



**SOLANO COUNTY GRAND JURY**  
2013-2014

Public Safety Realignment Act  
Implementation  
Assembly Bill 109

# **Public Safety Realignment Act Implementation Assembly Bill 109**

2013-2014 Solano County Grand Jury

## **I. INTRODUCTION**

The 2013-2014 Solano County Grand Jury elected to review the impact on Solano County of California Assembly Bill 109, (AB 109) the Public Safety Realignment Act. This Act is a result of an order issued by a panel of three Federal Judges to reduce the inmate population in California's 33 state prisons. The State of California appealed the case to the United States Supreme Court which upheld the order in a four to five decision, finding overcrowding violates the inmates' Eighth Amendment right to be free of cruel and unusual punishment. The California State Legislature enacted AB109 along with several companion bills that comprise what is known as the 2011 Public Safety Realignment Act. Realignment legislation mandates specific sentencing and correctional procedures to reduce prison population. Multiple Acts call on the 58 California counties to perform some of the state's former responsibilities and duties associated with the sentencing and supervision of persons convicted of felony offenses

## **II. METHODOLOGY**

Reviewed:

- Assembly Bill 109 (AB 109)
- Assembly Bill 117 (AB 117)
- *County of Solano 2011 Public Safety Realignment Implementation Plan (PSRIP)* dated November 1, 2011
- California Department of Corrections and Rehabilitation Fact Sheets July 11, 2011 – December 19, 2013
- *California Department of Corrections and Rehabilitation Realignment (CDCR) report*, dated December 2013
- California Penal Code relating to prison populations
- Funding Acts related to AB109
  - AB 111
  - AB 117
  - SB 87
  - SB 89
- Public Safety Realignment Update, dated February 25, 2014
- Newspaper articles

Interviewed:

- Staff of:
  - Solano County Sheriff's Office
  - Solano County Probation Department

- Solano County Health and Social Services (H&SS)
- Solano County Public Defender
- Solano County District Attorney
- Fairfield Police Department
- Delta Camp California Department of Forestry and Fire Protection (CAL-FIRE)
- California State Prison-Solano

Visited and toured:

- Solano County Justice Center
- Solano County Probation Office
- Solano County’s Claybank Detention Facility
- Vallejo Day Reporting Center (VDRC)
- Fairfield Day Reporting Center (FDRC)
- Delta Camp

### **III. STATEMENT OF FACTS**

The 2011 Public Safety Realignment Act dictated that Solano County create the Community Corrections Partnership (CCP) in accordance with Penal Code §1230. Within the CCP an Executive Committee was established. It was their responsibility to develop an implementation plan for the 2011 realignment. The resultant plan became the *County of Solano Public Safety Realignment Act Implementation Plan*, dated November 1, 2011. At the time of the 2013-2014 Grand Jury review this plan had not been fully implemented. The CCP makeup was mandated by legislation to ensure cross-departmental representation. Solano County added mental health and other treatment providers to the team. The partnership is striving to implement new and evidence based approaches to the treatment of the individuals in lieu of incarceration.

As a further result of legislation, sentencing practices exercised by local courts had to be altered. The housing of non-violent offenders and parole violators was shifted to the county jails. The supervision of the non-violent, non-serious and non-sex (3Nons) offenders became the responsibility of the Solano County Probation Department. The initial reduction of the prison population resulted in the Solano County Probation Department receiving approximately 300 additional offenders. These individuals would be placed on Post Release Community Supervision (PRCS).

As realignment is new, complex and evolving, it will require on-going training for the courts, District Attorneys, Public Defenders, Probation Officers, Sheriff’s personnel, local Police Officers, H&SS, service providers and all others involved in the process. The realignment process is new to California and as the plan indicates there will undoubtedly be additional legislation. The PSRIP includes the mechanism for incorporating those changes within Solano County as they are produced.

At this point the following terms utilized by AB109 should be described:

**Post Release Community Supervision (PRCS)**

Lower risk offenders who would formerly have been supervised by state parole will now come under the management of local correctional agencies.

**3Nons (non-violent, non-serious and non-sex)**

These are offenders who commit non-serious Penal Code §1192.7(c), non-violent Penal Code §667.5(c) and non-sex offenses Penal Code §290, who do not require registration as a sex offender. Also, they cannot have committed offenses that are on the State Exception List of 60 or so felonies.

**Parole Violators**

All parole revocations for state parolees (except those with a life term sentence) will be served in the county jail.

Sending state prison 3Nons released on probation to the county for supervision is not without costs. This entails the use of proven practices that focus on identifying interventions, and targeting the individual offenders criminogenic needs. Criminogenic needs are defined as the individual’s anti-social values/behaviors, and his/her peers, attitudes and family that were statistically shown to be correlated with criminal conduct and amenability to change.

The Grand Jury looked at the funding provided by the State for the implementation of AB109 and determined:

**FY 2011-2012**

Allocation for AB109 Programs	\$3,802,662
Allocation for District Attorney (DA)/Public Defender (PD) Activities	\$ 136,482
Allocation for training retention	\$ 268,675
Allocation CCP Planning	\$ 150,000
<b>Total</b>	<b>\$4,357,819</b>

**FY 2012-2013**

Allocation for AB109 Programs	\$8,449,230
Allocation for DA/PD Activities	\$ 155,052
Allocation CCP Planning	\$ 150,000
<b>Total</b>	<b>\$8,754,282</b>

**FY 2013-2014**

Allocation for AB109 Programs	\$10,012,974
Allocation for DA/PD Activities	\$ 181,602
Allocation CCP Planning	\$ 0
<b>Total</b>	<b>\$10,194,576</b>

The Probation Department will be carrying the brunt of the AB109 Realignment load along with the Sheriff’s Office. The Probation Department currently has a staff of 80, with 97 authorized, to handle the former state prison inmates that have been assigned to a Day Reporting Center (DRC).

The purpose of the DRC in Vallejo and Fairfield is to assist in education, counseling and job training. The goal is to reduce the recidivism rate of prisoners once released from jail. As of this writing they have, according to the Probation Department staff, two centers, VDRC at 355 Tuolumne Street in Vallejo and the FDRC located at 475 Union Avenue, Fairfield. The Probation Department advised the Grand Jury they are currently looking for a permanent location for the FDRC.

The PSRIP in 2011 called for the opening of DRCs. The VDRC was not opened until August 2013 with an annual operating cost of \$800,000. At the time of the Grand Jury's visit to the VDRC in November 2013, it was determined that only 26 clients were being served. The VDRC was not fully staffed; they were recruiting for additional mental health clinicians. The Probation Department, in Fairfield, is being remodeled to temporarily meet the needs of the FDRC. There are plans to purchase and construct a new facility adjacent to the Solano County Health and Social Services offices on Beck Avenue in Fairfield as a permanent location of the FDRC. At the time of the Grand Jury visit there were 2 Probation Officers and 1 Mental Health Clinician assigned at the VDRC. The meeting and training rooms were furnished and equipped, but there were no clients present during our visit.

The purpose of the DRCs is to serve as a central hub for individuals on PRCS to comply with their supervision requirements, to receive targeted case management services designed to modify the behavior that led to past criminal activity and to acquire the skills necessary to obtain and retain a job. The client will also receive services to address mental health and substance abuse issues, as well as other service needs. These services are aimed at increasing their chances of a successful transition back into the community. The individual services will be determined by the assessment tools used by the Probation Department that will look at common factors that may keep the client from re-offending.

The client will then be placed in various programs. Some of the programs available:

- Cognitive Behavioral Therapy
- Motivational Interviewing
- Anger Management
- Parenting
- Decision Making Skills
- Computer Skills training

The PSRIP describes the seven major components that comprise the core of Solano County's approach to realignment:

- Risk and Needs Assessment
- Community Supervision
- Alternatives to Custody (ATC) for unsentenced and sentenced individuals
- Intermediate Sanctions
- Custody and In-Custody Programs
- Reentry into the community
- Proven and Cost Effective Service Delivery Strategies

ATC procedures will commence immediately after the arraignment of an offender with those potentially eligible for release being screened by the Probation Department. If an offender is deemed to be appropriate for release, subsequent to a recommendation by the Probation Department, the offender will be placed on their Own Recognizance (OR), Supervised OR (SOR) or one of the following programs at the discretion of the Sheriff:

- Voice ID Monitoring
- Alcohol Monitoring
- Electronic Monitoring
- Global Positioning Satellite Monitoring

Intermediate Sanctions include but are not limited to:

- Flash Incarceration
- Intensive community supervision
- Mandatory community service
- Home detention with Electric Monitoring or Global Positioning Satellite Monitoring
- Day reporting
- Mandatory substance abuse treatment programs

Custody and in-custody programs are essential to the success of the program.

Custody is defined as being in jail.

Some In-Custody programs are provided by County Jail personnel while others are provided by outside organizations. Some of the programs provided by outside organizations are:

- Health and mental health treatment
- Youth and family services
- Womens' Reentry Achievement Program

Programs provided by the Sheriff's Custody Division are:

- Jail Counseling
- Custody Inmate
- Weekly discussion groups
- Angry Heart Group
- Chaplain services
- Community volunteers to assist with Alcoholics Anonymous (AA), Narcotics Anonymous (NA) and various religious services
- Veteran's Justice Outreach
- Inmate library services
- GED/Literacy

Reentry programs can involve any of the following:

- Provision of required medications upon release
- Health and/or mental health treatment
- Substance abuse treatment

- Rapid referral protocols
- Education, vocational training and employment
- Assistance in locating housing
- Family reunification and/or parenting services
- Assistance with transportation
- Assistance in acquiring ID cards to register for various benefits

Service delivery strategies include the aforementioned DRC's as well as various service centers. The objective of the PSRIP is not only to comply with the requirements of AB109 but by providing the multitude of programs to reduce the recidivism rate, thereby reducing the overall prison/jail population. The Grand Jury was informed by the Probation Department staff there is no method currently in use to track the recidivism rate.

County and city law enforcement leaders have informed the Grand Jury that community crime rates have increased since the implementation of the realignment act. The crimes are primarily burglaries, thefts, and robberies commonly called property crimes. The 3 Non's released to county probation for supervision and the use of day centers in Vallejo and Fairfield places more people, previously arrested for property crimes, in our communities.

Statements made to the Grand Jury by various law enforcement personnel have indicated that since the implementation of AB109 there has been an increase in assaults on law enforcement officers both in the jails and on the streets.

#### **IV. SUMMARY**

The 2013-2014 Solano County Grand Jury investigated the implementation plan of the November 2011, AB109 Realignment Act and the impact it will have on the County. We reviewed the County of Solano 2011 Public Safety Realignment Implementation Plan. We interviewed Executive Members of the Community Corrections Partnership, toured and visited the Probation Department's Day Reporting Centers, spoke with law enforcement staff and reviewed documentation regarding the AB109 plan. The Public Safety Realignment Implementation Plan is broad and comprehensive in scope. The Grand Jury has concerns with the length of time in the execution of this plan and the providing of facilities and their proper staffing.

#### **V. FINDINGS AND RECOMMENDATIONS**

##### **Finding 1**

At the time of the 2013-2014 Grand Jury review, the *County of Solano 2011 Public Safety Realignment Implementation Plan* dated November 1, 2011 has not been fully implemented.

**Recommendation 1**

That Solano County Community Corrections Partnership accelerate the full implementation of *County of Solano 2011 Public Safety Realignment Implementation Plan* dated November 1, 2011.

**Finding 2**

At this time, three years post AB109 implementation, there is no evidence that recidivism rates are being tracked by any agency in Solano County.

**Recommendation 2**

The Probation Department work cooperatively with the Sheriff's office to track the recidivism rates and provide quarterly reports to the Community Corrections Partnership.

**Finding 3**

Realignment appears to contribute to property crimes in our communities.

**Recommendation 3**

The Solano County Corrections Partnership work closely with local law enforcement to provide the resources necessary to correct this problem.

**Finding 4**

There is a marked increase in assaults on law enforcement personnel in the jails and on the streets.

**Recommendation 4**

The Solano County Corrections Partnership assist law enforcement in the development and use of proven (evidence based) methods to provide officer safety.

**Finding 5**

At the time of the Grand Jury's visit, it was noted that the Vallejo Day Reporting Center is underutilized and was servicing only 26 clients at an annual operating cost of \$800,000.

**Recommendation 5**

The Community Corrections Partnership make the necessary changes to the Public Safety Realignment Implementation Plan that will result in full and cost effective utilization of the Vallejo Day Reporting Center.

**Finding 6**

The Probation Office in Fairfield is being remodeled to temporarily meet the needs of a Day Reporting Center for Fairfield.

**Recommendation 6**

Probation Department expeditiously complete the renovation of their current building to be utilized as a temporary Day Reporting Center.

**Finding 7**

There are plans to purchase and construct a new facility adjacent to the Solano County Health and Social Services offices, located on Beck Avenue, a permanent location for the Fairfield Day Reporting Center.

**Recommendation 7**

Without further delay, the Probation Department and the Solano County Administrator expedite the construction of the permanent Day Reporting Center in Fairfield.

**COMMENTS**

A great deal of time and money has been spent on this plan with no means to measure progress toward success.

**REQUIRED RESPONSES**

Solano County Chief Probation Officer

**COURTESY COPIES**

Clerk, Solano County Board of Supervisors  
Solano County Administrative Office  
Solano County Sherriff's Office  
Solano County District Attorney  
Solano County Public Defender  
Fairfield Chief of Police  
Director, Solano County Health and Social Services Department

## **GLOSSARY**

3Nons	Non-serious. Non-violent. Non-registerable sex offense AO Average Daily Population
ATC	Alternatives to Custody
CAL FIRE	California Department of Forestry and Fire Protection
CCP	Community Corrections Partnership
CDCR	California Department of Corrections and Rehabilitation
CS	Community Supervision
DA	District Attorney
DRC	Day Reporting Center
HSS	Department of Health and Social Services
OR	Own Recognizance
PD	Public Defender
PRCS	Post Release Community Supervision
PSRIP	County of Solano 2011 Public Safety Realignment Implementation Plan
SESO	Solano County Sheriff's Office
SOR	Supervised Own Recognizance
VOP	Violation of Probation or Parole