

Mono County

Public Safety Strategy Realignment

DRAFT

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Mission Statement

The Mono County Community Corrections Partnership (MCCCP) is dedicated to providing pathways for offenders to successfully reengage with the community.

NEW BRIDGEPORT COURT PHOTO

OVERVIEW

On April 4, 2011, then Governor Edmund Brown Jr. signed into law the Public Safety and Realignment Act (Assembly Bill 109; hereinafter referred to as “Realignment” or “AB 109”). Realignment was in response to the Federal Government’s order requiring California to reduce the State’s prison population by 46,000 inmates. AB 109 fundamentally altered the criminal justice landscape in California by changing how the State incarcerates, supervises, and treats specifically designated groups of offenders, as well as how California allocates funds to counties in order to implement the goals of AB 109. The effect of Realignment was the measured release of inmates from California prisons by way of transferring responsibility for supervision of specific lower level inmates and parolees to the State’s 58 counties. The released inmates were categorized as non-violent, non-serious, and non-sexual offenders.¹

Mono County identified the impact Realignment had on its own criminal justice system and observed that Mono County justice partners needed to be more involved in all aspects of the justice involved person’s navigation through the system. Realignment tasked justice partners to broaden their scope of knowledge, learn new techniques to assist in identifying an individual’s needs, and appropriately address those needs. Mono County justice partners now have more alternatives to assist individuals going through the justice system to help reduce the probability of them returning to jail. Almost every aspect of the justice system was affected by AB 109, with some areas changed more drastically than others. Nevertheless, change was needed to provide the individuals in the criminal justice system with proven research-based tools to become productive members of society and reduce their recidivism rate.

Since Realignment took effect in 2011, statewide violent and property crime rates have remained close to historic lows. As it relates to individuals sentenced to probation, 98% of Mono County probationers successfully completed their probation leaving only 2% to finish their sentence in a penal institution, either county jail or state prison. However, California’s re-arrest and re-conviction rates are among the highest in the nation. In Mono County, 65% of Post Release Community Supervision (PRCS)² individuals failed to complete their terms and conditions of

¹ Non-violent offenses are those crimes that are not included within Penal Code Section 667.5(c), known as violent “strike” offenses. Non-violent crimes typically do not involve the use or threat of any force, do not result in serious physical injury to another person, and typically are theft related, narcotics related, and/or white collar crimes. Non-serious offenses are those crimes that are not included within Penal Code Section 1192.7(c) and are usually the same as non-violent offenses with two notable exceptions, criminal threats and residential burglary. Non-sexual offenders are those who have not committed an illegal act involving illegal, forced, or coerced sexual conduct against another person or also involving child molestation, distribution of child pornography or sex trafficking.

² Post Release Community Supervision (PRCS) is a form of supervision provided to an individual who has been released from a California Department of Corrections and Rehabilitation (CDCR) institution to the jurisdiction of a county agency, pursuant to the Post Release Community Supervision Act of 2011 or has been released from local jail after serving a “prison” sentence pursuant to Penal Code Section 1170(h). Penal Code (PC) Section 3451 provides that all persons released from prison on or after October 1, 2011, after serving a prison term for a felony and, if eligible, upon release from prison shall be subject to supervision provided by a county agency. The following individuals are excluded from PRCS and will be supervised by the Department of Parole following their release from state prison: (1) An individual serving a current term for a serious felony, as described in PC Section 1192.7(c); (2) An individual serving a current term for a violent felony, as described in PC Section 667.5(c); (3) An

release, resulting in their supervised release being terminated. Thus, those individuals completed their sentences incarcerated in county jail. In evaluating these numbers, Mono County's failure rate tracked the State of California's average. It was concluded that a disconnect existed between individual needs and the services being provided by Mono County and the California Department of Corrections. In other words, inmates lacked the reentry services in the state prison and within the local community to aid in the successful completion of PRCS.

In 2015, a notable shift occurred statewide with the passing of Proposition 47, which reduced simple drug possession charges from felonies to misdemeanors and caused another mass release of inmates into the counties. Due to Proposition 47, county sheriffs started heavily utilizing alternatives such as electronic monitoring, day reporting centers, community service, and alternative work programs. Mono County has fallen behind the state and other counties in using these alternative sentences. Where Mono County has also seen a departure from the state trends is regarding mandatory supervision. California has seen more inmates placed on mandatory supervision, whereas Mono County has been placing fewer individuals on mandatory supervision each year. The last notable trend is regarding a rise in domestic violence offenses, both statewide and in Mono County. This is an area of concern that the Community Corrections Partnership General Committee and the criminal justice partners intend to focus on in the future in an attempt to reduce those numbers.

To date, Mono County has received approximately 3.9 million dollars to implement their AB 109 programs. The funds have gone to hiring more probation officers, hiring jail staff to monitor inmates sentenced to work release programs, constructing an effective dispatch system for officer safety, expanding victim services, introducing a risk needs assessment program to better assist defendants who need pre-trial and post-sentencing services, establishing drug court, and training probation officers in the evidence-based practices of Moral Reconciliation Therapy (MRT), Cognitive Behavioral Journaling, and Motivational Interviewing. The CCP Committee additionally identified two long-term and large areas of planning: jail space and transitional housing.

Proposition 47 also shifted some funding to evidence-based programs to reduce recidivism and incarceration. Those funds were directed to mental health and substance abuse programs, K-12 education, and services for crime victims. Mono County provides those services to inmates however, it is providing them in a facility that was not designed for long-term commitments. Mono County recognized their constraints and between 2011 through 2019, the CCP Committee earmarked one million dollars in funds for the construction of a new jail facility designed around AB 109 guidelines. Mono County is in the process of obtaining approval to build a new jail facility, which it hopes to begin within the next five years. With a new jail facility, Mono County will be better equipped to assist in-custody individuals with pre- and post-sentencing services, statutorily mandated classes, counseling/therapy, vocational development, job training, and educational opportunities.

Identifying and implementing cost-effective rehabilitative programming and services for incarcerated individuals, as well as those who have returned to their communities, is among the highest priority for Mono County. Mono County, through its CCP General Committee, has further

individual serving a current term of life; (4) An individual classified as a High-Risk Sex Offender; (5) An individual determined to be a Mentally Disordered Offender.

identified eleven objectives that it aims to achieve within the next five years: (1) establish a multidisciplinary reentry team to create an individualized plan for each individual before, during and after incarceration, (2) create a collaborative reentry plan with services, (3) create a transportation plan to assist individuals in getting to programs and services, (4) establish transitional housing sites and program, (5) form a community advisory board, (6) determine services needing data tracking, (7) to identify variables to be measured for reporting and tracking, (8) determine placement efficacy by tracking individual outcomes, (9) design a qualitative and quantitative survey of probationer's and participant's experiences to measure subjective and objective satisfaction and efficacy, (10) determine reentry population profile, and (11) establish an ongoing data committee.

The reentry team will be comprised of professionals from Mono County including Sheriff Jail Staff, Probation, Behavioral Health, Adult Office of Education, and Community Services Solutions. The team is tasked with identifying an individual's needs, finding efficient and effective ways to reintegrate the individual into the community, and ultimately reduce their odds of recidivism. A person's individual plan could include anything from drug and alcohol treatment, participating in statutory programs³ while incarcerated, obtaining a GED, taking high school classes in the county jail, or telepsychiatry counseling sessions.

Mono County will utilize data tools to evaluate the success of these objectives, both individually and collectively. As more data becomes available regarding the success of these objectives, Mono County will be better able to tailor a person's individual plan to ensure a higher rate of success and lower rate of recidivism. Even without the new jail facility, Mono County can provide services to jail inmates both in-person, online, and with telecommunication. Mono County strives to meet the outlined goals of Realignment and with its current strategy, believes it is well equipped to be successful in its implementation of AB 109.

Public Safety Realignment

California's Public Safety Realignment initiative represents the State's effort to reduce its prison population by shifting the supervision of inmates to county jails and community supervision. In 2009, the California Legislature passed the California Community Corrections Performance Incentives Act SB 678, which had two purposes: alleviate overcrowding in state prison and save state General Fund monies. This act was designed to promote and use evidence-based supervision practices and reduce the number of individuals on felony supervision who are sent to state prison. By law, each county created the Community Corrections Partnership (CCP), which Mono County established in 2009, to be responsible for overseeing the implementation of the aforementioned goals. In 2011, the California Legislature then passed Assembly Bills 109 and 117, which caused the release of non-violent, non-serious, and non-sexual offenders, with sentences of longer than one year, from state prison to their originating counties of commitment.

The key provisions of AB 109 were that it redefined a felony, created Post Release Community Supervision (PRCS), created Mandatory Supervision (MS), amended custody credits, authorized community-based punishment, created flash incarceration, and amended parole revocations. The

³ Statutory programs are programs, required by statute, that a probationer is required to complete as a term and condition of probation. The statutorily mandated programs may include a 52-week batter's treatment program for someone convicted of domestic violence, a 52 week parenting class for someone convicted of child abuse, or, a 3-, 9-, or 18-month DUI program for a person convicted of a DUI.

definition of a felony changed from certain crimes punishable in the state prison for 16 months, or two or three years, to certain crimes may be punishable in the county jail for 16 months, or two or three years. PRCS authorized the local probation department to supervise, for up to three years, specified inmates (non-violent, non-serious, non-sexual) released from state prison rather than have those inmates supervised by parole. Mandatory supervision established that a person serving a period of incarceration could split their jail sentence with some time in custody and the balance of their remaining sentence out of custody, but supervised by the local probation department with terms and conditions similar to probationary terms and conditions.

Furthermore, Realignment changed inmate custody credits to four days credit for every two actual days served, known as “half-time credits.” Since many inmates who would have been supervised by parole are now supervised by the local probation department, violations of PRCS or parole are now served in the local county jail for a maximum of 180 days. Rather than the parole board conducting parole violation hearings, AB 109 mandated parole violation hearings be conducted at the local level, by the county’s Superior Court. If parolees were in violation of parole, they were to serve their time in the county jail, for a maximum of 180 days, rather than state prison. Lastly, AB 109 created flash incarceration, which is an up to 10-day jail commitment that a probation officer can utilize to ensure swift sanctions for noncompliant behavior.

Prior to Realignment, the California Penal Code was not rehabilitative in nature. However, after Realignment, its purpose shifted to rehabilitation and positive behavior reinforcement. An example of this shift is found in the creation of community corrections, which were defined as non-prison sanctions imposed by a court for the purpose of moving individuals through a system of evidence-based services available to those who would most likely benefit from them. The idea was to invest in both the individuals and local economies as well as provide alternatives to incarceration through reentry services. Consequently, AB 109 required a paradigm shift for Mono County’s criminal justice system to better suit the rehabilitation needs of its justice involved persons.

When the California State Legislature passed AB 109, it tasked local counties to implement their Realignment Plan beginning October 1, 2011. Mono County created the Community Corrections Partnership Executive Committee (CCPEC) in 2011 with the goal of developing and implementing the County’s Realignment Plan.⁴ The Mono County CCPEC established three areas of planning: obtaining or re-appropriating funds to support the affected county departments, creating alternatives to custody, and creating or expanding focused programs to address recidivism. As a result of Realignment, Mono County identified four Post Release Community Supervision (PRCS) individuals, one parolee, and seven mandatory supervision⁵ individuals who were returned to the County from state prison and required immediate assistance. Between 2011 and 2019, the California Department of Corrections released 20 inmates from state prison into the care and custody of the Mono County Probation Department. During that same period, Mono County

⁴ The Mono County Executive Committee Members are as follows: Karin Humiston, Chair, Chief of Probation; Al Davis, Mammoth Lakes Chief of Police; Ingrid Braun, Sheriff; Tim Kendall, District Attorney; Jeremy Ibrahim, Public Defender; Hon. Mark Magit, Presiding Judge; and Robin Roberts, Director of Behavioral Health. The other justice partners, not including those identified in the Executive Committee, involved in the CCP General Committee are as follows: Kathy Peterson, Director of Social Services; Jennifer Kreitz, Mono County Board of Supervisor; Shana Stapp, Special Program and Adult Education Coordinator for Office of Education; Christopher Platt, Director of Mono County Library; Misti Clark-Holt, Programs Manager, Wild Iris, and Susi Bains, Director of SHINE.

⁵ When a judge sentences a defendant to local county prison pursuant to Penal Code Section 1170(h), the period of supervision of the defendant by a probation officer is known as “mandatory supervision.”

sentenced nine individuals to mandatory supervision. Considering the small number of clients returned to Mono County under PRCS who were serving a mandatory supervision sentence, the CCP committee determined it would be in the best interest of all those involved in the criminal justice system to receive Realignment services. Beginning 2011 through 2019, 917 individuals in Mono County were sentenced to formal felony probation and required a probation officer's supervision. All individuals received evidence-based programming or court ordered counseling.

The 2011 Mono County Realignment plan, consistent with local needs, resources, and Penal Code 3450, included recommendations to maximize the effective investment of criminal justice resources in evidence-based correctional sanctions and programs, including, but not limited to, drug courts, residential multi-service centers, mental health treatment programs, electronic monitoring and Global Positioning System (GPS) monitoring programs, victim restitution programs, counseling programs, community service programs, educational programs, and work training programs. The Mono County CCP established three areas of planning:

1. Obtaining or re-appropriating funds to support the affected county departments
2. Creating alternatives to custody, and
3. Creating or expanding focused programs to reduce recidivism

REALIGNMENT IMPACT

What does Realignment in the California Criminal Justice System Look Like?

The following information outlines and explains the criminal justice process and the effects of Realignment on the criminal justice system, but more specifically, on sentencing. Realignment promotes evidence-based practices⁶ fostering a criminal justice system focused on rehabilitation and the reduction of recidivism. Throughout the criminal justice and corrections process, defendants receive coordinated resources, services, and treatment.

Arrest

Realignment did not affect procedures regarding arrest. Arrest is the initial step in introducing a person to the criminal justice system and occurs when there is probable cause to believe that an individual committed a misdemeanor or felony offense. Law enforcement may either choose to place that person in custody and take them to the local county jail or may choose to issue a citation if they believe the person is a low risk for failure to appear in court. If the defendant fails to appear in court, the judge is likely to issue an arrest warrant. If law enforcement takes the accused to the local county jail, the sheriff's department may decide to book and release the accused with a notice-to-appear in court for their arraignment or hold the person in custody until their arraignment.

Arraignment

After a person's arrest or citation, the first formal court appearance is an arraignment. At the arraignment, a person may have a private attorney present or request the appointment of a Public

⁶ Evidence-based programs are programs that have been rigorously tested in controlled settings (i.e. trials using experimental or quasi-experimental designs), proven effective in a community site, and translated into practical models used by community-based organizations available to the public.

Defender. This is the defendant's first opportunity to enter a plea in their case. The three most common pleas at arraignment include: not guilty, guilty, or no contest.

If a person enters a guilty or no contest plea, they may proceed directly to a sentencing hearing. If a person enters a not guilty plea, the judge then addresses the issue of bail.

Bail Hearings

California bail and bail bonds refer to the money posted with the court to ensure that a person attends all their court appearances. Bail is typically set according to the local county bail schedule however, California bail laws provide a person with an opportunity to ask the judge to reduce the scheduled bail or request to be released on their own recognizance ("OR").⁷ California is moving in the direction of changing the practice of monetary bail. Senate Bill 10 (SB 10) authorizes a change to California's pretrial release system from a money-based system to a risk-based release and detention system. A referendum on SB 10 will be included on the November 2020 ballot. SB 10 assumes that a person will be released on his or her own recognizance or supervised own recognizance⁸ with the least restrictive non-monetary condition or combination of conditions that will reasonably assure public safety and the defendant's return to court.⁹

After arraignment, the court may refer the matter to the probation department to complete a Bail Review Report. The Bail Review Report outlines the below listed factors after the completion of a pretrial assessment. The probation department makes a recommendation for bail to either remain as set, to increase or lower bail, or to release the individual on their own recognizance with pretrial supervision conditions. The court may also decide to waive the Bail Review Report and move directly to a bail review hearing. At a bail review hearing, the defendant presents mitigating factors in support of their request to reduce or eliminate the set bail. Before a court reduces, raises, or eliminates bail, the judge considers factors such as: criminal history, the seriousness of the offense, the facts of the case, community ties, the defendant's likelihood to return to court, and most importantly, public safety.

The Pretrial Process

Once a person enters a not guilty plea, and the court resolves the issue of bail, the defendant enters the pretrial process. "Pretrial" refers to all proceedings occurring before a trial; including, court appearances, motions (a request for the judge to take a desired action), discovery issues (the exchange of relevant evidence), and plea bargains or negotiations.

Reentry Services

Starting at the arraignment and pretrial phase, the Mono County Probation Department along with community partners, provide reentry services and supervision. Reentry services help individuals successfully return to their communities. The justice partners, coordinating amongst themselves, thoughtfully offer comprehensive pre- and post-release rehabilitative programs and services to the defendant. Some examples of the services provided and monitored by Mono County Probation and

⁷ Own recognizance is when a judge allows a person accused of a crime to be free while awaiting trial, without posting bail, on the defendant's own promise to appear at their next court date, their lack of dangerousness to the community, and based upon their good reputation.

⁸ Supervised own recognizance is when a person is released on their own recognizance but is monitored by the probation department and must check-in with the probation department at regular intervals.

⁹ For more information on SB10, see <https://www.courts.ca.gov/pretrial.htm>.

Behavioral Health include substance abuse treatment, mental health treatment, parenting, and/or anger management classes.

Jury Trials

Cases that do not resolve during pretrial proceedings progress into the trial phase of the California criminal court process.

Proceedings Following a Guilty Plea / Guilty Verdict

Sentencing Hearing

Once a person is convicted of a crime, California law entitles them to a sentencing hearing. The matter may be referred to the probation department for a Pre-Sentence Investigation Report. This report outlines the defendant's social and criminal history and makes recommendations for sentencing. At a sentencing hearing, the prosecution and defense present to the court their arguments, beliefs, and supporting evidence for an appropriate sentence for the defendant.

The court has several options for sentencing. The court may sentence a defendant to Formal Probation for a set amount of time. On formal probation, a person is required to abide by all the terms and conditions listed on their probation order. A person may also be sentenced to a Deferred Entry of Judgment or Court Probation. In these dispositions, a person would still need to abide by the terms and conditions outlined in their order; however, they would not necessarily be under the supervision of a probation department.

If a defendant is not granted probation, he or she may be granted a Split Sentence. Under this scenario, the defendant would serve a certain amount of custody time in Local Prison (the local county jail), and then, upon completion of their custodial sentence, serve a period of time on mandatory supervision to complete their sentence. The Probation Department monitors mandatory supervision, and the defendant must comply with the same type of terms and conditions similar to a formal probation order. If the defendant violates their terms of mandatory supervision, then they may complete the remainder of their sentence in local county jail.

If a defendant's disposition is a prison sentence, based on the nature of the crime, they may be sentenced to Local Prison (served in the county jail) pursuant to Penal Code Section 1170(h), or in the Department of Corrections, served in the state prison. In general, three categories of criminal offenses qualify to be served as county jail sentences. They include crimes that are non-violent, non-serious, and do not require the accused to register as a sex offender. Realignment also funded PRCS, which shifted supervision responsibility for non-violent, non-serious, and non-sexual criminals upon release from state prison to the local county. The Mono County Probation Department monitors Post-Release Community Supervision.

Probation Violation

During a person's probationary period the court has the authority to revoke, modify, or change its order of suspension or execution of a person's sentence. The court may revoke a person's probation if it finds that the person committed a violation of probation. A violation may include a new arrest or not complying with the terms and conditions as listed in the probation order. Upon an arrest or filing of a Violation of Probation, a person repeats the same steps as listed in all the aforementioned

sections. At the conclusion of a probation revocation hearing, the person appears before the court for sentencing. The person may be reinstated on probation with additional terms or jail time; or may be sentenced to a prison term to be served in either the county jail, or the Department of Corrections, based on the offense for which they were originally granted probation.

Successful Completion of Probation

If a person does not have any pending violations at the conclusion of their probation sentence, their probation is deemed successfully completed and terminated. Based upon their individual needs, all probationers are eligible for coordinated reentry programs and services to assist them to be productive members of their community and society; however, not all probationers may require those services to successfully complete probation.

What impact has Realignment had on Mono County?

In 2011, Mono County identified four Post-Release Community Supervision (PRCS) individuals, one parolee, and seven Mandatory Supervision¹⁰ individuals who were returned to Mono County from state prison and needed immediate assistance. Between 2011 and 2019, 20 inmates were released from state prison into the care and custody of the Mono County Probation Department. These inmates had non-serious, non-violent, and non-sexual offenses and were required to receive certain treatments and services within the community and supervision. Roughly 65% of these individuals were later detained in the County jail located in Bridgeport to finish their time due to non-compliance with their supervision conditions (see Table 1 – Mono County PRCS/ MS Probation data). During that same period, Mono County sentenced nine individuals to mandatory supervision. Of those nine, five were returned to the local jail to finish their local prison term, and four successfully completed their sentence (Pie Chart).

Realignment, as designed by the California Legislature, has also had a tremendous impact on Mono County Probation. The inmates released from prison were supervised as “high-risk,” meaning a probation officer must have frequent contacts in the office or field (e.g. home, work, etc.) with the probationer. Probation officers, therefore, needed to accommodate the increase in contacts, court hearings, reports, urinalysis, cognitive based journal interaction, facilitation of Moral Reconciliation Therapy (“MRT”)¹¹, the use of evidence-based practices (“EBP”)¹² and many more functions and duties. Probation required additional positions to efficiently supervise individuals and concurrently protect the community. Between 2011 and 2019, the Mono County Probation Department almost doubled in staff to meet the increased demands of Realignment.

¹⁰ Mandatory Supervision individuals are non-serious, non-violent, and non-sexual offenses who serve a portion of their sentence in jail locally and then be released under probation’s supervision to serve the remainder of their sentence reintegrating with the community.

¹¹ Moral Reconciliation Therapy is a method of treatment that is aimed at treating juvenile and adult criminal defendants with a cognitive-behavioral approach combining elements from various psychological traditions progressively addressing ego, social, moral, and positive behavioral growth. to reduce recidivism. The MRT program is centered around 16 objectively defined steps (units) focusing on seven basic treatment issues: confrontation of beliefs, attitudes, and behaviors; assessment of current relationships; reinforcement of positive behavior and habits; positive identity formation; enhancement of self-concept; decrease in hedonism and development of frustration tolerance; and development of higher stages of moral reasoning.

¹² Evidence-based practices are defined as programs where 1) there is a definable outcome(s); 2) it is measurable, 3) it is defined according to practical realities (recidivism, victim satisfaction, etc....)

Although evidence-based practices were present prior to Realignment, AB 109 guided the standardization of and focus for evidence-based practices into the criminal justice system. When Mono County Probation began using the best practice strategy (also known as evidence-based practices), this prompted Mono County to concentrate their limited resources and funds on EBP programs and allowed them to focus on program delivery rather than program development. One of the benefits that EBP programs provided was the buy-in from the justice partners, community, healthcare providers, and the individual. Considering the small number of individuals returned to Mono County under PRCS and serving a mandatory supervision sentence, the CCP committee determined it would be in the best interest of all justice-involved persons to provide Realignment services and evidence-based practices to all probationers.

One of the evidence-based practices implemented by Mono County was a Risk/Needs instrument designed to assess the risk of recidivism and needs of individuals to improve consistency and facilitate communication across criminal justice agencies. The purpose in implementing this assessment tool was to assist the probation department in predicting a person's likelihood to recidivate at various stages in the criminal justice system. Specifically, for Mono County, assessment instruments are used at the following stages: bail, pretrial, community supervision, and community reentry. While there is a community-based organization that contacts inmates for medical eligibility, social security cards, and other needs, there is no follow-up in the community and amongst agencies.¹³ One of the issues the assessment tool addressed was that inmates released into Mono County communities lacked continuity of care. The Mono County CCP General Committee identified this as a problem and created a Reentry Team to address the issue. This will be further discussed in the goals and objectives section of this report to ensure released inmates have a warm handoff to community supervision and receive services in the areas of need identified by the Reentry Team and the Risk/Needs assessment.

Realignment created a third category of inmates: those who spend their entire sentence in a local jail with no supervision in the community or program requirements as a term of condition of probation. Between 2011 and 2019, 72 individuals were sentenced to local jail time (see Table 1) and had the most significant impact on the jail. California jails were designed to hold individuals for short terms of up to one year and were not meant for long-term detainment. Mono County is no exception. Currently, the Mono County Jail lacks classrooms, a law library, treatment rooms, or a medical area. As a result, of the number of individuals detained for longer periods of time due to PRCS failure PC 1170(h), or Split/Mandatory Supervision, Mono County's 42-bed jail began showing indicators of stress. The long-term inmates, who traditionally would have been sentenced to state prison, brought a state-prison mentality and an increased level of sophistication into the local county jail. Inmates have kicked out windows, destroyed jail property, and increased their attempts to get drugs into the jail. This type of inmate behavior is typical of those sentenced to lengthy prison terms.

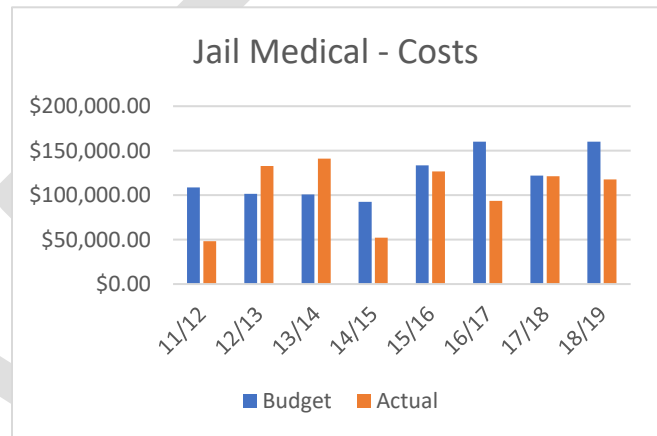
While the jail did not have an increase in the number of detainees (the average daily population has held at 27 detainees since 2012), the length of stay and lack of programs have made it increasingly difficult to manage the long-term care of inmates. To address parts of this problem, the California Legislature appropriated funds to each county to improve their jails to meet the requirements of AB 109. As a result, the Mono County Sheriff's Department and the CCP utilized

¹³ Community Services Solutions ("CSS") provides services to inmates in the Mono County Jail. See attachment _____ for a complete list of services provided to inmates by CSS,

unused space in the jail for providing services for the long-term inmate population. Some of the programs that Mono County implemented were the introduction of the EDOVO tablet learning system, AA classes within the jail, Department of Behavioral Health counselors meeting inmates in the jail for services, Moral Reconciliation Therapy (MRT), alcohol and drug counseling, and telepsychiatry services through North American Mental Health Services.

Since 2011, the Mono County Board of Supervisors, based upon a recommendation from the Mono County CCPEC, gave and continues to give the Mono County Sheriff’s Department \$40,000 a year to address healthcare costs for their inmate population. The actual costs have varied each year, but continuously and consistently exceed the \$40,000 allotment. Except for three years, medical costs for inmates at the Mono County jail have exceeded \$100,000 each year since 2011.

Fiscal Year	Jail Medical Budget	Actual
11/12	\$108,675.00	\$48,204.00
12/13	\$101,500.00	\$132,676.00
13/14	\$100,900.00	\$141,035.00
14/15	\$92,500.00	\$52,045.00
15/16	\$133,500.00	\$126,619.00
16/17	\$160,000.00	\$93,569.00
17/18	\$122,000.00	\$121,182.00
18/19	\$160,000.00	\$117,834.00



Although the jail population for Mono County has averaged a consistent number each year, the burden of housing and caring for long-term inmates has necessitated additional jail staff, maintenance crews, and behavioral health programming. Mono County’s jail was not designed to house inmates serving a sentence longer than a year; nevertheless, the County implemented Realignment guidelines to better serve their jail population. Furthermore, Mono County is in the planning process of building a new jail to meet AB 109 requirements as well as other California jail requirements. Due to the current limitations of the Mono County Jail, implementing evidence-based practices to the jail population has been challenging. Even so, Mono County has successfully implemented some practices. Having the ability to serve the jail population with all planned evidence-based practices is a priority in the planning of the new jail.

Another impact of realignment has been the need for a transitional housing program to house individuals - post-release - who might otherwise be homeless. Rural counties have little access to placements, affordable housing, or transitional housing, and Mono County is no exception. Homelessness may not be singularly responsible for recidivism but being unstably housed complicates an individual’s chances of successfully integrating back into their community. Currently, Mono County does not have treatment facilities or placements; and therefore, must rely on out-of-county facilities. Between 2011 and 2019, Mono County identified over 20 individuals who needed housing when they were first released from incarceration.

Since 2011, the Mono County Superior Court sentenced 917 individuals to formal probation, each requiring a probation officer’s supervision, and each receiving some type of evidence-based programming or court ordered consequence or treatment. Table 2 – California DOJ Arrests shows the number of arrests from 2009- 2018. A reduction in arrests can be seen between 2014 and 2015

and the same decrease is evident in the number of probationers in Table 1. Most criminal justice partners attribute the reduction in both the arrest rate and number of probationers to Proposition 47, the Safe Neighborhood and Schools Act. This law recategorized some nonviolent offenses (i.e., drug and property offenses) as misdemeanors, rather than felonies. Proposition 47 also had a significant effect on the number of possible participants eligible for Drug Court due to the changes in drug laws. Mono County's local recidivism rate (returned to local custody for a new crime) for 2011-2019 is 3%. The probation failure rate (number of probationers sentenced to state prison) for this same period is 2%. The state of California probation failure rate is 5.6% for probationers sentenced to prison/jail and the state failure rate for sentenced to prison is 3.1%¹⁴.

Strategic and Financial Planning

In 2011, counties were tasked with developing Local Implementation Plans to provide a strategy in realigning state public safety functions to their local jurisdictions. Subsequent Legislative Bills provided a guaranteed source of funding established by an amendment to the California Constitution. Each county receives a percentage of the total that the state allocates based on a formula. Mono County receives 0.05273932% of the total amount approved by the state and has received \$3.9 Million for fiscal years 2011/12 through 2018/19 (see CHART – Allocated Funding FY 11/12/-18/19). The Mono County Community Corrections Partnership Executive Committee ensures that fiscal policy and community correctional practices are aligned to promote a strategy that meets the county's needs and resources.

Justice reinvestment is a key component in the Public Safety Reinvestment Act. Penal Code § 3450(b)(7) defines justice reinvestment as a data-driven approach to reduce corrections and related criminal justice spending and then reinvest those savings in strategies designed to increase public safety. The purpose is to generate savings that can be reinvested in evidence-based strategies and increase public safety while holding individuals accountable. Public Safety Realignment placed responsibility on local jurisdictions and brought with it, numerous challenges for small rural communities with few resources. However, it provided an opportunity to develop new and alternative resources and connections.

2011 Implementation Plan Outcomes

The 2011 Implementation Plan identified three expected outcomes. As needs and expectations of conjoined criminal justice agencies progressed, objectives and outcomes changed in order meet the needs of Mono County. The initial 2011 outcomes follow below.

Outcome 1: The first outcome was the implementation of a streamlined and efficient system in Mono County to manage the additional responsibilities brought about by Realignment. Measurement of this outcome was justice partner feedback on the effectiveness of mechanisms to collaboratively address Realignment issues. The Community Corrections Partnership General Committee met quarterly and addressed issues pertaining to evidence-based treatment, supervision, detainment, preservation of victim's rights, and worked to ensure that all systems were working together efficiently.

Outcome 2: The second outcome was the implementation of a system that protected public safety

¹⁴ 2018 Judicial Council Report under Penal Code Section 1232 on the California Community Corrections Performance Initiatives Act of 2009 (Sen. Bill 678) <https://www.courts.ca.gov/documents/lr-2018-JC-ca-comm-corrections-performance-incentives-act-sb678.pdf>

and utilized best practices in recidivism reduction. Mono County's probation failure rate is exceptionally low and attributable to the efforts of all members of the Community Corrections Partnership. Because of the collaboration between justice partners in small rural communities, like Mono County, services are delivered in a timely manner, concerns are raised and addressed immediately. The CCP believes that the rate of failure for PRCS and Mandatory Supervision is most likely due to the lack of services while individuals were detained in both prison and local jail. The CCP has devised a plan to improve the services for those two groups going forward.

Outcome 3: The third outcome was the implementation of a system that effectively utilized alternatives to pre-trial and post-conviction incarceration where appropriate. Probation implemented pre-trial services to reduce the number of individuals detained as well as to provide services within the community. Electronic monitoring was also expanded for defendants released from custody while pending an outcome of their court case. This allowed more treatment and service opportunities for individuals in need of those services.

Goals, Objectives, and Outcomes 2011 - 2019

The following are the goals, objectives, and outcomes for fiscal years 2011 through 2019.

Appendix ___ illustrates funding for each year for the funding of each project and department.

Goal 1: Enhance Public Safety by Reducing Recidivism

Recidivism reduction is the primary goal of Mono County Realignment efforts. Given the predominantly high-risk realigned population and high-risk probationers being served, reduction in recidivism is paramount. Implementation of evidence-based practices is integrated throughout the probation process. Evidence-based practices are supervision policies, procedures, programs, and practices demonstrated by scientific research to reduce recidivism among individuals under probation, parole, or post-release supervision (Penal Code §1229(d)). Drug Court, a collaborative court, began in 2014 to provide a more directed and supportive treatment milieu using EBP. It allowed the court more options in treating alcohol and drug abuse while supporting long-term recovery.

ILLUSTRATION

Objectives:

- Deliver evidence-based programming that is matched to the needs of the individual
- Support professional training to advance system-wide knowledge of evidence-based practices in the criminal justice field

Outcomes:

- The results of evidence-based assessments were incorporated into sentencing reports and revocation petitions for realigned and probation offenders
- Training related to evidence-based practices and/or interventions was made available to all justice partners

- Supervision of probationers was in alignment with field supervision matrix
- Training was provided for justice partners on Post-Release Community Supervision and Mandatory Supervision
- Key staff were trained on Motivational Interviewing
- Training was provided on Risk Management and Pre-trial Supervision
- Implemented graduated sanctions and incentives
- Added two (2) deputy probation officers
- Key staff were trained in MRT and MRT was provided in-custody and in the community
- Training was provided to all justice partners on racial and ethnic disparity
- Changed the STRONG Risk/-Needs Assessment to the Ohio Risk Assessment System (ORAS)
- Implemented GPS and other electronic monitoring
- Implemented Drug Court, a collaborative court
- Implemented Pre-Trial Services with one Deputy Probation Officer assigned to caseload
- Implemented Reentry Community Services at the jail
- Implemented cognitive based programming with individuals when the needs assessment indicated a need for specific services

Goal 2: Provide for Successful Reentry of Offenders to the Community

Local stakeholders recognize that the reentry period is a crucial window of opportunity to influence individual success, but equally can be fraught with challenges that increase an individual's likelihood to reoffend.

ILLUSTRATION

Objectives:

- Provide services and treatment to individuals in partnership with existing community providers
- Facilitate access to sober living and transitional housing as well as long-term housing
- Strive to support the specialized needs of individuals to improve their successful reentry into the community

Outcomes:

- Provided trauma informed treatment interventions

- Increased participation in cognitive behavioral treatment such as Cognitive Behavioral Journaling and *Thinking for a Change*
- Provided access to psychiatric services through telemedicine
- Provided reentry services
- Provided transitional housing
- Provided limited exit assistance for inmates
- Provided alcohol and drug counseling
- Provided Moral Reconciliation Therapy
- Provided inmates opportunities for work while in-custody

Goal 3: In-custody Supervision and Management

Mono County has one jail located in the northern portion of the County. It was built in 1964, expanded in 1988, and was intended to house inmates for up to one year. To address the needs of incoming individuals requiring long-term stays and flash incarcerations, funding was dedicated to the jail and toward a grant match for building a new jail to accommodate the expectations of long-term stays. A funded jail position assisted with supervision as well as supervised community work crews within the community. Along with the age of the jail, safety equipment such as dispatch, needed an upgrade to ensure the safety of Sheriff's staff as well as probation.

ILLUSTRATION

Objectives:

- Expand the use of an evidence-based assessment tool for pre-trial and post-sentence jail release decisions
- Improve Dispatch for safety of Sheriff's Office deputies and probation
- Assist with grant match for building of new jail
- Strive to maximize jail capacity by appropriately identifying inmates who can safely be released and those who should be held in physical custody
- Ensure evidence-based risk assessment information is available for inmates in the county jail

Outcomes:

- Funded the grant match for building the new jail
- Funded one (1) full time Public Safety Officer position
- Funded a portion of medical care for inmates

- Contracted with selected agency and replaced aging dispatch services
- Jail staff provided inmate work crews for community projects
- For FY 17/18 through 18/19, began pre-trial services using the ORAS PAT
- Added one (1) Public Safety Officer

Goal 4: Victim Services and Drug Interdiction

Victim Services was added in FY 12/13 through FY17/18 as a funded program. A Victim Advocate was assigned to the District Attorney's Office to assist victims associated with realigned cases and individuals sentenced to probation. It was critical to recognize the needs of victims and to provide a clear orientation to the criminal justice system. The Advocate provided guidance to the criminal justice system victims, worked closely with the Deputy District Attorneys to provide victim impact statements, obtained statements of loss for restitution orders at sentencing, acted as a liaison for the Restitution Court, and assisted with Court Security safety planning.

Also funded from FY15/16 through FY18/19 were Drug Interdiction programs. An Opiate Crisis Consultant/Committee was established, and a plan implemented. A Drug Interdiction Investigator was also dedicated from the District Attorney's Office. The District Attorney also established a diversion program.

ILLUSTRATION

Objectives:

- Provide victim assistance established in compliance with Marsy's Law
- Explore and prepare a plan to reduce the rising level of drug cases

Outcomes:

- An investigator in the District Attorney's Office was assigned drug cases
- A victim advocate position was established and filled
- An opiate crisis committee was led by a consultant resulting in a community plan

Beginning in FY11/12, the CCP established a plan to increase evidence-based community and in-custody supervision and multi-agency training for the justice partners. Funding was also allocated to the District Attorney's Office and the Public Defender to assist with the increase in cases.

TRENDS

Realignment and Proposition 47, The Safe Neighborhoods and Schools Act, were meant to reduce the prison population. They both influenced and continue to affect the California criminal justice system. When AB 109 passed in 2011, California noticed a spike in property crime. When Proposition 47 passed in 2014, which reduced the sentences for low level drug offenses and some property crimes to misdemeanors, California recorded another spike in property crimes. This spike

was more notably for property crimes and some violent crimes. (see TABLE – CA DOJ Crimes). In Mono County, there was also an increase in property crimes and domestic violence callouts. (see TABLE – DOJ Mono County Crime FY 2011/12-18/19 and TABLE DOJ Mono County Domestic Violence Call Outs FY 2011/12-18/19).

In addition to the increase in violent and property crimes in 2014, Mono County also experienced a noticeable decrease in participation of alternative courts, specifically Drug Court. The cause for decreased participation was due to the Court's inability to adequately motivate drug offenders into treatment; an individual could spend less time in custody and complete their sentence in jail rather than complete an 18-month to three-year program. Prior to Realignment, courts had more leverage in ordering a defendant to either participate and successfully complete a Drug Court program for 18 months or go to state prison for up to three years. Under these rules, individuals would typically choose Drug Court. However, since Realignment and Proposition 47, some drug offenses only carry a one-year maximum penalty. Proposition 47 reclassified drug possession offenses under Health and Safety Code sections 11350, 11357(a) [concentrated cannabis], and 11377 as strictly misdemeanors punishable by up to one-year in county jail. As with the theft offenses, these new misdemeanor provisions did not apply to persons with one or more prior convictions for offenses specified under Penal Code section 667(e)(2)(C)(iv) or for certain sex offenses that required registration under Penal Code section 290(c). Therefore, if an individual was not committed to getting sober, it was easier to choose 365 days in jail instead of an 18-month program.

In Mono County, Drug Court was implemented in 2014. This program has been successful in helping individuals get sober and reduce recidivism. Mono County Drug Court has had a total success rate of 50%, in which participants have not committed another crime or have not relapsed on drugs or alcohol. Unfortunately, just as the state has seen a decline in participation, so has Mono County. The slow decline in participation and referrals began in 2019. It is expected that this decline in Drug Court referrals and participation will continue into 2020 and for the foreseeable future.

The research regarding the spike in crime is not unanimous as to whether Realignment directly caused the increase in crime, however, it does agree that Realignment affected each county differently. When Realignment was adopted, the counties were not given a specific plan on how to reduce the prison population or how to handle the new caseloads of PRCS and mandatory supervision individuals. The state provided funding and vague guidelines only; therefore, counties decided their own important goals, their objectives in meeting them, how to reduce the prison population, and how to supervise their new caseloads. Counties invested their funding in new jails, new programming, training, new hires, community resources, reentry programs, and many other areas. Despite each of these investments, all counties saw an increase in the failure rates of their PRCS and mandatory supervision population. In the two years following Realignment, Mono County recorded a 2% increase in recidivism. In 2018, the County recorded a 5% increase in failure rates. For Mono County, these numbers appear extremely skewed because of the small population. Two failures out of a population of 14,000 will be higher than the same percentage of failures with a population of 100,000

In late 2017, Mono County Probation evaluated the high failure rate of PRCS and Mandatory Supervision. The team was tasked with evaluating the failure rate and identifying the variables impacting Realignment individuals as compared to probationers. The team identified some of the root causes as a lack of transportation, lack of affordable housing, lack of EBP treatment programs

in prison, and an increase in criminal thinking (as assessed by ORAS). Some PRCS individuals committed offenses while visiting Mono County, which resulted in having no connection to the community, nor homes or jobs, and were ultimately transferred to their home county when possible. Individuals leaving secure custody also did not have reliable transportation, which made it a challenge to attend their assigned treatment or programs. While the team could not change the lack of services in state or local jail, they could add programs for Mandatory Supervision individuals while detained.

Another recognized trend is the need for specific therapy strategies that seek to decrease recidivism by increasing moral reasoning. Moral Reconciliation Therapy, an evidence-based practice, seeks to make improvements in moral reasoning and decision making. It helps individuals acknowledge that there are consequences to their behavior and actions. The MRT treatment approach has proven successful in changing negative behavior patterns among substance abusing individuals. MRT was implemented by Mono County Behavioral Health and Probation in the jail in 2016 and in the community in 2018. Moral Reconciliation Therapy is a systematic treatment strategy that seeks to decrease recidivism among adult criminal offenders by increasing moral reasoning.

The recommendations for resolution of elevated failure rates were as follows:

- Swift sanctions and flash incarceration,
- Mandatory MRT as a condition of supervision,
- Increased contacts with individuals, and
- Consideration of rehabilitation for alcohol and drug and/or dual diagnosis patients.

Since implementation of these responses, there have been less probation failures. Mono County is a small rural county and has seen a reduction of failures from three in 2017 to one in 2019.

Another area contributing to the failure of PRCS, mandatory supervision, and probation is the lack of programming and assessment in the local jail. Mono County jail was constructed to be a short-term facility with inmates in jail for no more than 365 days. Before AB 109, any defendant sentenced to more than 365 days to be served would be moved to state prison to serve their time. Since the passing of AB 109, individuals can serve sentences longer than 365 days in the Mono County Jail. To date, the longest jail sentence served in Mono County is five years. The Mono County jail was not prepared or equipped to provide adequate programming such as education, drug and alcohol counseling, evidence-based programming requiring behavioral modification, and many other services that the state prisons were better equipped to provide given their large spaces, classrooms, medical facilities, and funding.

To begin providing services to inmates, Sheriff Ingrid Braun and Kathy Peterson, Director of Social Services, collaborated to enter a contract with Community Services Solutions, a company that would meet with inmates at the jail and refer them to services. The CCP funded this service. This process was helpful in identifying the needs of each individual inmate, but the needed to be expanded. Thus, the justice partners created a system to ensure probation, behavioral health, education, and/or social services received referrals through one person, a Reentry Probation Officer, who would oversee the process. Not only was programming lacking within the jail, but a treatment system was needed in the community that was an extension of the treatment in the jail. For individuals to be successful in reentry, they must work with professionals to address the

behavioral and cognitive patterns that led to their sentence and to prevent future criminal violations. This type of programming is limited in the community; however, the Probation Department and the Behavioral Health Department currently offer Moral Reconciliation Therapy, which is a behavioral therapy program that supports and encourages individuals to change their behavior and alter how they make decisions about right and wrong.

2020 GOALS and OBJECTIVES

In 2019, the Community Corrections Partnership General Committee examined the data and programs of the first nine years and conducted an analysis to ensure the goal of justice reinvestment was being achieved. The analysis included the identification of gaps in services and programming, as well as opportunities for improvements. The analysis was careful to maintain focus on evidence-based strategy with the goal of increasing public safety while holding justice-involved individuals accountable. The CCP also included an examination of data gathering needs to enhance realignment goals and made recommendations regarding integrating behavioral health treatment and community corrections strategies into practices specific to the enhancement of community awareness of and involvement in the realignment process.

Workgroups were identified and members volunteered for one of three groups: Group 1 - Provide for successful reentry of offenders to the community, Group 2 - Enhance public safety by reducing recidivism, and Group 3 - Establish a data sharing and management committee.

Goals 1 and 2

Goals 1 and 2 are plan revisions of the FY2011/12 through FY2018/19 Goals 1 and 2 of the same titles, respectively. As a result of the gap analysis, each area identified strategies that would improve outcomes (see Attachment ____ - Objectives, Strategies and Outcomes Matrix). Groups 1 and 2 combined at the end of the analysis to provide gap analysis addressing the overlap of objectives.

Objective 1: Provide for the Successful Reentry of Offenders to the Community

To achieve this objective, several points were identified that necessitated the creation of a multi-disciplinary reentry team for the purpose of preparing a case plan before and during reentry.

Outcomes anticipated for Objective 1 are: (1) team members and agencies identified, (2) a Reentry Coordinator (Deputy Probation Officer) will be identified and assigned, (3) frequency and focus of meetings identified, (4) team members area of responsibility outlined, and (5) a software program identified for sharing information while maintaining confidentiality and security of information.

Objective 2: Create a Standardized Collaborative Reentry Plan

Strategies include identifying the level of assistance needed by an individual, what services are necessary and what classes are required of the individual. Strategies will also include research for additional classes to be offered through the jail's current contracted service, EDOVO.

Outcomes anticipated for Objective 2 are: (1) provision of in-custody services tailored for the individual, (2) creation of methodology to identify the level of assistance the individual needs, and (3) provide the programs that an individual can participate in.

Objective 3: Design a Transportation Plan for Probationers and Pretrial Defendants

On many occasions, individuals do not have the means to travel to their home, temporary home, treatment, or programming. The CCP General Committee believes it can solve this challenge by securing a Memorandum of Understanding (MOU) between the Probation Department, Sheriff's Department, Eastern Sierra Transit Authority, and other transportation vendors.

Outcome anticipated for Objective 3 is: Through collaboration, agencies and vendors will cooperate to transport probationers, specifically high-risk probationers, thus assisting in the success of their reentry programming.

Objective 4: Provide Transitional Housing

This is an important aspect of the success of reentry and probation. Research is clear that a safe, sober living place contributes to reentry success. Currently, there is no transitional housing in Mono County. There are several rooms available through Mono County Behavioral Health, however a prospective tenant must have seen Behavioral Health for treatment to qualify for residence. Otherwise, very few housing options exist for released inmates. A recommended strategy is to research available property and housing possibilities in Mono County, such as a mobile home. It is also recommended to research transitional housing programs throughout California to review their guidelines and address any legal issues.

Outcomes anticipated for Objective 4 are: (1) identify short-term housing alternatives while individuals reintegrate into the community, (2) offer sober living facilities, (3) provide more structure for probationers, (4) establish transitional housing, and (5) provide residency rules.

Objective 5: Establish a Community Advisory Board (CAB)

A CAB is a citizen voice for the criminal justice system. Citizens are invited to participate and provide input, research community issues, and make recommendations to the CCP Executive Committee. A CAB includes the Chief of Probation and a Probation Manager. Strategically, matters are reviewed, minutes taken, and issues are presented before the CCP Executive Committee.

Outcomes anticipated for Objective 5 are: (1) educating the community, building infrastructure for gathering community input, and representing the voices of the community, (2) recommended suggestions or projects are submitted to the CCP Executive Committee, (3) fostering the efforts of public and community-based agencies to work collaboratively, and (4) building trust while acknowledging inherent imbalances in authority.

Goal 3

Establish a Data Committee to explore the data exchange, software, infrastructure, process, and governance between participating agencies to enhance the ability to collect and analyze data on shared individuals. Insular management systems occur generally when technical architecture, either application or data, are incompatible. This separation is not due to bounded rationality but architecture of data systems. In some cases, such as the case of reentry which may include medical,

behavioral health, and eligibility information, confidentiality plays a significant role. Agencies have limits sharing information and some are also constrained by the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

The data committee will propose a recommended system which will establish an inclusive management system where each relevant agency will have access to data and identify those data fields which are critical in ensuring successful reentry. Within this virtual milieu, HIPAA information would be protected while probation, jail, education, Community Services Solutions, and behavioral health access needed information. The data committee will continue to work to also identify additional data fields with the long-term expectation of collecting data for reports.

Six Objectives are identified for Goal 3 and are detailed in Attachment citing anticipated outcomes.

CLOSING

It is the Mono County Community Corrections Partnership's desire to internalize lessons from the past nine years and invest in those practices leading to success as well as implement changes to assist individuals in achieving their goals.

In response to the CCP General Committee gap analysis and strategic planning, new objectives and anticipated outcomes serve as a map for the next five years. Further, data development allows for the CCP to evaluate this Public Safety Strategy for efficacy and cost effectiveness. Whether the building of a new jail, enhancement of jail programming, jail education, pretrial development, reentry plans, community engagement, or data development and sharing, we will continue to collaborate with justice partners to provide an inclusive community corrections plan.