

AB 109 & COMMUNITY CORRECTIONS PARTNERSHIP

BACKGROUND:

Assembly Bill 109 (AB 109) – The public Safety Realignment Act of 2011, was passed into law in March 24, 2011, and is also known to the public as Criminal Justice Realignment. The effective date of the law was October 1, 2011. The law changed how the criminal classifications of probation would be determined. Community Corrections Partnership (CCP) is a coalition of Tulare County entities formulated to work together for the greater good of the county.

REASON FOR INVESTIGATION:

The Tulare County Grand Jury decided to look into the Community Corrections Partnership and see the progress they have made since AB109 was implemented.

METHOD OF INVESTIGATION:

On October 10, 2014, a presentation was made to the Grand Jury by a representative of the Probation Department. Details of AB 109 were presented and the changes to criminal classification of probation or parole status, which affects the Probation Department and Sheriff's Department funding. Visalia Police Department representatives made a presentation to the Grand Jury and the impact on criminal re-classifications. Members of the Grand Jury also attended two meetings of the CCP. Members of the Grand Jury also visited with representatives of the Sheriff's Department for additional information on AB 109.

FACTS – AB 109:

1. AB 109 shifted the responsibility for the supervision of offenders released from the California Department of Corrections and Rehabilitation (CDCR) from State Parole to Probation Departments for a period of post-release supervision. These offenders are referred to Post Release Community Supervision (PRCS). The offenses being dealt with are non-serious, non-violent and non-sexual.
 - a. No offender was released early.
 - b. Offenders in this category were previously released on non-supervised parole (January 25, 2010 through September 30, 2011)
 - c. Offenders, who are in the PRCS program and who break the terms of their probation i.e. use of drugs, not attending meetings, etc. may be ordered to 15 days of "flash incarceration" in lieu of technical violation proceedings.
 - d. Should a violation occur by an offender, they are not returned to CDCR and are sentenced to serve in county jail.

2. AB 109 shifted responsibility for the management of all offenders whose most recent conviction was for a non-serious, non-violent and non-sexual offense to the counties. These offenders are no longer eligible for a commitment to CDCR but are subject to:
 - a. Formal probation
 - b. Local prison term in county jail – referred to as a straight sentence, cannot serve more than the mandatory term with ½ time credits.
 - c. Local prison term in county jail with a period of mandatory supervision – referred to as a split sentence, cannot serve more than the mandatory term with ½ time credits for custody days.
 - d. Mandatory supervision only (balance of sentence suspended).
3. When AB 109 went into effect, Bob Wiley Detention Center had 200 extra beds available at the Pre-Trial Center.
4. County jails are designed to house inmates up to a one year sentence and are not equipped for long term housing or critical/chronic illnesses.
5. Formal Felony Probation (violent offenders) is independent of AB 109.
6. In Tulare County, split sentencing averages 64-65% of all sentences handed down, but the State average for split sentences is only 22%.
7. Mandatory probation is four months of supervision.
8. Judges were educated in sentencing with the changes in AB 109.
9. Penal Code §1170(h) is the classification code for AB 109 Prisoners.
10. No one leaves probation without hygiene items i.e. tooth brush, soap, brush/comb and a place to live.
11. When released from State Prison, the average age of an inmate is 24-32. In prison there are no rehabilitation services.
12. AB 109 is funded through Vehicle License Fees with individual county allocations historically based on a formula driven by Bay Area counties. A more equitable formula has been established that will go into effect Fiscal Year (FY) 2015/2016.

13. Budget Summary:

- a. Tulare County Probation had \$5.1 million in FY 2013 and received \$4.8 million in FY 2014.
- b. Tulare County Probation has projected that 15% of the jail population will be affected by AB 109.
- c. Funds are based on jail population, which fluctuates daily, so there is no way to precisely estimate funding.

14. AB 109 Tracking Data Sheet is maintained by the Probation Department.

FACTS – COMMUNITY CORRECTIONS PARTNERSHIP (CCP):

15. Tulare County CCP consists of:

- a. Chief Probation Officer (Chair)
- b. District Attorney
- c. Public Defender
- d. Sheriff
- e. Director of Health and Human Services
- f. Visalia Chief of Police
- g. Court Administrative Officer

16. Tulare County was adversely affected by the state funding formula by receiving less funding.

17. CCP meets quarterly and all meetings are open to the public.

18. Previously the county had only one drug treatment facility and as of January 2015, Probation now has over 32 contracted drug treatment facilities.

19. Drug Court is a program within the courts to monitor drug offenders. Drug Court is not funded but the time is donated by the Courts, Health and Human Services Agency, etc.

20. Mental Health Court is a program within the courts to monitor the mentally ill and they assist with Social Security Insurance, glasses, clothes, regular visits to counseling, etc. In order to qualify, participants in the program must have had no prior incidents.
21. Probation initiated the use of CareerScope, an Interest and Aptitude Assessment Tool and has personnel within the Probation Department to assist with job development of probation clients. An internet portal will be developed to assist probation clients in job search and preparation. Many employers in Tulare County are willing to hire probation clients and the employers are partially reimbursed a percentage of the employees pay.
22. According to criminal studies the uneducated, unskilled, and those on drugs/alcohol and the poor fit more crime profiles.
23. CCP members had the opportunity to meet with Governor Brown on February 22, 2014, to discuss AB 109 and CCP in Tulare County.
24. If an individual is placed on probation, law enforcement may use risk assessment for a custom based plan for each individual. There is a need to find alternatives to help: family intervention, helping people help themselves.
25. The status of PRCS offenders through June 30, 2014:
 - a. 1,125 released to local control
 - b. 395 currently active
 - c. 7 warrants outstanding for failure to report following release
 - d. 31.5% recidivism rate
26. Status of Penal Code §1170(h) Cases through June 30, 2014:
 - a. 1,128 - Penal Code §1170(h) eligible sentencing
 - b. 35.22% straight sentences vs the state average of 22%
 - c. 64.8% received a split or alternative sentence
 - d. 559 split sentence offenders released
 - e. 25.9% recidivism rate

FINDINGS:

- F1. In Tulare County many Judges were giving a straight sentence for the term in jail.
- F2. Due to overcrowding in the jail, split sentencing is encouraged versus straight sentence.
- F3. According to Governor Brown, Tulare County was used as the model for CCP.
- F4. Courts need more funding and the funding allocation will come later into play.
- F5. A study was conducted of 2008-2010 violators who went to prison and are profiled – common denominators were substance abuse.
- F6. Statistical data has shown that the administration of programs to be effective in reducing recidivism rates.

RECOMMENDATIONS:

- R1. CCP continue to provide the current services available to its clients.

REQUIRED RESPONSES:

- 1. Tulare County Community Corrections Partnership ✓✓

Disclaimer

Grand Jury reports are based on documentary evidence and the testimony of sworn or admonished witnesses, not on conjecture or opinion. However, the Grand Jury is precluded by law from disclosing such evidence except upon specific approval of the Presiding Judge of the Superior Court, or another judge appointed by the Presiding Judge (Penal Code Section 911, 924.1 (a) and 929). Similarly, the Grand Jury is precluded by law from disclosing the identity of witnesses except upon an order of the court for narrowly defined purposes (Penal Code Section 924.2 and 929).

County of Tulare

221 S. MOONEY BLVD., ROOM 206
VISALIA, CA 93291-4593
(559) 713-2750
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CHIEF PROBATION OFFICER
CHRISTIE MYER

PROBATION DEPARTMENT

July 21, 2015

Tulare County Grand Jury
5693 South Mooney Boulevard
Visalia, CA 93277

The Honorable Gary Paden
Presiding Judge of the Superior Court
County Civic Center, Room 303
221 S. Mooney Boulevard
Visalia, CA 93291

Tulare County Board of Supervisors
2404 West Burrell Avenue
Visalia, CA 93277

Attention: Chuck White
Foreman of the Grand Jury

Dear Mr. White and Members of the Grand Jury,

Thank you so very much for your interest and report on AB 109 – The Public Safety Realignment Act of 2011. As your report indicated, our Community Corrections Partnership has worked extremely hard to develop programs and strategies that meet the rehabilitative needs of the offender while mitigating issues of jail over-crowding and public safety. The process in Tulare County, unlike many other California counties, has been collaborative and respectful.

There are five (5) items within the body of the report that I believe require some clarification:

Page 2, #7

The average term of Mandatory Supervision is actually 15 months.

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Page 3, #13(c)

Funding was originally based on a complex formula that *included* the average daily jail population.

Page 3, #18

Effective January 15, 2015, the Probation Department has over 32 programs that meet the needs of the offender population, 16 of which address substance abuse issues.

Page 4, #24

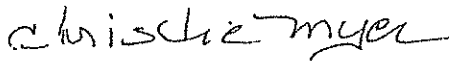
A COMPAS Risk/Needs Assessment and an ensuing case plan is completed by the Probation Department on every offender subject to direct supervision.

Page 5, #F1

In Tulare County, only one (1) of the Superior Court Judges was routinely giving straight sentences. This was immediately following the passage of AB 109 and is no longer occurring. The Tulare County Superior Court Bench has done an outstanding job in this area.

Again, I would like to thank you for your interest in the work Tulare County has done in response to this historic legislation and would enjoy the opportunity to provide you with regular updates.

Sincerely,



CHRISTIE MYER
CHIEF PROBATION OFFICER

County of Tulare

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CHIEF PROBATION OFFICER
CHRISTIE MYER



PROBATION DEPARTMENT

August 25, 2015

Tulare County Grand Jury
5693 South Mooney Boulevard
Visalia, CA 93277

The Honorable Gary Paden
Presiding Judge of the Superior Court
County Civic Center
221 S. Mooney Boulevard
Visalia, CA 93291

Tulare County Board of Supervisors
2404 West Burrell Avenue
Visalia, CA 93277

Attention: Chuck White
Foreman of the Grand Jury

Dear Mr. White and Members of the Grand Jury,

As per your request of August 13, 2015, I am submitting the following response in accordance with California Penal Code Section 933.05.

FINDINGS

We agree with the findings numbered:

- F2
- F3
- F4
- F5

We disagree wholly with the finding numbered:

- F1

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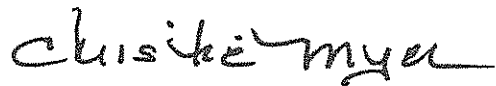
Only one (1) of the Tulare County Superior Court Judges was routinely giving straight sentences. This was immediately following the passage of AB 109 and was corrected upon discovery. Effective May 31, 2015, straight sentences were imposed on only 34.6% of offenders eligible for sentencing pursuant to California Penal Code Section 1170(h) of the California Penal Code and that percentage dropped to 34.3% as of June 30, 2016.

RECOMMENDATIONS

Recommendation numbered **R1** has been implemented.

The CCP is committed to providing the current services available to our clients. Further, additional services are planned during FY 2015/2016 in the areas of job readiness and employment and pre-trial supervision services.

Respectfully submitted,



CHRISTIE MYER
CHIEF PROBATION OFFICER
CHAIR OF THE COMMUNITY CORRECTIONS PARTNERSHIP