

Riverside County Assembly Bill 109 2011 Inmate Realignment Public Forum

County Administrative Center (CAC)
October 24, 2011



History

Two federal class action lawsuits filed against California Department of Corrections and Rehabilitation (CDCR) Prisons:

- Coleman v. Wilson (1990) regarding mental health care
- Plata v. Davis (2001) alleged inadequate medical care resulted in 34 inmate-patient deaths

The Federal Court of Appeals found that CDCR had violated the 8th Amendment to the US Constitution, i.e. cruel and unusual punishment

History

- Prison overcrowding and inmate/staff ratios contributed to inadequate services
- On May 23, 2011, the U.S. Supreme Court upheld the California Federal Court decision starting the clock on the two year implementation to reduce the prison population by 33,000 inmates, with a goal of 137.5% of design capacity or 110,000 prisoners

Community Corrections Partnership Executive Committee (CCPEC)

- Chief Probation Officer, Chairman
- Presiding Superior Court Judge, or designee
- Sheriff
- District Attorney
- Public Defender
- Police Chief
- Director, Department of Mental Health

Change in Sentencing

- Prior to October 1, 2011:
 - All felony convictions were eligible to be served in State Prison
 - Misdemeanor and felony custody time up to one year were served in county jail
- Convictions after October 1, 2011:
 - Non-violent, non-serious, non-high risk sex offenders go to county jail (60-70% of all felony offenders are N3s)

Change in Supervision

- Prior to October 1, 2011:
 - Supervision of all released prison felons was performed by State Parole Agents (CDCR)
 - Supervision of felons granted probation by the Court was performed by County Probation Officers
- After October 1, 2011:
 - Non-violent, non-serious, non-high risk sex (N3s) felony offenders are supervised by probation upon release from prison or county jail
 - Inmates convicted of offenses that are violent, serious, or high risk sex offenses (requiring registration) remain the responsibility of State Parole

Change in Housing

- Parole violators serve revocation custody in county jail with the exception of parolees with a life sentence
- N3s remain in local custody

Effects:

- More inmates held for longer periods of time in local jails
- Overcrowding problem moved from State to local facilities

Change in Court Functions

- On October 1, 2011:
 - Local Courts responsible for Post-release Community Supervision Revocation Hearings
- On July 1, 2013:
 - Local Courts responsible for Parole Revocation Hearings

2011-12 AB 109

Allocations to Riverside County

- Supervision, Custody & Programs
\$21,074,473
- DA/Public Defender (revocations) \$755,421
- Court operations \$662,000
- Training & Retention one time \$1,487,050
- Community Corrections Partnership one time
\$200,000

Budget Allocations

On October 11, 2011, the Community Corrections Partnership Executive Committee approved the following budget allocations:

▪ Probation Department	\$ 5,838,954
▪ Sheriff Department	\$ 10,044,948
▪ District Attorney	\$ 590,383
▪ Public Defender	\$ 451,419
▪ Department of Mental Health	\$ 4,142,247
▪ Police Departments	<u>\$ 755,960</u>
Total	\$ 21,823,911*

*Includes only allocation for supervision and custody, plus one-time allocation for training and retention.

*Court is allocated \$662,000 and did not request additional funding.

N3 Sentencing Options

- Felony probation/jail; split sentence: jail/may include probation; alternative custody options
- Custodial Housing:
 - Rent bed space from: Other Counties, State Prisons, CDCR Fire Camps or Private Community Correctional Facilities
- Alternative or Virtual Custody:
 - Electronic Monitoring & Home Detention (in lieu of bail) before and after sentencing
 - Work Release/Weekend Work Program

Impact to Jail Population

- Riverside County Sheriff's Department operates 5 jails with 3,904 beds, including 150 reserved for Residential Substance Abuse Treatment (RSAT)
- Projected 5,740 additional inmates per year for 2012 and 2013. Based on 2010 data:
 - 2,257 non-violent, non-serious, non-high risk sex (N3s) felony offenders with a new commitment
 - 3,483 parole violators
- Translates to 400 additional beds per day
- Anticipate reaching full capacity in December 2011 or January 2012

Impact to Probation Population

- Probation currently maintains supervision and compliance on 17,000 adult felons/misdemeanants countywide
- AB 109 adds N3s who previously would have been supervised by State Parole. The projected average increase will be about 2,500 on or after October 1, 2012
- Total supervision responsibility
 $17,000 + 2,500 = 19,500$

Post-release Community Supervision (PCS)

- Probation has established procedures consistent with evidence-based supervision practices, including:
 - Supervision Intake (file review)
 - Correctional Offender Management Profiling for Alternative Sanctions (COMPAS) and Risk and Needs Assessment
 - Assignment to appropriate level of supervision
 - Development of supervision case plan

Post-released Community Supervision (PCS)

- Motivational Interviewing
- Courage to Change curriculum
- Referrals to services according to criminogenic needs (Mental Health, Substance Abuse, Education, Employment Services)
- Graduated Sanctions/Incentives as needed to promote rehabilitation (Flash Incarceration, House Arrest, Electronic Monitoring)

Post-released Community Supervision (PCS)

Offenders are placed in Low, Medium or High level supervision caseloads (risk and needs assessment/case management/treatment needs completed)

- High risk offenders:
 - caseloads up to 35
 - frequent contacts
 - offenders with high risk of violence will be supervised by armed Probation Officers
- Medium risk offenders:
 - caseloads up to 80
 - minimum number of monthly contacts with Probation Officers
- Low risk offenders:
 - caseloads up to 200
 - monthly contact as needed with Probation Officers

Post-release Community Supervision Population by Crime Type

- On October 1, 2011, N3 prison inmates are released under Post-release Community Supervision
- Anticipated **partial** breakdown by crime type:
 - 35% Theft Offense
 - 30% Drug Offense
 - 20% Other (Hit and Run, DUI, Weapons, Fraud, Vandalism)

Post-release Community Supervision Population by Probation Divisions

Desert Division		Riverside Division		Southwest Division	
Blythe	2	Banning	13	Aguanga	2
Cathedral City	6	Beaumont	6	Canyon Lake	2
Coachella	10	Cabazon	2	Hemet	42
Desert Hot Springs	16	Calimesa	1	Homeland	3
Indio	18	Cherry Valley	2	Lake Elsinore	7
La Quinta	2	Corona	24	Menifee	3
Palm Desert	5	Mira Loma	7	Moreno Valley	38
Palm Springs	8	Norco	4	Murrieta	7
Thermal	1	Riverside	117	Nuevo	2
Thousand Palms	4	Homeless	7	Perris	19
		Not Reported/TBD	28	San Jacinto	13
				Sun City	2
				Temecula	1
				Wildomar	3
				Winchester	2
Total	72	Total	211	Total	146

Post-release Community Supervision Population by Out of County Residence

Alta Loma	1	Marina	1	Sylmar	1
Anaheim	4	N. Hollywood	1	Upland	1
Bakersfield	1	Orange	1	Victorville	2
Bell Gardens	1	Oxnard	1	Warner Springs	1
Bellflower	1	Redlands	1	Yucaipa	1
Big Bear	1	Rialto	1	Daytona Beach, FL	1
Chino	2	Sacramento	1	Indiana, IN	1
Fontana	2	San Bernardino	7	Las Vegas, NV	1
Hesperia	3	San Diego	1	Mesa, AZ	1
Lake Forest	1	San Pedro	1	Springfield, TN	1
Landers	1	Santa Ana	1	Tucson, AZ	1
Loma Linda	1	Southgate	1	Yuma, AZ	1
Long Beach	1	Stockton	2	Mexico	2
Los Angeles	5	Santee	1	Total	61