

California Public Safety Realignment Act (AB 109)

Blue Ribbon Commission Presentation

December 20, 2017





AB 109 Historical Overview

AB 109 Public Safety Realignment Act of 2011

Prison overcrowding led to lawsuit

- Brown vs Plata



AB 109 legislative history

- California's solution for reducing the number of inmates in the State's 33 prisons to 137.5 percent of design capacity by June 27, 2013.



PRE-REALIGNMENT

On or before September 31, 2011

POST-REALIGNMENT

On or after October 1, 2011

STATE PRISON

- | | |
|--|---|
| <ul style="list-style-type: none"> ➤ All sentences longer than 1 year ➤ All cases in which probation is revoked and offender is remanded to State Prison | <ul style="list-style-type: none"> ➤ Prior or current convictions for serious/violent/sexual offenses ➤ Additional 70 plus crimes not defined as serious/violent/sexual |
|--|---|

COUNTY JAIL

- | | |
|---|---|
| <ul style="list-style-type: none"> ➤ Sentences of 1 year or less (felony or misdemeanor) | <ul style="list-style-type: none"> ➤ Offenders with no current/prior convictions for serious/violent <ul style="list-style-type: none"> ○ Excludes a list 70 plus crimes not defined as serious or violent |
|---|---|

STATE PAROLE

- | | |
|---|--|
| <ul style="list-style-type: none"> ➤ All releases from State Prison <ul style="list-style-type: none"> ○ Includes out of State Prison releases ○ Includes those who exhausted their term in jail who would have otherwise served their term in State Prison | <ul style="list-style-type: none"> ➤ Offenders whose current committed offense is serious/violent pursuant to PC 667.5 and PC 1192.7 ➤ High Risk Sex Offenders (Static 99 score is 4 or higher) ➤ Sexually Violent Predators on conditional release ➤ Mentally Disordered Offenders on conditional release ➤ Offenders on parole prior to October 1, 2011 |
|---|--|

COUNTY SUPERVISION

- | | |
|--|---|
| <ul style="list-style-type: none"> ➤ Felony probation ➤ Specified misdemeanor probationers | <ul style="list-style-type: none"> ➤ Offenders whose current commitment offense is <u>NOT</u> defined as serious/violent |
|--|---|



Realignment

- No State prisoners were transferred to county jails.
- State prisons did not release inmates early.
- Upon release to parole or post release community supervision, only Lifers were returned to State prison (court order only).
- Allowed courts to impose Split Sentences for N3 offenders.
- Allowed counties to contract back with the State for jail beds in prison. Parole violators were excluded.
- Counties were authorized to contract with public community correctional facilities (CCFs) or other counties for jail space.



Realignment

- Enhanced local custody and supervision tools:
 - Alternative custody tools for county jails (e.g. electronic monitoring)
 - Home detention for low-level offenders
 - Local jail credits mirror current prison credits (day-for-day).
- Sentences were not shortened.
- PSP's, without a custodial sanction, discharge by operation of law after 12 months (allows for consideration of early six-month discretionary termination).
- Parole revocation process transitions to the court effective July 1, 2013.
- Paroles under state supervision, prior to October 1, 2011, were NOT transferred to the supervision of the counties.
- Prior to Realignment the maximum return to custody was 12 months with no good time credit. Post realignment, 180 days maximum (assuming the jails do not release early or impose additional good time credits).



Los Angeles County Response

- LA County Probation as lead agency.
- Development of the Public Safety Realignment Team (PSRT)
 - Legal Workgroup
 - Treatment Workgroup
 - Law Enforcement Workgroup





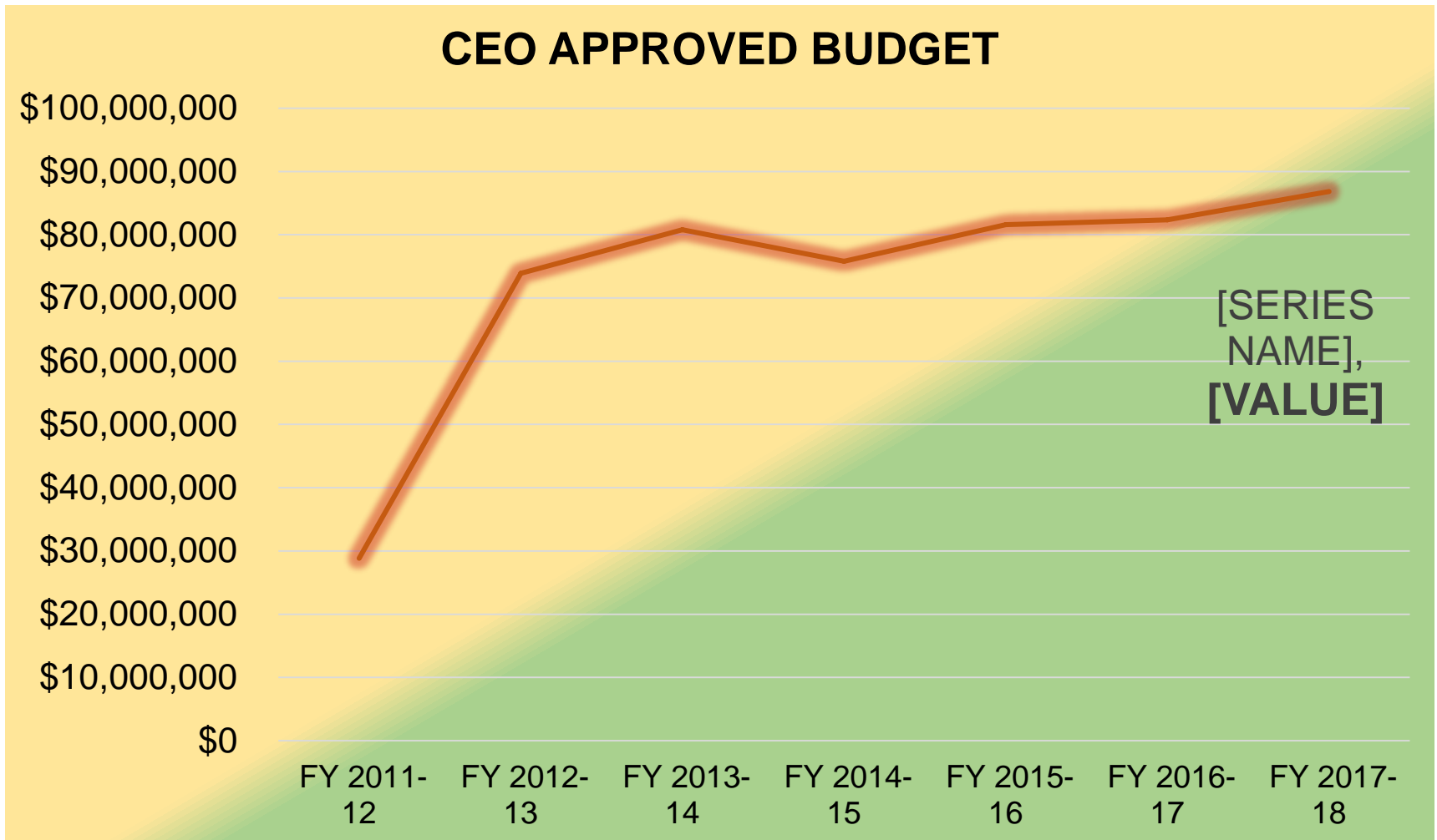
Los Angeles County Probation Department Response to AB 109

- Established the Special Services Bureau, now the Public Safety Realignment (AB 109) Bureau.
- Secured space in area offices for HUBS and supervision throughout the County.
- Located and opened AB 109 Regional Offices.
- Created caseloads.
- Contracted for services.





Probation AB 109 Budget History





Staffing

SNAPSHOT DATE	APPROVED BUDGETED POSITIONS	FILLED POSITIONS
NOVEMBER 2017	505	399



72	Admin
23	PRC
17	HUB
226	Supervision
31	Arming
22	MAT/ Co-located
8	Court



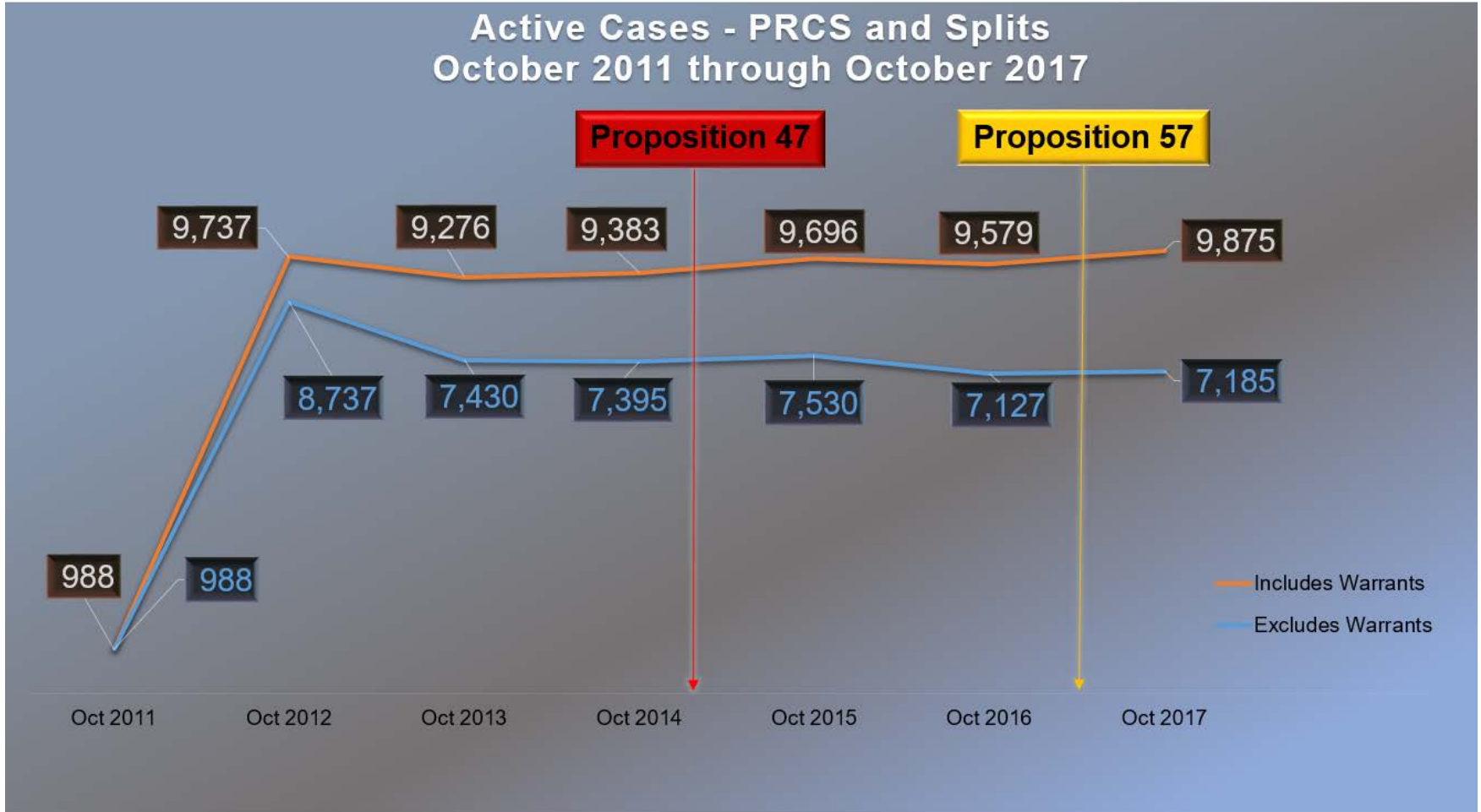
Staff Training

- Adult Field DPO Roles/Responsibilities
- CDCR RPS 611 Webinar Training
- Commercial Sexual Exploitation of Children
- Conflict Management
- Co-Occurring Case Management
- Court Report Writing
- CPOE Complaint Filing Process Training
- Defensive Tactics
- Elder and Dependent Adult Abuse Mandated Reporting Requirements
- Field Officer Safety Training
- First Aid/CPR
- From Prisons to AB 109
 - Gang Training
 - 611 Packet Training
- Homelessness & Reentry
- Introduction to Family Crimes – Domestic Violence, Elder/Child Abuse & Stalking
- LS/CMI Risk Assessment
- Mandated Child Abuse Reporting
- Mental Health First Aid
- Motivational Interviewing
- OC Spray/Gel
- Probation Supervision of Adult Clients with Mental Illness
- Sexual Harassment Prevention
- Substance Abuse - Recognition and Supervision
- Supervision of AB 109 Clients with Co-Occurring Disorders
- Supervision of High Risk Offenders
- Supervision of High Risk Sex Offenders
- The Carey Group (TCG): Effective Case Planning & Management
- TCG: Effective Use of the Carey Guides
- TCG: Four Core Competencies for Supervisors/ Line Staff
- Traffic Accident Report Procedures
- WIC 5150 Training for AB 109 Officers



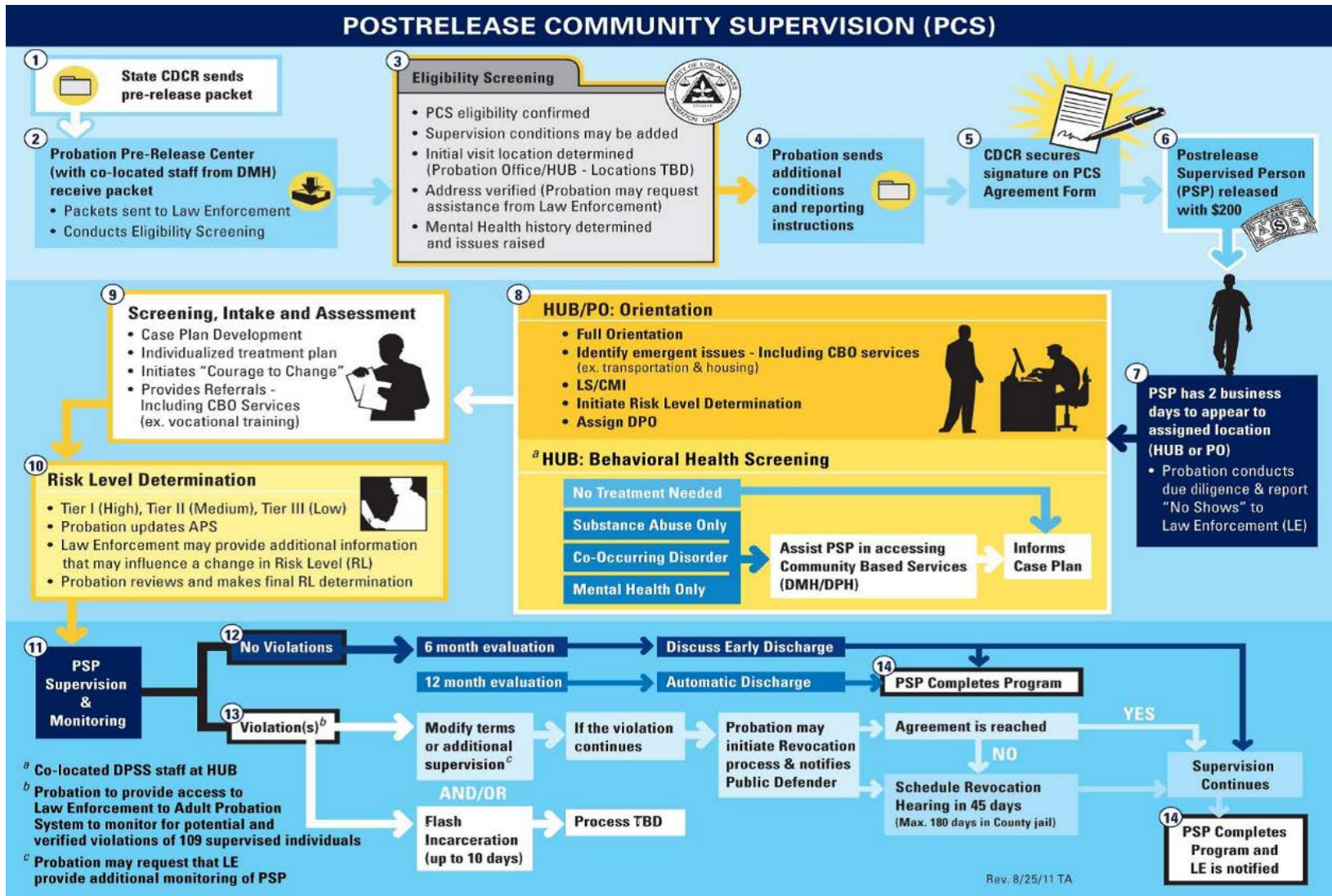
Trends

Population





Development and Approval of AB 109 Implementation Plan





Intermediate Sanctions, Flash Incarcerations, and Revocations

Definitions

Intermediate Sanction PC 3454: Supervising agency has authority to handle all intermediate sanctions without court involvement, up to and including flash incarceration.

Flash Incarceration PC 3454(c): Period of detention in county jail due to a violation of an offender's conditions of Post-Release Community Supervision.

- May be used to incarcerate a PSP between one to ten days in jail.



Intermediate Sanctions, Flash Incarcerations, and Revocations

Definitions

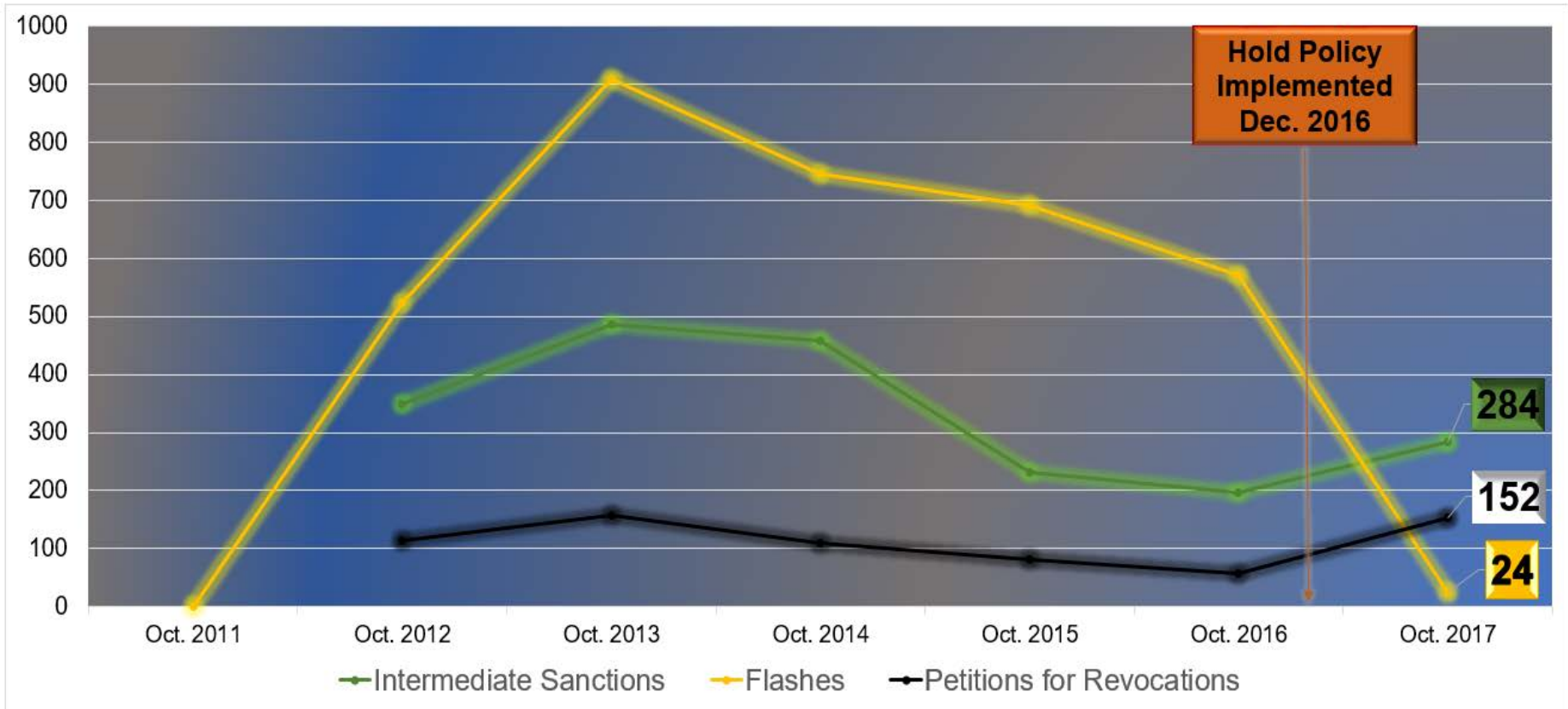
PRCS Hold PC 3455(c): Used to keep a PSP in custody pending a formal filing of a petition to revoke PRCS.

Revocation Petition PC 1203.2: Submitted to court in the event of the a new violation when a lower level of intermediate sanction is not appropriate, or when the PSP repeatedly refuses to comply with conditions of supervision.

- Recommended custodial sanctions range from 11 days to a maximum of 180 days.



Intermediate Sanctions, Flash Incarcerations, and Revocations





Probation Contracted Services

Current Contract



- Housing
- Employment
- System Navigation
- Eligible Population
 - PRCS
 - Split
 - Straight Sentence
 - Back on Track
 - Persons terminated from PRCS/Split

\$13,200,000

- FY 2017 - 2018
Budget



Voter-Initiative Reforms

Proposition 47

- Reclassified several felony drug and theft related offenses to misdemeanors.
- Allowed for eligible individuals previously convicted of specified felonies to be resentenced as misdemeanors.
- IMPACT: Current and future numbers of individuals subject to supervision or custody pursuant to realignment were reduced.

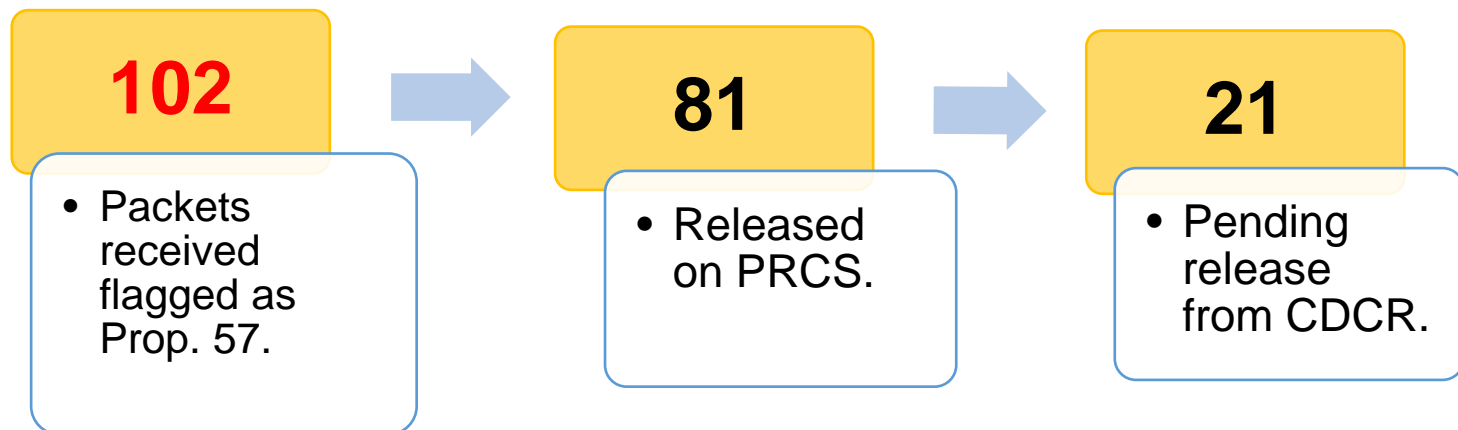
YEAR	PRCS & MANDATORY SUPERVISION TERM. P47/ REDUCED TO MISD.	TERM P47/PRIOR TO CDCR RELEASE	TOTAL
2015	636	40	676
2016	188	1	189
2017	46	0	46
TOTAL	870	41	911



Voter-Initiative Reforms

Proposition 57

- Allowed parole consideration for nonviolent felons.
- Authorized sentence credits for rehabilitation, good behavior and education.





Special Programs

- Skid Row Project
- Back-on-Track LA
- “Healing Trauma” Women’s Group
- Compton Violence Reduction Network
- Homeboy Scholars
- Long Beach Multidisciplinary Team





Information Sharing



Information Sharing with CDCR

- Improved communication between CDCR and AB 109 Pre-Release Center (PRC) on 611 packets.
- CDCR Webinars, CDCR Dedicated Contact List

Information Sharing with Other County Departments

- Criminal Justice Reporting and Analytics (R&A) Strategy Committee
 - Justice Automated Information Management System (JAIMS)
- Systems in place to securely share data between Probation, LASD, and DMH.



High Level Challenges

- Automated data and system integration with other County departments.
- Difficulty in providing services and housing for medically or psychologically fragile persons with a history of violent offenses, sex offenders and arsonists.



Future Enhancements

Strengthen Evidence Based Practice Program Design

- Strengthen infrastructure to provide services that address dynamic criminogenic needs.
- Implement pilot Auxiliary Fund Program as approved by the Board of Supervisors (BOS).
- Implement pilot Incentive Program as approved by the BOS.
- Implement Carey Guides as the Cognitive Behavioral Intervention for AB 109 clients.

Development of Additional Contracts

- Gang intervention services
- Cognitive Behavioral Therapy (CBT)



Questions?

