court, District Attorney's Office and the Public Defender's Office. This increased caseload by the District Attorney and Public Defender requires additional personnel in order to provide proper representation to the state as well as the offender. These additional personnel include but are not limited to:

- Specially trained attorneys to prepare and present matters in court
- Additional clerical support to input case data and properly track files
- Additional investigative support to supplement parole and probation investigations, serve subpoenas to secure the presence of witnesses at hearings and retrieve physical and documentary evidence.

In FY 2013/14, the District Attorney and Public Defender processed approximately 1,800 PRCS violations and over 800 parole revocation cases. It is anticipated that any application of enhanced conduct credits for "second strike" offenders in an effort to reduce the prison population will increase the number of individuals subject to PRCS. This will inevitably result in additional violations which will also be processed through these offices.

Offenders who have been sentenced pursuant to 1170(h) of the Penal Code and who would have previously served their sentences in a state correctional facility, now serve their sentences at the local level in the Riverside County jails. These offenders serve either an entire custodial term with no supervision upon release or a "split sentence" with a portion of the sentence in custody and the balance of the sentence under a term of MS with the Probation Department.

According to Probation Department statistics as of June 30, 2014, violations of MS cases totaled over 4,700 since inception of Public Safety Realignment. In each case, the offender is entitled to a revocation hearing. As there is no specialized calendar to handle these matters, they must be absorbed by the calendar courts and District Attorney and Public Defender personnel.

In addition to handling revocation hearings, the District Attorney has taken responsibility for training as it relates to those hearings. This includes training to law enforcement so that they understand "realignment" and the importance of proper supervision and documentation as well as training for parole agents who are inexperienced in writing reports and preparing cases at the county level.

Finally, due to the enactment of Marsy's Law, the District Attorney is obligated to notify victims of crime of any change in the offender's custody status as well as provide victims the opportunity to comment and appear at every court appearance. In the case of revocation hearings, this includes any victim of the crime for which the offender is being supervised as well as any victim who may be the subject of the violation, whether or not it has resulted in the filing of a new criminal case.

## **Section 7**

### **SENTENCING, REVOCATIONS, AND CUSTODY RELATED MATTERS**

The efforts to effectively manage the realigned population at the local level and facilitate the offenders' reintegration require ongoing investments in community based correctional and re-entry programs. The response to non-compliant behavior requires regular development of effective evidenced-based strategies in order to promote improved public safety.

#### ***Key Findings/Trends:***

##### **PRCS NON-COMPLIANCE ISSUES:**

As of June 30, 2014, Probation records indicate the following:

- PRCS warrants issued since inception totaled 2,592, or 42% of the 6,176 packets received from CDCR.
  - Outstanding warrants totaled 420, which was 16% of the total warrants issued.
  - Cleared warrants totaled 2,172 which was 84% of the total warrants issued.
  
- PRCS revocations totaled 3,963:
  - 1,290 (33%) being for new offenses
    - Number of offenders totaled: 1,014

- 2,593 for technical violations (65%)
  - Number of offenders totaled: 1,362
- 80 (2%) of revocations were dismissed
- Flash incarcerations amounted to 1,500, which involved 1,008 offenders.

**MS NON-COMPLIANCE ISSUES:**

As of June 30, 2014, Probation records indicate the following:

- The number of 1170(h) sentences continues to grow in Riverside County. The average monthly number of MS cases being received from the court since implementation is 149.
- A total of 4,294 defendants have been sentenced to MS. Current active cases being supervised total 1,395 and assessed as follows:
  - 774 (55%) assessed as high risk
  - 272 (20%) assessed as medium risk
  - 349 (25%) assessed as low risk
- A total of 4,794 MS revocation petitions include:
  - 1,968 (41%) for the commission of a new crime
    - Number of offenders totaled: 1,141
  - 2,826 (59%) for technical violations
    - Number of offenders totaled: 1,571
- MS terminations since October 1, 2011:  
Due to the high percentage of terminations, Probation developed the TRU program to improve the success of the MS population by connecting offenders with services and assisting with reintegration into society.
  - 1,851 (60%) were unsuccessful
  - 952 (31%) successfully completed their supervision period
  - 277 (9%) consisted of transfers and administrative closures

**CUSTODY RELATED MATTERS:**

In 2013, numerous jail enhancement projects were accomplished. These projects were specific to necessary improvements to increase the security and efficient use of the current housing units, but none of these projects increased bed capacity. In fact, during each project period, the Sheriff's Department temporarily lost overall bed capacity while housing units were taken off-line for rehabilitation. FY 2014/15 will continue to see necessary improvement construction projects that will again lower bed capacity as these projects are completed. The Riverside County Sheriff's Department Headcount Management Unit (HMU) will continue to be tasked with manipulating housing units and identifying early releases where necessary to accommodate these projects.

The sentencing rules and practices brought on by realignment present some additional challenges for Riverside County including jail bed space and longer sentences. One important component in building an evidence-based method to measure the impacts of the increased jail population due to realignment was to secure a suitable tool to assess risk and programmatic needs. As previously mentioned, Probation purchased licenses for the use of COMPAS in December of 2010, and the Sheriff's Department has joined with Probation in the use of this tool. COMPAS is an evidence-based tool to address risk

assessment, recidivism probability, and programming needs. The Sheriff's Department utilizes COMPAS to identify risk and recidivism probabilities for the Post-Arrest Program as well as identifying programmatic needs for sentenced offenders.

The Sheriff's Department's HMU has been tasked with providing an initial identification of possible offenders for early release by booking charges. For qualified offenders, HMU completes the criminal history section of COMPAS. Upon completing the criminal history, HMU forwards qualified offenders for electronic monitoring to RASP. Two staff members have been added to HMU this year to complete the inmate criminal history section of COMPAS within 24 hours of arraignment.

***Fiscal Year 2013/2014 Priorities/Strategies:***

- **HMU:** HMU has maximized bed space throughout the five jails and the efficiency of transportation operations within Sheriff's Corrections Division. Due to realignment, Riverside County jails have not only experienced an increase in inmate population, but inmate classification levels as well. Although planning continues for construction of additional jail beds, an actual increase in the number of physical jail beds in Riverside County will not be realized until 2017.

Since the implementation of realignment, HMU has been tasked with obtaining data and tracking all inmates related to realignment changes. Population data collection is critical to evaluating the implementation of realignment, as well as meeting future funding requirements. Since the original state projections on the impact of realignment on county jails was found to be in error, the collection and analysis of critical data on the county level will continue to be vitally necessary to illustrate the actual impacts of realignment to Riverside County.

- **RASP:** Realignment has significantly changed the historical approach to housing county jail inmates. As an alternative to releasing inmates early due to overcrowding per Federal Court Order, the Sheriff's Department has developed a strategy to implement a virtual jail by using electronic monitoring in the form of an ankle bracelet. The virtual jail is managed by RASP. In 2013, RASP started testing an alcohol monitoring program to include breath sample analysis, GPS electronic monitoring, and an alcohol education/abuse-prevention program administered through SITE-B for low-level alcohol offenders. This program is designed for the courts to sentence low-level offenders directly to the program, with the offender paying for the services when practical, as opposed to incarceration without addressing the inmate's underlying programming needs. During 2013, 14 offenders participated in the program. In 2014, the program will continue to expand and be refined, so the maximum number of eligible inmates can benefit.

***Fiscal Year 2014/2015 Priorities/Strategies:***

- **Bed Capacity and Infrastructure Needs** – Jail overcrowding remains a top priority for Riverside County. The Sheriff's Department continues to pursue construction of suitable jail facilities. The Sheriff's Department is also researching the feasibility of contracting beds through other law enforcement agencies. Although costs vary, the average rate being quoted is around \$84 per bed per day. Most of these beds are in facilities located in northern or central California. Most of the facilities are now closed and additional opening costs with long-term contract requirements are anticipated. Most of these beds are also classified as lower security and not suitable for a large portion of the current jail population. However, as local needs continue to become more critical, outside contracting may need to be part of the mixed solution. Recently, it came to the attention of the Sheriff's Department there may be jail beds available for use by Riverside County

to house inmates in Imperial County. As such, the Sheriff's Department is currently in discussion with Imperial County to contract for 25 beds for inmates. As discussions continue with Imperial County, staff continually survey around the state for other counties who may have beds that can be contracted for use to house inmates in order to help reduce federal releases.

- **Expanded In-Custody Rehabilitation Programming** – The Sheriff's Department HMU, RASP, and SITE-B will continue to work with the Probation Department to provide improved inmate services with targeted interventions aimed at education, training, and treatment services.
- **Development of Alternative Custody Options** – County justice partners continue collaboration efforts to develop effective alternative custody options. These options include expanding pretrial release services throughout the county, including further implementation of evidence-based assessment tools for release considerations.
- **Fire Camp** – In an effort to address persons sentenced to Riverside County jails under realignment, Riverside County became the first county to contract with CDCR to have inmates trained in fire prevention and fire suppression. In FY 2013/14, 100 inmates were trained with a contracted capacity of 200. Currently, there are 59 active participants in the program. Inmates assigned to a State Fire Camp are serving their sentence under the supervision of CDCR. RASP continually strives to fill the 200 inmates allowed for by the contract with CDCR; however, RASP is hindered in this effort due to the stringent medical and dental requirements for the inmates who are eligible for State Fire Camp.
- **Evidenced-Based Programming** – As the Sheriff's Department moves forward in FY 2014/15, SITE-B will redeploy staff in order to provide for GOALS program dayrooms at the Robert Presley Detention Center, Southwest Detention, and plans to include a GOALS dayroom for the opening of the new Indio Jail in 2017. The GOALS program will be restructured to fully incorporate the concepts of intensive evidence-based programming based on the principles of Risk-Needs-Responsivity. It will aim to reduce the risk to recidivate by addressing the seven criminogenic factors through a highly structured program that incorporates cognitive and social learning theories. Efforts will include increasing program participation of the target population, which are offenders sentenced under PC 1170(h). Program eligibility will require a general recidivism score of high to moderate risk on the COMPAS assessment tool; however, high risk scores will be given priority entry. The program will focus on dynamic risk factors and criminogenic needs; and then to facilitate a greater likelihood for long term success, counselors will work hand-and-hand with the program participant and community partnerships to develop a detailed transition plan and facilitate a more seamless re-entry.

Programs will be further expanded to incorporate these evidence-based practices into the RSAT program. In FY 2013/14, 12% of the applicants assessed for and entered into the RSAT program were sentenced under PC 1170(h). These enhancements will serve to improve the program to better meet the needs of this changing population.

- **Veterans Program** – Evidence-based concepts will be even further expanded by the Sheriff's Department to address an ever increasing inmate military veteran population. A one-year pilot project for a 13-week veterans' program is currently under development and it will be delivered in partnership with the Veterans' Administration, Riverside County Veterans' Court, Riverside County Department of Veterans' Services, DMH, Law Office of the Public Defender, Probation,

DPSS, US Vets, Housing Authority, and other community-based organizations.

- **Increased staffing request for the Sheriff's Department** – This budget year, the Sheriff's Department requested the addition of 13 staff members to the Coordinated Custody Management Unit (CCMU) to continue efforts to efficiently and effectively reduce recidivism through alternative sentencing and programs.
- **Continued Collaboration with Justice Partners** – Partnerships have been formed with local criminal justice departments to avoid duplication of processes. This includes the development of forms, streamlining procedures, information sharing, coordinating programming and alternative sentencing, recognizing and reducing liabilities, and integrating inmate population management. Collectively, these partnerships remain consistent with the objectives of realignment; ensuring public safety, reducing recidivism, and promoting community-based alternatives to incarceration. Also, regular efforts to promote effective collaboration with community-based organizations are deemed essential.
- **Enhanced Re-entry Planning** – The Probation Department's TRU program will enhance re-entry services and assist with jail overcrowding. Phase I of the TRU program will target offenders while in custody. Probation officers would conduct assessments on offenders and develop case plans that target the greatest risk factors such as housing, substance abuse treatment, and education levels prior to release from jail.
- **Pretrial Own Recognizance Program** – The Pretrial Leadership Committee, consisting of Probation, Sheriff, District Attorney, and Public Defender agencies, as well as the Superior Court, have met periodically since February 2013 to address jail overcrowding and pretrial implementation. The Leadership Committee discussed collaboration between the partner agencies and strategies for improving pretrial release in Riverside County. A review of statistical data and assessment tools, such as the Virginia Pretrial Risk Assessment (VPRAI), were conducted. In addition, discussions regarding processes and policies effecting jail population, pretrial release decisions, and federally mandated releases have continued. This entails reviewing and analyzing processes which impact jail population, such as arrests, pretrial release decisions, sentencing, and federally mandated releases.

The Probation Department intends to expand pretrial services staffing to further assist in assessing offenders for pretrial release earlier. This expansion of investigation and supervision services is anticipated to result in increased pretrial releases. Additionally, implementation of passive electronic monitoring for pretrial supervision is being considered. The Sheriff and Probation Departments continue to cooperate in efforts to share data and utilize assessment tools in order to identify low-risk offenders for potential release.

One such collaboration has resulted in the use of an additional assessment tool known as the PROXY. In May 2014, the Sheriff's Department's CCMU, in collaboration with Probation, met with representatives from the Crime and Justice Institute (CJI) to assist in identifying solutions to expedite the pre-trial services system, which in turn assists the Sheriff's Department with bed space. Based on these meetings, the Sheriff's Department has agreed to implement the use of the PROXY assessment tool published by the National Institute of Corrections (NIC), and already in use by Probation. The proxy tool does not replace the COMPAS assessment, but assists in identifying potential offenders for OR release consideration. The tool also quickly identifies

offenders that may benefit from further assessment by use of the COMPAS for programmatic needs.

- HHS has been perfecting the mechanisms used to track services, and the cost of services, provided to AB 109 offenders. Five County departments entered into a data sharing MOU, which enables HHS to readily identify realignment eligible offenders, flag the offenders for tracking purposes and discharge offenders from the program timely. Enhanced tracking allows for better service planning, and better program reporting demonstrating the impact of realignment on county departments and resources.

## **Section 8**

### **LEGISLATIVE ADVOCACY**

Since implementation of AB 109 Public Safety Realignment, Riverside County has remained attentive to legislation designed to address ongoing issues. Focus includes the following areas:

- AB 2397 – Criminal Procedures: Defendant’s appearance by video will expand the use of two-way video conferencing for court appearances, possibly alleviating costly transportation runs as well as reducing security risks to both law enforcement and the public.
- AB 2499 – Home Detention Programs: Allows inmates on specific home detention programs, such as work release and electronic monitoring, the ability to earn credits for work and good time equal to incarcerated inmates. This should encourage inmates to participate in the home detention programs the Sheriff’s Department currently offers, but is often not taken advantage of due to the additional time an inmate must spend on the program versus staying in jail.
- SB76 – Penal Code Section 1170(h)(5)(B): Identified the portion of a defendant's sentenced term that is suspended and monitored by Probation to be known as Mandatory Supervision, and supervision shall begin upon release from custody.
- AB 1468 – Mandatory Supervision: Requires all cases sentenced pursuant to Penal Code Section 1170(h)(5), to receive a period of MS, and the middle term be imposed unless there were aggravating or mitigating circumstances of a crime. AB 1468 also modified:
  - Penal Code Section 1170.3 (a)(5): required the denial of mandatory supervision to occur only in the best interest of justice. Additionally, requires rules to be developed and adopted to assist with the determining the appropriate period of sentence and conditions of mandatory supervision.
  - Penal Code Section 1170.3 (b): developed the adoption of rules standardizing the minimum content and the sequential presentation of material in probation officer reports submitted to the court regarding probation and mandatory supervision under paragraph (5) of subdivision (h) of Section 1170.
- The need for adequate funding for the incarceration of those sentenced to county jail under AB 109 Public Safety Realignment;

- The need for adequate funding for alternatives to custody of those sentenced to county jail under AB 109 Public Safety Realignment;
- Through the District Attorney's Office, continued advocacy for victims' rights per Marsy's Law.
- In an ongoing effort to reduce prison overcrowding, the newly implemented enhanced credit earning policy for second strike offenders will accelerate the release of eligible PRCS offenders from CDCR custody back to local jurisdictions thereby adding to the PRCS population.
- Modifications to 1170(b) PC – Currently there is no specific guidance provided in regards to the court's ability to terminate the supervision period of a split sentence prior to expiration of the imposed sentence. The extent of the court's authority to terminate mandatory supervision is unclear. The ability of local jurisdictions to terminate mandatory supervision cases early for those offenders demonstrating compliant behavior is deemed a necessary and valuable supervision tool possibly addressed in additional cleanup legislation of case law.

## Section 9

### OUTCOME MEASURES AND/OR TRACKING

Riverside County partnering agencies continue to work collaboratively to enhance and assess improvement efforts.

- **Defining Recidivism** – The Board of State and Community Corrections (BSCC) developed its final version of the definition of recidivism, which will be presented for approval to the BSCC Board in November 2014. The definition reads as follows:

***“Adult Recidivism Definition-**Recidivism is defined as conviction of a new felony or misdemeanor committed within three years of release from custody or committed within three years of placement on supervision for a previous criminal conviction. “Committed” refers to the date of offense, not the date of conviction.”*

***“Supplemental Measures-**This definition does not preclude other measures of offender outcomes. Such measures may include new arrest, return to custody, criminal filing, violation of supervision, and level of offense (felony or misdemeanor).”*

***“Recidivism Rates-**While the definition adopts a three-year standard measurement period, rates may also be measured over other time intervals such as one, two, or five years.”*

**Riverside Sheriff's Department** – *Recidivism is defined as a booking or conviction of a new felony or misdemeanor committed within three years of release from custody for a previous criminal conviction, or re-incarceration within three years of release from placement on supervision for a previous criminal conviction.*

The above Sheriff's Department definition is inclusive of BSCC's recently adopted definition as previously listed.

- **Systems Infrastructure** – The CCPEC approved development of a database from the collective agencies to track data. Baseline data established from October 1, 2011 through June 20, 2013 will be compared to data from July 1, 2013 through June 30, 2014. Upon analysis, adjustments will be made accordingly. The following failure rate criteria will be taken into account to assess outcomes measures: arrests resulting in the filing of new charges, convictions, revocations filed, and flash incarcerations.
- **Internships** – The Sheriff’s Department has partnered with the University of California in Riverside to use interns to assist in the multi-faceted areas within HMU, SITE-B and RASP. The first intern in FY 13/14 was used to assist in helping evaluate the recidivism project. This project is still on-going as the Sheriff’s Department continues to research past inmates who recidivate to determine Riverside County’s recidivism rate. The next intern will start in FY 14-15 and will be used to help develop a set of questions aimed at assessing past inmates who received occupational training, education training (GEDs), or any other programs to see the real world application of the programs and their impact on recidivism.
- **Data Collection, Accuracy and Validation** – The Probation Department continues to develop improved strategies and training for staff to ensure best practices for measuring outcomes and regular assessment of data collection efforts.
- **CA Forward Initiative** – The offer by CA Forward to provide technical assistance with implementing a data driven decision making process was accepted with plans to review the Riverside County criminal justice system by looking at the data currently being collected. The initiative will evaluate how the current data is being used and assist in identifying areas to be improved. The goal is to have a more efficient and effective criminal justice system by building a capacity for data-driven decisions and a culture where continuous improvements occur involving: evaluation of Systems Policies; building treatment and treatment capacity; communicating results and facilitating peer learning; and an expansion as a model to other areas of county government.

On March 10, 2014, the Board of Supervisors directed the County Chief Executive Officer to send CA Forward’s Partnership for Community Excellence a letter indicating the County’s support for working with CA Forward to build a culture for data-based decision making that includes regular evaluation, reduce reliance on incarceration by implementing alternatives that have proven successful, and explore ways to improve public safety outcomes especially reduce rates of recidivism.

The Probation Department developed a CA Forward Project Workgroup consisting of Justice Consultant Scott MacDonald, Chief Deputy Probation Officer Bryce Hulstrom, and Probation staff from five field supervision offices. The focus of the workgroup is to evaluate practices and policies for submitting violations and warrants for offenders that fail to report to the Probation Department within 48 hours of release. The first workgroup meeting is scheduled for October 28, 2014. To keep the project moving forward, a follow up workgroup meeting is scheduled for November 6, 2014, to discuss strategies for implementing changes.

- **Realignment Implementation Evaluation Project** – The CCPEC approved an Evaluation Consultation Proposal to use AB 109 funds to hire an outside agency to assess implementation in Riverside County. The Measurable Goals Workgroup was assigned to identify the Scope of Work

to be analyzed by an outside evaluator.

- **Board of State and Community Corrections Recidivism Reduction Grant** – On August 21, 2014, the Measurable Goals Workgroup met and discussed the Board of State and Community Corrections (BSCC) Community Recidivism Grant opportunity, which requires collaboration between the Board of Supervisors and CCP. The group will identify service gaps and assist the Executive Office with implementation for grant awardees.

## **Section 10** **SUMMARY**

The CCPEC is cautious about speculating the outcome of realignment because of the significant concerns on the types of offenders, the number of offenders, budgetary issues affecting county departments, the ability to recruit and retain qualified staff in light of the competition amongst justice partners for a similar pool of available candidates, and the potential for an increased crime rate. Despite these concerns, the CCPEC has developed the best possible realignment plan for Riverside County.

The policy initiatives and intervention strategies articulated in this report are intended to improve success rates of offenders under supervision. Undoubtedly, the success rate will be affected by the challenges of increasing caseload sizes, jail overcrowding, and staffing ratios. Implementing the strategies identified in this plan and effective management of the realignment population should result in less victimization and increased community safety. Accomplishing this in the most cost efficient manner and employing proven correctional and justice system practices are the primary strategic goal of the initiative.

The collaborative efforts of the CCPEC will continue to seek out innovative and proven intervention strategies to address the ongoing challenges presented by Public Safety Realignment. The professionalism and working relationships that have emerged since inception of realignment will become more valuable moving forward. At this juncture, the CCPEC is cautiously optimistic that cumulative efforts are having positive results.

**COMMUNITY CORRECTIONS PARTNERSHIP PUBLIC SAFETY REALIGNMENT  
AND POST-RELEASE COMMUNITY SUPERVISION BUDGET FY 2014/15**

| <b>CCPEC<br/>Member Agency</b>         | <b>FY2013/14<br/>Roll-over<br/>Funds</b> | <b>FY2013/14<br/>Contingency</b> | <b>FY2014/15<br/>Estimated State<br/>Allocation</b> | <b>FY2013/14<br/>Growth<br/>Allocation</b> | <b>FY2014/15<br/>CCPEC<br/>Approved Budgets</b> |
|--|--|----------------------------------|---|--|---|
| <b>Probation</b>                       | \$ 4,009,763                             | \$ 2,135,395                     | \$ 12,187,842                                       | \$ -                                       | \$ 18,333,000                                   |
| <b>Sheriff's</b>                       | \$ 2,561,760                             | \$ 1,918,026                     | \$ 23,844,214                                       | \$ -                                       | \$ 28,324,000                                   |
| <b>District Attorney</b>               | \$ 332,682                               | \$ 311,994                       | \$ 24,250   | \$ -                                       | \$ 668,926                                      |
| <b>Public Defender</b>                 | \$ 34,194                                | \$ 89,954                        | \$ 878,170  | \$ -                                       | \$ 1,002,318                                    |
| <b>Health &amp; Human<br/>Services</b> | \$ 976,017                               | \$ 4,609,482                     | \$ 9,602,515  | \$ 685,154                                 | \$ 15,873,168                                   |
| <b>Police</b>                          | \$ 181,271                               | \$ (30,651)                      | \$ 1,207,380  | \$ -                                       | \$ 1,358,000                                    |
| <b>Superior Court</b>                  | N/A                                      | N/A                              | N/A   | N/A  | Unavailable                                     |
| <b>Contingency</b>                     | \$ -                                     | \$ -                             | \$ -  | \$ 4,251,104                               | \$ 4,251,104                                    |
| <b>Total</b>                           | \$ 8,095,687                             | \$ 9,034,200                     | \$ 47,744,371                                       | \$ 4,936,258                               | \$ 69,810,516                                   |

**POST-RELEASE ACCOUNTABILITY AND COMPLIANCE TEAM ACTIVITY REPORT  
2013-2014**

| 2013      | Compliance Checks | Bad Addresses | Arrests (Non PRCS) | PRCS Arrests | AOD's* |
|-----------|-------------------|---------------|--------------------|--------------|--------|
| July      | 149               | 11            | 46                 | 25           | 6      |
| August    | 133               | 17            | 38                 | 26           | 16     |
| September | 207               | 42            | 42                 | 29           | 23     |
| October   | 269               | 47            | 36                 | 46           | 15     |
| November  | 144               | 15            | 33                 | 21           | 32     |
| December  | 187               | 47            | 51                 | 37           | 17     |
|           |                   |               |                    |              |        |
| 2014      | Compliance Checks | Bad Addresses | Arrests (Non PRCS) | PRCS Arrests | AOD's  |
| January   | 191               | 23            | 50                 | 25           | 14     |
| February  | 148               | 17            | 34                 | 32           | 15     |
| March     | 187               | 15            | 63                 | 21           | 13     |
| April     | 301               | 27            | 69                 | 28           | 15     |
| May       | 263               | 31            | 70                 | 37           | 21     |
| June      | 192               | 16            | 35                 | 32           | 19     |
|           |                   |               |                    |              |        |
|           | Compliance Checks | Bad Addresses | Arrests (Non PRCS) | PRCS Arrests | AOD's  |
| Total     | 2,371             | 308           | 567                | 369          | 206    |

\*AODs = Assisting Other Departments

**POST-RELEASE COMMUNITY SUPERVISION  
STATISTICAL DATA  
OCTOBER 1, 2011 THROUGH JUNE 30, 2014**

|   |       |     |              |
|---|-------|-----|--------------|
| <b>PRCS Packets Received:</b>                     |       |     | <b>6,176</b> |
| <b>Total Supervised:</b>                          |       |     | <b>5,101</b> |
| <b>Supervision:</b>                               |       |     |              |
| PRCS Offenders assigned to a caseload on 6/30/14: |       |     | <b>1,752</b> |
| High:   | 1,198 | 68% |              |
| Medium:   | 247   | 14% |              |
| Low:  | 307   | 18% |              |
| <i>PRCS Offenders Pending Assessment:</i>         | 215   |     |              |
| <b>Warrants:</b>                                  |       |     |              |
| PRCS Warrants Issued:                             |       |     | <b>2,592</b> |
| • Outstanding PRCS Warrants:                      | 420   | 16% |              |
| • Cleared PRCS Warrants:                          | 2,172 | 84% |              |
| <i>Number of Offenders:</i>                       | 1,353 |     |              |
| <b>Revocations:</b>                               |       |     |              |
| PRCS Revocation Petitions:                        |       |     | <b>3,963</b> |
| • New Offenses Only:                              | 1,290 | 33% |              |
| ○ <i>Number of Offenders:</i>                     | 1,014 |     |              |
| • Technical Only:                                 | 2,593 | 65% |              |
| ○ <i>Number of Offenders:</i>                     | 1,362 |     |              |
| • Dismissed/Withdrawn                             | 80    | 2%  |              |
| Flash Incarcerations - No Petition Filed:         | 1,500 |     |              |
| ○ <i>Number of Offenders:</i>                     | 1,008 |     |              |
| <b>Terminations:</b>                              |       |     |              |
| PRCS Terminations:                                |       |     | <b>3,603</b> |
| • Successful:                                     | 1,893 | 53% |              |
| (Early termination)                               |       |     |              |
| • Unsuccessful:                                   | 590   | 16% |              |
| • Expired: (served full term)                     | 130   | 4%  |              |
| • Other:  | 469   | 13% |              |
| ▪ Deceased: (28)                                  |       |     |              |
| ▪ Closed at Intake: (441)                         |       |     |              |
| • Jurisdictional Transfer to<br>Another County:   | 521   | 14% |              |

**MANDATORY SUPERVISION  
STATISTICAL DATA  
OCTOBER 1, 2011 THROUGH JUNE 30, 2014**

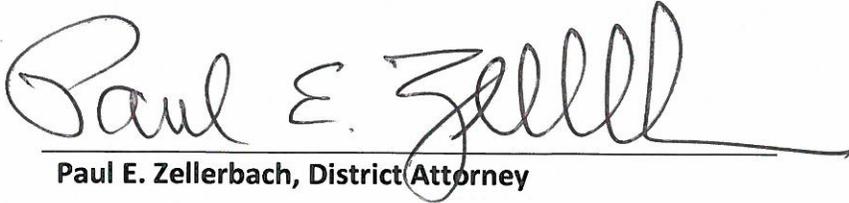
|   |       |     |              |
|---|-------|-----|--------------|
| <b>MS Cases ordered by the Court:</b>             |       |     | <b>4,294</b> |
| <b>Supervision:</b>                               |       |     |              |
| MS Offenders assigned to a Caseload on 6/30/14:   |       |     | <b>1,395</b> |
| High:   | 774   | 55% |              |
| Medium:   | 272   | 20% |              |
| Low:  | 349   | 25% |              |
| MS Offenders Pending Assessment:                  | 322   |     |              |
| <br>  |       |     |              |
| <b>Warrants:</b>                                  |       |     |              |
| Mandatory Supervision Warrants:                   |       |     | <b>3,722</b> |
| • Outstanding Warrants:                           | 554   | 15% |              |
| • Cleared Warrants:                               | 3,168 | 85% |              |
| Number of Offenders:                              | 1,666 |     |              |
| <br>  |       |     |              |
| <b>Revocations:</b>                               |       |     |              |
| Mandatory Supervision Revocation Petitions Filed: |       |     | <b>4,794</b> |
| • New Offenses Only:                              | 1,968 | 41% |              |
| ○ Number of Offenders:                            | 1,141 |     |              |
| • Technical Only:                                 | 2,826 | 59% |              |
| ○ Number of Offenders:                            | 1,571 |     |              |
| <br>  |       |     |              |
| <b>Terminations:</b>                              |       |     |              |
| Mandatory Supervision Terminations:               |       |     | <b>3,080</b> |
| • Unsuccessful:                                   | 1,851 | 60% |              |
| • Expired: (served full term)                     | 952   | 31% |              |
| • Other:  | 51    | 2%  |              |
| ▪ Deceased: (35)                                  |       |     |              |
| ▪ Closed at Intake: (16)                          |       |     |              |
| • Jurisdictional Transfer to Another County:      | 226   | 7%  |              |

**IMPLEMENTATION PLAN UPDATE**

**COMMUNITY CORRECTIONS PARTNERSHIP EXECUTIVE COMMITTEE (CCPEC)**



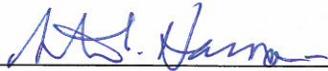
\_\_\_\_\_  
**Mark A. Hake**  
**Chief Probation Officer**



\_\_\_\_\_  
**Paul E. Zellerbach, District Attorney**



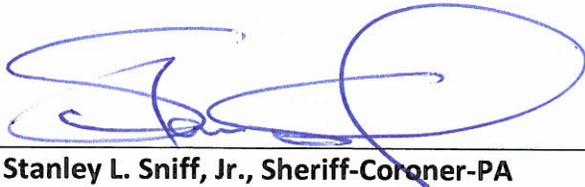
\_\_\_\_\_  
**W. Samuel Hamrick, Superior Court Designee**



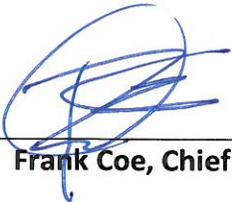
\_\_\_\_\_  
**Steven L. Harmon, Public Defender**



\_\_\_\_\_  
**Jerry A. Wengerd, Director**  
**Department of Mental Health**



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**Stanley L. Sniff, Jr., Sheriff-Coroner-PA**



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**Frank Coe, Chief of Police, Beaumont**