

COUNTY OF LOS ANGELES

COMMUNITY CORRECTIONS PARTNERSHIP

AB 109/117 IMPLEMENTATION PLAN



AUGUST 2011

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Acronyms

AB 109/117	Assembly Bill 109 & 117
ADA	Americans with Disabilities Act
AFIS	Automated Fingerprint Information System
APS	Adult Probation System
BPH	Board of Parole Hearings
Cal Fire	California Department of Fire and Forestry
CBAC	Community-Based Alternatives to Custody
CBO	Community-Based Organization
CBT	Cognitive Behavioral Therapy
CCF	Community Corrections Facilities
CCHRS	Consolidated Criminal History Reporting System
CCJCC	Countywide Criminal Justice Coordination Committee
CCP	Community Corrections Partnership
CDCR	California Department of Corrections and Rehabilitation
COMPAS	Correctional Offender Management Profiling for Alternative Sanctions
CTU	Community Transition Unit
DA	Los Angeles County District Attorney's Office
DHS	Los Angeles County Department of Health Services
DMH	Los Angeles County Department of Mental Health
DPH	Los Angeles County Department of Public Health
DPO	Deputy Probation Officer
DPSS	Los Angeles County Department of Public Social Services
FBO	Faith-Based Organization
FSORA	Female Sex Offender Risk Assessment
GR	General Relief

HWLA	Healthy Way Los Angeles
IMD	Institutions for Mental Disease
IRR	Inter-Rater Reliability
ITP	Individualized Treatment Plan
LACFD	Los Angeles County Fire Department
LACRIS	Los Angeles County Regional Identification System
LE	Law Enforcement
LS/CMI	Level of Service/Case Management Inventory
MDO	Mentally Disordered Offender
MI	Motivational Interviewing
MINT	Motivational Interviewing Network of Trainers
MITI	Motivational Interviewing Treatment Integrity Coding System
N3	Non-violent, non-serious, non-sex offender
PAAWS	Probation Adult Alternative Work Service
PCD	Probable Cause Determination
PCH	Probable Cause Hearing
PCS	Postrelease Community Supervision
PRC	Los Angeles County Probation's Pre-Release Center
PSP	Postrelease Supervised Person
SCAAP	State Criminal Alien Assistance Program
SDPO	Supervising Deputy Probation Officer
SIAT	Screening, Intake, and Assessment Team
SPA	Supervising Program Analyst
TCIS	Trial Court Information System
VEMP	Voluntary Electronic Monitoring Program
WAI-SR	Working Alliance Inventory Survey

Executive Summary

In April 2011, the California Legislature passed the Public Safety Realignment Act (Assembly Bills 109 and 117), which transfers responsibility for supervising specific low-level inmates and parolees from the California Department of Corrections and Rehabilitation (CDCR) to counties. In addition, it tasked the local Community Corrections Partnership (CCP) with recommending a plan to the County Board of Supervisors (Section 1230.1 California Penal Code) which shall be deemed accepted by the County Board of Supervisors unless rejected by a 4/5th vote.

The Executive Committee of the CCP is comprised of the Chief of Probation (Chair), Sheriff, Los Angeles Police Department Chief of Police, District Attorney, Public Defender, Presiding Judge of the Superior Court or the PJ's designee, and the Director of the Department of Mental Health.

Legislation

Assembly Bills 109 and 117 (AB 109/117) take effect October 1, 2011, and realign three major areas of the criminal justice system. On a prospective basis, the legislation:

- Establishes local jail custody for specified non-violent, non-serious, non-sex offenders (N3s) who were previously subject to prison sentences;
- Modifies parole statutes and creates local Postrelease Community Supervision (PCS) for criminal offenders released from prison after having served a sentence for a non-violent, non-serious, and non-sex offense;
- Shifts the revocation process for parolees to the county court system over a two-phase, two-year process.

General Statistics

CDCR projects that approximately 9,000 offenders will be released to the Los Angeles County PCS program in Year One (through FY 11-12). By the end of Year Two, between 14,000 and 15,000 individuals are expected to be under PCS in Los Angeles County.

In addition to the PCS population, Los Angeles County will also be responsible for newly sentenced felony offenders who will no longer be eligible for state prison pursuant to the realignment statutes. CDCR statistics and estimates from the District Attorney's Office indicate that approximately 7,000 felons are currently sentenced to state prison from Los Angeles County each year on charges that will no longer qualify for state prison.

Implementation Plan

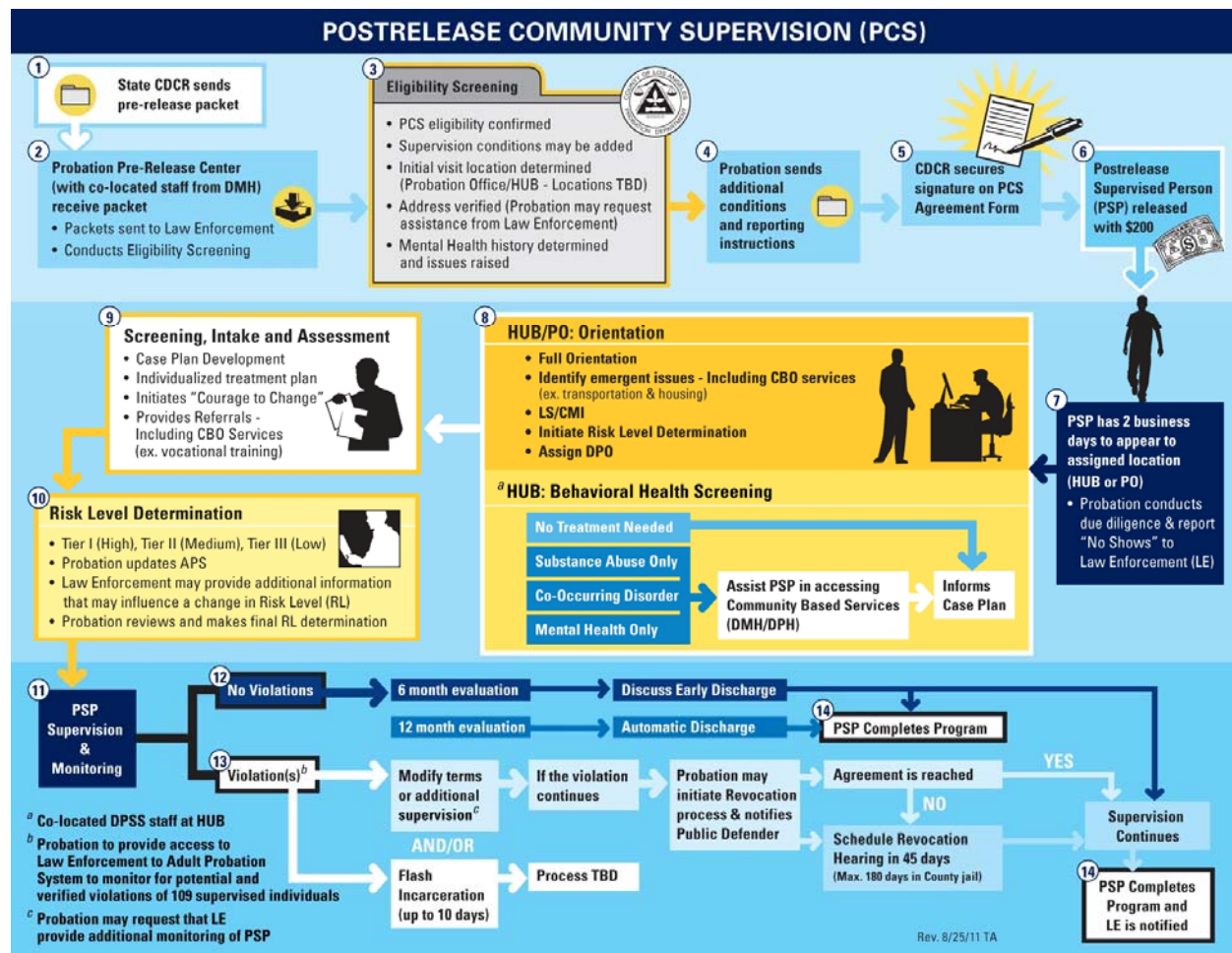
The Los Angeles County CCP presents the following Implementation Plan for the County of Los Angeles. The plan is outlined in three sections: 1) Postrelease Community Supervision; 2) Revocation; and 3) Jail Management Plan.

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POSTRELEASE COMMUNITY SUPERVISION

The diagram below illustrates the CCP's implementation plan for the Los Angeles County Postrelease Community Supervision program. This evidence-based model will serve those individuals released on PCS pursuant to AB 109/117 criteria. The following PCS plan and conceptual model will be used to address the needs of the clients while ensuring public safety. The plan is designed to ensure that community supervision and outreach services are effective in promoting positive offender behavioral change in an effort to reduce recidivism.

The model below outlines the progressive steps from case intake to case termination and highlights the respective roles of each of the entities required to implement the plan. Each section will correspond to the model and will provide a general explanation of how the proposed plan is designed. It is understood that the plan contemplates continued evaluation by each involved department, and is subject to modification by the Board of Supervisors within the broad framework presented here. In addition, we have also highlighted those areas where there are pending legislative issues or implementation considerations that require further attention. The overall implementation plan is as follows:



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Roles and Responsibilities

The roles and responsibilities of the PCS Implementation Plan are as follows:

Entity	Roles & Responsibilities
Probation	<ul style="list-style-type: none">✓ Lead agency for PCS program✓ Sole responsibility for determining eligibility✓ Responsible for determining and modifying Risk Levels (Tier I – III)✓ Determines when PCS may require additional monitoring from Law Enforcement✓ Initiates the flash incarceration and PCS revocation processes
Sheriff	<ul style="list-style-type: none">✓ Lead absconder apprehension efforts✓ Lead the development of an integrated PSP database
Sheriff/Local Law Enforcement	<ul style="list-style-type: none">✓ Assist Probation with address verification✓ Provide additional monitoring of PCS population at request of Probation✓ Provides arrest and flash incarceration support for PCS violations at request of Probation✓ Receives copies of the pre-release packets✓ Receives notification of absconders✓ Receives notification of PCS violators✓ Receives notification when a PSP ends PCS
DA, Public Defender, Alternate Public Defender, Superior Court	<ul style="list-style-type: none">✓ Lead the revocation hearing process
DMH	<ul style="list-style-type: none">✓ Review PCS pre-release packets✓ Assess for mental health needs✓ Develop treatment plan✓ Assist PSP in accessing treatment services (Referrals to CBOs)
DPSS	<ul style="list-style-type: none">✓ Assist PSPs assigned to HUBs✓ Determine eligibility for programs✓ Assist homeless population with finding housing (Referrals to CBOs)
DPH	<ul style="list-style-type: none">✓ Assist PCS in accessing treatment services (Referrals to CBOs)
CBOs & FBOs	<ul style="list-style-type: none">✓ Provide services as requested by Probation, Sheriff, DMH, DPSS, and DPH
CEO	<ul style="list-style-type: none">✓ Lead on realignment funding and staffing management
CCJCC	<ul style="list-style-type: none">✓ Lead on implementation coordination and monitoring✓ Provides monthly reports to the Board of Supervisors on implementation coordination and performance, in collaboration with impacted departments

Revocation for the PCS Population will be the responsibility of the court system beginning October 1, 2011.

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PAROLEE REVOCATIONS

AB 109/117 shifts the responsibility for holding revocation hearings for state parolees from the State Board of Parole Hearings (BPH) to the County court system. As of July 1, 2013, the Court will handle revocations for parolees under CDCR supervision with the exception of those on parole for a life sentence. BPH will continue to oversee the revocation process for offenders under CDCR parole supervision until July 1, 2013. Under AB 109/117 parolees will only be able to serve violations of their community supervision once revoked in county jail – not state prison. The only exception is for persons previously sentenced to a term of life who can continue to be returned to state prison on a revocation. The length of a jail custody sanction imposed for a parole violator is limited to 180 days.

JAIL POPULATION MANAGEMENT

With the passage of AB 109/117 an unprecedented shift in public safety services from the State to local agencies will commence in the coming months. In Los Angeles County, this shift is monumental and will not only mark a challenge for the Sheriff's Department, but also the District Attorney, Public Defender, Probation Department, Department of Mental Health, Department of Health Services, Superior Court, and all municipalities.

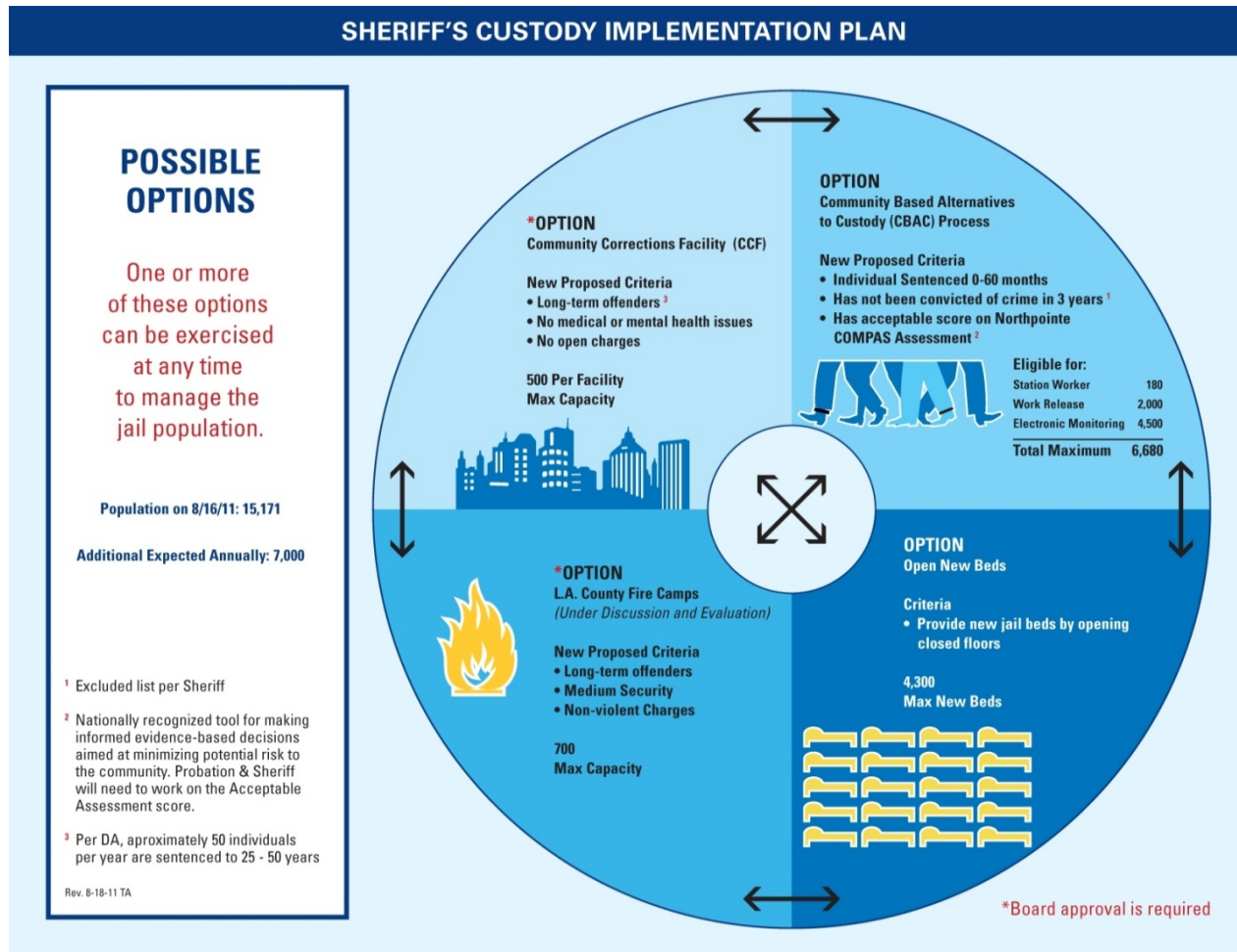
AB 109/117 changes the way certain felonies are sentenced. Specifically, individuals sentenced after October 1, 2011 on non-serious, non-violent, non-sex charges are no longer eligible for state prison sentences, unless they have prior serious or violent felony convictions or are required to register as a sex offender. The bills do not impact lengths of sentences.

Under AB 109/117:

- No inmates currently in state prison will be transferred to county jails
- No inmates currently in state prison will be released early
- All felons sent to state prison will continue to serve their entire sentence in state prison
- All felons convicted of current or prior serious or violent offenses, sex offenses, and sex offenses against children will go to state prison.
- There are over 60 additional crimes that are not defined in Penal Code as serious or violent offenses, but will be served in state prison rather than in local custody

Incarceration in state prison would be mandatory for any convicted N3s with a prior serious or violent felony (pursuant to PC 1192.7 (c) or PC 667.5 (c)) and/or if the defendant is required to register as a sex offender (pursuant to PC 290).

The Los Angeles County Sheriff's Jail Population Management Model serves as a framework by which the Sheriff's Department will manage the County jail population. The options outlined in the chart below are designed to be used singularly or simultaneously as the Sheriff works to manage the jail population.



Conclusion

This report reflects the tremendous effort of the various CCP workgroups. At this juncture, the CCP presents the Implementation Plan for your Board approval. However, as highlighted throughout the report, there are still many implementation considerations and legislative issues that need to be addressed. The CCP submits this report understanding that the plan will need to be modified by the involved departments with the oversight and approval of the Board of Supervisors, in order to reflect the dynamic and changing environments. In addition, given the unprecedented nature of this realignment, the Board and its Departments must continue analyzing operations and evaluating and refining this plan in the months and years to come. As requested by the Board of Supervisors on August 23, 2011, Countywide Criminal Justice Coordination Committee (CCJCC) and its staff will provide analysis, staffing, and logistical support to coordinate implementation of the realignment plan and will ensure the continued multi-agency, multi-jurisdictional collaboration needed to implement its provisions. CCJCC will convene multi-agency meetings to evaluate the effectiveness of the plan, identify emergent areas that were not addressed, and work with stakeholders to develop and recommend appropriate modifications to the plan, as needed. In addition, CCJCC, in cooperation with impacted departments, will provide monthly reports on the status of AB 109/117 implementation.

Postrelease Community Supervision

Background

AB 109/117 establishes Postrelease Community Supervision (PCS) and shifts the community supervision responsibility of qualified offenders released from prison from the State to counties. Beginning October 1, 2011, counties will be responsible for supervising these offenders once released from state prison, on a prospective basis.

PCS Population

Under AB 109/117 counties will be responsible for supervising offenders released from state prisons after having served sentences for:

- Non-violent commitment offenses (irrespective of priors)
- Non-serious commitment offenses (irrespective of priors)
- Certain sex offenses

CDCR will have no jurisdiction over any individual under PCS. It is important to note that CDCR will continue to have jurisdiction over all offenders who are on state parole prior to the implementation date of October 1, 2011. Looking forward, County-level supervision under AB 109/117 will not include the following offenders:

- Third Strikers
- Individuals with a current serious commitment offense
- Individuals with a current violent commitment offense
- High-risk sex offenders as defined by CDCR
- Individuals serving a current life term
- Individuals determined to be a Mentally Disordered Offender (MDO)

Offenders who meet these conditions will continue to be under state parole supervision.

AB109/117 General Parameters

AB 109/117:

- Sets the terms and conditions of post-release supervision, but gives local authority to determine additional supervision conditions and treatment requirements
- Requires the use of evidence-based practices in determining the model used to serve the PCS population
- Grants authority to modify terms and conditions and discharge of Postrelease Supervised Persons (PSPs)
- Authorizes use of flash incarceration

AB 109/117 instructed each county Board of Supervisors to designate a department to serve as the lead agency in assuming PCS responsibilities. On July 26, 2011, the Los Angeles County Board of Supervisors (Board) designated the Probation Department (Probation) to serve as the lead agency. As the lead agency, Probation has the authority to modify the conditions of supervision and utilize graduated sanctions for individuals under supervision without a court order, including periods of flash

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incarceration in a county jail for up to 10 consecutive days (there is no aggregate limitation to the number of days served in a county jail for flash incarceration).

Individuals may remain on PCS for no more than three years from the date of their prison release. AB 109/117 allows the PCS agency to consider discharging individuals under PCS after six consecutive months of supervision with no violations. The legislation further mandates that the PCS agency discharge individuals after twelve consecutive months of supervision with no violations.

Assumptions

Certain assumptions were established in order to design a plan to address the PCS population. Assumptions are based on CDCR and Probation statistics.

CDCR estimates that approximately 9,000 individuals will be released on PCS in Los Angeles County in the first year (FY 11-12) of implementation. By the end of Year Two, between 14,000 and 15,000 individuals are expected to be under PCS in Los Angeles County. Based on CDCR statistics it is anticipated that the breakdown of the PCS population being released from state prison by crime type will be as follows:

44%	Drug Offense
41%	Property Offense
14%	Other
0.72%	Sex Offense (Failure to Register)

Currently, the breakdown of active felony adult probationers supervised by LA County Probation, by crime type is:

38%	Drug Offense
29%	Serious and Violent Offenses
14%	Property Offense
19%	Other

Using these assumptions as a starting point, a PCS conceptual model and implementation plan were developed. As more information and data is gathered on the PCS population, assumptions will be revised and the implementation plan will be modified accordingly.

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SYMBOLS

Throughout the remainder of this section, we have identified specific implementation considerations and legislative issues using the following symbols:

- IC Implementation Considerations** – Processes and procedures that will need to be developed in more detail prior to implementation of AB 109/117.
- L Legislative Issues** – Issues that may require further legislative action.

① Pre-Release Packet is Received from the California Department of Corrections and Rehabilitation (CDCR)

CDCR will forward the pre-release packet to the Probation Pre-Release Center (PRC) at least 30 days prior to the expected release of the PSP. The packet contains pertinent information about the PSP such as release date, criminal history, social history, medical and mental health issues, legal status, etc. The information contained in these packets will be used to determine risk levels and to assess the appropriate level of supervision and monitoring required for each PSP. Please note that some of the forms included in these pre-release packets by CDCR are used for their custody purposes, and are being provided as additional information. The pre-release packet includes the following forms:

FORM	DESCRIPTION
a. Release Program Study (CDCR Form 611)	Information that specifies the PSP's proposed residence and employment, institutional adjustment, and prognosis for parole adjustment.
b. Chronological Inmate History (CDCR Form 112)	Chronological Inmate History, prepared for each inmate, upon which significant dates and commitment information affecting the inmate are logged.
c. Legal Status Summary (CDCR Form 188)	Legal Status Summary containing the commitment and release status of the individual.
d. Probation & Sentencing Report	Probation Officer's report prepared by the Probation Officer in the county where the offense was committed.
e. Local Custody Agency Booking Information and Misconduct Information	Booking information and history of any misconduct from the inmate's time in local custody awaiting transfer to CDCR custody or resolution of a parole violation/revocation hearing.
f. Social History	A summary of the social factors such as religion; driver's license number; social security number; the names, birthdays, addresses and occupations of parents and siblings; dates and status of marriages; names, birthdays and custody of children; and family arrest history.
g. Institutional Staff Recommendation Summary	Identifies the sources of information used and summarizes the individual's history of or status concerning: <ul style="list-style-type: none">- Type of confidential information on file;- Holds or detainers;- Medical and dental requirements or limitations;- Results of a psychiatric or psychological referral;- Work experiences and skills;- Narcotics, drugs, and alcohol use;- Escapes, arson offenses, sex-related offenses;- Academic and vocational needs or interests;- Necessary casework follow-up;- Counselor's evaluation of the individual;- Re-entry plans if the individual has six months or less to release;- Classification score; and- Custody designation suffix

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<i>FORM</i>	<i>DESCRIPTION</i>
h. Abstract of Judgment-Prison Commitment-Determinate (CDCR Form CR-290)	The abstracts of judgment in criminal cases and the time imposed or time of stay, as well as financial obligations and sentencing terms.
i. Notice of Critical Case Information-Safety of Persons (CDCR Form CDC812)	Verified enemies likely to and capable of causing the inmate great bodily harm if placed in general population; any gang affiliation.
j. Classification Chrono (CDCR Form 128G)	The PSP's classification score and degree of custody. Classification and reclassification of inmates will normally be made pursuant to the CDCR Inmate Classification Score System.
k. Medical Classification Chrono (CDCR Form 128-C3)	Basic medical screening form which indicates any health problems or physical limitations that might affect custody or may require additional medical attention upon release.
l. Mental Health Screening	The psychiatric or psychological evaluation prepared for each PSP whose behavior or background information causes staff to believe a serious mental problem may exist. This form indicates that the inmate is a participant in the Mental Health Services Delivery System (MHSDS).
m. Inmate Health Assessment	Provides general information on the health conditions of the PSP.
n. Disability Program Screening Results (CDCR Form CDC 128-C2)	The results of the Developmental Disability evaluation as designated by clinical staff.
o. CII RAPS Printout	Criminal Identification and Investigation (ClandI) Report is the report defined by Penal Code section 11105, commonly referred to as "Rap Sheet".
p. Pre-Release Center screening work sheet and check list	Captures key elements from request for pre-release notification, such as requestor, address, reason for request, etc. Pre-release planning leaves may be considered for the purpose of employment interviews, making residential plans, and for other reasons closely connected to release programs.

② Probation Pre-Release Center Receives Packet

Upon receipt of the pre-release packet, Probation staff located at the PRC, will be responsible for conducting the Eligibility Screening. A Mental Health Specialist will be responsible for evaluating the documentation, reviewing county records and assessing whether the PSP has mental health-related issues including issues that might preclude inclusion into the program. Staff at the PRC will scan the pre-release packets into a shared drive where the Sheriff will have access to review the information.

③ Eligibility Screening Conducted

The Eligibility Screening team will be located at the PRC and will include staff from the Department of Mental Health (DMH) who have skills in recognizing substance abuse disorders. The responsibility of this team is to:

- **Confirm Eligibility Criteria** – Confirm that the individual meets the established PCS eligibility criteria. The DPO will access, run, review, and interpret criminal record history. They will verify that:
 - Current offense is not a violent felony (PC Section 667.5(c))
 - Current offense is not a serious felony (PC Section 1192.7(c))

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- Inmate is not a High-Risk Sex Offender
- Inmate is determined not to be a Mentally Disordered Offender (MDO). The Release Program Study (CDCR Form 611) Medical/Psychiatric section, Inmate Health Assessment form, and any information from criminal history records will be reviewed. Since information received by CDCR is not comprehensive, DMH will need to work with the state to obtain the medical and mental health records. (IC1)
- Inmate is not serving a current life term. Criminal history records will be reviewed to verify this.

The confirmation of the eligibility criteria is designed to ensure that all individuals being released to PCS meet the criteria pursuant to AB 109/117 and are not deemed a MDO.

- **Adds Supervision Condition(s), if needed** – Based on the information obtained during the screening, the DPO may decide to develop and prepare initial instructions in the PCS Condition of PCS (Standard and Special Conditions) form. These conditions are included in the Agreement Form and CDCR will review these conditions with the PSP prior to release. Two examples of conditions that may be added are 1) a substance abuse testing condition for an individual with a prior narcotics-related offense and 2) a do not violate restraining order(s) or keep away order(s) to ensure safety of the victim(s).
- **Conduct Mental Health Screening** – Verify that the inmate is not determined to be a MDO by reviewing the CDCR Form 611 Medical/Psychiatric section and the Inmate Health assessment form. In addition, DMH will assess the County's records to determine whether the PSP has previous mental health history with the County. A process to have the PSP sign a release for the medical records and a process for sending the medical records to the County or DMH prior to release will need to be established. (IC1) In addition, DMH is seeking legislation so that if an individual is acutely psychotic at time of release from state prison, they will not be eligible for PCS and must remain under state supervision. (L1)
- **Establish Initial Office Visit Location** – Establish the location the PSP will report to for his/her initial visit. Individuals with no documented mental health history will report directly to the closest Probation Office based on their home address. Individuals with documented mental health history will first report to a HUB where they will receive a Behavioral Health Screening. Once the screening is completed, the PSP may report to the closest Probation Office for ongoing supervision and monitoring.

If the PSP is declared homeless and does not have mental health-related issues, they will be assigned to report to the closest Probation Office to where they declare homelessness. Probation, upon release of the individual, will engage the Department of Public Social Services (DPSS), missions, Faith-Based Organizations (FBOs), Community Based Organizations (CBOs), and other programs that may assist the PSP with housing. In addition, they will assist the individual with considering family members or other individuals within their ecology who might be able to provide shelter, although many of these individuals may have alienated individuals within their support network.

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If the PRC staff determines that the PSP will be homeless or transient, an attempt will be made to locate a temporary “Homeless Shelter” for the PSP before his/her release. A Shelter information sheet will have specific instructions to the PSP that will be sent to CDCR prior to the PSP’s release. These instructions will be incorporated into the release instructions that CDCR will give to the PSP prior to release.

Verify Addresses – Probation will verify that the release address provided is legitimate as this is crucial to the ongoing supervision and monitoring of the individual. The PRC Screening Unit will be responsible for ensuring address verification (both by phone and/or actual field verification) by Law Enforcement or Probation. **IC2**

When a pre-release packet is received by the PRC, the staff will review all information regarding the PSP’s living arrangements upon release to the community. The following are the address verification procedures:

- PRC staff will use available systems such as Adult Probation System (APS), FINALIST, and Google Maps to verify the validity of the address provided by the PSP.
- PRC staff will review the pre-release packet and criminal records to ensure that the address does not violate any restraining orders, keep away orders, or state statutes or local ordinances, and ensure the safety of the victim(s), when applicable.
- PRC staff will first contact the residents of the address to verify that they know the PSP and that he/she has permission to reside at that location following their release from custody. The staff will then set up a time for a physical review of the living arrangements when necessary.
- PRC staff will notify the address verification team (Sheriff or Probation) and inform them of the need for a verification of the address.
- If the address is suitable, the information will be recorded in the APS system and the pre-release packet. If not, the information will be forwarded to the inmate at CDCR that the living arrangements are not suitable, and that new arrangements will need to be made upon release.

Although Probation has only received a very small number of packets to date, the expectation is that it will take approximately one hour to review each of the pre-release packets. If it is determined that an individual is not eligible for PCS, Probation can challenge acceptance of the case through a rejection process to be developed by CDCR. **IC3**

④ Probation Sends Additional Conditions and Reporting Instructions

Upon completion of the Eligibility Screening, the PRC will return any additional conditions and reporting instructions to CDCR. The packet will include additional supervision conditions and arrangements for psychiatric and physical health medication continuation, if required, along with the reporting location for the PSP’s initial visit. If the PSP is determined to have a mental health

history, their first visit will be at a HUB where DMH will conduct a comprehensive Behavioral Health Screening.

⑤ CDCR Secures Signature

CDCR will secure the PSP's signature on the PCS Agreement Form and fax a copy to the PRC. The DPO will be responsible for tracking the release dates through the APS. The PRC staff will monitor the case from receipt of the packet to the initial office visit. They will also monitor release dates and assist the DPO with tracking release of the PSP. Legislative action will need to be taken to ensure that CDCR has the authority to incarcerate the PSP for an additional period for failure to sign the PCS Standard and Special Conditions Form. L2

⑥ PSP is Released with \$200

CDCR will release the PSP with \$200. The PSP will need to cover clothing and any travel-related expenses with these funds. The expectation is that they will use these funds to go to their local residence and to report to their assigned Probation Office or HUB.

⑦ PSP has Two Business Days to Report to HUB or Probation Office

The PSP will generally have two business days to report to his/her assigned location (up to two additional days can be added based on the distance that must be travelled) – either a HUB or a Probation Office. Failure to report within the time specified will raise an initial red flag. If the PSP does not report within the specified timeframe, a DPO will attempt to contact the individual which may include making phone calls and sending a letter to the last known address. If after making reasonable efforts, Probation is unable to contact them, they will be considered in desertion and the revocation process will be initiated. It is important to note that while CDCR statistics indicate that less than 2% of parolees abscond within 5 days of release, Probation will have to track and report statistics for this new population. Once a clear absconder pattern is established, Probation will develop standard policies and procedures, indicating how long to wait before initiating the revocation process. IC4 Legislative action must also be taken to ensure: 1) Probation has statutory authority to issue a warrant for absconders; 2) Probation has statutory authority to order detention of absconder; and 3) Sheriff has statutory authority to detain absconders without a court order. L3

Although we expect that Probation has received the pre-release packet for everyone who shows up for supervision and monitoring, we have established protocols just in case a PSP shows up prior to the packet being received. Since Probation has a no wrong door policy, the DPO will contact the PRC Release Coordinator who will contact the State to determine if the individual qualifies for PCS. If it is determined that the walk-in does qualify for the program, the PRC will make arrangements to get the packet and will work with CDCR to determine why the packet was not initially forwarded. If it happens often enough, Probation will maintain statistics and work with CDCR to help resolve this problem. The DPO at the area office will provide temporary instructions and schedule the person for an immediate return appointment whereby the complete

orientation process can be initiated. If Probation is able to secure appropriate information that day, a more detailed orientation may be provided.

It is conceivable; however, that Probation could have walk-ins who are actually intended for traditional state parole. If the person was intended for state parole, the DPO will seek to determine his/her parole office and instruct them where to report. The DPO will call the parole agent to let them know the parolee reported to Probation in error. The no wrong door policy mandates that appropriate service be provided to any and all who walk through the doors.

⑧ Probation Office/HUB Orientation and Behavioral Health Screening

○ Probation Office/HUB Orientation


Once the PSP arrives at the assigned location, the orientation process begins. The standard orientation processing will occur at both the Probation Office and the HUB. The only difference between the two is that the HUB will have the qualified staff available to conduct the Behavioral Health Screening. The following activities occur during the orientation process.

- **Full Orientation** – PSP will meet with the DPO from the Screening, Intake, and Assessment Team (SIAT) (highlighted in Step 9) to receive specific instructions of what is required of them while they are under PCS. They will, among other things:
 - Review their supervision conditions as outlined in the Agreement Form along with other requirements
 - Review the demographics and logistical information submitted in the pre-release packet
 - Provide the PSP with the name and contact information of the DPO
 - Notify the PSP of their reporting location site
- **Conduct the Level of Service/Case Management Inventory** – The Level of Service/Case Management Inventory (LS/CMI) is an assessment that measures the risk and need factors of offenders, and aids in determining the PSP's risk level. The LS/CMI is a single application that provides all the essential tools needed to aid the DPO in the treatment planning and management of offenders. The initial LS/CMI scores will be captured as baseline data. The scores will identify the criminogenic risk/needs and responsivity factors that will aid in tailoring the appropriate case plan, highlighting needed services.

The LS/CMI assessment focuses on eight central criminogenic needs in order to determine risk and how these needs can be addressed, as well as identifying strengths. The central targeted needs are:

- | | |
|------------------------|-------------------------------------|
| ➤ Criminal History | ➤ Companions |
| ➤ Education/Employment | ➤ Alcohol/Drug Problem |
| ➤ Family/Marital | ➤ Pro-Criminal Attitude/Orientation |
| ➤ Leisure/Recreation | ➤ Antisocial Pattern |

Once a PSP's criminogenic needs are identified and prioritized, emergent issues are identified and the appropriate referrals to qualified treatment programs will be matched to their needs in order to capitalize on research-backed treatment interventions. Evidence-based practice clearly demonstrates that effective treatment and reduction of criminogenic needs correlates to reduced recidivism. The LS/CMI assessment enables Probation to identify and address the needs of the PSP. Probation will work in collaboration with provider agencies, FBOs, or CBOs that can provide services to address the identified need and support of the individual as they reintegrate back into society.

To ensure a successful implementation, the County will contract with existing CBOs to launch the program. However, a Request for Proposal (RFP) will be developed to provide CBOs with the opportunity to compete for provision of these services. 

- **Initiate Risk Assessment** – The DPO from the SIAT will establish an initial risk assessment level, which correlates to the level of risk the PSP poses to the community. For the first 30 days, all PSPs will be categorized as Tier I (High) and will need to adhere to more stringent standards (higher number of office and field visits, etc). Later in the process (highlighted in Step 10) we will define the requirements for each of the three Tiers.


- **HUB: Behavioral Health Screening**

Mental health issues will be handled by Systems Navigators through co-located DMH staff at the HUBs. These staff will be responsible for three main components:

1. Screen for substance abuse and mental health issues using the protocols from the Information and Resource Center (IRC);
2. Develop a treatment recommendation based on that screening and assessment to be included in the Case Plan; and
3. Schedule appointments with the community forensic providers responsible for carrying out the treatment recommendations at the appropriate level of intensity. For example, most clients will require outpatient treatment for mental illness or co-occurring substance abuse problems, but others will require more intense interventions perhaps including Institutions for Mental Disease (IMD) or IMD step-down programs.

These co-located staff will also be available to consult with DPOs in coordinating with the non-treatment CBOs, and assisting with the MediCal and Healthy Way Los Angeles (HWLA) sign-up, though they could not be the main agent for these activities.

- **Apply for Benefits** – DPSS will have staff co-located at the HUBs, where they will work with PSPs to determine if they qualify for benefits (CalFresh, MediCal, General Relief (GR), Supplemental Social Security, etc.). A PSP whose initial assignment is not to a HUB but to a Probation Office will need to go directly to their local DPSS office in order to apply for benefits. The Department of Health Services (DHS) will assist in processing these individuals for HWLA benefits where appropriate. It is important to note that individuals who are not

complying with their supervised conditions are not eligible for GR. Therefore, DPSS and Probation are in the process of developing the “GR Non-Compliance” criteria and a process whereby DPSS is notified when a PSP has absconded or when the revocation process has been initiated. 

Note: Fleeing felons and individuals who are in violation of their PCS are not eligible for GR or CalFresh. In addition, individuals are ineligible for CalFresh benefits if convicted of any drug felony offenses, which include unlawfully transporting, importing into the State, selling, furnishing, administering, giving away, possessing for sale, purchasing for purpose of sale, manufacturing, possessing precursors with the intent to manufacture a controlled substance or cultivating, and harvesting or processing marijuana. However, individuals convicted of possession for personal use of a controlled substance may be eligible to receive CalFresh benefits, if they can provide proof of one of the following:

- Completion of a government-recognized drug treatment program;
- Participation in a government-recognized drug treatment program;
- Enrollment in a government-recognized drug treatment program;
- Placement on a waiting list for a government-recognized drug treatment program; or
- Other evidence that the legal use of controlled substances has ceased.

Screening, Intake, and Assessment Team

Probation will have a Screening, Intake, and Assessment Team (SIAT) that will hold and assess all cases for up to the first 30 days. The SIAT will conduct the initial orientation and LS/CMI, and ultimately determine the final Tier level. At that time, the case will be transferred out to the respective Supervision Staff for the duration of the supervision period.

Case Plan Development

The Individualized Treatment Plan (ITP) is a component of the overall Case Plan that includes orientation, assessment, case assignment, and supervision. In general, the DPO adheres to the following process in developing the ITP:

- Reviews Conditions of Supervision and emphasizes specific treatments included in the ITP.
- Initiates Cognitive Behavioral Therapy (CBT) intervention to treat the client’s criminogenic risk as determined by the LS/CMI. CBT Interventions are introduced, as dosage and levels of treatment intensity are determined by the domain scores from the LS/CMI.
- Emphasizes the importance of the PSP following and adhering to the established ITP, which is critical to their mental, emotional, and physical stabilization. DPOs will provide the appropriate referrals to services and establish linkages to needed resources. Referrals include County-approved substance abuse programs, anger management, family and individual counseling, housing and shelter, food banks, Countywide 211 information line, medical clinics, child care services information, job-readiness and educational programs. Oftentimes, the DPO makes the initial phone call to establish the

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direct points of contact for clients, sets up appointments, and assists with the paperwork and documents required to receive services.

- Discusses the importance of the PSP finding employment and/or developing employment skills. Once again, appropriate referrals are made to support the individual in achieving this goal.

The intent of the ITP is to create a fluid case management structure that continues to identify potential risks and needs. Part of the program fidelity process includes the task of reassessing at various stages of treatment to ensure program effectiveness and client compliance. The ability of the client to adhere to and address the risks and needs identified in the ITP can result in the successful completion of supervision, including early termination. Non-compliance with the Case Plan and/or ITP can potentially result in the imposition of intermediate sanctions or other alternatives to custody.

Once the risk levels are fully assessed, the PSP will be placed in the appropriate supervision Tier; which identifies their supervision level and minimum supervision requirements. DPOs will have the authority of adjusting the supervision level with supervisor approval.

⑩ Risk Level Determination

To implement a response to this shift in community corrections, Probation developed a three-tiered system designed to provide an appropriate level of supervision based on levels of risk. Risk levels will be based on the LS/CMI but can be overridden by Probation according to various indicators. The Risk Level determines the type of supervision the PSP will require. All PSPs accepted into the program will be assigned a Tier 1 supervision level and assessed for treatment needs within the first 30 days, during which time the assessment is verified. Due to the high risk of PSPs re-offending during the first months of community supervision, services will be generally frontloaded. The PSP will receive intense supervision by reporting no less than twice per month to their assigned DPO during this period of time. Once the Risk Levels are fully assessed, the PSP will be placed into one of the following Tiers, which identifies their supervision level and minimum program requirements. Consistent with evidence-based trends for client management, Probation will assess high-risk clients to determine the level of risk they pose to the community and what treatment modalities and dosage would best achieve measurable outcomes.

MINIMUM MONTHLY STANDARDS					
Tier	Supervision Level	Office Visits	Field Visits	Narcotic Testing	Assessment Pre & Post
I	High	1	1	1-2	Orientation & CBT Completion
II	Medium	1	Quarterly	1-2	Orientation & CBT Completion as needed
III	Low	1	None	2 per Quarter	Orientation

Probation will enter the Tier Level into APS where Law Enforcement agencies will be able to view them. At any point during the supervision and monitoring process, Law Enforcement agencies can submit pertinent information about a specific PSP to the DPO. The DPO will review the additional information provided and will make the final determination of whether the risk level needs to change. DPOs have the authority of adjusting the Supervision Level as required to effectively supervise and monitor the PSP. The adjustments will be made based on need and according to the supervision model and evidence-based practices. There may be also be times when the DPOs require additional office or field visits that go beyond the minimum monthly standards.

⑪ PSP Supervision and Monitoring

After the case has been assigned to the appropriate supervision DPO, the DPO will:

- Review the case planning process with the PSP
- Use Motivational Interviewing (MI) techniques to increase the engagement of the PSP from the onset.
- Identify the dosage of rehabilitative services that are required to promote intrinsic change that will support meeting the case plan stated goals
- Develop a preliminary case plan within 30 days based upon the needs of the PSP
- Schedule a case plan conference with the PSP within 30 days of case assignment
- Provide PSP with an Individualized Treatment Plan and schedule

The DPO will monitor the PSP's progress through the program and update the case plan as needed. The DPO will review the PSP case plan to assess: (a) provisions of prescribed evidence-based practice interventions and other activities; (b) accomplishment of case plan objectives; and (c) timely updates on the case plan for provision of after care services.

The PSP will be supervised by a DPO trained in principles of effective correctional interventions and cognitive behavioral curriculum. Before the DPO and the PSP begin the ongoing CBT interventions or treatment referrals, the Working Alliance Inventory Survey (WAI-SR) pre-test will be completed by the PSP. The WAI-SR is a self-rating form composed of a series of Likert-scale questions. It is a standardized, reliable instrument for evaluating the extent to which a client and therapist work collaboratively, purposefully, and connect emotionally.

A WAI-SR will be completed in order to measure the working relationship between the DPO and the PSP. The PSP will complete a Participant Evaluation at the completion of each CBT session. The DPO will be responsible for completing a post-assessment after the completion of each CBT session. The DPO will complete the Participant Evaluation form prior to each CBT session. The Evaluation and Assessment Instruments are validated tools composed of Likert-scale questions designed to measure pre- and post-participation results for both the PSP and DPO. The instruments measure participant progress through self-assessment and provider assessment. The WAI-SR and Participant Evaluation forms will be administered by the SDPO.

During office visits, the PSP will receive Cognitive Behavioral Therapy administered by the DPO to motivate and guide offenders in their decisions to make positive life changes.

The DPO will be responsible for providing reports, tracking of collected data, and verifying proof of PSP compliance. It is critical that the PSP participate in structured behavioral, social learning, and cognitive behavioral evidence-based interventions to target their prioritized criminogenic needs as determined by the risk and needs assessment and outlined in the case plan.

12 No Violation

The ability of the PSP to adhere to and address the risks and needs identified in the treatment plan can result in the successful completion of supervision, including early discharge. PSPs that have been on supervision with no violations for six consecutive months will be reviewed for early discharge. The LS/CMI will be re-administered; the scores will be reviewed and compared in conjunction with earlier administered pre-test. The overall changes in criminogenic needs and the risk of reoffending will determine the need for continued supervision or early discharge.

PSPs who have no violations within a 12-month period would have successfully met their obligations and will be automatically discharged, as required by state law at the completion of the 12th month.

13 Violation

DPOs will be responsible for providing reports, tracking data on PSPs, and verifying proof of compliance. The DPO will work closely with the PSP to encourage program compliance, support them in adhering to the treatment plan, and equally as important, monitor and supervise them to ensure public safety.

Non-compliance with the Case Plan and/or Individualized Treatment Plan can potentially result in the imposition of intermediate sanctions or other alternatives to custody. There are numerous ways that a PSP can violate compliance and the severity of the violations will dictate the options the DPOs will use to ensure program compliance and public safety. For example, a less severe violation would be missing only one office or one treatment visit within a six-month period. For these PSPs, the DPOs will work closely with them to ensure that they quickly get back on track. However, for more severe types of violations such as absconding or failure to adhere to the treatment plan, DPOs will exercise increased level of intermediate sanctions such as flash incarceration (up to 10-days in jail) or invoke the revocation process. Probation will provide access to Law Enforcement to Adult Probation System to monitor for potential and verified violations of AB 109 supervised individuals. **IC7**

Understanding that each case is different, there are some basic guidelines that will be developed and expanded upon once Probation has more in-depth interactions with these individuals.

- **Intermediate Sanctions** – The DPO will address minor and technical violations and any modification to the conditions at the supervising agency level. The DPO will provide information regarding non-compliance with conditions of supervision and recommendations for intermediate sanctions to the unit SDPO. If approved, the sanctions will be imposed

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pursuant to the PCS agreement. Sanctions can range from enhanced treatment or services, flash incarceration (up to ten days in County Jail), GPS or Electronic Monitoring, Probation Adult Alternative Work Service (PAAWS), etc. Should intermediate sanction fail or the PSP sustains a new arrest or a serious violation, the matter will be considered for the Revocation Process.

- **Flash Incarceration** – A PSP who is violating the supervision conditions or treatment plan can be placed in County Jail for a maximum of ten days. Legislative action must be taken to ensure that Sheriff/Probation has the authority to arrest and detain an individual for flash incarceration without a court order. L4
- **Electronic Monitoring** – A PSP can also be placed on Electronic Monitoring System that allows the department to tell 24 hours a day, seven days a week, whether the PSP is living up to the supervision requirements of his or her placement.
- **PAAWS** – A PSP can be placed in Probation's PAAWS program to perform services in Probation's facilities (area offices, juvenile halls, and camps) such as landscaping, weed abatement, janitorial maintenance, and general maintenance.
- **Revocation Process** – AB 109/117 shifts the responsibility for holding revocation hearings for PSPs to the Court. If a DPO believes a PSP has failed to respond to intermediate sanctions and that further use of intermediate sanctions is not an appropriate response to an alleged violation, the DPO may initiate proceedings to revoke PCS. If a PSP is arrested on new charges, Probation staff will confer with prosecutors and the status of a new case when determining whether to initiate the revocation process.

The revocation process begins with the referral by the DPO to the SDPO for an internal Probable Cause Determination (PCD). Once probable cause has been determined, Probation will notify the PSP, the PSP's attorney and the District Attorney's (DA) Office and schedule a Probable Cause Hearing (PCH). The PCH presents an opportunity for a settlement to be reached on the appropriate sanction. If there is no settlement at the PCH, Probation will file a revocation petition with the Court.

Within five days of Probation's filing of the petition, the Court must determine whether probable cause exists to proceed with revocation. If the Court Hearing Officer determines that there are grounds for a revocation and signs off on the petition, a formal Revocation Hearing will be scheduled within 45 days. The DA, Defense Counsel, the PSP and any victims will be notified. At the revocation hearing, the Hearing Officer will make a ruling on the petition; the maximum sanction that can be imposed is 180 days in local custody. Those remanded to jail custody on a sanction will receive one-for-one credit. Legislative action will need to be taken to give courts authority to issue a warrant for arrest of PSPs who fail to appear for revocation hearing. L5

14 Case Closure

The DPO will take the following steps to close out the case:


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- The DPO will administer the LS/CMI and WAI-SR assessment upon the PSP's successful completion of the individual case plan requirements.
- Cases will be reviewed at four months of supervision to identify cases that have no violations. Cases that are violation-free for six months will be reviewed for early termination. Any case that has been violation-free for a 12 month-period will be required to be terminated at the completion of the 12th month.
- The DPO will assist the PSP in identifying resources in an effort to increase the likelihood of successful community reintegration.
- The DPO will schedule an exit conference with the PSP.
- The DPO will complete the Program Completion Form and submit it to the Quality Assurance Unit.

Quality Assurance Unit

In an effort to maximize the probability that minimum standards of quality will be maintained, the Quality Assurance Unit will implement a systemic observation and evaluation process which examines the various components of the program. This is not a simple auditing exercise, but an ongoing and intensive review of the implementation of processes and procedures, training standards, and CBT and MI fidelity monitoring, which creates a quality assurance feedback loop. Observations, data collection, data analysis, and other relevant actions will be taken to ensure that desired levels of quality are in accordance with the standards of the program. These tasks and analysis cannot be performed by external groups, but must be maintained by specialized, trained, and certified personnel that have a comprehensive understanding of the evidenced-based practices and principals.

Data Analysis

A database will be maintained to track three (3) particular outcomes; successful completion of supervision, treatment participation, and CBT treatment effectiveness. The database will include specific demographic variables that are directly related to successful outcomes. These variables include age, ethnicity, sex, currently employed and completion of high school. The database will also include all pre/post measurements. The results from the database will be analyzed to evaluate overall program effectiveness, performance and stated outcomes. 

In addition, Probation will maintain an alternate database that reflects the Motivational Interviewing skill-set and competency levels of all AB 109 Deputies. This database will contain all training and program adherence data collection for every member of the AB 109 implementation team, which will evidence adherence to training and outcome protocol to support overall program outcomes.

Observation Procedures

In order to assure that CBT and Motivational Interviewing interventions are being utilized and implemented with fidelity to the model, Program Analysts will conduct direct observations of live, one-on-one sessions between the DPO and the PSP. Observations will be conducted in each area office on no less than a quarterly basis.

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Staff Roles & Responsibilities

In order to insure timely completion of each Quarterly Assessment, the Supervising Program Analyst (SPA) will be responsible for scheduling and coordinating the observation date and time for each DPO II. Observation sessions should be scheduled per day until completion of the area office location. The SPA will coordinate all assessment sessions with the SDPO of each DPO by sending scheduling dates to each SDPO. Quarterly Assessment dates are dependent upon initial training and Baseline Assessment dates.

The SDPO will be responsible for promoting staff adherence to the scheduling of observation dates and times for each DPO in their unit. Upon completion of all observations for the unit, a service delivery meeting will be scheduled between the SDPOs, SPA and Master Trainer. The SDPOs will be provided with the individual DPO scores, their strengths and areas of needed improvement. Once advised of Quarterly Assessment dates, it will be the responsibility of the DPO to schedule a time for a live session with a PSP.

Training & Program Standards

The following training outline and minimum program standards have been designed to ensure that personnel assigned to work with the AB 109 PCS population maintain a skill-set level required to address the needs of this population:

- **Director, SDPO & DPO Training:** Training courses include: LS/CMI, Motivational Interviewing (MI & CBT: Change Agent Skills, 24-hours), Cognitive Behavior Therapy (CBT), 16-hours, "Public Safety Realignment Training, 8-hours, and "AB 109 Revocation Process Training," 8-hours.
- **Program Analyst Training:** Training courses included: LS/CMI, Motivational Interviewing (MI & CBT: Change Agent Skills, 24-hours), Cognitive Behavior Therapy (CBT), 16-hours" and "Motivational Interviewing Treatment Integrity Coding System (MITI), 40-hours."
- **MI-Inter-Rater Reliability (IRR):** All Program Analysts who participate in the promulgation of Motivational Interviewing skill data use the "Motivational Interviewing Treatment Integrity Coding System" (MITI). Coders are required to achieve and maintain an average of 80% inter-rater reliability per established coding samples. All Coders will be trained by, and are required to receive monthly coding boosters, from a MITI Coding Master Trainer and member of the Motivational Interviewing Network of Trainers (MINT).
- **CBT Service Delivery:** Program Analysts assess the service delivery of CBT interventions while also assessing the use of Motivational Interviewing.

Realignment Funding and Staffing Management

The County's Chief Executive Office will serve as the lead on realignment funding and staffing management matters. The CEO, in consultation with affected departments, will be responsible for providing funding and staffing recommendations to the Board of Supervisors for the purpose of implementing this plan.

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Initially, the performance outcomes will be reviewed quarterly in order to determine the appropriate level of funding required to support each of the various functions. Throughout the implementation process, changes may be recommended in order to improve the desired outcomes.

Information Management Systems

The development of an integrated PSP database containing CDCR Pre-Release, CDCR Parolee, County Probation, and Sheriff's crime, offender, and criminal history data is a critical requirement for the effective management of the PSP Population. The Sheriff's Department will be responsible for developing a PSP tracking system that would serve LA County but in the long-term could potentially become a statewide system. All interested parties will need to work in collaboration to develop design specifications that meet the needs of the various constituents.

The PSP system will allow users to access a PSP's information and status using the LACRIS Blue Check and Facial Recognition technologies loaded on their personal handheld device such as a "Blackberry Smart Phone". The Blue Check system is tied to the Automated Fingerprint Information System (AFIS) and provides instantaneous feedback from a simple fingerprint. Future proposed enhancements include the addition of a "Google Earth" mapping system complete with crime data overlay maps. This will allow the users to instantly identify geographic relationships between crime and probationers. Ultimately, PSP data must be accessible to law enforcement partners Countywide, if we are to be able to effectively manage the PSC population.

Roles & Responsibilities

The roles and responsibilities of the PCS Implementation Plan are as follows:

Entity	Roles & Responsibilities
Probation	<ul style="list-style-type: none"> ✓ Lead agency for PCS program ✓ Sole responsibility for determining eligibility ✓ Responsible for determining and modifying Risk Levels (Tier I – III) ✓ Determines when PCS may require additional monitoring from Law Enforcement ✓ Initiates the flash incarceration and PCS revocation processes
Sheriff	<ul style="list-style-type: none"> ✓ Lead absconder apprehension efforts ✓ Lead the development of an integrated PSP database
Sheriff/Local Law Enforcement	<ul style="list-style-type: none"> ✓ Assist Probation with address verification ✓ Provide additional monitoring of PCS population at request of Probation ✓ Provides arrest and flash incarceration support for PCS violations at request of Probation ✓ Receives copies of the pre-release packets ✓ Receives notification of absconders ✓ Receives notification of PCS violators ✓ Receives notification when a PSP ends PCS
DA, Public Defender, Alternate Public Defender, Superior Court	<ul style="list-style-type: none"> ✓ Lead the revocation hearing process
DMH	<ul style="list-style-type: none"> ✓ Review PCS pre-release packets ✓ Assess for mental health needs ✓ Develop treatment plan ✓ Assist PSP in accessing treatment services (Referrals to CBOs)
DPSS	<ul style="list-style-type: none"> ✓ Assist PSPs assigned to HUBs ✓ Determine eligibility for programs ✓ Assist homeless population with finding housing (Referrals to CBOs)
DPH	<ul style="list-style-type: none"> ✓ Assist PCS in accessing treatment services (Referrals to CBOs)
CBOs & FBOs	<ul style="list-style-type: none"> ✓ Provide services as requested by Probation, Sheriff, DMH, DPSS, and DPH
CEO	<ul style="list-style-type: none"> ✓ Lead on realignment funding and staffing management
CCJCC	<ul style="list-style-type: none"> ✓ Lead on implementation coordination and monitoring ✓ Provides monthly reports to the Board of Supervisors, on implementation coordination and performance, in collaboration with impacted departments

Implementation Considerations

Implementation Considerations		Page #
1	A process will need to be developed so that the State Department of Mental Health and Public Health can release pertinent medical and mental health information required to successfully treat PSPs. PSP may be required to sign a consent form to have this information released.	14
2	Probation will need to create a list of names and contact numbers for each of the local Law Enforcements. In addition, they will need to address the expected timeframes required for the address verification.	15
3	Process will need to be established with the State so that Probation can notify the state that the individual does not qualify for the PCS Program.	15
4	Probation to develop standard policy and procedure for initiating the revocation process.	16
5	Contract with existing CBOs to launch the program. Develop RFP to provide qualifying CBOs with the opportunity to compete for provision of these services.	18
6	DPSS and Probation to develop the GR Non-Compliance criteria and process for notifying DPSS when a PSP has absconded and/or revocation process has been initiated.	19
7	Probation will need to develop the mechanism for law enforcement to monitor APS for potential and verified violations as it relates to AB 109 supervised persons.	22
8	Sherriff to develop PSP tracking system. All interested parties will need to work in collaboration to develop design specifications that meet the needs of the various constituents.	24
9	Key metrics will need to be developed for assessing the effectiveness of the framework.	26

Legislative Issues

Legislative	Page #
1 PCS Eligibility Acutely Mentally ill <ul style="list-style-type: none"> Request – If individual is acutely psychotic at time of release from a State prison, they will not be eligible for PCS and must remain under State supervision. (Related to Sec. 37 and Sec. 47 of AB 117) 	14
2 Failure to Sign Conditions of PCS Supervision (Standard and Special Conditions) Form <ul style="list-style-type: none"> Authority to incarcerate at CDCR for an additional period. Statutory authority must be given to extend the PCS custody period at the State level for failure to sign the PCS Standard and Special Conditions Form. 	16
3 PCS Absconders – Authority to issue warrant for arrest <ul style="list-style-type: none"> Request – Statutory authority must be given to Probation to revoke PCS and issue a warrant for arrest of an individual on PCS who has been categorized as an absconder. Request – Statutory authority must be given to Probation to order detention of an individual on an absconder warrant until resolution of the revocation (longer than the 10 days that is granted currently in AB 109/117). Request – Statutory authority must be given to Sheriff to detain an individual on order from Probation (no court order). 	16
4 Flash Incarceration – Authority to arrest or have law enforcement arrest for flash incarceration <ul style="list-style-type: none"> Request – Statutory authority must be given to Sheriff/Probation to arrest an individual on PCS who is in the community if determination is made for flash incarceration. Request – Statutory authority/duty must be given to Sheriff to detain an individual on order from Probation (no court order). 	23
5 Failure to Appear for Revocation Hearing – Authority to issue warrant for arrest <ul style="list-style-type: none"> Request – Statutory authority must be given to Court Hearing Office to revoke PCS and issue a warrant for arrest of individual on PCS who fails to appear for revocation hearing. (Addressed in DA-drafted language) 	24

Parolee Revocations

AB 109/117 shifts the responsibility for holding revocation hearings for state parolees from the State Board of Parole Hearings (BPH) to the County court system. As of July 1, 2013, the Court will handle revocations for parolees under CDCR supervision with the exception of those on parole for a life sentence. BPH will continue to oversee the revocation process for offenders under CDCR parole supervision until July 1, 2013. Under AB 109/117 parolees will only be able to serve violations of their community supervision once revoked in county jail – not state prison. The only exception is for persons previously sentenced to a term of life who can continue to be returned to state prison on a revocation. The length of a jail custody sanction imposed for a parole violator is limited to 180 days.

Jail Population Management

Background

With the passage of AB 109/117 an unprecedented shift in public safety services from the State to local agencies will commence in the coming months. In Los Angeles County, this shift is monumental and will not only mark a challenge for the Sheriff's Department, but also the District Attorney, Public Defender, Probation Department, Department of Mental Health, Department of Health Services, Superior Court, and all municipalities.

AB 109/117 changes the way certain felonies are sentenced. Specifically, individuals sentenced after October 1, 2011 on non-serious, non-violent, non-sex charges are no longer eligible for state prison sentences, unless they have prior serious or violent felony convictions or are required to register as a sex offender. The bills do not impact lengths of sentences.

Incarceration in state prison would be mandatory for any convicted N3s who have a prior serious or violent felony (pursuant to PC 1192.7 (c) or PC 667.5 (c)) or sex offender registration requirement (pursuant to PC 290).

Under AB 109/117:

- No inmates currently in state prison will be transferred to county jails
- No inmates currently in state prison will be released early
- All felons sent to state prison will continue to serve their entire sentence in state prison
- All felons convicted of current or prior serious or violent offenses, sex offenses, and sex offenses against children will go to state prison.
- There are 59 additional crimes that are not defined in Penal Code as serious or violent offenses that will continue to qualify for state prison sentences.

AB 109/117 General Parameters

AB 109/117:

- Maintains length of sentences (e.g. what was once a 3-year prison sentence will now be a 3-year jail sentence)
- Allows courts the option to impose a jail plus felony probation sentence for convicted offenders who are not eligible for state prison under realignment
- Establishes that individuals sentenced to terms in both State prison and jail would serve the aggregate term in State prison
- Allows counties to contract with CDCR to house local inmates in State prison
- Allows counties to contract with other public agencies for jail inmate housing in Community Corrections Facilities (CCFs)

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The bills allow local authorities to implement alternative custody and supervision tools, including alternative custody tools for county jails, home detention for low-level offenders, local jail credits to mirror current one-for-one state prison credits, and broadens the maximum allowable hospital costs for jail inmates.

In order for our population management to be effective, we must begin risk and needs assessments from the moment an inmate enters the system. Current inmate reception center protocol already identifies the medical and mental health needs of an inmate as they transition into custody. By adding additional screening, we can begin to identify not only the medical and mental health needs, but determine an entire treatment plan unique to each inmate. Alternative housing, educational wants/needs and treatment programs (within custody as well as community based) can be identified. The Correctional Offender Management Profiling for Alternative Sanctions (COMPAS) is one of the tools we may use to assist us in identifying the needs of an inmate both while in custody and upon re-entry into the community.

The segment of this new population that will have to be closely monitored are those with long-term sentences. According to the District Attorney's Office, approximately 50 people a year are sentenced to terms around 25 years for some N3 crimes that would now be subject to local sentences. Although county jails have never been designed to be used as long-term housing, it is something we do on a regular basis. It is not unheard of for an inmate to be in our custody for 5-7 years who have complex or multiple cases. We also currently house sex offenders under Civil Commitments, several of whom have been in our custody for more than 10 years.

As this population increases, we may be able to identify a particular housing location more suitable for them; however, due to the varying security levels, medical/mental health needs and other screening concerns, they initially will be housed throughout our facilities. If we determine there are enough of these long-term offenders who have similar security levels, then we may begin to dedicate dorms and/or buildings to house them at Pitchess Detention Center. This will enable Inmate Services Bureau (formerly Offender Services) the opportunity to provide the necessary programming which is vital to the success of Realignment. Other options for managing the long-term offenders include the use of Fire Camps, Community Correctional Facilities, and contracting back with the State, which will be discussed in more detail below.

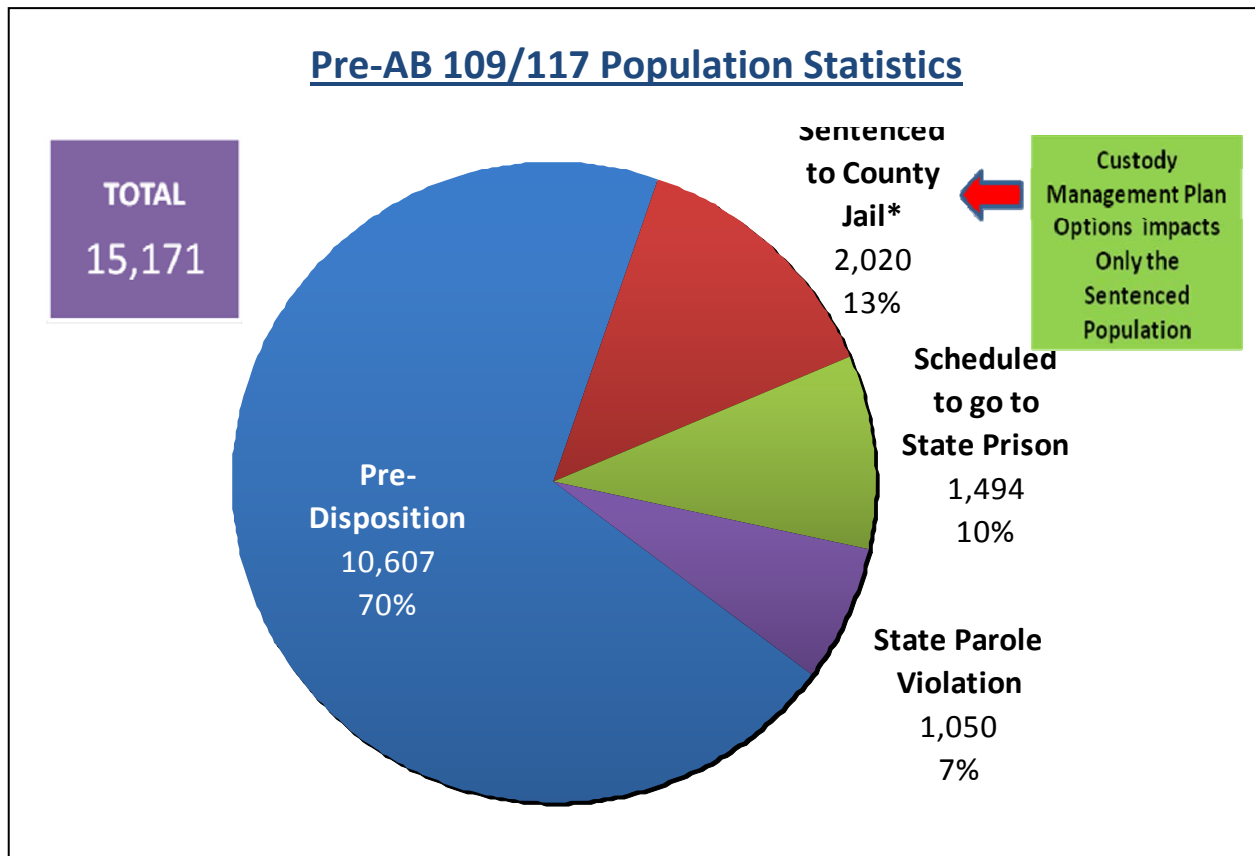
Assumptions

In order to properly assess the impact of realignment, statistics from several entities including the District Attorney's (DA) Office and CDCR were obtained. These numbers can vary dramatically from year to year and are in constant flux. The following Custody Implementation Plan is based in part on 2010 statistics. The actual number of felons expected to receive County sentences instead of state prison terms is approximately 7,000 per year.

Several different strategies have been developed on the re-opening of these housing areas based on financial, personnel, and the growth of the differing segments of the inmate population. These differing strategies will be decided upon as the demands of the growing population are assessed in the first few weeks and months of Realignment.

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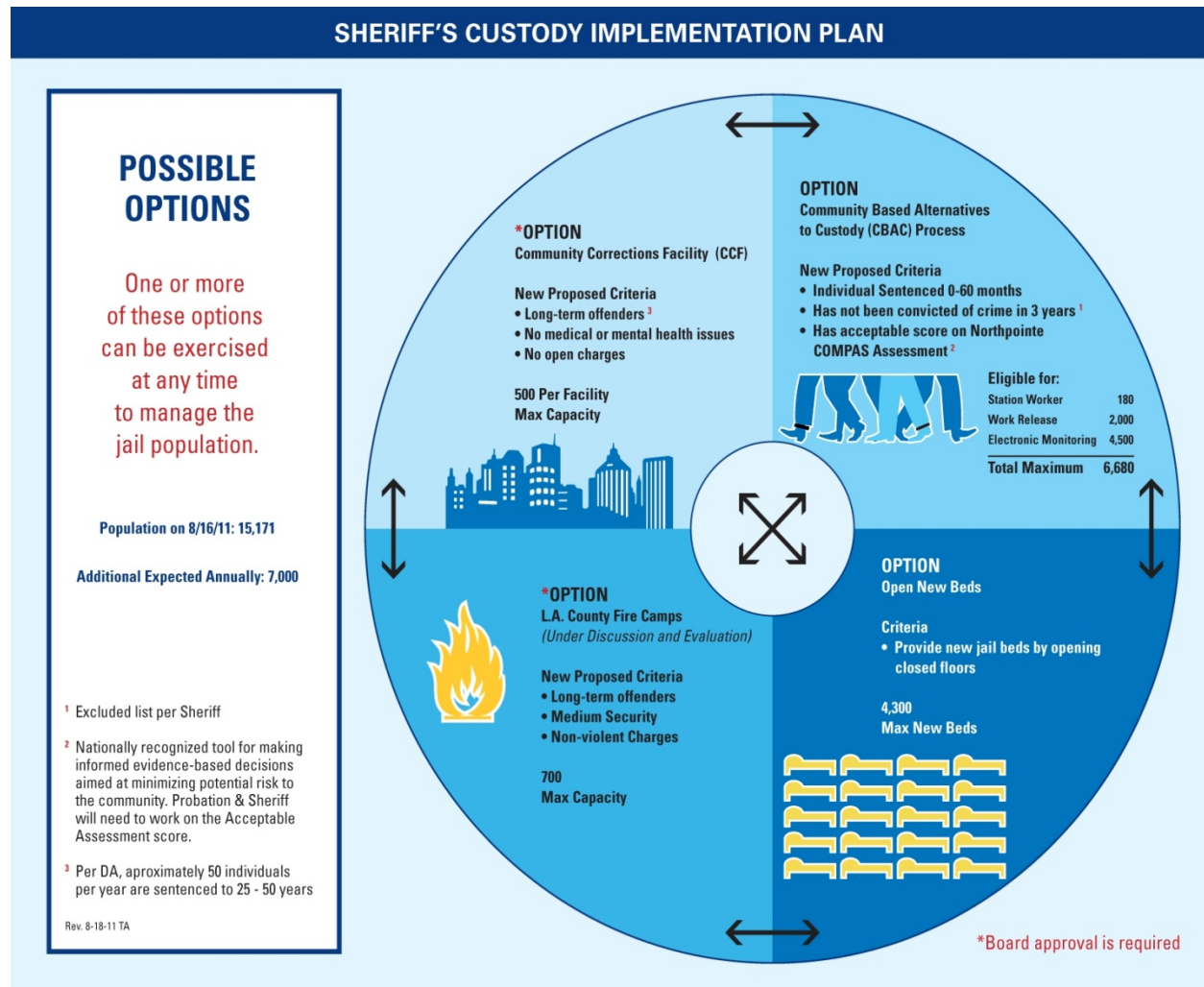
The current jail population is 15,171 (as of August 16, 2011). CDCR statistics and estimates from the District Attorney's Office indicate that approximately 7,000 felons are currently sentenced to state prison from Los Angeles County each year on charges that will no longer qualify for state prison.



The proposed Implementation plan only affects the sentenced population. There is a CCJCC subcommittee comprised of representatives from the Court, Public Defender, Alternate Public Defender, Sheriff and Probation currently working on improving and streamlining the Pre-Trial Release Decision-making process.

Proposed Implementation Plan

The Los Angeles County Sheriff's Jail Population Management Model serves as a framework by which the Sheriff's Department will manage individuals sentenced to County Jail including the population of non-violent, non-serious, non-sex offenders realigned under AB 109¹. The options outlined in the chart are designed to be used singularly or simultaneously as the Sheriff works to manage the jail population.



¹ Individuals eligible for county jail sentence include those convicted of a non-violent (PC 667.5), non-serious (PC 1197.5), non-sex (PC 290) offense who do not have a prior serious, violent or sex conviction.

Utilization of Community-Based Alternatives to Custody (CBAC) Program

The Sheriff's Department currently utilizes CBAC to manage the sentenced jail population. Alternative custody options under CBAC include: 1) Station Workers 2) Work Release and 3) Electronic Monitoring including GPS monitoring.

The Sheriff's Department has a comprehensive process to identify the individuals who qualify for the CBAC options. Currently, the CBAC Unit receives a report each day listing those inmates who were sentenced within the Los Angeles Superior Courts system the previous day. Custody Assistants immediately begin identifying those inmates who qualify for station workers, work release, voluntary electronic monitoring program. Each alternative housing option has an agreed upon list of charges that disqualify an inmate. Once an inmate passes this initial set of qualifiers, a criminal history check is completed to further identify whether he will be suited for alternative housing. The inmate is then interviewed prior to their transfer and/or release into the selected program.

Within the same office, members of the Probation Department receive the same list and begin assessing those eligible for the voluntary felony electronic monitoring program option. The same charges are used for disqualification; however, they apply an additional qualified assessment tool to those who meet their criteria prior to releasing them on the program.

The three programs are described below:

- **Station Workers** – To qualify for Station Worker, an inmate must have a minimum of 30 days left on his sentence, must be less than 55 years old, have a security level of six or below, cannot be associated with a gang, is fully sentenced, whose legal residency is not questionable and has no medical conditions. Individuals who meet these criteria will be placed to work and live at the Station.
- **Work Release** – If the individual does not qualify for Station Worker, they may qualify for Work Release. Staff will run a Consolidated Criminal History Reporting System (CCHRS) report and review the excluded charges list. To qualify for Work Release, the inmate must be in jail for greater than 15 days, have a security level below seven, and a verifiable home address. If the security level is above seven and/or the home address is not verifiable, the inmate is not eligible for Work Release.
- **Voluntary Electronic Monitoring Program (VEMP)** – The last CBAC program to consider is the Voluntary Electronic Monitoring. To qualify the inmate must have committed a misdemeanor, have a verifiable address, and demonstrates their ability to finance the cost. The department will review the Trial Court Information System (TCIS) looking for cases with failures to appear, felony charges, continuance of court orders, restraining orders, outstanding warrants, etc. If the risk assessment is under 17, they qualify for the VEMP. In situations where the Risk Level is greater than 17, the application is forwarded to the Probation department who will make the final determination. If approved, the inmate will be placed on Electronic Monitoring.

An enhancement to the program is the potential implementation of the Northpointe COMPAS Assessment (Correctional Offender Management Profiling for Alternative Sanctions) or other

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validated assessment tool. The COMPAS-Assessment tool is designed to assist correctional professionals in making decisions concerning the necessary levels of supervision, identifying security level classifications and assessing treatment progress. COMPAS provides separate risk estimates for violence, recidivism, failure to appear, and community failure. The COMPAS also provides a “criminogenic and needs profile” for the offender, which provides information about the offender with respect to criminal history, needs assessment, criminal attitudes, social environment, and social support.

COMPAS assesses the range of risk and criminogenic needs factors through semi-structured interviews with offenders and other sources of data collection, including a self-report survey. The tool consists of a 54-item scale comprised of the following ten subscales: prior criminal history, education, employment, financial situation, family/marital relationships, accommodation, use of leisure time, companions, alcohol/drug use, emotional/mental health, and attitudes/orientation. The State CDCR is currently using this tool and it appears to be quite effective.

Process Under Realignment

The long-term goal of the Sheriff’s Department will be to properly assess each inmate not just for their risk factors, but for their needs. This will enable us to assign the inmate to a jail-based program best suited for them. In order to accomplish this, we will eventually need to assess each inmate several times so the behavioral changes that occur during incarceration can be supported through transition; however, until we get a true picture of how many N3s enter our system, we will focus our assessment on the sentenced population.

The Community Transition Unit (CTU) has developed a staffing model they believe will be able to successfully administer the COMPAS risk and needs assessment to the sentenced inmates on the same list generated for CBAC. Using this tool, in conjunction with the current CBAC standards, they will identify those inmates most suitable for “involuntary” felony EMP. It is estimated the EMP program will cost \$10 a day or approximately \$3,650 per inmate per year. Compliance with the EMP program will be enforced by the new Supervision/Compliance Teams within COPS Bureau.

Prior to an inmate’s release, they will be given transition assistance including any community or faith based programs that may be available. For those inmates who do not meet the criteria, they will channel them into programs and education classes while being case managed by custody assistants in the CTU. Prior to their release from custody, intensive programming, services, and transition assistance will be provided. Should funds be made available, additional programs will continue post-release. This will be discussed in more detail under the section, “Community Reentry Center.”

A working group has also identified aspects of the current CBAC disqualification guidelines that may be modified. One of the main disqualifiers is criminal history. According to studies on recidivism, an inmate’s chance for success significantly rises if he has not been convicted of a crime in the past 3 years. Under our current guidelines, he may be disqualified even if it has been more than 20 years since being convicted of a crime. If the benchmark of 3-5 years on certain crimes is used instead, it would allow us to manage our current population more effectively. This change would have to be approved by the Sheriff and the Board of Supervisors. Another change would be to the station worker parameters. Currently, a transient inmate is automatically disqualified from this option. A

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plan is in place to begin using GPS ankle bracelets on station workers. If this moves forward, an inmate who claims to be transient should still be acceptable for station housing.

Under the proposed Jail Population Management model, the Sheriff's Department will expand existing criteria for CBAC and will use a validated assessment tool to calculate risk scores. Sentenced inmates that fit the criteria will be considered eligible for CBAC.

One of the obstacles of the current EMP program is that only those individuals, who are able to finance the cost, can participate in the program. AB 109/117 allows the Sheriff to cover the EMP cost, therefore, increasing the number of individuals who can exercise this option. Currently, there are approximately 200 inmates under the EMP Program primarily due to cost. With the financing and the new criteria, the Sheriff has an approximate capacity of 6,680 in CBAC programs.

The criteria will serve as the general framework for how the Sheriff's personnel will make CBAC release decisions. However, as with any existing process, there are exceptions and mitigating circumstances that must always be considered. The Sheriff's Department's focus is public safety; therefore, they have the authority to determine when it is appropriate for an individual to participate in CBAC.

The Sheriff Department will work with local law enforcement agencies to notify them when an individual in their jurisdiction has been placed on a CBAC program, specifically Work Release and Electronic Monitoring.

Re-Open Jail Beds

As needed to support the influx of the additional inmates coming to Los Angeles County, the Sheriff's Department will begin opening closed beds as realignment is implemented. The total number of available beds in the Sheriff's Jail system is approximately 4,300. The Department has a detailed sequence and schedule of floors and locations to be opened as the jail population begins to increase.

RE-OPEN CLOSED AND CURTAILED AREAS - DEPARTMENT NEEDS														
			RE-OPEN CLOSED/CURTAILED AREAS					STAFFING NEEDED						
Est Re-Open Date			Bunks Per Housing Area	Pers Needed per Housing Area	Total Bunks Opened	Weeks to re-open	Total Pers Needed	Dep	C/A	Cpt	Lt	Sgt	B1	Prof Staff
16-Oct	TTCF 251/252	Curtailed	384	36	384	2	36	26	10					
30-Oct	TTCF 241/242	Curtailed	384	37	768	2	73	27	10					
13-Nov	North Module 1	Curtailed	400	49	1,168	2	122	25	15			5	5	
27-Nov	North Module 2**	Curtailed	408	40	1,576	2	162	25	15					
11-Dec	North Module 3	Curtailed	416	87	1,992	2	249	42	13	1	6	7	9	9
25-Dec	North Module 4	Curtailed	400	40	2,392	2	289	25	15					
8-Jan	TTCF 261/262	Closed	384	36	2,776	2	325	26	10					
15-Jan	South Boy	Closed	252	20	3,028	1	345	15	5					
22-Jan	South Eddie	Closed	252	20	3,280	1	365	15	5					
5-Feb	South Mary	Closed	270	20	3,550	2	385	15	5					
26-Feb	MCJ 4000	Curtailed	684	86	4,234	4	471	47	29			5	5	
TOTALS			4,234					288	132	1	6	17	19	9

Note: This opening scenario is to be used as a guideline and may be changed. Housing areas opened will be determined upon security and classification needs of the inmate population.

Closure items currently being utilized to curb overtime

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There are many factors that must be considered when making the decision to open floors. Security level, classification, and other factors determine where inmates can be housed. For example, there are times when a new floor has to be opened in order to house a specific type of inmate, such as those who have mental health issues.

The one aspect of Realignment with no estimated projections is the new authority given to the Probation Department to use “flash incarceration” as a sanction. Since this is a new tool to gain the compliance of those on PCS, it is not known how frequently it will be used. This sanction allows Probation to incarcerate an individual up to 10 days without a hearing. Initial talks between the Probation Department and Custody Division have been to allow some of these sanctions to be housed within Sheriff’s Department Patrol station jails. Station jails are considered Type 1 facilities (Per Title 15/24 standards) and can only house inmates for up to 96 hours. This still needs to be looked into further, but could potentially save bed space and money due to the lower operating costs of a station jail.

Utilization of Fire Camps

The CDCR contracts with the Los Angeles County Fire Department (LACFD) and the California Department of Fire and Forestry (Cal Fire) to provide inmates to their fire camps. There are currently six fire camps in operation in Los Angeles County. Five of the camps are overseen by the LACFD and one camp is run by Cal Fire. By 2012, CDCR may no longer be capable of housing state inmate fire fighters due to the realignment of lower offenders. These current state inmates are the same level of inmate we expect to house. The CDCR is expected to provide a daily contract rate to house county inmates in these camps.

It is estimated that County Fire can expand to approximately 700 available fire fighter beds and Cal Fire to approximately 100. These camp crews supplement firefighters in local and state brush fires and many times are the first responders. To put their role in perspective, during the recent Station Fire they provided 20 crews which is the equivalent of 75 professional engine crews. This enabled engine crews to remain in place and continue to provide an uninterrupted response to their service areas. These inmate crews also provide annual brush clearance to the County; commit project hours to State Parks, National Parks and CalTrans.

The CDCR has asked the Sheriff’s Department to consider taking over this responsibility of providing the staffing and security of these camps. Should we decide to expand our role at the fire camps, we will have to incur the costs of staffing, food and the necessary security related equipment (radio cars, weapons, etc.). Our preliminary estimates are that it would cost an additional \$10-12 million. Initial estimates of the daily rate to house an inmate at a fire camp are significantly lower than our daily maintenance rate. Since the program itself is a product of Realignment and would benefit public safety, the entire funding should be initially routed through the Community Corrections Partnership for the full funding amount.

If a decision to utilize the fire camps is reached and the Los Angeles Board of Supervisors approves the concept, the Sheriff’s Department would use the following general criteria to house inmates in the camps:

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- a. Long-term offenders
- b. Low to medium security classification
- c. Non-violent, non-serious, non-sex offense

While housing inmates in fire camps may be a more cost-effective option, there are many factors to consider when making this decision. The inmate must volunteer to participate, complete a vigorous training and be relatively healthy. The challenging aspect is that there must be a pre-designated minimum number of inmates who qualify for this program (to be determined by LA County Fire), in order to open up a fire camp. The positive aspect of this program is that individuals leave the County Jail system with a unique skill set that can lead to future employment opportunities. The Department is researching whether they can provide a vocational training certificate that the inmate can have upon completion of the program.

While this is one of the many options available to the Sheriff, many open questions still need to be addressed with CDCR. The Sheriff also needs to conduct a cost benefit analysis to determine if this option is feasible and cost effective. A detailed staffing, classification and security plan will be developed by the Sheriff's and Fire Departments if this option is utilized and will be included in a detailed implementation plan.

Contracting with Community Correctional Facilities (CCFs)

Another option offered to counties through AB 109/117 is the contracting of bed space with publicly run community correctional facilities (CCFs). Each of these facilities is run by the municipal police department and their officers are certified under 830.55 PC. There are 9 facilities throughout the State that operate under contracts with the CDCR and have been doing so for almost 20 years; however, seven of these contracts will expire on October 1, 2011 and the final two will expire on November 30th if no agreements with counties are reached. The utilization of the CCFs could address two important issues. Based on preliminary discussions, the daily rate for housing inmates with CCF's could reduce the County's costs for incarcerating sentenced inmates as well as provide another option for housing the long-term offenders.

The Sheriff's Department has already begun research on CCFs and personnel have visited the facility in Taft, California, and had preliminary discussions with the facility in Shafter, California. Upon initial inspection, they appear to be viable options; however they require much more analysis before any further recommendations can be made. Specifically, issues such as liability, standards of care, and programming would be of concern. The two facilities closest to Los Angeles – Taft and Shafter – could house up to 500 inmates each.

If a decision to utilize the CCFs is reached and the LA Board of Supervisors approves this option, the Sheriff's Department will use the following criteria to house sentenced inmates in the CCFs:

- a. Long-term offenders
- b. No serious medical or mental health needs

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This long-term option would only be considered if the jails were saturated with long-term offenders and the LA County Jail system was nearing or going over capacity.

A detailed screening process will be developed by the Sheriff's Department to assess an inmate's eligibility for a CCF. Issues related to security, classification, staffing ratios, programming, general requirements and dedicated bed-space for Los Angeles County inmates would be negotiated in contract discussions with the CCF and included in an implementation plan for CCF utilization.

All inmates would be returned to County Jail custody prior to their release to undergo preparation for re-entry into the community, such as identifying service needs and treatment referrals.

Early Release

Should the need arise to release inmates prior to the full completion of their sentence, the Department will employ current risk assessment tools, which have been proven effective with the current population. With the impending N3 population the Sheriff's Department will implement an additional level of review using a validated assessment tool as a key factor to determine who shall be released from custody early. The Sheriff's Department will also notify the Public Safety community upon the early release of an inmate.

Tracking and Data Collection

One of the most important tasks upon the implementation of Realignment will be the tracking of all N3s and parole/supervision revocations. This will be vital for several reasons:

- All inmates who enter our system under Realignment must be accounted for in order to maintain a level of funding adequate to provide the care and security necessary in the years to come.
- This accounting will also assist with the State Criminal Alien Assistance Program (SCAAP). This program allows us to capture some reimbursement from the Federal Government for housing foreign born inmates. Since N3s will be doing their time locally, we quite possibly will be able to interview and claim additional funding. This may prove vital to the County given the anticipated reduction in funding.
- In order to manage the population, we will have to track those inmates who have long-term sentences in order to reevaluate them periodically for release eligibility.

Along with tracking overall numbers, there will be additional data indicators that need to be collected. The average length of stays, amount of inmates who required medical/mental health assistance, how many completed a program and how many required special housing needs, are examples of some of the data we will need at the end of Year One. The Sheriff's Department's Data Systems Bureau currently has all available technicians working on developing a new system to collect this data.