



MEMORANDUM
OFFICE OF THE
COUNTY EXECUTIVE OFFICER
COUNTY OF PLACER

To: Honorable Board of Supervisors

From: David Boesch, County Executive Officer
Submitted by: Bekki Riggan, Principal Management Analyst

Date: September 9, 2014

Subject: Update on the Criminal Justice System Master Plan and Implementation Process

ACTION REQUESTED:

Receive an information only update on the Criminal Justice System Master Plan and implementation process.

BACKGROUND:

California is nearing completion of the third year of Assembly Bill 109 (AB 109), known as "Public Safety Realignment" which transferred authority for lower-level felons from the state prisons and parole system to county jail and probation systems. The California Judicial Council provides perspective on the magnitude of this policy shift stating, "California criminal justice realignment presents one of the most significant changes in criminal justice policy since statehood."

When the California Legislature approved this ambitious overhaul it had few viable alternatives. The United States Supreme Court had recently affirmed the federal court's order to achieve significant reductions in prison overcrowding due to persistent deficiencies in inmate health care. Lawmakers were also facing increasing criticism for skyrocketing prison costs and a nearly 70% return to prison rate.

One of the central tenets of realignment was that local jurisdictions could be more effective with lower level offenders than the state in ending the revolving door of returns to prison resulting from parole revocations. Early analyses of realignment suggest this has occurred. However, "realigning" these offenders hit many of California's 58 counties, including Placer, as they were already grappling with overcrowded jails and diminished resources from the economic downturn. In response, the state provided counties with \$400 million in new funding and wide discretion in allocating those funds with the requirement that they develop implementation plans describing their realignment strategies and how they would use state funding. With only a few months between passage of the law and implementation counties had little time to develop comprehensive strategies to process, house and supervise these new populations.

The California Legislature reaffirms its commitment to reducing recidivism among criminal offenders in Penal Code 17.5 and provides the following caution:

"Criminal justice policies that rely on building more prisons to address public safety concerns are not sustainable, and will not result in improved public safety. Despite the dramatic increase in corrections spending over the past two decades, national incarceration rates...have remained unchanged or have worsened."

The Legislature goes on to state:

"Fiscal policy and correctional practice should align to promote a justice reinvestment strategy that fits each county. Justice reinvestment is a data-driven approach to reduce corrections and related criminal justice spending and reinvest savings in strategies designed to increase public safety...and manage and allocate criminal justice populations more cost-effectively...while holding offenders accountable."

CRIMINAL JUSTICE MASTER PLAN PROCESS

With the first year of AB 109 implementation under its belt and as construction of Phase I of the South Placer Adult Correctional Facility (SPACF) neared completion, the county embarked on a process to identify a consultant to work with Placer County officials in developing a criminal justice system master plan. Project objectives were identified as follows:

- Ensure a full continuum exists so that system responses can be based on what is needed to protect the public and reduce recidivism;
- Develop an offender management strategy that reduces the need for early releases from jail;
- Reduce system delays, redundancies and inefficiencies that impact court calendars, staff workload and corrections and community resources;
- Develop an on-going data collection process to inform and guide future policy and funding decisions.

County Procurement Services established an evaluation panel with representatives from the Courts, District Attorney, Probation, Health and Human Services and the County Executive Office. David Bennett was selected after review and scoring of written proposals and a formal interview process by panel members. On January 22, 2013, upon the recommendation of the evaluation panel, your Board authorized a \$316,000 contract with David Bennett Consulting, a firm with 35 years of experience in over 200 jurisdictions, to conduct a comprehensive assessment of the county's criminal justice system and to develop a system master plan. Mr. Bennett and his associate, Donna Lattin, co-authored a U.S. Department of Justice, National Institute of Corrections guide for practitioners entitled "Jail Capacity Planning Guide – A Systems Approach" and have extensive experience in conducting training seminars on data-collection and analyses, system wide approaches to relieving jail overcrowding and jail operation and management.

Development of a comprehensive criminal justice system master plan was to be accomplished through a three-phase process:

- 1) Data collection, analysis and development of preliminary findings and recommendations;
- 2) System-wide review of the findings and recommendations to determine feasibility and merit for local implementation;
- 3) Development of an implementation plan with specific policy and funding recommendations as to where Placer County could best invest its public safety resources.

Project methodology included collecting and analyzing local data on the processing of defendants through the criminal justice system; developing a profile of the local inmate population; reviewing system policies and practices that impact the jail at key decision points; assessing the continuum of alternatives to incarceration and the potential for expanding evidence-based programs; and development of an updated jail forecast.

REPORT SUMMARY

Phases 1 and 2 of the Criminal Justice System Master Plan process have been completed. A full-day symposium was conducted on April 30 with over 70 justice system officials and key staff to review study findings and recommendations. A 251-page report was subsequently released and distributed to justice officials for comments. The final report entitled "Criminal Justice System Master Plan – Findings and Recommendations" is on file with the Clerk of the Board.

The report provides baseline data, analysis and recommendations and is divided into three sections: Case Processing, Sentencing, and The Continuum. The latter chapter, The Continuum, covers a broad range of system decision points: Pre-Booking, Pretrial Services, Probation, Treatment and Diversion, Jail and Re-entry. These sections are followed by two chapters, one that offers a Recommendation Summary and one that offers a detailed Summary of Findings.

The report finds that the county is fortunate in many ways and that we are doing some things very well. The report highlights our relatively low level of violent crime, our good foundation of court-based programs that serve as jail alternatives (Drug Court, Mental Health Court, and Veteran's Court), that we have adopted research-based risk assessment tools to inform the release and supervision of our pre-trial and offender populations, and that we have constructed a new detention facility. The report further compliments our "cadre of professionals who are passionate about improving the business of the criminal justice system."

The report highlights the many system factors that contribute to jail overcrowding and the myriad of options available to mitigate those challenges and to improve system efficiencies and cohesion. The consultants note that the Sheriff's Office was forced to early release approximately 2,700 inmates last year under the federal court order that caps jail population, and is on target to early release approximately 3,400 inmates this year. They further note that there are two primary ways to end this practice. The first being to add enough additional beds to the system so that the Sheriff will not have to "fed-cap release" inmates and the second method is to make changes in the criminal justice system – both pre-trial and post-trial – to reduce over-reliance on incarceration. The report suggests a combination of these approaches and details practices in the system that should be further examined to determine what changes could be made. The report further recommends development of workgroups to review the data analysis and findings, discuss options that have merit for the county to consider, and ultimately to design implementation strategies that will improve public safety and reduce the cost to the taxpayers.

Three workgroups have been formed to complete the final phase of the Criminal Justice System Master Plan. The workgroups include participation from all criminal justice agencies including the Sheriff's Office, District Attorney's Office, Probation, Health and Human Services, all three of the County's Indigent Defense firms, the County Executive Office, local law enforcement and the Superior Court. Six Superior Court judges have teamed up to co-lead these workgroups, with initial discussion topics identified as follows:

Assessments & Programs

Led by Judge Colleen Nichols and Judge Michael Jones

- Review/Develop Risk Needs Assessment Tools for Sentencing Alternatives
- Review Eligibility for Alternative and In-Custody Programs
- Review & Develop Re-Entry Program (PREP Center)
- Review Existing Programs/Identify Gaps
- Review Options for Expanded Jail Treatment & Vocation
- Review Concepts for "Supervisory Authority" for Offender Management

General Case Processing

Led by Judge Mark Curry and Judge Jeffrey Penney

- Pretrial Release Tool (Jail)
- Pretrial Tool for Pretrial Programs/Services/Diversion
- Sentencing Continuum and Supervision Types
- Review Crime Lab Option
- Review Alternative Case Processing Structures

Collaborative Case Processing

Led by Judge Frances Kearney and Eugene Gini

- Review Drug Court/Prop 36 Court for Potential Expansion
- Review Laura's Law & Other Mental Health Options

NEXT STEPS

Under the guidance and facilitation of the Superior Court, all three workgroups have convened and are well-underway in discussing options for consideration in the implementation plan. The workgroups are scheduled to continue meeting on a bi-weekly basis through December 2014.

Community Corrections Partnership (CCP) meetings are being increased in frequency from quarterly to monthly meetings during this time to allow opportunity for dialog with members of the CCP, service providers and other community stakeholders.

It is anticipated that these workgroups will review the findings and recommendations, develop consensus on top priorities, summarize their recommendations, identify associated funding requirements and return to your Board in early 2015 for further consideration.

FISCAL IMPACT

There is no fiscal impact associated with this action.

ATTACHMENT:

The "Criminal Justice System Master Plan – Findings and Recommendations" report is on file in the Clerk of the Board's Office.