

### **Overarching Approach**

Use collaboration, innovation, and ongoing evaluation  
to foster safety and long-term liberty in Contra Costa County

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### **Primary Approaches for Identifying Priorities**

1. Is it consistent with the legislative intent of AB 109 as defined by the statute, Section 17.5? (attached)
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### **Agreements of Principle**

1. Enhance public safety through reducing recidivism.
  2. Foster successful reintegration of individuals back into the community.
  3. Coordinate efforts to reduce duplication and increase efficiency.
  4. Identify additional resources to meet AB 109 objectives and maximize coordination.
  5. Explore options to maximize use of local jail facilities to serve the needs of the AB 109 population.
  6. Maximize public and private partnerships in all phases of implementation.
  7. Maximize interdepartmental and intergovernmental collaborations and partnerships at all phases of implementation.
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### **Agreements of Practice**

1. Identify and define the AB 109 populations
  - a. Post Release Community Supervision (Cal. Dept. of Corrections and Rehabilitation (CDCR) custody to County Probation Supervision)
  - b. PC 1170(h) Sentenced to County jail with Mandatory Supervision upon release (Split Sentence)
  - c. PC 1170(h) Sentenced with no Supervision upon release
  - d. CDCR Parole Violators held in County jail
2. Identify the AB 109 population served by the AB 109-funded services and programs
3. Monitor AB 109 services and programs to ensure appropriate populations are served

4. Share assessment tools and methods and, as appropriate, develop coordinated use of tools, data systems and protocols across programs and agencies
5. Strive to ensure that the service delivery network has adequate capacity to supply services to meet the needs of the AB 109 populations
6. Attempt to use evidence based practices, such as cognitive behavioral therapy, to fortify long-term self-sufficiency
7. Define recidivism and establish baselines to measure local progress and outcomes

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#### **Related Resources**

1. SAMHSA grant
2. Second Chance grant
3. Facilities bond
4. In-custody portion of 52-week batterers' treatment program
5. Board of Community Corrections standards (forthcoming)
6. Court modifications to LJS to capture some AB 109 sentencing data
7. Sheriff Department AB 109 activity reports
8. Probation Department case management system (in development)
9. Potential court and probation resources for 2013/2014?

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#### **Phase 1: Arrest and Pretrial**

##### *Objective 1.1. Increase public safety*

Strategy a. Monitor the pretrial jail population, in-custody and in custody alternative programs, to track jail use, population baselines and outcomes

- i. Establish consistent definitions for inmate status throughout the arrest and pretrial process
- ii. Monitor the effects of pretrial services on the inmate population to evaluate the impacts on later phases

*Objective 1.2. Following arrest, better identify persons who can safely be released and those who should be held in physical custody pretrial so as to reduce the pretrial jail population to maximize capacity for the sentenced AB 109 population*

Strategy a. Fund a comprehensive pretrial services program that uses an evidence-based pretrial assessment tool

Activity i. Provide training to justice partners, including the bench and law enforcement, regarding the pretrial services program goals and objectives

Activity ii. Provide for early representation of arrestees at the first Court appearance

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## **Phase 2: Adjudication and Sentencing**

*Objective 2.1. Provide timely, informed and appropriate adjudication of all cases*

Strategy a. Expand the Early Disposition Calendar (EDC) for use county-wide

Strategy b. Provide for an individual needs assessment at the time of adjudication that includes a social history

Strategy c. Where appropriate, encourage Courts to incorporate the recommendations of the needs assessment into the sentence through mandated participation in pre and post-release programs and services

Strategy d. Encourage that alternatives to physical incarceration are available and considered

Strategy e. Support compliance with Marcy's law, including informing victims of offenders' releases from custody and resolution of cases

*Objective 2.2. Restructure specialized Courts and calendars to increase efficiency and maximize benefits for the AB 109 population*

Strategy a. Evaluate the existing specialized Courts to identify ways to maximize access for the AB 109 population(s), to include homeless Court and reentry Court

*Objective 2.3. Utilize evidence-based practices in sentencing*

Strategy a. Explore best practices for evidence-based sentencing and adjudication

Strategy b. Provide training to all justice partners, including the bench, regarding evidence-based sentencing

### **Phase 3: Incarceration**

#### *Objective 3.1. Maintain safe facilities for inmates, visitors, and staff*

Strategy a. To the extent that an increase in jail population is attributed to Public Safety Realignment, identify additional needs to maintain safe facilities

Strategy b. Continue to maximize alternatives to physical incarceration including electronic home detention

#### *Objective 3.2. House AB 109 inmates in the rated facility appropriate for their classification*

Strategy a. Move state prisoners out of county custody with expediency

Activity i. Develop agreements/systems to provide routine transportation to state prison

Activity ii. Lobby state representatives to change Contra Costa County's state prison reception center to a closer location

Strategy b. Explore additional and alternative sources of funding to develop facilities and programs, such as SB1022 funds

Activity i. Identify other funding opportunities for collective/joint consideration

Strategy c. Explore the need to expand services and programs to all three county jail facilities

#### *Objective 3.3. Ensure that programs and services are responsive to individual needs*

Strategy a. Align people, facilities and programs to ensure accessibility

Strategy b. Enhance community-based and Office of Education services within the jail facilities to meet identified needs

Strategy c. Identify and support the use of community-based providers to deliver services to the incarcerated population

Strategy d. To the extent that an increase in jail population is attributed to Public Safety Realignment, address the increased burden on Detention Health Services

Strategy e. Foster continuity of services on transition from custody to community

Strategy f. Ensure the provision of behavioral and physical health care services to meet individual needs

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#### **Phase 4: Pre-Release**

##### *Objective 4.1. Establish and maintain an entry point to an integrated reentry system of care*

Strategy a. Establish a formal pre-release assessment and planning process to ensure more successful reentry

Activity i. Prior to release from custody, assess individual barriers to successful reentry, such as educational, housing, employment, behavioral and physical health, and additional needs

Activity ii. Create a formal release and reentry plan that addresses the needs identified

Activity iii. Prior to release, assist the inmate in obtaining documents and/or identification needed to secure housing, employment, or public benefits

Activity iv. Where possible, connect inmates with needed services prior to release

Strategy b. Prior to release, establish a plan to connect the individual with transitional services that foster positive social networks and attitudes

Activity i. Help inmates identify and connect with positive social relationships

Activity ii. Expand access to cognitive behavioral treatment programs

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#### **Phase 5: Reentry and Reintegration**

##### *Objective 5.1. Maximize public safety, accountability, and service referrals*

Strategy a. Ensure monitoring and compliance with terms and conditions of all mandated community supervision

Activity i. Employ evidence-based practices in community supervision when possible

Activity ii. Enhance cognitive interventions and strengthen coordination with county and community partners

Strategy b. Engage local law enforcement in planning and enforcement

Activity i. Partner with local law enforcement for information sharing, compliance checks, and service referrals

*Objective 5.2. Assist in providing access to a full continuum of reentry and reintegration services*

Strategy a. Identify available resources throughout the county

Strategy b. Support planning and implementation of an integrated system of services that may include co-located, site-based resources and services.

*Objective 5.3. Provide and enhance integrated programs and services for successful reentry of the AB 109 population*

Strategy a. Assist the AB 109 populations to gain access to health care services

Activity i. Facilitate access to physical health services and medication

Activity ii. Facilitate access to behavioral health services and medication

Activity iii. Facilitate access to substance abuse treatment

Strategy b. Expand access to employment support and placement services

Activity i. Provide information and education to employers about existing subsidies and incentives to encourage job placement and employment

Activity ii. Encourage and/or support training and/or subsidized or transitional employment opportunities that address criminal records-based barriers

Activity iii. Expand access to job-specific training and certification programs

Activity iv. Expand access to clean slate services and other legal services to address legal barriers to successful reentry

Strategy c. Facilitate access to appropriate short and long-term housing

Activity i. Work with housing authority to foster access to public subsidies and remove potential barriers

Activity ii. Develop low cost and/or subsidized housing options

Activity iii. Facilitate access to sober living and other transitional housing

Activity iv. Address legal barriers to accessing post-release housing

Strategy d. Provide advocacy and services to foster financial self-sufficiency

Activity i. Improve financial literacy and planning capabilities

Activity ii. Facilitate enrollment in or reinstatement of public benefits including state and federal programs

Strategy e. Facilitate access to and expand educational opportunities

Activity i. Support GED and high school curriculum

Activity ii. Support access to higher education and financial aid

*Objective 5.4. Increase mentoring, encourage family and community engagement in reentry and reintegration*

Strategy a. Identify appropriate mentoring programs

Activity i. Identify promising and evidence-based practices for mentoring programs that serve formerly incarcerated individuals

Activity ii. Identify and obtain financial support to develop, evaluate and sustain mentoring programs

Strategy b. Foster family readiness, health, safety, and receptivity during reentry and reintegration

Strategy c. Support peer-driven case management to facilitate transition and reintegration

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## **Phase 6: Coordination and Administration of AB 109 Programs**

*Objective 6.1. Use and encourage professional training to advance system-wide knowledge*

Strategy a. Develop comprehensive, coordinated training for service providers and county agencies regarding AB 109 objectives and goals

Activity i. Identify best practices in other jurisdictions regarding AB 109 populations

Activity ii. Support and provide trainings for reentry services provided as appropriate, to foster core competencies

Strategy b. Regularly convene county-wide stakeholders for information sharing and professional development

Strategy c. Encourage development and use of continuing professional education related to AB 109 service delivery

*Objective 6.2. Maximize interagency coordination*

Strategy a. Explore appropriate relationship of the CCP to the county reentry council, as established by the county reentry strategic plan

Strategy b. Foster community collaboration and input, including through the Community Advisory Board

Strategy c. Establish additional standing committees to address:

- i. Programs and Services
- ii. Data and Evaluation

Strategy d. Improve coordination among different departments, agencies, and service providers

Activity i. Provide resources, such as a reentry coordinator, to support inter-organizational coordination

*Objective 6.3. Institute use of data collection and analysis across system of care*

Strategy a. Develop standardized metrics and assess impacts on departments and service providers

Strategy b. Capture data and information necessary to measure outcomes that can be readily available to all partners in the county and community

Strategy c. Maximize easy access to key data and information through new or existing data/case management systems including, but not limited to, the ability to track:

- i. Recidivism over time
- ii. Demographics of AB 109 and other sub-populations
- iii. Program participation, completion, and outcomes

Strategy d. Facilitate access to and sharing of inter-agency data, as appropriate

Strategy e. Provide for analysis of collected data to measure effectiveness of strategies and interventions

Activity i. Maximize timely and regular analysis to identify areas of strength and/or concern such that early intervention and correction is possible

Activity ii. Provide resources, such as a countywide data analyst, to support data collection and analysis.

*Objective 6.4. Develop and use evaluation practices to assess progress and needs*

Strategy a. Develop robust, independent evaluation of AB 109 implementation

Activity i. Engage evaluation partners from local universities or other appropriate partners

### Glossary of Terms Used in the AB 109 Operations Plan

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|------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| AB 109                                   | Formally known as the Criminal Justice Realignment Act, Assembly Bill 109 (AB 109) was signed into legislation in April 2011 and went into effect on October 1, 2011. It is the cornerstone of California's efforts to reduce the number of inmates in the state's 33 prisons to 137.5 percent of design capacity by June 27, 2013, as ordered by the Three-Judge Court and affirmed by the U.S. Supreme Court. The primary objective of the realignment legislation is to change the place where many felony sentences are served in cases when the defendant is not granted probation. Instead of being sentenced to state prison, many defendants will be serving their "prison" term in county jail. Realignment does not change any law or procedure up to the point sentence is pronounced. The length of the possible custody terms remain unchanged. Rules regarding probation eligibility remain unchanged. Alternative sentencing programs remain unchanged. What changes have been made to sentencing procedures relate to the fact that defendants now may be sentenced to 58 different county custody facilities, rather than one state prison system. |
| Behavioral Health (concept)              | "Behavioral health" describes the connection between an individual's behaviors and the health and well-being of the body, mind, and spirit. Typically, behavioral health relates to issues of mental health and substance abuse.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Behavioral Health (county division)      | Contra Costa's Behavioral Health Division was formed in Spring 2011 by combining the Mental Health, Homeless, and Substance Abuse systems into one entity.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| Board of State and Community Corrections | The Board of State and Community Corrections (BSCC) is a formal state body of 12 members that works in partnership with local corrections systems and assists efforts to achieve continued improvement in reducing recidivism through evidence based decision making. Statutes relating to the authority, programs and mandates of the BSCC are contained in the California Penal and Welfare and Institutions Codes. It operates independently of CDCR.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| CDCR                                     | The California Department of Corrections and Rehabilitation (CDCR) is the agency responsible for managing all of the state prisons in California.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Community Corrections Partnership        | As an element of Realignment, each county's local community corrections partnership is required to recommend a local plan to the county board of supervisors for the implementation of the Realignment Act. By state mandate, this process is managed by an executive committee consisting of the chief probation officer of the county (as chair), a chief of police, the sheriff, the district attorney, the public defender, the presiding judge of the superior court (or his or her designee), and specified county representatives.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Early Disposition Proceeding             | Early disposition proceedings are not common to every courthouse, nor will every court require it as a hearing. An early disposition proceeding is more informal than a trial or official hearing before a Judge in criminal court. There is no Judge present. The early disposition proceeding is an opportunity for both parties to settle the case without having to litigate the issues in trial. During the proceeding, the attorneys will discuss the facts, negotiate the possible consequences and make a determination as to whether they should settle the case or proceed to trial.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| Evidence-Based Practices                 | Evidence-Based Practices (EBP) are approaches to prevention or treatment that are based in theory and have undergone scientific evaluation. "Evidence-based" stands in contrast to approaches that are based on tradition, convention, belief, or anecdotal evidence. Substance Abuse and Mental Health Services Administration (SAMHSA, see below) compiles a searchable database of evidence-based practices for mental health and substance abuse; you can find it at the National Registry of Evidence-based Programs and Practices ( <a href="http://www.nrepp.samhsa.gov/">http://www.nrepp.samhsa.gov/</a> ).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Flash incarceration                      | Flash incarceration is a type of punishment for violation of the conditions of the terms for someone on PRCS (see below). Flash incarceration is an immediate return to jail for a period of up to 10 days. There is no court involvement in cases of flash incarceration.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| Mandatory Supervision                    | Under Realignment, judges have the discretion to impose "hybrid" or "split sentences" in which offenders serve part of their sentence in county jail and the rest on what is called "mandatory supervision," overseen by probation officers. (See Split Sentences, below)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |

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| PC 1170(h)                                | As of October 1, 2011, California Penal Code 1170(h) provides that some felony defendants must be sentenced to county jail (assuming that probation has been denied). People sentenced under section 1170(h) to county jail are not released to parole or post-release supervision (PRCS) upon completing their term – unlike those who serve time in state prison. Once the sentence has been fully served, the defendant must be released without any restrictions or supervision.                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| PC 1170(h)(5)                             | Also known as "split sentences" (see below), PC 1170(h)(5) gives the sentencing judge discretion to impose a sentence in which the defendant serves some time in county jail and then additional time under mandatory supervision. Once both the custody and the supervision terms have been fully served, the defendant must be released without any restrictions or supervision.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Post-Release Community Supervision (PRCS) | As an element of the Realignment process, the state created a new type of supervision program, called Post-Release Community Supervision (PRCS). People on PRCS are supervised by county agencies (usually the county probation department), not by the parole division of CDCR. People on PRCS are generally released to the county of their last legal residence. PRCS can last from six months to three years, but a person may be released earlier if there are no violations of the conditions of release. People who violate the terms of PRCS are returned to custody in the county jail, not state prison. The only people who are eligible for PRCS are those whose current offense is non-serious, non-sexual, and non-violent (known as "triple nons"). Inmates who do not fit this category are not included in AB109 and are not eligible for PRCS; instead, when they are released from custody they are supervised by state parole. |
| Realignment                               | Realignment is the informal name of the Criminal Justice Realignment Act, Assembly Bill 109. (See AB 109, above).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| SAMHSA                                    | Substance Abuse and Mental Health Services Administration (SAMHSA, at <a href="http://www.samhsa.gov/">http://www.samhsa.gov/</a> ) is a federal agency that provides research and education about issues of behavioral health (substance abuse and mental illness) and also provides grants to help meet the needs of people with behavioral health issues. It also compiles a searchable database of evidence-based practices (EBP, see above) to address behavioral health issues; you can find it at the National Registry of Evidence-based Programs and Practices ( <a href="http://www.nrepp.samhsa.gov/">http://www.nrepp.samhsa.gov/</a> ).                                                                                                                                                                                                                                                                                               |
| Second Chance Act                         | Signed into federal law on April 9, 2008, the Second Chance Act is intended to improve outcomes for people returning to communities from prisons and jails. This first-of-its-kind legislation authorizes federal grants to government agencies and nonprofit organizations to provide employment assistance, substance abuse treatment, housing, family programming, mentoring, victims support, and other services that can help reduce recidivism.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Split Sentence                            | Split sentences give the sentencing judge discretion to impose a sentence in which the defendant serves some time in county jail and then additional time under mandatory supervision. Once both the custody and the supervision terms have been fully served, the defendant must be released without any restrictions or supervision. See above, PC 1170(h)(5)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| System of Care                            | The system of care model is an organizational philosophy and framework that involves collaboration across agencies, community resources, families, and involved individuals to meet the need of a specific population. A system of care can be thought of as "one system with many doors," meaning that services are integrated and coordinated. SAMHSA (see above) says that a Comprehensive, Continuous, Integrated System of Care (CCISC) model is designed to improve service effectiveness and increase capacity for providers operating within the system of care.                                                                                                                                                                                                                                                                                                                                                                           |
| Triple Nons                               | AB 109 applies only to people whose current offense is considered non-serious, non-sexual, and non-violent. As a result, these offenders are sometimes referred to as "triple nons." These are lower-level offenders who would previously have been sentenced to state prison; however, under AB 109 these triple nons come under the jurisdiction of the county, not the state.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |

3450 SEC. 229, Section 17.5 is added to the Penal Code, to read:

17.5. (a) The Legislature finds and declares all of the following:

- (1) The Legislature reaffirms its commitment to reducing recidivism among criminal offenders.
- (2) Despite the dramatic increase in corrections spending over the past two decades, national reincarceration rates for people released from prison remain unchanged or have worsened. National data show that about 40 percent of released individuals are reincarcerated within three years. In California, the recidivism rate for persons who have served time in prison is even greater than the
- (3) Criminal justice policies that rely on the reincarceration of parolees for technical violations do not result in improved public safety.
- (4) California must reinvest its criminal justice resources to support community corrections programs and evidence-based practices that will achieve improved public safety returns on this state's substantial investment in its criminal justice system.
- (5) Realigning the postrelease supervision of certain felons reentering the community after serving a prison term to local community corrections programs, which are strengthened through community-based punishment, evidence-based practices, and improved supervision strategies, will improve public safety outcomes among adult felon parolees and will facilitate their successful reintegration back into
- (6) Community corrections programs require a partnership between local public safety entities and the county to provide and expand the use of community-based punishment for offenders paroled from state prison. Each county's local Community Corrections Partnership, as established in paragraph (2) of subdivision (b) of Section 1230, should play a critical role in developing programs and ensuring
- (7) Fiscal policy and correctional practices should align to promote a justice reinvestment strategy that fits each county. "Justice reinvestment" is a data-driven approach to reduce corrections and related criminal justice spending and reinvest savings in strategies designed to increase public safety. The purpose of justice reinvestment is to manage and allocate criminal justice populations more cost effectively, generating savings that can be reinvested in evidence-based strategies that increase public
- (8) "Community-based punishment" means evidence-based correctional sanctions and programming encompassing a range of custodial and noncustodial responses to criminal or noncompliant offender. Intermediate sanctions may be provided by local public safety entities directly or through public or private correctional service providers and include, but are not limited to, the following:
  - (A) Short-term "flash" incarceration in jail for a period of not more than seven days.
  - (B) Intensive community supervision.
  - (C) Home detention with electronic monitoring or GPS monitoring.
  - (D) Mandatory community service.
  - (E) Restorative justice programs, such as mandatory victim restitution and victim-offender reconciliation.
  - (F) Work, training, or education in a furlough program pursuant to Section 1208.
  - (G) Work, in lieu of confinement, in a work release program pursuant to Section 4024.2.
  - (H) Day reporting.
  - (I) Mandatory residential or nonresidential substance abuse treatment programs.
  - (J) Mandatory random drug testing.
  - (K) Mother-infant care programs.
  - (L) Community-based residential programs offering structure, supervision, drug treatment, alcohol treatment, literacy programming, employment counseling, psychological counseling, mental health treatment, or any combination of these and other interventions.
- (9) "Evidence-based practices" refers to supervision policies, procedures, programs, and practices demonstrated by scientific research to reduce recidivism among individuals under probation, parole, or