

Santa Clara County's Implementation of Assembly Bill 109

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EXECUTIVE SUMMARY

AB 109 establishes the California Public Safety Realignment Act of 2011, which allows for current non-violent, non-serious, and non-sex offenders, who after they are released from the thirty-three (33) California state prisons, are to be supervised at the local county level versus the state level. Under this bill, county residents committing new non-violent, non-serious, and non-sex offences are no longer eligible for state prison. Instead these individuals will be sentenced to county jail. The transfer of offenders from state prison to county jail and onto county probation caseloads has put great demands on the counties to provide facilities and services to people formerly incarcerated in state prisons.

Contra Costa County continues to plan and develop programs and build collaborations to serve

this re-entry population and to meet legislative mandates under AB 109. It is critical to explore best practices and strategies used in successful counties to achieve goals of successful re-entry services and reduced recidivism.

With that in mind, this study examines Santa Clara's Implementation of AB 109. Santa Clara County has achieved great success with its implementation of AB 109 by establishing a centralized Re-Entry Resource Center and building successful collaborations with interdepartmental agencies, community-based organizations, and faith based organizations. Over the past three years Santa Clara County has experienced a decline in its recidivism rate from 72% to 38%.

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Background

What is the State of California's Assembly Bill 109? As a result of a 2009 lawsuit by California inmates, the federal courts ordered California to reduce its prison population by more than 30,000 inmates over a three year period. The United States Supreme Court upheld the lower court's ruling in *Brown vs. Plata*, confirming that California prisons were so overcrowded the provision of medical and mental health care were inadequate to the point of being unconstitutional. In April 2011, the California Legislature and Governor Brown passed public safety legislation Assembly Bill 109 (AB 109), the Public Safety Realignment Act, essentially shifting responsibility for certain populations of offenders from the state to the counties.

The California Public Safety Realignment Act of 2011 mandates current non-violent, non-serious, and non-sex offenders, who after they are released from the thirty three (33) California state prisons, are to be supervised at the county level. Instead of reporting to state parole officers, these offenders are to report to county probation officers. Under this bill, county residents committing new non-violent, non-serious, and non-sex offences are no longer eligible for state prison; instead, these individuals will be sentenced to county jail. The transfer of offenders from state prison to county jail and onto county probation caseloads has put great demands on the counties to provide facilities and services to people formerly incarcerated in state prisons.

AB 109 also mandates the reinvestment of state resources, formerly spent on prisons and parole, into

local community correction programs. AB 109 legislation forced California counties to confront long-held beliefs on incarceration and parole, including a change in mindsets from a punitive response to that of a supportive treatment-based response. Moreover, California counties are expected to reduce recidivism by supervising lower level offenders at the county versus state level in county-based programs. To achieve this goal at the county level, and to provide for supervision, treatment, and housing, the state has allocated \$2 billion through 2013-2014 and anticipates distributing \$4.4 billion to counties by 2016-2017 (Petersilia and Snyder 2013).

This approach champions long-term incarceration as the benchmark of truly accountable public safety and the only effective response to criminal behavior. When one contemplates the fact one in 100 American adults are currently serving a term in jail or prison and in California one of every 33 adults is either in jail, in prison, on probation or on parole, this discussion has very real consequences for everyone in our society.

<http://www.foxandhoundsdaily.com/2013/09/ab-109-rare-opportunity-thoughtful-criminal-justice/>

Implementation of AB 109 requires each county to form a Community Corrections Partnership (CCP) chaired by its Chief Probation Officer. The partnership is tasked with developing an implementation plan following the guidelines of AB 109 Public Safety Realignment and once developed to present the plan to their Board of Supervisors for approval.

The legislation also directs the CCP to allocate state funds to the various county and city agencies. An Executive Committee from the CCP members is comprised of the following:

- Chief probation officer
- Chief of police
- Sheriff
- District Attorney
- Public Defender
- Presiding judge of the superior court (or his/her designee)
- A representative from either the County Department of Social Services, Mental Health, or Alcohol and Substance Abuse Programs, as appointed by the County Board of Supervisors.

Many Counties are adapting and building programs to meet the mandates of AB 109. While the legislation directs counties to use AB 109 funds for community-based programs, counties retain a substantial amount of spending discretion. Some are expanding offender treatment capacities, while others are shoring up enforcement and control apparatuses.

<http://www.law.stanford.edu/sites/default/files/childpage/443444/doc/slspublic/SCJC%20Money%20full%20report.pdf>

Reason for Selecting the Project

Since 2011, Contra Costa County has worked collaboratively with its CCP and has made great strides in implementing AB 109. Currently, there are several locations in Contra Costa that serve the re-entry population, and Contra Costa is on the threshold of opening a Re-Entry Resource Center in West County. Analyzing and utilizing Santa Clara County's methods and best practices in building a successful One-Stop Re-Entry Center is immensely valuable for Contra Costa County's efforts in creating the West County One Stop Re-Entry Center. Additionally, on the heels of AB 109 is a new mandate (AB 720) which requires each county to assist jail inmates in applying for Medi-Cal. Building upon

collaborations developed with county entities and gleaning best practices from Santa Clara will assist in successful implementation and program growth of AB 720 in addition to providing additional money to the counties. Enrolling inmates in Medi-Cal while they are detained would allow counties to shift some county costs to the federal government. Starting in 2014, the federal government will reimburse 100% of the Medi-Cal costs of people who are newly eligible under expanded Medi-Cal, decreasing to 90% after 2016. Upon release, Medi-Cal coverage would provide for much needed mental health and substance abuse treatment coverage, resulting in a continuum of care and shifting costs from counties.

Santa Clara's Response to AB 109

Following the mandates of AB 109, Santa Clara County established a CCP Consortium made up of cross-departmental representation to plan and implement AB 109. This partnership, comprised of the following agencies, has collaborated to come up with successful new ideas and approaches to treatment versus incarceration:

- Probation
- Sheriff
- Superior court
- Public Defender
- Alcohol and drug services (DADS)
- Mental Health
- Social Service Agency
- Victim Witness Assistance program
- County Office of Education
- Community Based Organizations (CBOs)
- Faith Based Initiatives

In preparation for AB 109, Santa Clara implemented a pilot program with 50 state prison inmates about to be released into the communities. The pilot assessed the risk and needs of inmates to develop individualized case plans. The assessments identified the level of risk of re-offending for newly released inmates and subsequent supervision required. It also identified individual needs such as housing



and substance abuse and mental health treatment to assist in linking them to appropriate community services prior to their release into the communities.

Due to the success with the pilot, these assessment plans are currently in use. As a stipulation to release, Probation agents require newly released inmates to report to the re-entry center for an assessment after they are released from state prisons and/or county jails. This assessment better prepares offenders to re-enter society and the plan aids the re-entry team in providing relevant and appropriate services. The re-entry team also provides intensive supervision and services for 30 to 90 days after release to ensure the needs of the offenders are addressed and they are adjusting to the community. Prior to the start of AB109, Probation and Mental Health were going to the prisons to meet with the inmates prior to release. After reviewing the process and noticing the change in mental health assessment once the individual is released, it did not make sense both practical and financially.

In order to provide seamless, cohesive one-stop services, Santa Clara County's strategy included establishing a Re-Entry Resource Center as a centralized service and assessment center emphasizing multidisciplinary service coordination.

The Re-Entry Resource Center opened in February 2012, and is a shining example of interdepartmental county agencies, community based organizations,

and faith-based organizations successfully working together to provide seamless service coordination. The Re-Entry Resource Center addresses obstacles to newly released inmates that in the past resulted in rearrests and incarceration. Over 10,000 individuals have been served since the opening of the Re-Entry Resource Center. Success is evident in Santa Clara's recidivism rates that have dropped in the past three years from 72% to 38%.

At a recently held three-year anniversary event at the Re-Entry Resource Center, voices of parolees receiving services were heard. Many of these parolees spent most of their adult lives incarcerated. Once released, and with no support in the community, they fell back to their old ways and were soon back in jail or prison. Prior to the availability of AB 109 services, inmates were released with \$200.00, a sweatshirt, and a little green card that said, "you're free." After serving so many years behind bars, most inmates had no familial relationships and no support in the community. These inmates, filled with gratitude and passion, spoke about how for the first time in their adult, if not entire life, they had someone who cared about them and were able to assist and support them in navigating housing, enhancing literacy skills, and substance abuse and mental health counseling resources. One inmate said even though the center opens at 8AM, he was there at 6AM because for the first time in his life he had somewhere to go.

Recommendations for Contra Costa County

- Enhance interdepartmental collaborations in order to implement a seamless system of services under one system structure or team.
- Enhance collaborations with faith-based organizations in its approach to reentry services. Recent studies have proven that faith-based approaches to re-entry bring added value in the treatment of substance abuse, safe and affordable housing, strong social and family support, education, and employment.
- Leverage all available grants and funding streams to support housing efforts. Housing remains one of the most important needs and inadequate

housing often leads to negative outcomes for formerly incarcerated people.

- Enhance collaborations with the Probation Department and the Office of the Sherriff. This collaboration and coordination of services is critical not only in providing re-entry services, but also for providing access and data to the social service agencies who can assist inmates in applying for Medi-Cal.
- Develop a seamless referral process to the Workforce Development Board for employment and education services that focuses on self-sufficiency and job-readiness.

Conclusion

Behind Santa Clara County's success with implementation of AB 109 and impressive reduction in recidivism is interdepartmental coordination and collaborations with CBOs and faith-based organizations. It also includes a shift in thinking about not only how they manage their newly released inmates, but also how they welcome and assist them as they transition back into the community.

Collaboration and coordination within Contra Costa County departments is not only critical in continued efforts with AB 109, but it is also critical to ensure success with ongoing efforts to meet mandates of AB 720. *"Healthcare is a critical component in former inmates avoiding the cycle of crime,"* said Santa Clara County Executive Jeffrey V. Smith. *"Our communities will be safer because people who have served their time will be able to get health care for mental health and substance abuse issues that often contribute to criminal behavior."*

Contra Costa County can learn a lot from the strong collaborations built and the preparation and planning Santa Clara County's model and strategic plan have demonstrated. The timing is ripe as Contra Costa County builds its West County Re-Entry Resource Center. Additionally, through utilizing these best practices and collaborative examples provided by Santa Clara County, Contra Costa can expand AB 720 efforts to serve the inmates and other

vulnerable populations of Contra Costa County while simultaneously preserving county dollars.

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WEB SITE RESOURCES:

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Report: http://www.sccourt.org/court_divisions/civil/cgj/2012/CriminalRealignment.pdf

Realignment AB 109 & County Re-Entry
Program: http://www3.sanjoseca.gov/clerk/Agenda/20121005/20121005_3apres.pdf

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