

Community Corrections Partnership Executive Committee

(PC § 1230.1, as added by AB 109 and amended by AB 117)

AGENDA

Thursday, August 18, 2011

2:00pm-4:00pm

City Hall, Room 305

1 Dr. Carlton B. Goodlett Place

San Francisco, CA 94102

Note: *Each member of the public will be allotted no more than 3 minutes to speak on each item.*

1. Call to Order and Roll Call.
2. Discussion of funding for services in the City and County of San Francisco Public Safety Realignment and Post Release Community Supervision 2011 Implementation Plan (discussion only).
3. Review and Approval of the City and County of San Francisco Public Safety Realignment and Post Release Community Supervision 2011 Implementation Plan, including funding recommendations, for consideration and adoption by the Board of Supervisors (discussion & action).
4. Discussion of service gaps, prioritization of service contracts, and strategies for soliciting additional input (discussion only).
5. Members' comments, questions, and requests for future agenda items (discussion only).
6. Public comment on any item listed above, as well as items not listed on the Agenda.
7. Adjournment.

Community Corrections Partnership Executive Committee

(PC § 1230.1, as added by AB 109 and amended by AB 117)

SUBMITTING WRITTEN PUBLIC COMMENT TO THE COMMUNITY CORRECTIONS PARTNERSHIP

Persons who are unable to attend the public meeting may submit to the Community Corrections Partnership Executive Committee, by the time the proceedings begin, written comments regarding the subject of the meeting. These comments will be made a part of the official public record, and brought to the attention of the Community Corrections Partnership Executive Committee. Written comments should be submitted to: Jessica Flintoft, Reentry Policy Director, Reentry Council/Office of the Public Defender, 555 7th Street, San Francisco, CA 94102, or via email: reentry.council@sfgov.org

MEETING MATERIALS

Copies of agendas, minutes, and explanatory documents are available through the Reentry Council's website at <http://sfreentry.com> or by calling Jessica Flintoft at (415) 553-1593 during normal business hours. The material can be FAXed or mailed to you upon request.

ACCOMMODATIONS

To obtain a disability-related modification or accommodation, including auxiliary aids or services, to participate in the meeting, please contact Jessica Flintoft at reentry.council@sfgov.org or (415) 553-1593 at least two business days before the meeting.

TRANSLATION

Interpreters for languages other than English are available on request. Sign language interpreters are also available on request. For either accommodation, please contact Jessica Flintoft at reentry.council@sfgov.org or (415) 553-1593 at least two business days before the meeting.

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Community Corrections Partnership Executive Committee

(PC § 1230.1, as added by AB 109 and amended by AB 117)

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT A VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE:

Administrator

Sunshine Ordinance Task Force

City Hall, Room 244

1 Dr. Carlton B. Goodlett Place

San Francisco, CA 94102-4683.

Telephone: (415) 554-7724

FAX: (415) 554-7854.

E-Mail: soft@sfgov.org

Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library, and on the City's web site at: www.sfgov.org/sunshine.

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Realignment Funding for FY11/12: Overview of Identified Sources and Proposed Uses
Community Corrections Partnership Executive Committee

Overview

Once realignment has been fully implemented, the State has estimated that San Francisco will assume responsibility for approximately 700 additional people at any point in time across all agencies by the fourth year of realignment. The San Francisco Community Corrections Partnership Executive Committee anticipates that the actual population will be greater than these projections prepared by the State. Specifically, the State has estimated that, at any point in time, San Francisco will be responsible for an additional 421 people on Post-Release Supervision (PRS), 114 inmates serving less than 3 years, 50 inmates serving more than 3 years, and 61 inmates who are returned to custody for a parole or PRS violation.

The statewide funding allotments for realignment were based on a formula that assumes \$25,000 per offender for 6 months of local incarceration, and prorated level of funding per incarcerated parole violator for 60 days of local incarceration. Statewide funding allotments also included a per offender allotment of \$2,275 per person for rehabilitative services. For San Francisco, this would amount to \$1,469,650 for rehabilitative services from State AB109 funding. The Mayor has introduced a local ordinance that would result in the allocation of \$1,823,289 for rehabilitative services, or 32% of San Francisco's State AB109 allocation.

Identified Sources for Realignment Funding in FY11/12

The State developed and utilized a funding formula to establish county allocations for October 1, 2011 to June 30, 2012 that considered three factors: the realignment population estimates above, the proportion of 18-64 year olds to the total population, and the SB678 distribution formula. Based on this formula, San Francisco is projected to receive a total of \$5,787,176 from the State for the 9-month period that remains in FY11/12. Further, the Mayor and Board of Supervisors allocated \$4,800,000 of local funding (General Fund) in FY11/12 for realignment activities.

Identified Source	Required Use	Amount
State AB109	Post-release Community Supervision (PCS) or Local Incarceration	\$5,049,838
State AB109	District Attorney and Public Defender costs related to PCS revocation cases	\$181,013
State AB109	Training and Retention (one-time costs)	\$356,325
State AB109	Community Corrections Partnership planning (one-time costs)	\$200,000
State AB109	Subtotal	\$5,787,176
SF General Fund	Sheriff's Department: anticipated increase in use of electronic monitoring.	\$800,000
SF General Fund	Sheriff's Department: staffing for anticipated increase in jail operations (2 additional dorms)	\$4,000,000
SF General Fund	Subtotal	\$4,800,000
All Identified Sources	Total	\$10,587,176

Proposed Uses for State AB109 Funding

Locally, it is proposed that the State AB109 funding be allocated for the following uses.

Proposed Use of State AB109 Funding	Total Allocation	Portion to Services
Adult Probation Department Operations & Services Center	\$4,242,724	\$860,789
District Attorney’s Office Prosecution & Alternative Sentencing	\$190,507	\$0
*Human Services Agency Housing Subsidies	\$132,500	\$132,500
*Department of Public Health Treatment Services	\$650,000	\$650,000
*Office of Economic & Workforce Development Workforce Development Services	\$30,000	\$30,000
Public Defender’s Office Representation & Realignment Team	\$190,507	\$0
Sheriff’s Department Meals and Basic Items for additional inmates, Operational costs of additional dorms, and in-custody programming as possible.	\$350,938	up to \$150,000 as possible**
Total	5,787,176	\$1,823,289 (32% of total allocation)

* proposed funds to these departments may be administered through Adult Probation Department.

** unlikely due to need to fund operational costs of additional dorms

Next Steps

Locally, the Mayor and Board of Supervisors have or will be considering approval of the following realignment-related legislation.

Realignment-related Legislation	Status
Resolution (File No. 110732) to appoint the Department of Public Health to the CCPEC.	Passed on August 2 nd .
Resolution (File No. 110735) Interim designation of Adult Probation Department as Post Release Supervision authority.	Passed on August 2 nd .
Ordinance (File No. 110846) Designation of Adult Probation Department as Post Release Supervision authority, and authorization to administer home detention and electronic monitoring for supervision and as intermediate sanction.	Introduced on July 20 th . To be heard in Public Safety Committee.
Resolution (File No. 110920) to approve 2011 Realignment Plan, pending CCPEC approval.	Introduced on August 2 nd . To be heard in Budget and Finance Committee.
Ordinance (File No. 110907) Appropriation of State AB109 Funding.	Introduced on August 2 nd . To be heard in Budget and Finance Committee.
Ordinance (File No. 110902) Amendment to Annual Salary Ordinance as related to AB109 Funding.	Introduced on August 2 nd . To be heard in Budget and Finance Committee.

For consideration and approval by the Executive Committee of the Community Corrections Partnership on August 18, 2011.



City & County of San Francisco Public Safety Realignment & Post Release Community Supervision

2011 Implementation Plan

Executive Committee of the Community Corrections Partnership

Jeff Adachi, Public Defender

George Gascon, District Attorney

Charles Haines, Judge (designated by Presiding Judge)

Michael Hennessey, Sheriff

Barbara Garcia, Director, Department of Public Health (designated by Board of Supervisors)

Wendy Still, Chief, Adult Probation Department (Chair)

Gregory Suhr, Chief, Police Department

As recommended to the San Francisco Board of Supervisors, Public Safety Committee, July 21, 2011

Please direct comments on this plan to Chief Wendy Still, Adult Probation Department, at wendy.still@sfgov.org or (415) 553-1687. Written comments may be mailed to Adult Probation Department, Hall of Justice, 880 Bryant Street, San Francisco, CA 94103.

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SUMMARY OF RECOMMENDATIONS

The Executive Committee submits the following recommendations to the Board of Supervisors, City & County of San Francisco

1. Consider and adopt 2011 Implementation Plan herein, as the City & County of San Francisco's Public Safety Realignment plan as required by PC1230.1 and the Postrelease Community Supervision strategy as required by PC3451 as added by the Post-Release Community Supervision Act of 2011 contained in AB109. This Plan contains recommendations for implementation including using both funds allocated by the State as well as additional resources that will be required by the City/County to successfully implement the plan.
2. Consider and adopt the following amendments to the San Francisco Administrative Code:

Article XXII, Section 2A.300 Postrelease Community Supervision Authority

The Adult Probation Department is designated as the county agency responsible for implementing postrelease community supervision as specified in Section 3451 of the California Penal Code as added by the Post-Release Community Supervision Act of 2011.

SECTION 13.63 Home Detention Program

The Sheriff is authorized to offer a home detention program, as specified in Section 1203.016 of the California Penal Code, in which inmates committed to the County Jail or other County correctional facility or inmates participating in a Work Furlough program may voluntarily participate or involuntarily be placed in a home detention program during their sentence in lieu of confinement in the County Jail or other County correctional facility.

SECTION 13.64 Electronic Monitoring Program in lieu of Bail – Sheriff's Department

The Sheriff is authorized to offer an electronic monitoring program, as specified in Section 1203.018 of the California Penal Code, to inmates being held in lieu of bail in the County Jail or other County correctional facility.

Article XXII, Section 2A.301 Home Detention and Electronic Monitoring Program – Adult Probation Department

The Chief Adult Probation Officer is authorized to offer an electronic monitoring and/or home detention program to individuals who are granted probation or are under postrelease community supervision as a sanction for violating supervision conditions, as specified in Sections 3453 and 3454 of the California Penal Code.

OVERVIEW OF 2011 PUBLIC SAFETY REALIGNMENT ACT (AB109)

In an effort to address overcrowding in California's prisons and assist in alleviating the state's financial crisis, the Public Safety Realignment Act (Assembly Bill 109) was signed into law on April 4, 2011. AB109 transfers responsibility for supervising specified lower level inmates and parolees from the California Department of Corrections and Rehabilitation to counties. Implementation of the Public Safety Realignment Act is scheduled for October 1, 2011.

Additionally, Section 1230 of the California Penal Code is amended to read "Each county local Community Corrections Partnership established pursuant to subdivision (b) of Section 1230 shall recommend a local plan to the County Board of Supervisors for the implementation of the 2011 public safety realignment. (b) The plan shall be voted on by an executive committee of each county's Community Corrections Partnership consisting of the Chief Probation Officer of the county as chair, a Chief of Police, the Sheriff, the District Attorney, the Public Defender, presiding Judge or his or her designee, and the department representative listed in either section 1230 (b) (2) (G), 1230 (b) (2) (H), or 1230 (b) (2) (J) as designated by the county board of supervisors for purposes related to the development and presentation of the plan. (c) The plan shall be deemed accepted by the County Board of Supervisors unless rejected by a vote of 4/5ths in which case the plan goes back to the Community Corrections Partnership for further consideration. (d) Consistent with local needs and resources, the plan may include recommendations to maximize the effective investment of criminal justice resources in evidence-based correctional sanctions and programs, including, but not limited to, day reporting centers, drug courts, residential multiservice centers, mental health treatment programs, electronic and GPS monitoring programs, victim restitution programs, counseling programs, community service programs, educational programs, and work training programs."

Key elements of AB109 include:

Target Population: The postrelease community supervision population, released from prison to community supervision, is the responsibility of local probation departments and is inclusive of non-violent, non-serious, non-sex offenders with a prior PC 667.5(c), PC 1192.7(c) or registerable offenses pursuant to Penal Code section 290. (see Attachment 1) The population that will serve their prison sentences locally includes the non-violent, non-serious, non-sex offender group. The California Department of Correction and Rehabilitation (CDCR) estimates San Francisco's "average daily population" (ADP) of these offenders will be:

421	<u>Postrelease community supervision</u>
61	<u>Parole and postrelease community supervision violators in jail on revocations</u>
164	<u>Sentenced to local incarceration under AB109</u>

At some point in time all 646 (ramping up to 700 during Fiscal Year 2011-12) offenders will be on postrelease community supervision to Adult Probation, requiring the full range of supervision, sanctions and service resource available through the department.

This population becomes a local responsibility as of October 1, 2011 when the Post-Release Community Supervision Act of 2011 is implemented. **These estimates are based upon data provided by CDCR; however, the Community Corrections Partnership Executive Committee anticipates the actual population to be greater than the State projections.**

Additional key elements of AB109 include:

- Redefining Felonies: Revises the definition of a felony to include certain crimes that are punishable in jail for 16 months, 2 years, or 3 years. Some offenses, including serious, violent and sex-offenses, are excluded and sentences will continue to be served in state prison.
- Local Postrelease Community Supervision: Offenders released from state prison on or after October 1, 2011 after serving a sentence for an eligible offense shall be subject to, for a period not to exceed 3 years, postrelease community supervision provided by a county agency designated by that county's Board of Supervisors.
- Revocations Heard & Served Locally: Postrelease community supervision and parole revocations will be served in local jails (by law maximum revocation sentence is up to 180 days), with the exception of paroled 'lifers' who have a revocation term of greater than 30 days. The Courts will hear revocations of postrelease community supervision while the Board of Parole Hearings will conduct parole violation hearings in jail.
- Changes to Custody Credits: Jail inmates will be able to earn four days of credit for every two days served. Time spent on home detention (i.e., electronic monitoring) is credited as time spent in jail custody.
- Alternative Custody: Penal Code Section 1203.018 authorizes electronic monitoring for inmates being held in the county jail in lieu of bail. Eligible inmates must first be held in custody for 60 days post-arraignment, or 30 days for those charged with misdemeanor offenses.
- Community-Based Punishment: Authorizes counties to use a range of community-based punishment and intermediate sanctions other than jail incarceration alone or traditional routine probation supervision.

Summary of Realignment Components & Local Legislative Recommendations

Population Affected (as of effective date of AB109)	Component of Public Safety Realignment	Local Legislative Recommendations
<i>Released from State Prison</i>	State prisoners serving sentences for non-violent, non-serious and non-sex offenses with one of these offenses in their criminal history will be placed on county postrelease community supervision instead of state parole. The Court will adjudicate violations of county postrelease community supervision.	Recommendation that the Board designate Adult Probation as the administrator of county postrelease community supervision, including administration of home detention and electronic monitoring program for postrelease community supervision offenders and probationers.
<i>On State Parole</i>	Violations of State Parole will be adjudicated by Board of Parole Hearings inside County Jail.	
<i>Currently Held Pretrial in County Jail</i>	Certain inmates may be released pre-trial on electronic monitoring.	Recommendation that the Board designate Sheriff as administrator of electronic monitoring for inmates.
<i>Currently Sentenced in County Jail</i>	Certain inmates may be placed on home detention.	Recommendation that the Board expand Sheriff's duties as administrator of Home Detention for inmates.
<i>Realigned Local Incarceration and Postrelease Community Supervision Population</i>	Establish outcome measures related to local incarceration inmates and postrelease community supervision populations (per AB109).	Recommendation that the Board approve funding for an expert to develop a research design, collect data and report to the Board on the outcomes associated with AB109.
<i>Realigned Local Incarceration and Postrelease Community Supervision Population</i>	Existing AB109 and SB678 funding formula and allocation methodology do not adequately fund the County's actual cost of managing the AB109 offender population, and fiscally penalizes San Francisco's effective correctional practices.	Recommendation that the Board and Mayor's Office raise concerns regarding funding formula and allocation methodology to State Legislative Representatives (detailed on page 9).

LOCAL PLANNING AND OVERSIGHT

COMMUNITY CORRECTIONS PARTNERSHIP

In the last two years, there have been statewide efforts to expand the use of evidence based practices in sentencing and probation practices, and to reduce the state prison population. SB 678 (2009) established a Community Corrections Partnership (CCP) in each county, chaired by the Chief of Adult Probation, charged with advising on the implementation of SB 678 funded initiatives. AB109 (2011) established an Executive Committee of the CCP charged with development of a 2011 Realignment Plan that will recommend a city-wide programming plan for the realigned population, for consideration and adoption by the Board of Supervisors.

The CCP Executive Committee will advise on the progress of the Implementation Plan. Chaired by the Chief Adult Probation Officer, the CCP Executive Committee will oversee the realignment process and advise the Board of Supervisors in determining funding and programming for the various components of the plan. Voting members of the Executive Committee include: a Judge (appointed by the Presiding Judge); Chief Adult Probation Officer; County Sheriff; District Attorney; Chief of Police; Public Defender; and Director of County Social Services/Mental/Public Health (as determined by the Board of Supervisors).

This plan was developed by CCP Executive Committee members, their designees and other key partners. Meeting attendees included:

David Koch	Adult Probation Department
Diane Lim	Adult Probation Department
Tom Murphey	Adult Probation Department
Wendy Still	Adult Probation Department
Cristel Tullock	Adult Probation Department
Gayle Revels	Controller's Office
Craig Murdock	Department of Public Health
Jo Robinson	Department of Public Health
Lenore Anderson	District Attorney's Office
Lauren Bell	District Attorney's Office
Stephanie Holm	District Attorney's Officer
Sharon Woo	District Attorney's Office
Noelle Simmons	Human Services Agency
Scott Walton	Human Services Agency
Allison Magee	Juvenile Probation Department

Olivia Dopler	Mayor's Office
Toni Gibbs	Mayor's Office
Paul Henderson	Mayor's Office
Melissa Howard	Mayor's Office
Rebekah Krell	Mayor's Office
Mark Reinardy	Mayor's Office
Greg Wagner	Mayor's Office
Rick Wilson	Mayor's Office
Rick Parry	Police Department
Jeff Adachi	Public Defender
Simin Shamji	Public Defender
Jessica Flintoff	Reentry Council
Jennifer Scaife	Reentry Council
Ellen Brin	Sheriff's Department
Jan Dempsey	Sheriff's Department
Charles Haines	Superior Court
Sue Wong	Superior Court
Mike Yuen	Superior Court

The planning group has met weekly since April 29, 2011 discussing funding methodology, policies and programming necessary to implement the plan. The substantive policy and operational plan, without specific budget detail was voted on and approved at the July 15, 2011 meeting,

REENTRY COUNCIL

The Reentry Council regularly shares information with the CCP. The success of the Reentry Council is rooted in its shared leadership, engagement of formerly incarcerated representatives, and strong participation of safety net and health partners since the Fall of 2005. It is co-chaired by the Chief of Adult Probation (added as co-chair in February 2011), District Attorney, Mayor, Public Defender, and Sheriff. The Public Defender's Office has provided primary staffing of the Council since February 2007. In FY 2011-12 the positions supporting the Reentry Council and work of the Community Corrections Partnership transfer to Adult Probation. Centralizing support of the Reentry Council and Community Corrections Partnership in the Adult Probation Department signals a commitment by the City to collaboratively engage in coordination of resources and justice system realignment efforts. The District Attorney's Office, Mayor's Office, and Sheriff's Department have each provided varying levels of in-kind staff time to the administration of the Council. SF Administrative Code 5.1 establishes the Reentry Council and outlines its powers and duties, and responsibility for reporting to the Mayor and Board of Supervisors.

JUVENILE JUSTICE COORDINATING COUNCIL

San Francisco's Juvenile Justice Coordinating Council (JJCC) was established pursuant to Section 749.22 of Article 18.7 of the Welfare and Institutions Code which requires counties to establish a multi-agency council to develop and implement a continuum of county-based responses to juvenile crime. The anticipated realignment of the State's juvenile justice system is scheduled for FY 2012-13 in the "second phase" of AB109 implementation. Currently, the Community Corrections Partnership, Juvenile Justice Coordinating Council and Reentry Council are working to strengthen their partnership to ensure consistency amongst stakeholders and continuity in programming for transitional aged offenders as realignment strategies are developed and implemented.

NEW POPULATIONS AND FUNDING

San Francisco has a long history of providing innovative, quality alternatives to incarceration, problem solving courts, progressive prosecutorial programs, holistic indigent defense, rehabilitative in-custody programming, and evidence-based supervision and post-release services. Local partners will continue to build upon our successful models and implement promising new practices to responsibly meet the diverse needs of these additional individuals.

PROJECTED POPULATION

The State has estimated that San Francisco will assume responsibility for approximately 700 additional offenders at any point in time across all agencies. This population is diverse and includes offenders who have been convicted of property, public order, drug, and domestic violence offenses, and gang-involved offenders. Of these 700 people, it is anticipated that at any one time an average daily population of approximately 225 offenders will be serving a sentence of local incarceration or sanctioned to other custodial/programmatic options. All 700 people will at some point be on postrelease community supervision.¹

PROJECTED FUNDING

The formula establishing statewide funding allotments for AB109 implementation in Fiscal Year (FY) 2011-12 assumes \$25,000 per offender for six months of local incarceration, with each of these offenders allocated \$2,275 for rehabilitative services while incarcerated or in alternative incarceration programs. This same level of funding will be made available for parole violators serving a 60-day revocation, albeit on a pro-rated basis. Offenders on postrelease community supervision are funded at \$3,500 per person for community supervision and \$2,275 per person for rehabilitative services (for a maximum of 18 months). The above formula establishing a statewide allotment was developed by the State Department of Finance and agreed to by County Administrative Officers (CAO) and California State Association of Counties (CSAC).

¹ **These estimates are based upon data provided by CDCR; however, the Community Corrections Partnership Executive Committee anticipates the actual population to be greater than the State projections.**

The level of local funding available through AB109 is based on a weighted formula containing three elements:

- 60% based on estimated average daily population (ADP) of offenders meeting AB109 eligibility criteria
- 30% based on U.S. Census Data pertaining to the total population of adults (18-64) in the County as a percentage of the statewide population; and
- 10% based on the SB 678 distribution formula

Based on this formula San Francisco is projected to receive \$5,787,176 for FY 2011-12 to serve approximately 700 additional offenders at any point in time. This funding includes:

Postrelease Community Supervision (PCS)/local incarceration	\$5,049,838
AB109 Planning grant	\$ 200,000
AB109 Training and implementation activities	\$ 356,325
District Attorney/Public Defender (PCS representation)	\$ 181,013
TOTAL	\$5,787,176

Funding for San Francisco Superior Court operations is unknown at this time; the Administrative Office of the Courts (AOC) will make this determination of the funding distribution in the near future.

The funding formula is based on an October 1, 2011 implementation through June 30, 2012 and is for the first year only. CSAC/CAO's and the Department of Finance will revisit the formula for future years. San Francisco continues to be negatively impacted by statewide budgeting formulas for criminal justice reforms (i.e., SB 678 and AB109). This formula rewards counties that historically over-rely on prison incarceration, and penalizes counties like San Francisco that have created innovative local criminal justice strategies designed to increase public safety and reduce victimization without relying solely on incarceration. The Executive Committee recommends that the City and County of San Francisco and CSAC lobby legislative representatives to change the formula to create economic incentives that support counties who have effective strategies in place and award funds to counties based on the county's percentage of the overall statewide population of adults rather than their percentage of the prison population.

The final 2011 Implementation Plan will contain actual budget details specifying revenue and expenditures for all of the public safety and social service agencies providing services and programming needed to effectively manage the AB109 realigned offender population. (see Attachment 2) The FY 2011-12 budget is pending finalization. Partners are leveraging other federal, state, and private sources. However, a gap will remain between what the State is proposing for funding and the actual cost of proposed operations and services. A draft plan will be submitted July 20, 2011 to the Reentry Council for public and Council review.

AB109 becomes operative October 1, 2011. State funding will be provided to counties after their Realignment Plan is approved by the Board of Supervisors. Annually, state funding is allocated to San Francisco's Community Corrections Performance Incentives Fund (CCPIF). This fund was established by SB 678 (2009), the California Community Corrections Performance Incentives Act. SB 678 gives broad discretion to probation departments in selecting and implementing evidence-based practices to maximize return on investment and improve outcomes with more effective supervision of probationers, which ultimately impacts commitments to state prison. The Adult Probation Department's use of evidence-based supervision practices has successfully reduced the number of probationers being sent from San Francisco to state prison for probation violations, from a three-year average of 256 (2006-2008) to 199 in 2009. Adult Probation anticipates receiving a one-time grant of \$831,075 for FY 2011-12. These funds will be directed toward services and support for existing probationers (totaling approximately 6300).

JUSTICE REINVESTMENT

PC 3450(b)(7), as added by AB109, states that "fiscal policy and correctional practices should align to promote a justice reinvestment strategy that fits each county." AB109 defines justice reinvestment as "a data-driven approach to reduce corrections and related criminal justice spending and reinvest savings in strategies designed to increase public safety." In April 2011, San Francisco was awarded a technical assistance grant by the U.S. Department of Justice to participate in a Justice Reinvestment Initiative (JRI). During the first phase of the JRI award, local partners have been meeting with JRI consultants to discuss challenges and inefficiencies in San Francisco's criminal justice system. The next step in this process is an in-depth analysis of San Francisco's criminal justice data, which will enable partners and JRI consultants to identify the drivers of criminal justice costs. This analysis will in turn inform policy recommendations, developed by local partners with support of the JRI team, aimed at reducing inefficiencies and improving outcomes. Phase two of the JRI award will likely include some funding for implementation of the policy recommendations developed through this process, and will support San Francisco's ongoing efforts to respond effectively to criminal justice realignment.

PROPOSED IMPLEMENTATION STRATEGIES

The proposed strategies that follow take into consideration the multifaceted needs of the AB109 population, and the resources necessary to achieve desired public safety outcomes. A cornerstone of all of these strategies is a validated risk and needs assessment and Individualized Treatment and Rehabilitation Plan (ITRP) made possible through COMPAS (Correctional Offender Management Profiling for Alternative Sanctions) that is being implemented with guidance from Northpointe, Inc. and administered by Adult Probation and shared with relevant partners. As part of this implementation process, Adult Probation has developed a "strategy implementation blueprint" to help guide the complex process of connecting policies to explicit operations that can be measured for performance (See Attachment 3)

I. SHERIFF'S DEPARTMENT – COUNTY JAIL INMATES

PROJECTED ADDITIONAL NUMBER OF INMATES

The Sheriff's Department (SFSD) believes it will see jail population increases of at least 140 inmates per month for the first 3 months followed by some leveling off. SFSD also estimates it will continue to admit at least 40 inmates a month on new commitments of people who would otherwise have gone to state prison. The 225 inmate figure referenced earlier in the report derives from State estimates of parole and postrelease community supervision violators serving revocations in jail and offenders sentenced to local incarceration on new charges.

The additional inmates include (1) those convicted of a felony now sentenced to 16 months, 2 years, or 3 years in county jail in lieu of state prison; (2) the additional number of people in county jail who are pretrial; (3) violators of postrelease community supervision; (4) violators of state parole up to 180 days (an exception is that paroled lifers with revocation terms greater than 30 days will serve time in state prison); and (5) postrelease community supervisees sanctioned with flash incarceration of up to 10 days for each violation.²

PROPOSED STRATEGIES FOR COUNTY INMATES

To address these projected increases, the SFSD will maximize county jail capacity and utilize alternatives to incarceration through the Department's Community Programs division. By expanding the Sheriff's authority in the use of home detention and electronic monitoring, the Board of Supervisors will provide additional alternatives to incarceration to be utilized for both the pretrial and sentenced populations.

County Jails

The Sheriff's Department currently operates six jails: one intake and release facility and five housing jails. One housing jail with a 360-bed capacity is currently closed due to a low jail census. People convicted of non-serious, non-violent, and non-sex offense felonies will serve sentences in the county jail. This change is prospective and will apply to anyone who is convicted on or after October 1, 2011. Typically these sentences will be 16 months to three years; this is longer than the average 90-day sentence currently served in California county jails. Enhanced and consecutive sentences may create even longer sentences. AB109 changes how credits for good time and work time are calculated from one day of good time and one day of work time for every six days served in jail to one day of good time and one day of work time for every 4 days served in jail. This means that inmates will be required to serve 50% of their sentence in custody, minus any credits for time served prior to their sentence as determined by the Court, instead of two-thirds of their sentence, which is the current law. This change will help mitigate, to some degree, the impact of longer sentences being served in the county jails. Further, all postrelease community supervision

² **These estimates are based upon data provided by CDCR; however, the Community Corrections Partnership Executive Committee anticipates the actual population to be greater than the State projections**

revocations and almost all parole revocations will be served locally. AB109 encourages the use of flash incarceration up to 10 days in county jail for postrelease community supervisees who violate their community supervision terms.

Further analysis is necessary once AB109 is implemented to accurately determine the impact on jail beds, alternative incarceration programs and court security/inmate transportation. Based on current population trends there is limited capacity for additional inmates before the closed 360-bed facility needs to re-open. With these increases, expansion of in-custody programming is necessary to maintain safety and offer productive use of free time while incarcerated. Enhancements to jail programming such as substance abuse services, restorative justice programs, veteran services, and the 5 Keys Charter High School are considered necessary. AB109 offenders will be assigned to programming based on meeting eligibility criteria and availability. SFSD will work with the courts and CDCR parole personnel to provide programs and services to inmates serving time in jail for a parole revocation to the extent possible within funding constraints.

Community Programs & Alternatives to Incarceration

The Community Programs division of SFSD provides a number of alternatives to incarceration and supervises people in these alternatives while they remain in the constructive custody of the Sheriff. These alternatives to incarceration are frequently utilized to transition inmates back into the community. SFSD will increase reliance on alternatives to incarceration in order to manage anticipated population increases under AB109. These additional alternatives provided for by AB109 legislation include involuntary home detention and electronic monitoring for the pretrial population.

Penal Code Section 1203.018 will allow SFSD to release prisoners being held in lieu of bail in the county jail to an electronic monitoring program under specific circumstances. The Sheriff and the District Attorney may prescribe reasonable rules and regulations under which such a program will operate. Specific eligibility criteria will limit the number and type of pre-trial prisoners eligible for this program.

Additionally, AB109 provides legal mechanisms to use alternatives to incarceration for sentenced populations. In San Francisco, these alternatives will include electronic monitoring, home detention, residential treatment beds, restorative justice classes, substance abuse services, parenting classes, the 5 Keys Charter High School, employment counseling and services, and transitional housing. An inmate under the supervision of Community Programs may be provided multiple services as determined by their individual needs.

All jail programming and alternatives to incarceration managed by the Sheriff will be made available to AB109 offenders providing they meet eligibility criteria and space is available. Once an offender has been sentenced to the county jail, both jail program staff and SFSD Community Programs staff will review the program and services the prisoner is participating in and develop a timeline and plan for the prisoner, if eligible, to transition from the county jail to an appropriate alternative to incarceration. Decisions regarding this

plan will consider in-custody behavior, participation and progress in jail programs and services, the pre-sentence report and court commitment, eligibility based on current charges and prior convictions, and availability of the alternatives to incarceration best suited for the prisoner. SFSD will supervise people in alternative to incarceration programs through a highly visible community presence and random site checks. SFSD will provide a swift response if a person absconds or violates conditions of their participation in the program. Increased staffing for Community Programs will likely be needed to ensure strong enforcement and maximize community safety.

At least 60 days prior to the inmate's date of release from SFSD custody, SFSD Community Programs staff will meet with Adult Probation Department Pre-Release Specialists to ensure a smooth transition at the time of the prisoner's release. Changes may be made to the preliminary transition plan at any time while the prisoner is in SFSD custody.

II. DISTRICT ATTORNEY

Impact of Realignment on the San Francisco District Attorney's Office

Realignment will have a significant impact on the workload of the San Francisco District Attorney's Office (SFDA), as well as the sentencing options available to resolve cases. SFDA anticipates three major impacts:

First, SFDA will now be responsible for reviewing, charging, and prosecuting many violations of postrelease community supervision. For these cases jurisdiction of the Board of Parole Hearings (BPH) is being transferred to the SF Superior Court and those postrelease community supervision violation hearings will be handled by SFDA.

Second, SFDA anticipates that prosecutors will need to make more court appearances and engage with cases for longer periods of time. Given that non-violent, non-serious, non-sex offender cases sentenced to state prison now serve their time locally, local authorities will take on additional responsibilities to track and monitor offenders after conviction. The number of appearances on one case will likely increase both before sentencing, because getting agreement on appropriate sentences may be protracted, thereby lengthening the time it takes for cases to resolve, and after sentencing, given that sentence violations come back to SFDA for assessment and adjudication. This could continue for years at a time per case.

Third, SFDA must now develop expertise in alternative sentences and work closely with criminal justice partners to ensure effective sentencing without reliance on incarceration. Prison is excluded as a sentence option for numerous offenses, and given that many offenders will be returning to county jail from state prison, merely relying on jail in lieu of prison will overburden the jail system. To hold these offenders accountable and protect the public, SFDA will need to develop creative and effective sentencing approaches based on risk and needs assessments of the offender.

SFDA Plan to Prepare for Realignment and Expand Use of Alternatives

Given these anticipated changes, SFDA is rolling out the following action plan to prepare the office for changes under Realignment:

To equip prosecutors with a “Recidivism Reduction Approach” to assessing sentencing advocacy options, SFDA will organize staff trainings on alternative sentencing options and best practices in recidivism reduction and develop tools to increase capacity of line staff to utilize a recidivism reduction analysis when deciding best sentencing strategies.

To expand SFDA’s ability to advocate or support alternative programs and placements in lieu of prison or jail, SFDA aims to create new “Alternative Sentencing Planner” staff positions to help develop potential alternatives to both pre-trial detention and jail or prison at sentencing for offenders. The Alternative Sentencing Planners will be able to help prosecutors understand options available to resolve cases considering information about the offender provided by probation and defense bar, victim rights, restorative justice, and information about available alternative programs.

To speed up the case resolution processes, SFDA will work with the SF Superior Court to expand the use of the Early Resolution Calendar (ERC). SFDA will work with Superior Court to expand the use of ERC, and SFDA will also seek to create a new Case Expediter staff position who can work full-time on the Early Resolution Calendar.

To help SFDA access relevant offender history information earlier in the case resolution process, SFDA will work with Adult Probation to evaluate the possibility of completing the COMPAS risk assessment tool earlier.

To increase utilization of SF’s wide array of Collaborative Court programs, SFDA will partner with other criminal justice agencies to strengthen guidelines for Collaborative Court programs and educate line staff on the existence of the programs and the eligibility requirements. The new San Francisco Probation Alternatives Court which is designed to provide successful interventions for probationers with motions to revoke who are facing State prison sentences is an important component of our realignment strategy.

SFDA will also explore expanding programs such as Back on Track for categories of offenders that may be well suited for alternative programs. SFDA will also work with our partner agencies to identify gaps in community-based programming and assess the viability of expanding various programs as appropriate.

III. PUBLIC DEFENDER

Public Defender's Realignment Team

The Public Defender will establish a specialized Realignment Team within the office's existing Reentry Unit and Clean Slate Program. The team will work exclusively with the AB 109 population, and provide services to approximately 164 individuals who will now qualify for county jail and alternative program placement sentences under AB 109.

The Public Defender's Realignment Team includes an attorney, a court alternative specialist and a social worker.

The attorney assigned to the Realignment team will be responsible for designing alternative sentencing strategies and identifying clients who are eligible for programs under AB 109. The attorney will also train other attorneys on alternative sentencing strategies. The Attorney will also work with the District Attorney's "Alternative Sentencing Planners" to explore and develop new sentencing alternatives under AB 109.

The court alternative specialist and social worker will collaborate with the Adult Probation Department's postrelease community supervision unit to help identify new referrals and to discuss progress of clients who are receiving services. The court alternative specialist will also seek appropriate placements and programs for individuals under AB 109. The social worker will perform clinical work, assess client needs, refer clients to services and advocate for these individuals.

This plan contains limited resources to provide representation to individuals facing "postrelease community supervision" violation hearings. The volume of hearings, as well as the court's protocol for handling the hearings, will determine the resources required. Additional attorneys, investigators and paralegals may be required to provide representation at these hearings.

Coordination with Existing Reentry Programs

The Public Defender's Realignment team will work closely with the office's existing reentry programs and will also coordinate its efforts with other criminal justice agencies and community partners.

The Public Defender's Reentry Unit provides an innovative blend of legal, social and practice support through its Clean Slate and Social Work components. The Reentry Unit's social workers provide high quality clinical work and advocacy, effectively placing hundreds of individuals in drug treatment and other service programs each year.

The office's Clean Slate Program assists over 3,000 individuals each year who are seeking to "clean up" their records of criminal arrests and/or convictions. Clean Slate helps remove significant barriers to employment, housing, public benefits, civic participation, immigration and attainment of other social, legal and personal goals. The program prepares and files over 1,500 legal motions in court annually, conducts regular community

outreach, distributes over 6,000 brochures in English and Spanish and holds weekly walk-in clinics at five community-based sites, in predominantly African American and Latino neighborhoods most heavily impacted by the criminal justice system.

It is anticipated that an increase in the demand for Clean Slate Program services will increase under AB 109, and additional resources may be necessary to provide assistance to individuals subject to post-release community supervision.

IV. SUPERIOR COURT – PAROLE AND POSTRELEASE COMMUNITY SUPERVISION VIOLATIONS

PROJECTED ADDITIONAL NUMBER OF REVOCATION CASES

Under AB117, a budget trailer bill accompanying the 2011 Budget Act, the Superior Court's role in criminal realignment previously outlined under AB109 has been substantially narrowed to handle only the final revocation process for offenders who violate their terms or conditions of postrelease community supervision or parole. The Court will assume responsibility for postrelease community supervision revocation hearings beginning in October 1, 2011.³ AB117 also delays the Court's role in revocation proceedings for persons under state parole supervision and serious and violent parole violations until July 1, 2013. According to state estimates, the total parole and post-release supervision population expected to be serving revocations sentences in local custody is estimated to be 61 on any given day.⁴

The state budget appropriated funds for the Judicial Branch to undertake this new function and San Francisco's allocation will be finalized in late August 2011. The Judicial Branch is also developing the implementation plan and final revocation procedures by September 2011.

V. ADULT PROBATION

PROJECTED ADDITIONAL NUMBER OF OFFENDERS ON POSTRELEASE COMMUNITY SUPERVISION

The Adult Probation Department (APD) estimates there will be 585 offenders during the initial phase of realignment each day on county postrelease community supervision. These include inmates released from state prison who would have otherwise been placed on state parole and offenders who have served their prison sentences locally in jail. This number on

³ State funding is allocated equally to District Attorneys and Public Defenders to handle postrelease supervision violation cases in court however no funding was dedicated to the provision of "conflict counsel".

⁴ **These estimates are based upon data provided by CDCR; however, the Community Corrections Partnership Executive Committee anticipates the actual population to be greater than the State projections.**

postrelease community supervision is projected to grow to an estimated 700 during the coming fiscal year.⁵

PROPOSED STRATEGIES FOR POST-RELEASE SUPERVISEES

APD shall be designated as the county agency responsible for administering programs directed to the postrelease community supervision population. This includes the full range of options for community supervision spanning intensive community supervision (with routine home visits), home detention with electronic monitoring, day reporting, residential substance abuse treatment, outpatient behavioral health treatment (e.g., substance abuse, mental health, sex offender, batterer's intervention), urinalysis testing, cognitive behavioral interventions, restorative justice programs, community service, family strengthening strategies, pre-release "reach-in" services (assessments and supervision planning pending release from prison or jail), referral to education, vocational training/employment services and housing resources, and imposition of up to 10 days jail as a sanction for violating supervision conditions.

Postrelease Community Supervision Unit

The term of postrelease community supervision will not exceed three years, and individuals may be discharged following as little as 6 months of successful community supervision. Supervisees may be revoked for up to 180 days; all revocations will be served in the local jail. Postrelease community supervision shall be consistent with evidence-based practices demonstrated to reduce recidivism, and APD may impose appropriate terms and conditions, appropriate incentives, treatment and services, and graduated sanctions.

Adult Probation has invested heavily in establishing evidence-based supervision and intervention practices proven effective in reducing recidivism and improving outcomes. At the heart of evidence-based practices are concepts of risk, need and responsivity (the practice of assessing and identifying criminogenic risk factors contributing to ongoing criminal behavior, which can be changed through application of culturally, developmentally and gender appropriate interventions, teaching new skills and building on offender strengths to mitigate criminality). These principles are applied in the recently implemented Evidence-Based Presentence Investigation Assessment report. Risk and need factors are assessed prior to sentencing using the COMPAS assessment tool; this information guides sentencing recommendations and identification of the most appropriate supervision conditions to reduce the likelihood of re-offense.

APD will create a specialized supervision unit with responsibility for intensive supervision of the postrelease community supervision population. These staff will administer the COMPAS risk/needs assessment tool to every postrelease community supervisee – consistent with the above referenced principles – and ultimately develop an Individual

⁵ **These estimates are based upon data provided by CDCR; however, the Community Corrections Partnership Executive Committee anticipates the actual population to be greater than the State projections.**

Treatment and Rehabilitation Plan (ITRP). This action will guide supervision intensity, treatment/program referrals, case management efforts and offender activities. The COMPAS program was chosen because of its long history of utilization and rigorous evaluation/validation with adult offender populations. Additionally, CDCR uses the same tool to assess parolee risk so this information can be built upon when the AB109 offender population is released to Adult Probation for supervision.

Additionally, a system of rewards and responses is being developed for use with the postrelease community supervision population, and ultimately will drive intervention decisions with all offenders under supervision. The use of the rewards and response decision matrix will provide guidance to probation officers regarding the type of intermediate sanction to impose in responding to violations. This strategy requires probation officers to consider offender risk and criminogenic need factors, severity of the violation, and their behavior before determining the most appropriate graduated response. A key component of successfully implementing AB109 relies on creating an effective violation hearings process combined with consistent imposition of graduated sanctions in response to violations of supervision conditions. Conversely, when an offender achieves a certain milestone in supervision, (e.g., completes substance abuse treatment), the probation officer needs to identify an appropriate reward (incentive). This matrix establishes a decision-making structure for Adult Probation staff to ensure consistency in responses to violations. A methodology of this type is important given the fact a provision in AB109 allows discharge of postrelease community supervision following six months of violation-free supervision. Use of this program by APD reaffirms the agency's commitment to evidence-based practices and public safety.

Given the anticipated high-risk level of postrelease community supervision offenders, APD projects additional Deputy Probation Officers are needed to provide more intensive supervision of this offender cohort, proposed at a ratio of 50:1. The proposed ratio recognizes the reality of fiscal constraints; American Probation and Parole Association (APPA) standards recommend a 20:1 caseload ratio given the assessed risk level of the supervised population.

Collaborative case planning is the focal point of this active engagement approach involving the offender, his/her family, probation officer, law enforcement and multiple service providers (e.g. housing, employment, vocational training, education, physical health, nutritional supports, behavioral health, and pro-social activities). Individual factors such as strengths, risk factors, needs, learning style, culture, language and ethnicity are integral to determination of appropriate interventions and services. In addition to these important considerations, the ITRP will determine the level of supervision the probationer requires and identify the type of evidence based treatment and services the probationer needs to be successful on supervision, promoting dual goals of reducing the risk of re-offense and increasing pro-social functioning and self-sufficiency.

Another key element of enhanced supervision with the AB109 population includes an emphasis on actively engaging the offender's family in the supervision process. A family-focused model, tapping into available positive supports in the client's social ecology and

building capacity within the family has proven effective in improving outcomes with high risk offenders. APD has pioneered a “family impact statement” to inform sentencing recommendations in presentence reports, and case management activities. Family strengthening and cognitive skill building programs will be utilized to enhance supervision. Additionally, Adult Probation will partner more extensively with Family and Support Services (Child Welfare) to ensure children of offenders are receiving needed services and that coordination of intervention activities and service delivery occurs to maximize efficiency and increase potential for intervening successfully with intergenerational criminality. This will include coordination with the Department of Public Health and the Human Services Agency, along with the Juvenile Department, San Francisco Unified School District (SFUSD) and appropriate community agencies to address service needs. As well, APD is partnering with Child Support Services to assist offenders with child support obligations in obtaining employment and negotiating reasonable support payments that provide necessary financial support to families. This action promotes more responsible behavior on the part of the offender and aids in removing barriers that non-payment of support obligations causes in terms of restricting access to driving privileges, obtaining education and vocational training, etc.

Additionally, educational deficits will be addressed through assessment of offender needs by Adult Probation’s Learning Center. GED and high school diploma programming is provided and post-secondary education and vocational training referrals are made when appropriate. Offenders transitioning out of local incarceration can continue educational programming initiated while in the Sheriff’s custody when they are released to community supervision.

In addition to the intensive supervision and collaborative case planning mentioned above, Adult Probation will actively explore a variety of alternatives to incarceration for use in managing the postrelease community supervision population and responding to violations. Building upon the success of the Probation Alternative Court (PAC), Adult Probation will draw upon this experience to craft appropriate alternative custody options to address criminogenic risk factors, hold the offender accountable, and enhance community safety. It is envisioned that violations of post-release supervision could be handled in PAC or a similar court to create greater consistency and ensure application of evidence-based sanctioning principles.

Reentry Division and Pre-release Team

The Reentry Division provides administrative support to the Reentry Council, and coordinates local justice realignment initiatives in relation to San Francisco’s Community Corrections Reinvestment strategy. This division in APD will provide analysis of local efforts to implement justice realignment strategies, report regularly on progress made in these areas, and oversee the Federal Justice Reinvestment Initiative (JRI) technical assistance grant to develop local strategy.

This division will be responsible for: (1) supporting the Community Correctional Partnership Council, coordinating city funding streams for resources to support inmate

reentry, probationers, and postrelease community supervisees; (2) coordinating and overseeing the implementation of received reentry grants and collaborating with community-based organizations and other city agencies; and (3) providing the Board, Mayor's Office, and criminal justice partners with statistical reports that detail San Francisco's effectiveness and progress in implementing criminal justice realignment.

The pre-release team (comprised of two probation officers and two social workers) will have responsibility for pre-release planning with all inmates releasing from county jail and prison to postrelease community supervision status. Ideally the assessment and planning activities performed by these specially trained staff will occur 90 days prior to an inmate's release to community supervision. In all instances pre-release planning will begin at least 30 days prior to release. This is intended to ensure risk and need factors are assessed and a case management plan developed with a goal of connecting the offender to needed services *prior* to his/her release from incarceration. To ensure limited resources are appropriately directed and effectively coordinated, these staff will work closely with jail program staff, prison counselors, and local community providers.

Community Assessment & Service Center

Central to improving outcomes for the postrelease community supervision population is ensuring access to an array of services for these offenders, and creating a one-stop model of service delivery. To accomplish this goal APD is proposing creation of a Community Assessment and Service Center (CASC), a model patterned after day reporting programs emphasizing collaborative case management and pairing the expertise of Adult Probation staff with center staff in the provision of assessments and services (delivered both in-house and on a referral basis). The CASC will also serve as an alternative to revocation of supervision with offenders sanctioned to program participation in response to violation of supervision conditions. Adult Probation staff will conduct COMPAS assessments, deliver cognitive skill building curriculum (designed specifically for the high-risk offender population to address criminogenic needs and criminal thinking), obtain UA samples for analysis, monitor GPS equipment and conduct regular office visits with offenders at the Center.

It is anticipated that assessment center services will be contracted to a community-based organization, and that staff functions would include assessments and referrals to a host of community-based programs including education, 5 Keys Charter School, mental health services, substance abuse treatment (outpatient and long-term residential), medical services, HIV/AIDS prevention and education, housing services, food and nutrition resources, and parenting skills services.

VI. DEPARTMENT OF PUBLIC HEALTH - TREATMENT AND HEALTH SERVICES FOR OFFENDERS UNDER POSTRELEASE COMMUNITY SUPERVISION

It is expected that a significant number of probationers will present with substance abuse and/or mental health problems that will need to be treated as a part of the individual's

integration into community life and to prevent recidivism. Recent data analysis indicates nearly 80% of the incarcerated population have substance abuse problems requiring treatment interventions. Arranging treatment services in advance of an offender's release is a critical risk reduction activity.

Central to this success is the establishment of a matrix of services that will provide an appropriate level of intervention to those probationers with a diagnosable behavioral health condition. The Department of Public Health has a history of serving the offender and ex-offender population with innovative and evidence based treatment services targeting the myriad of health related needs that affects this population.

The Department of Public Health will provide care coordination, individualized client based services, treatment and transitional housing to some of the anticipated 700 individuals who will be out-of-custody and under postrelease community supervision.

PROJECTED ADDITIONAL NUMBER OF OFFENDERS IN NEED OF TREATMENT OF HEALTH SERVICES

The Department of Public Health estimates that 600 of the 700 total number of probationers will present with a behavioral health condition that will warrant a treatment intervention. A system of care comprising the following is proposed:

- Residential mental health treatment
- Residential substance abuse treatment
- Short term residential treatment
- Intensive outpatient treatment
- Day treatment
- Transitional housing
- Medication management

PROPOSED STRATEGIES FOR TREATMENT AND HEALTH SERVICES

The Department of Public Health (DPH) has identified several programs that can be made available to AB109 offenders who have untreated substance abuse and mental health issues. DPH's health care delivery system is evolving to become the reformed, integrated system outline in the federal Affordable Health Care Act.

The client's "Health Home," will act as a portal of entry into the larger system of care and will guide the client through their identified treatment plan. If a probationer has a primary care medical concern they will be enrolled in Healthy San Francisco, the county's program to provide medical care to uninsured and underinsured residents. Those receiving Medi-Cal entitlements will be enrolled in the San Francisco Health Plan, the county's program to serve the uninsured mentally ill.

Care Coordination: Through a complement of experienced clinicians, the DPH proposes to create a Care Coordination entity that will assist probationers in navigating the health service system, which is especially important when a client has multiple chronic conditions. With well-coordinated patient centered care, clients can transition between providers, programs, and levels of treatment more easily, their preferences for treatment are respected, and their treatment histories made available to all of those involved in their health care. Poorly coordinated care can lead to errors, higher costs, and treatment failures. It will also be the Care Coordinators responsibility to assess and refer the probationer to an appropriate level of care, and work closely with the Adult Probation Department in ensuring that the client meets all minimum treatment expectations.

Basic Treatment Path: Data indicates that clients with behavioral health problems have done well in intensive outpatient settings. These programs are matched to appropriate service elements within the program. Clients may attend daily, stay at the site most of the day, have meals, and participate in a range of group treatment activities addressing addiction, mental health and illness, trauma, domestic violence, and anger management. A small percentage of this population will require a more intensive program that includes 45 days of residential treatment/stabilization, followed by a longer period in the intensive outpatient program. The probationer will enter the spectrum of services depending on their presenting problem.

VII. HUMAN SERVICE AGENCY - HOUSING AND HUMAN SERVICES FOR OFFENDERS UNDER COMMUNITY SUPERVISION

Central to the success of individuals and their families are individualized housing and support services provided by the Human Services Agency (HSA). HSA will provide services, access to benefits, and housing to some of these 700 people who will be out of custody on postrelease community supervision.

PROJECTED ADDITIONAL NUMBER OF PEOPLE IN NEED OF HOUSING AND HUMAN SERVICES

Of the 700 individuals estimated to be shifted to local supervision, the Adult Probation Department estimates that 25% of this population, or 175 individuals, will be in need of housing assistance. Based on the data cited below however, HSA roughly estimates that 13%, or 91 individuals, will require housing assistance and that 12% will seek other types of public assistance.⁶

The recent "Homeless Triangle" series reported on SF Gate cited California Department of Corrections and Rehabilitation (CDCR) point-in-time data on the number of parolees whose address is listed as either "transient" or "homeless." For San Francisco, this data yielded an

⁶ AB109 offender population estimates are based upon data provided by CDCR; however, the Community Corrections Partnership Executive Committee anticipates the actual population to be greater than the State projections.

estimate that one in seven (13%) of released state inmates are homeless. This would be a conservative estimate given that some parolees likely listed an address at which they are temporarily staying, couch surfing or merely receiving mail.⁷ Another source, the *2011 San Francisco Homeless Point-In-Time Count and Survey Report*, identified 6,455 homeless individuals in the City. Based on data compiled from 1,024 surveys conducted from February 1st to March 15th, 2011, an estimated 15% of the homeless population is on parole or probation. When divided by the total parolee and probationer population in San Francisco, this yields an estimate that 13% of that population is homeless at any point in time.

An April 2009 data match found that there were 894 ex-offenders receiving public assistance through a subset of the programs administered by HSA. The benefit programs include County Adult Assistance Programs (CAAP), CalWORKs, Food Stamps and Medi-Cal. When divided by the total estimated parolee and probationer population in San Francisco, this yields an estimate that 12% of that population receives public aid through HSA. This estimate may be off if the total size of the City's parolee and probationer population has changed significantly since 2009.

The AB109 population will access residential treatment programs and supportive housing for individuals with high physical and behavioral health needs through the Department of Public Health. Risk/needs assessments suggest a portion of the AB109 population will require (and benefit from) independent housing (i.e., no onsite staffing or supervision, but the client still has an assigned case manager). Consequently HSA's rent subsidy model (described in the attachment) emerges as a superior alternative to their transitional housing program for addressing the needs of this group, particularly as regards increasing opportunities for this population to access more permanent housing. CASC will refer to access points for new and existing housing programs.

PROPOSED STRATEGIES FOR HOUSING AND HUMAN SERVICES

Housing-Related Services

Multiple Agencies administer and service housing programs that will service the AB109 population. HSA administers three main types of housing programs:

- *Emergency shelter.* Shelter reservations are required and must be made in person at one of four locations around the city. Shelter stays range from one night to 6 months. Shelters offer meals and service linkages.

The AB109 population will have the same access to shelters as any other homeless resident of San Francisco. HSA does not need new resources to serve this population.

⁷ Gurley, R. Jan. "The Homeless Triangle: San Francisco, Los Angeles and Prison." Published on Spot.Us at <http://spot.us/pitches/515-the-homeless-triangle-san-francisco-los-angeles-and-prison/story>

- *Rental assistance and rent subsidies.* Several HSA-funded service providers offer rent subsidies of up to \$800/month and/or one-time rental assistance grants of up to \$1500 that can cover items such as back rent, security deposit, moving costs, utility assistance and housing-related legal services. Clients must meet eligibility criteria, including income criteria, and be homeless or at imminent risk of homelessness. Rent subsidy clients must also be able to cover the difference between the subsidy amount and the market rent rate on their unit.

The AB109 population will have very limited access to these programs as most restrict eligibility to families with dependent children, are operating at maximum capacity, and/or are short-term programs that will sunset within the next year. However, this is a program model with demonstrated success that the City might want to consider developing for the ex-offender population. New resources would be needed to serve this population and a new contract would need to be put in place.

- *Permanent supportive housing.* HSA contracts with several nonprofit service providers who lease renovated single-room occupancy (SRO) hotels and rent rooms to formerly homeless clients. Homeless CAAP and Supplemental Security Income (SSI) clients have priority for placement. Each site has onsite property management and case managers who provide service referrals.

HSA's Housing First programs operate at capacity and no new sites are expected to come online in the near future. Unit availability is driven by turnover of existing tenants. A limited number of the ex-offenders paroled to San Francisco under AB109 may be able to access this housing through the regular referral process, but HSA cannot guarantee that a particular number will be served or that ex-offenders in need of housing will be able to access it in a timely fashion.

DPH will also potentially provide limited transitional housing for the AB109 population connected to their services.

Non Housing-Related Services

HSA administers a range of other services and benefits, including:

- *County Adult Assistance Programs (CAAP).* CAAP offers cash assistance to low-income adults without dependent children through four separate programs: General Assistance (GA) provides a benefit of up to \$342/month. Personal Assisted Employment Services (PAES) provides a benefit of up to \$421/month, as well as employment services and transportation benefits for participants who are engaged in an employment plan. SSIP provides a benefit of up to \$421/month for clients with a disability who have a pending application for federal SSI benefits. Cash Assistance Linked to Medi-Cal (CALM) provides a benefit of up to \$421/month for aged and disabled immigrants who do not qualify for federal or state assistance. CAAP clients also have access to SSI screening and application assistance.

- *CalWORKs*. Cash assistance and welfare-to-work services for low-income adults with dependent children.
- *CalFresh* (formerly Food Stamps). A monthly benefit that can be used to purchase food.
- *Medi-Cal*. Health coverage for low-income children, pregnant women, seniors and persons with disabilities. Individuals who are screened for Medi-Cal and determined to be ineligible are referred to other state and local subsidized health care programs.
- *Services for seniors and persons with disabilities*. A range of community-based services including in-home supportive services, meals programs, transportation, legal services, socialization programs and naturalization services.

Most of these services and benefits are mandated by federal, state or local law, meaning that anyone who meets the program eligibility criteria is entitled to be served. Applications are accepted in person, by mail, fax, phone and/or online, depending on the program. The online portal at www.BenefitsCalWIN.org can be used to apply online for CalWORKs, CalFresh and Medi-Cal, and there are several community-based organizations whose staff are trained to help clients submit online applications. The AB109 population will have access to all services for which they are eligible.

HSA does not need new resources to serve this population through its regular processes. It would also be possible for HSA to arrange a one-time training for community-based organizations designated to work with the AB109 population on how to use the BenefitsCalWIN tool. However, new resources will be needed if any sort of special access to services is required for the AB109 population, (e.g., pre-release eligibility determinations or scheduling of intake appointments).

PROPOSED OUTCOMES

This policy initiative (and the intervention strategies articulated in the local Public Safety Realignment plan) is intended to improve success rates of offenders under supervision resulting in less victimization and increased community safety. Accomplishing this in the most cost efficient manner and employing proven correctional and justice system practices, is emerging as the primary strategic goal of the initiative.

OUTCOMES MEASURES

The Realignment Plan seeks to achieve the following three outcomes:

1. Implementation of a streamlined and efficient system in the City and County of San Francisco (CCSF) to manage our additional responsibilities under realignment.
2. Implementation of a system that protects public safety and utilizes best practices in recidivism reduction.

3. Implementation of a system that effectively utilizes alternatives to pre-trial and post-conviction incarceration where appropriate.

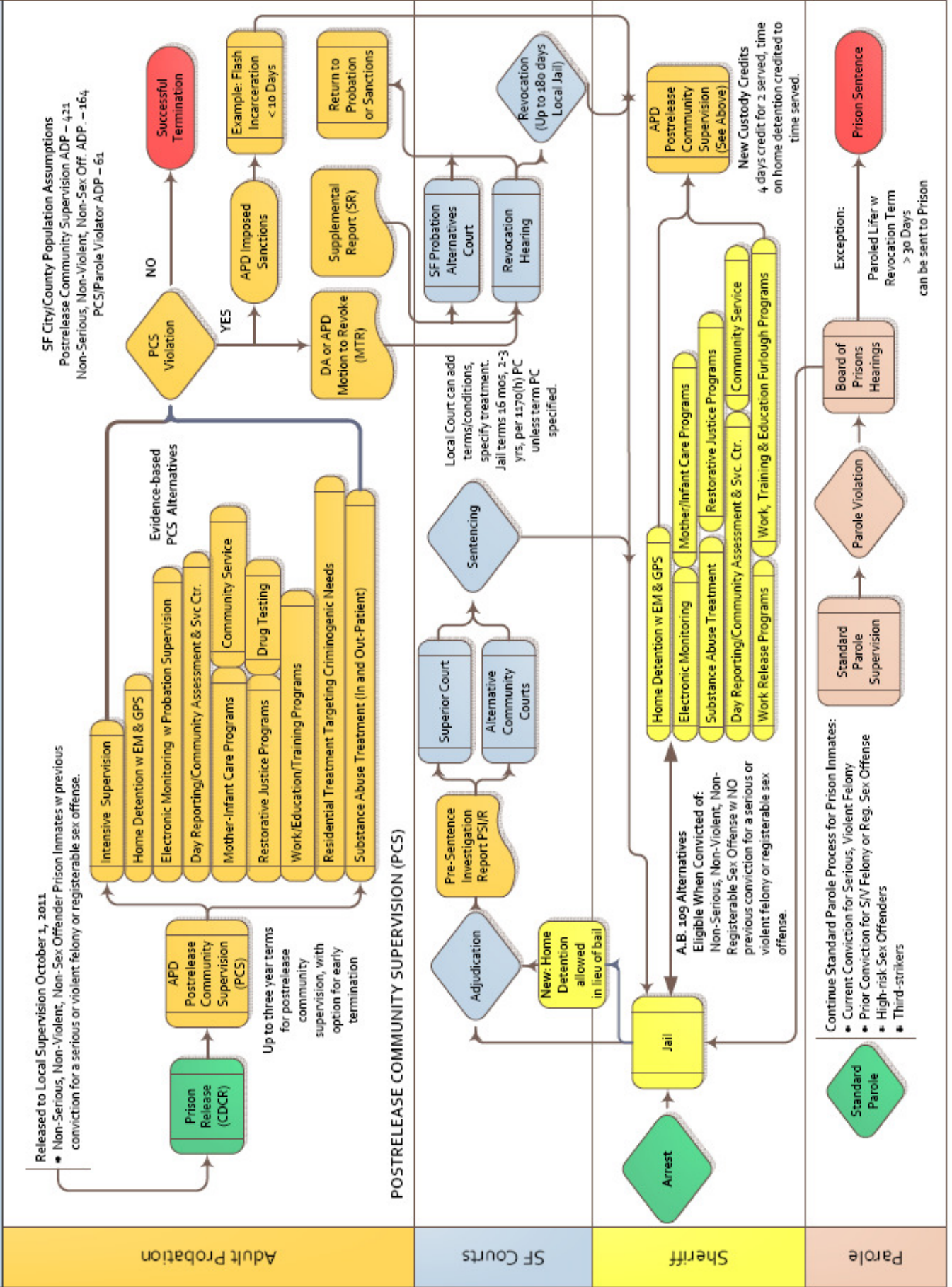
To achieve these outcomes, CCSF partners will develop and track several outcome measures. Examples of potential outcome measures include:

- CCSF partner feedback on effectiveness of mechanisms in place to collaboratively address realignment issues as they arise
- Recidivism rates for non-violent, non-serious, non-sex offenders
- Recidivism rates for parolees now under CCSF jurisdiction
- Number and type of offenders sentenced to county jail and state prison
- Number and type of offenders sentenced to probation or alternative programs

Potential measures will be discussed and developed among the CCSF partners before the October 1, 2011 beginning of realignment, (or be developed by an outside source).

GLOSSARY OF TERMS

AB109	Public Safety Realignment Act of 2011
APPA	American Probation and Parole Association
BPD	Board of Parole Hearings
CAAP	County Adult Assistance Programs. CAAP offers cash assistance to low-income adults without dependent children through four separate programs
CalWORKs	Cash assistance and welfare-to-work services for low-income adults with dependent children.
CalFresh	(formerly Food Stamps) - a monthly benefit that can be used to purchase food.
CAO	County Administrative Officers
CASC	Community Assessment and Service Center
CCP	Community Corrections Partnership
CCPIF	Community Corrections Performance Incentive Fund
COMPAS	Correctional Offender Management Profiling for Alternative Sanctions
CSAC	California State Association of Counties
DA	San Francisco District Attorney
DPH	Department of Public Health
EM	Electronic Monitoring
FTE	Full-Time Equivalent
GPS	Global Positioning System
HD	Home Detention
HSA	Human Service Agency
ITRP	Individualized Treatment and Rehabilitation Plan
Medi-Cal	Health coverage for low-income children, pregnant women, seniors and persons with disabilities.
PC	California Penal Code
PCS	Postrelease Community Supervision
PD	San Francisco Public Defender
PV	Probation or Postrelease Community Supervision Violation
SFAPD	Adult Probation Department
SFPD	San Francisco Police Department
SFSD	San Francisco Sheriff's Department
SRO	Single-room occupancy
UA	Urinalysis sample



Attachment 2

State Realignment (AB 109) Proposed Budget Detail Fiscal Year 2011-12	
Sources	
AB 109 Revenue	\$ 5,787,176
General Fund in FY 2011-12 Budget	\$ 4,800,000
Total Sources	\$ 10,587,176
Uses	
Adult Probation	\$ 4,242,724
Sheriff	\$ 5,150,938
Public Defender	\$ 190,507
District Attorney	\$ 190,507
Human Services	\$ 132,500
Public Health	\$ 650,000
Economic & Workforce Development	\$ 30,000
Total Uses	\$ 10,587,176

Postrelease Community Supervision (PCS) local Incarceration	\$ 5,049,838
AB 109 Planning Grant	\$ 200,000
AB 109 Training and Implementation Activities	\$ 356,325
District Attorney/Public Defender (PCS representation)	\$ 181,013
Court Associated with PCS hearings	
Funding for Superior Court operation is unknown at this time, AOC will distribute	\$ 5,787,176

San Francisco Adult Probation Department Strategic Plan Blueprint
"Protecting the Community, Serving Lives"

Workload Needs/Demands
 Policy, Economic, Community & Demographic Factors

- Shaping the Size & Characteristics of the probation population
- State/Local Policies:
 - AB 109, Public Safety Realignment Act for local supervision of realigned offender population by probation staff.
 - California Risk Assessment Pilot Projects (Cal-RAPP)
 - SB678, implementing evidence-based practices in community corrections
 - State policies re Drug Courts, Mental Health, Pre-entry, Reentry and Probation Alternatives Court
 - Offender targeting priorities
 - LE policies/priorities
 - Partner agency policies/priorities

- Economic Factors:
 - Increases in unemployment
 - Reductions in public health and welfare funding

- Community Factors:
 - Political view: crime begins and ends in the community; expectation: offenders should be worked w/ locally

- The justice community trusts the research behind EBP; policy must be based on EBP
- Services have a greater impact on behavior than incarceration. Prison is criminogenic
- Tremendous concern about the inter-generational impact of crime and incarceration – particularly on women and children
- Victims' rights must be high priority in the justice system

- Demographic Factors:
 - Changing arrest patterns re violent/nonviolent crime
 - Victims demographics
 - Growing concern about domestic violence

Strategic Direction
 Values, Principles, Practices

- Values:
- Protection of the community
 - Respect & personal wellness
 - Opportunities for offender rehabilitation, improved public safety, victim restoration, maximizing officer and employee potential.
 - Teamwork and cooperation
 - Impartiality, accountability, diversity, professionalism and work ethic.
 - Commitment to Safety & Service.
 - The trust placed in us - integrity

Principles of EBP

- Assess actuarial risk/needs.
- Enhance intrinsic motivation.
- Target interventions: *Risk Principle:* Prioritize supervision/treatment for higher risk offenders; *Need Principle:* Target interventions to criminogenic needs; *Responsivity Principle:* Be responsive to temperament, learning style, motivation, culture, and gender; *Dosage:* Structure 40-70% of high-risk offenders' time for 3-9 months; *Treatment:* Integrate treatment into sentence/sanction requirements.
- Skill train with directed practice (use cognitive behavioral treatment methods).
- Increase positive reinforcement.
- Engage ongoing support in natural communities.
- Measure relevant processes/practices.
- Provide measurement feedback.

Work Processes/Procedures
 The Logic that Drives the Work

Application of Values & EBP into Practice:

- Organizational Level Strategies*
- Define success as recidivism reduction and measure performance;
 - Tailor conditions of supervision;
 - Focus resources on moderate and high-risk offenders;
 - Front-load supervision resources;
 - Implement earned discharge;
 - Implement evidence-based supervision;
 - Engage partners to expand intervention capacities.
- Supervision Level Strategies*
- Family-Focused Supervision Model;
 - Assess criminogenic risk/need factors;
 - Develop/implement case plans that balance surveillance and treatment;
 - Involve offenders to enhance their engagement in assessment, case planning, and supervision;
 - Engage informal social controls to facilitate community reintegration;
 - Incorporate incentives and rewards into the supervision process; and
 - Employ graduated, problem-solving responses to violations of conditions in a swift and certain manner.

- Special Target Populations Require Specialized Services and Supervision:*
- See attached description of Target Population Initiatives

Performance Outcomes
 What We Expect to Occur

- Process Outcomes:
- Risk/Needs Assessment completed
 - Sentences reflect assessed risk/needs
 - Probation sentences increase
 - Prison sentences decrease
 - Family and children impact statements included in case plans
 - Victims are fully involved in the process
- Impact Outcomes:
- Probationer and PCS arrests, conviction, violations and revocations decrease
 - Recidivism is reduced
 - Probation/PCS Cases are completed
 - Offenders receive needed services
 - Offenders comply w/ court orders
 - Harm to individuals and community is reduced
 - Increased victim restitution and responsiveness to their needs

Justice System Resources and Infrastructure

For SF-APD and its partner justice agencies, city/county departments and agencies, nonprofit stakeholders, victims groups and advocates

Based on Assessment of Assets, Barriers and Gaps for Each Organization

Technology, Equipment	Facilities, Management, Budgeting	Staffing, Staff Resources, Training	Communications, Coordination, Planning	Policy Development, Performance Monitoring
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