

Community Corrections

# County of Yolo

## PROBATION DEPARTMENT

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Brent Cardall  
Chief Probation  
Officer

Community Corrections Partnership (CCP)

### MINUTES

Tuesday, July 14, 2014, 1:30 pm – 3:30 pm

County Administration Building

Atrium Training Room

625 Court St., Woodland CA 95695

Voting Members in attendance:

Health Director Jill Cook, Public Defender Tracie Olson, Sheriff Ed Prieto, District Attorney Jeff Reisig, Davis Chief of Police Landy Black and Chief Probation Officer Brent Cardall

Voting Alternates/Staff Present:

Jonathan Raven, Nate Palmer, Tom Lopez, Ray Simmons, Gina Daleiden, Dan Bellini, Marc Nigel, Kara Walker Clarkson, Cathy Berger, Rosario Dark Ruiz, Heather Blair, Maggi Schubert and Lisa Howard

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1. Call to Order and Introductions – The July 14, 2014 meeting of the Community Corrections Partnership (CCP) was called to order at 1:35 pm.
  2. Approval of Agenda – Motion: Ed Prieto, Second Landy Black, Vote: Passes unanimously 7:0
  3. Approval of Minutes from June 9, 2014 (approved with \*amendment) – Motion: Landy Black, Second Ed Prieto, Abstained Jeff Reisig (Attachment A)  
Vote: Passes unanimously 7:0
    - a. \*CJI Assessability Report (Attachment C) -  
*Mr. Dal Pra gave the Assessability Project update and reviewed recommendations. All items contained in the report must be implemented by September 2016. Project will require seed funding. Mr. Dal Pra will be meeting with Mr. Ted Martinez of CJI to start implementing strategies.*
  4. Crime and Justice Institute (CJI) Strategic Planning Updates (Dal Pra) -
    - a. CCP Strategic Planning Workgroup Document and Update (Attachment B).  
*Mr. Dal Pra went over the CJI Strategic Planning updates. Mr. Dal Pra explained over the last two months the workgroup has developed the framework for the Yolo County AB109 Realignment Plan. Each attendee received a copy of the draft CJI Strategic Planning document and as a group reviewed all of Phase I implementations to the plan. Mr. Dal Pra will meet with the CCP Strategic Planning workgroup today at 3:30 p.m. to put together the final planning document.*

5. Review Draft Justice Reinvestment Letter of Intent to Apply for Phase II - (Dal Pra) (Attachment C)  
*Letter reviewed and approved by voting members. Motion: Jill Cook, Second Tracie Olson Vote: Passes unanimously 7:0 Chief Cardall states the letter will be mailed to the Bureau of Justice Assistance tomorrow.*
6. Realignment Programming Presentations – Jeff Reisig
  - b. District Attorney's Office -  
*DA Reisig provided handouts of the District Attorney 2013 Statistics regarding-Total 1170 h cases, PRCS, Mandatory Supervision Revocations, Cumulative Investigative Tasks and Victim Services Statistics, as well as Criminal Justice Realignment Victim Rights: The Justice System's Responsibilities. Discussion.*
7. Program Statistics from CCP Providers – Chief Cardall  
*Chief Cardall reports beginning in August we will include the active monthly population and the referral activity broken down by population/agency source from the Day Reporting Center on our CCP agenda. This information will be provided by the Sacramento County Office of Education.*
8. Public Comment -  
  
*County Administrator Patrick Blacklock is currently working with CSAC on the realignment budget. He will keep us updated monthly.*
9. Future Agenda Items –
  - CCP Budget -
  - Crime and Justice Institute Realignment Strategic Plan Final Report
10. Next Regularly Scheduled CCP Meeting: August 11<sup>th</sup>, 1:30 – 3:30 pm in the Atrium Training Room of the County Administration Building
11. Adjournment – Motion: Landy Black, Second: Ed Prieto, the meeting was adjourned at 2:44 p.m.

# Yolo AB109 Realignment Plan 2014

## Overview

The Yolo County Community Corrections Partnership (CCP) met for a series of work sessions and public input discussions in the spring of 2014. During those work sessions, the CCP developed a framework for its realignment plan:

## Mission Statement (Final)

The mission of the Yolo County Community Corrections Partnership is to protect the public by holding offenders accountable and providing opportunities that support victim and community restoration, offender rehabilitation and successful reintegration.

## Principles (Final)

The CCP identified a series of principles that will guide their decisions and implementation of their plan:

- Use evidence-based practices
- Integrate data into decision-making through reporting, quality improvement plans, and program evaluation
- Emphasize behavior change for criminal-justice involved individuals
- Integrate a restorative justice approach
- Focus on long lasting public safety

## Goals (Final)

The CCP identified five goals which guide its work:

- Goal 1: Ensure a safe environment for all residents and visitors by reducing and preventing local crime
- Goal 2: Restore victims and the community
- Goal 3: Hold offenders accountable
- Goal 4: Build offender competency and support reintegration
- Goal 5: Reduce recidivism

Objectives <sup>1</sup>	Tasks	Responsible	Outcome / Output Measure(s)	Timeline		
				1-2 yr	3-4 yr	5 yr
<b>Goal 1: Ensure a safe environment for all residents and visitors by reducing and preventing local crime.</b>						
1a. Develop community-based primary and secondary crime prevention strategies by 2017.	1a1. Conduct a gap analysis 1a2. Provide financial incentives 1a3. Identify community-based primary and secondary prevention strategies	Need to re-visit with work group. Put off until other objectives were completed.	Prevention strategies are in place.		X	
1b. Increase "on-view" law enforcement by X date	1b1. Explore methods of shifting officers from administrative to street-based work. i. Davis P.D. will distribute Work Analysis report with other LE agencies in the County ii. Other police departments will conduct similar analysis and report to CCP on results 1b2. Increase support for neighborhood watch groups (NWG), including resources, volunteer recruitment, and support. i. Departments utilize volunteer coordinators or paid positions to coordinate Neighborhood Watch efforts ii. Publish education materials on benefits of NWGs utilizing National Night Out and social media including Next Door iii. Identify high crime areas within each city for potential new NWG to be formed	Davis PD Woodland PD Winters PD West Sacramento PD Yolo Co. Sheriff's office	Reports from Police agencies with results of analysis  Number of neighborhood contacts  Report on reduced crime in NWG areas	X		

<sup>1</sup> Objectives should be SMART: Specific, Measurable, Attainable, Realistic, and Time-limited  
Based on the CCP's May 12, 2014 meeting

Objectives	Tasks	Responsible	Outcome / Output Measure(s)	Timeline		
				1-2 yr	3-4 yr	5 yr
	<p>1b3. Develop data collection and reporting mechanisms to measure activities.</p> <p>i. Re-establish data work group to agree on baseline, minimal data needed to meet needs of CCP and its strategic plan</p> <p>ii. Recommend to CCP that Police Chiefs commit to collecting recommended data</p>		CCP and law enforcement agree to collect needed data		X	
1c. Implement a comprehensive continuum of substance abuse services focused on prevention by 2016.	<p>1c1. Provider/Stakeholder Group to review existing plan developed by Supervisor Thomson/Mank Bryan</p> <p>1c2. Youth Summit Group will determine what is needed to update gap analysis included in Thomson/Bryan report</p> <p>1c2i. Updated report will include an outline of needs to fill gaps</p>	Provider/Stakeholder Group CCP	Updated gap analysis is completed and plan submitted to CCP for approval.	X		
1d. Create an integrated criminal justice system database that provides consistent reporting of data and drives decisions by X date.	<p>1d1. Explore the potential for an integrated criminal justice system database, focusing on the probation case management system RFP and potential use of Law Suite.</p> <p>1d1i. Upon selection of vendor, Probation will demonstrate integration ability to criminal justice partners</p> <p>1d2. Criminal Record Access Management (CRAM) group will be asked to develop a plan for integrating systems</p>	Probation CCP CRAM	Justice Partners agreement on integration potential	X		
			Plan to Integrated databases recommended to CCP and BOS			

Objectives <sup>1</sup>	Tasks	Responsible	Outcome / Output Measure(s)	Timeline		
				1-2 yr	3-4 yr	5 yr
<b>Goal 2: Restore victims and the community</b>						
2a. Implement a process of reporting on and using social media to communicate with and gather input from communities about community-specific crime issues by 1-31-2015	2a1. Develop a plan for using social media to communicate with and gather input from communities about community-specific crime issues. 2a1i. Each law enforcement agency will develop a plan for using social media using general guidelines from County PIO. Nate and Traci will coordinate a sub-committee of public information officers focused on the CCP website and disseminating department releases and reports to communities.	Law Enforcement County PIO Traci Olsen Nate Palmer	Plan complete and submitted to CCP for approval.	X		
	2a2. Develop and regularly disseminate a community-level crime report 2a2i. Reports will be linked to and from website and agencies.	Law enforcement agencies	Community-level crime report developed and disseminated regularly.		X	

Objectives <sup>1</sup>	Tasks	Responsible	Outcome / Output Measure(s)	Timeline		
				1-2 yr	3-4 yr	5 yr
2b. Increase the rate of restitution and court ordered payments by FY 2016.	2b1. Identify the baseline data for restitution payments. 2b1i. CRAM will be asked to coordinate data on restitution from Yolo County Collection Services and Probation Department. 2b2. Implement a process to ensure victims know they have a right to restitution. 2b3. Improve communication between the courts and probation regarding restitution collection 2b4. Explore using prisoner's jail accounts to pay for restitution.	CRAM  District Attorney Probation  Sheriff's office	Plan submitted to CCP that includes: • Baseline restitution data • Methods for enhancing victim communication and improving communication between probation & the courts. Results of exploring use of jail accounts communicated with CCP.	X		
	2b5. Report regularly on restitution payment volume and percentage 2b5i. CRAM results will provide report process	CRAM	Baseline restitution rate reported		X	
2c. Implement at least one evidence-based restorative justice program by FY 2016	2c1. Educate staff on restorative justice concepts 2c1i. Develop white paper of literature review on restorative justice and the evidence supporting these programs. D.A. and Probation to coordinate 2c2. Design and implement program(s)	District Attorney Probation	Report on restorative justice and evidence supporting it.  At least one evidence-based program is implemented.	X		

Objectives <sup>1</sup>	Tasks	Responsible	Outcome / Output Measure(s)	Timeline		
				1-2 yr	3-4 yr	5 yr
2d. Implement a coordinated victim notification system by 1-1-2015.	<p>2d1. Develop and implement a victim notification system.</p> <p>2d1i. D.A.'s office to coordinate effort (with involvement of Probation and Sheriff departments) to document notification process and identify gaps that may exist.</p> <p>2d2. Develop and implement a victim satisfaction survey to measure effectiveness.</p> <p>2d2i. Discuss with D.A.'s office/Victim Advocate</p>	District Attorney Sheriff's Office Probation	Victim notification system implemented	X		
2e. Expand the number of community service hours completed by 5% by FY 2016.	<p>2e1. Develop baseline data / reporting for DRC, Sheriff's work crew, and formalized court-based community service.</p> <p>2e1i. Discuss with Kathy Burget of the Courts to formalize process. Include Sheriff and Probation in SWIP</p> <p>2e2. Determine method to increase community service hours</p>		80% of victims report satisfaction with system Number of community service hours completed increases by 5%	X		
2f. Increase victim satisfaction in Yolo County by X% by X date	<p>2f1. Develop a new victim satisfaction survey to encompass the entire system (law enforcement, DA, and probation)</p> <p>2f1i. Discuss with D.A.'s office</p> <p>2f2. Conduct a baseline victim satisfaction &amp; needs survey.</p> <p>2f3. Compare needs data to current services &amp; identify areas for enhancement</p>		Reported victim satisfaction increases by X%.	X		



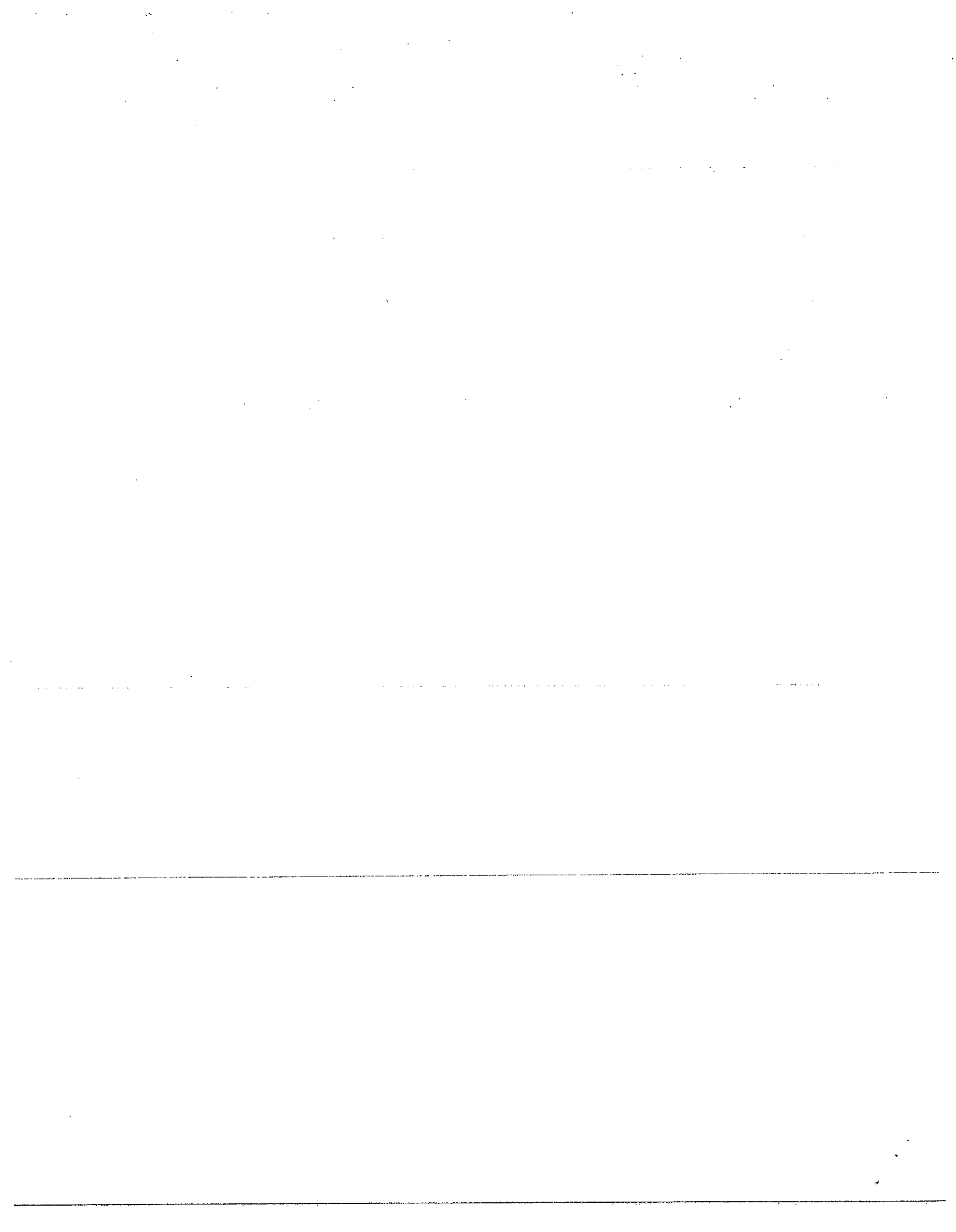
Objectives	Tasks	Responsible	Outcome/Output	Timeline		
				1-2 yr	3-4 yr	5 yr
<b>Goal 3: Hold offenders accountable</b>						
3a. Expand the juvenile and adult community review boards to West Sacramento by X date and county-wide by X date..	3a1. Expand juvenile and adult community review boards to West Sacramento 3a2. Expand juvenile and adult community review boards county-wide	Probation Department Probation Department	Reduce recidivism rates of participants by X% Baseline rate of similar bank caseload is needed. Compliance measure	X	X	
3b. Expand neighborhood courts by adding one court in West Sacramento by X date.	3b1. Expand neighborhood courts by adding one court in West Sacramento.	District Attorney's Office	Reduce recidivism rates of participants by X% (Outcome may be difficult as no control group available)	X		
3c. Increase releases to electronic monitoring to maintain usage at 90% of capacity by X date.	3c1. Expand criteria for participation 3c2. Conduct a gap analysis of housing/bed availability for program participants 3c3. Explore incentivizing good behavior for participants. 3c4. Report regularly on program effectiveness data.	Sheriff's Office	<ul style="list-style-type: none"> <li>Program is maintained at a minimum of 90% of capacity.</li> <li>X% of participants successfully complete the program</li> </ul>	X		
3d. Maintain jail population at a maximum of 90 % of capacity.	3d1. Conduct an analysis to determine the number of jail beds (by type) needed to remain at or below 90% capacity. 3d2. Develop jail usage report for CCP.	Sheriff's Office	Jail population is maintained at a maximum of 90% of capacity.	X		
3e. Provide evidence-based in-custody programming to X% of eligible inmates by X date.	3e1. Develop eligibility criteria 3e2. RFP needed to select substance abuse treatment provider. 3e3. Develop a process for monitoring and reporting on participation.	Sheriff's Office DRC	X% of eligible inmates participate in evidence-based programming	X		

<p>3f. Increase the number served by the Day Reporting Center by X% by X date.</p>	<p>3f1. Expand the DRC to West Sacramento by June 2<sup>nd</sup>. 3f2. Develop referral process to maintain capacity of DRC 3f3. Collect data and report on the number served and the success rate of participants.</p>	<p>DRC Sheriff's Office</p>	<p>Increase the number served by X% Increase the retention rate by X% Decrease the recidivism rate of participants by X%</p>	<p>X</p>
<p>3g. Implement a probation case management system by X date.</p>	<p>3g1. Explore Law Suite option 3g2. Convene discussion of system at CCP meeting 3g3. Decide on next steps</p>	<p>Probation Department</p>	<p>Case management system is implemented by X date.</p>	<p>X</p>
<p>3h. By X date, increase the capacity of the pretrial program by X% and improve its effectiveness by X%..</p>	<p>3h1. Review existing pretrial expansion proposal 3h2. Develop data collection and reporting mechanisms 3h3. Develop success/effectiveness definition</p>		<p>Increase numbers served by X% Increase effectiveness by X%</p>	<p>X</p>
<p>3i. Provide funding for agencies to address increased workload due to AB 109 implementation</p>	<p>3i1. Identify workload estimates related to AB109 3i2. Track data to report on workload annually</p>		<p>AB109 related funding for staffing is allocated based on workload needs</p>	<p>X</p>
<p>3j. Develop and/or maintain collaborative partnerships with each local law enforcement agency.</p>	<p>3j1. Develop MOUs with each agency 3j2. Explore and formalize data collection agreements</p>	<ul style="list-style-type: none"> <li>•</li> </ul>	<ul style="list-style-type: none"> <li>• MOUs in place</li> <li>• Data collection and reporting completed on a monthly basis</li> </ul>	<p>X</p>
<p>3k. Establish a process to monitor and reduce case processing time among criminal justice system partners.</p>	<p>3k1. Explore system levers to reduce case processing time and reduce jail overcrowding, e.g., inmates awaiting pretrial release decisions.</p>		<p>Decrease case processing by X%</p>	<p>X</p>

Objectives	Tasks	Responsible	Outcome/Output	Timeline				
				1-2 yr	3-4 yr	5 yr		
<b>Goal 4: Build offender competency and support reintegration</b>								
4a. Available services will address an increasing % of identified offender needs annually.	4a1. Implementation of the RNR simulation tool through Justice Reinvestment will provide the means to identify programmatic gaps in services. 4a2. Enhance services to address identified gaps.	CCP CJI JRI Project	Gap analysis completed	X				
4b. Maintain enrollment of 100% of eligible offenders in benefits by X date	4b1. Conduct a gap analysis to determine the % of offenders who are not enrolled in benefits for which they are eligible.	CCP Community-based organizations	Offender needs are being addressed through program network		X			
4f. Public defender social worker services address the needs of X% of identified offenders by X date.	4f1. Conduct a gap analysis to determine the % of offenders needing PD social worker services 4f2. Public defender will provide updates on social worker services and % needing services.	Probation ADMII DRC DSS  Public Defender DSS.	100% of eligible offenders are enrolled in benefits.  X% of identified needs are addressed by services.  Reports from Public Defender to CCP	X				
<b>Goal 5: Reduce recidivism</b>								
5a. Include risk level information in the pre-sentence investigation report for all cases by X date	5a1. Probation Chief and Criminal Justice Cabinet will review benefits of including risk information on all cases.	Probation Chief Criminal Justice Cabinet	Decision completed on whether or not to expand inclusion of risk information to all cases.	X				

<p>5b. Evaluate the viability of specialty courts by X date.</p>	<p>5b1. Discuss feasibility and benefits of adding specialty courts at Criminal Justice Cabinet meeting 5b2. Conduct an analysis to evaluate the viability of specialty courts, including mental health, drug, and veterans courts.</p>	<p>Criminal Justice Cabinet</p>	<p>Decision on viability of adding specialty courts.</p>	<p>X</p>
<p>5c. Expand the use of graduated sanctions and incentives by X% by X date</p>	<p>5c1. Develop a method of collecting and reporting on data regarding the use of graduated sanctions within the case management system 5c2. Probation department will review previously drafted incentives proposal for implementation</p>	<p>Probation</p>	<p>The use of graduated sanctions and incentives is increased by X%</p>	<p>X</p>
<p>5d. Reduce the recidivism rate of AB109 offenders by 5% by FY 2016.</p>	<p>5d1. Once agencies respond to BSCC state recommended definition, CCP will develop consensus on recidivism definition 5d2. Develop baseline measure, and data collection and reporting schedule</p>	<p>CCP Executive Committee CRAM</p>	<p>AB109 offender recidivism rate decreases by 5%</p>	<p>X</p>
<p>5e. Reduce the recidivism rate of all sentenced offenders in the system (probation and jail) by X% by X date</p>	<p>5e1. Once agencies respond to BSCC state recommended definition, CCP will develop consensus on recidivism definition 5e2. Develop baseline measure, and data collection and reporting schedule</p>	<p>CCP Executive Committee CRAM</p>	<p>Overall offender recidivism rate decreases by 5%</p>	<p>X</p>

5f. Conduct a risk/needs assessment on 100% of probation cases by FY2016	5f1. Identify processes and resources needed to achieve objective 5f2. Find funding for needed resources 5f3. Develop baseline measure, and data collection and reporting schedule	Probation CCP	100% of probation cases have an initial assessment completed within 30 days of intake.	X
5h. Increase outreach and reduce waitlist for Public Defender services (expungement) by FY 2016	5h1. Identify and report waitlist to the CCP regularly 5h2. Identify resources needed to reduce waitlist	Public Defender	Waitlist is reduced or no longer exists.	



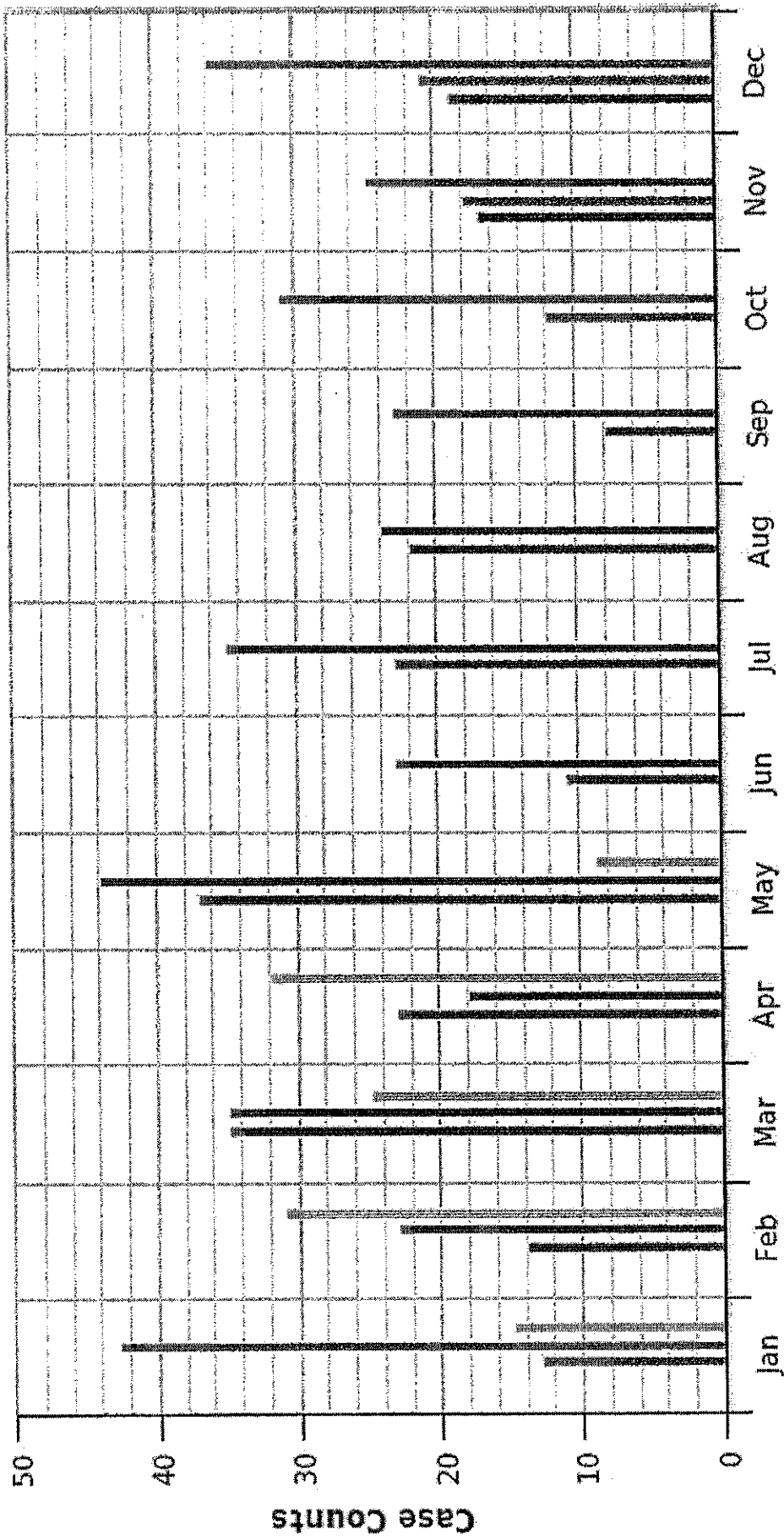


COUNTY OF YOLO  
OFFICE OF THE DISTRICT ATTORNEY  
JEFF W. REISIG, DISTRICT ATTORNEY

- 1) Total 1170h cases our office received in 2013  
Total Count: 360
- 2) PRCS cases we handled in 2013  
Total Count: 209
- 3) Mandatory supervision revocations in 2013  
Total Count: 177
- 4) Cumulative Investigative tasks tied to items 1, 2 and 3 combined  
Total Count: 2170
- 5) Victim Services numbers tied to 1, 2 and 3 combined  
Total Count: 433

# Monthly Count of 1170(h) Cases

Source: LawSuite - DA

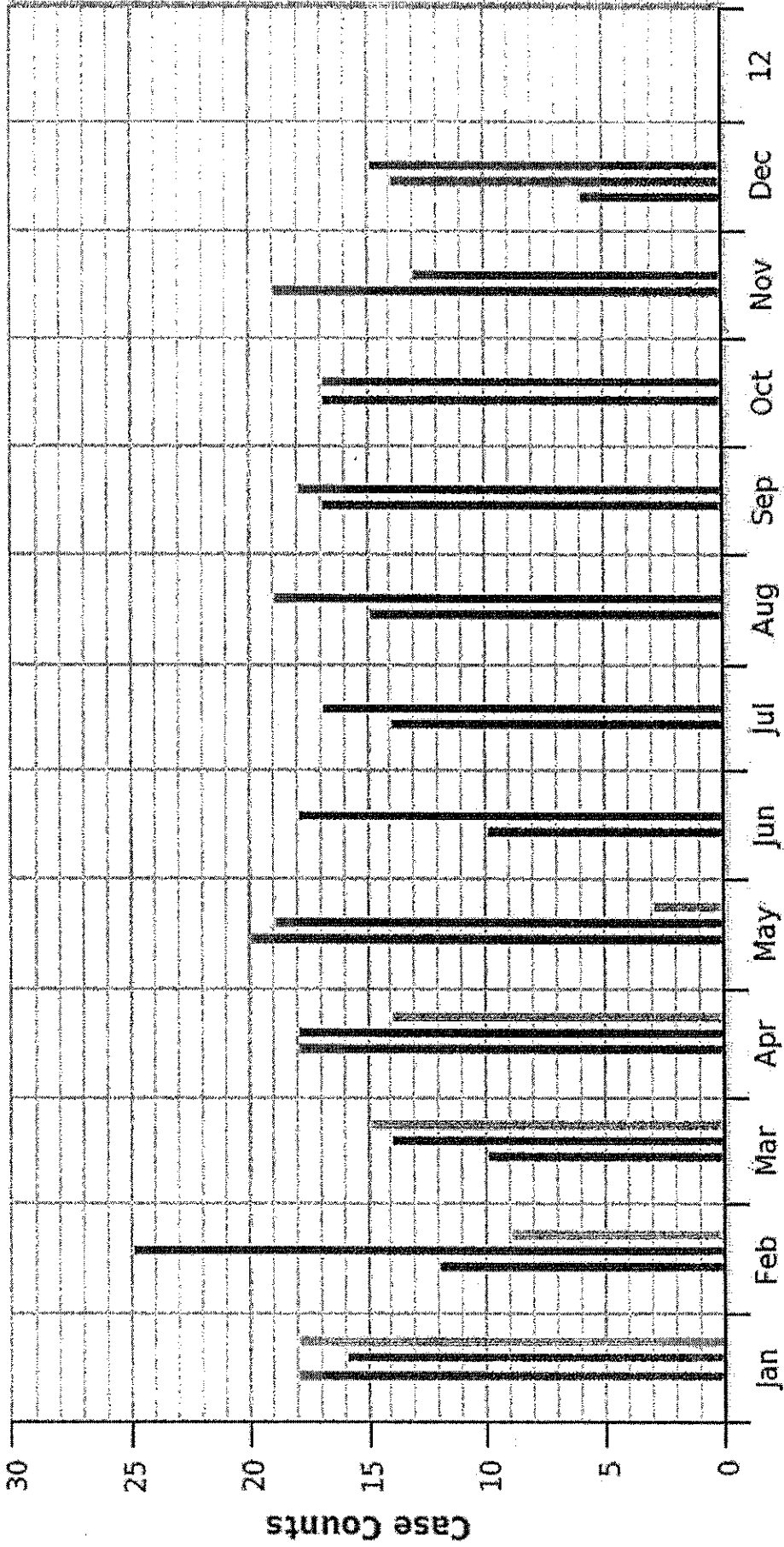


2011: 36 2012: 237 2013: 360 2014: 112



# Monthly Count of PRCs Cases

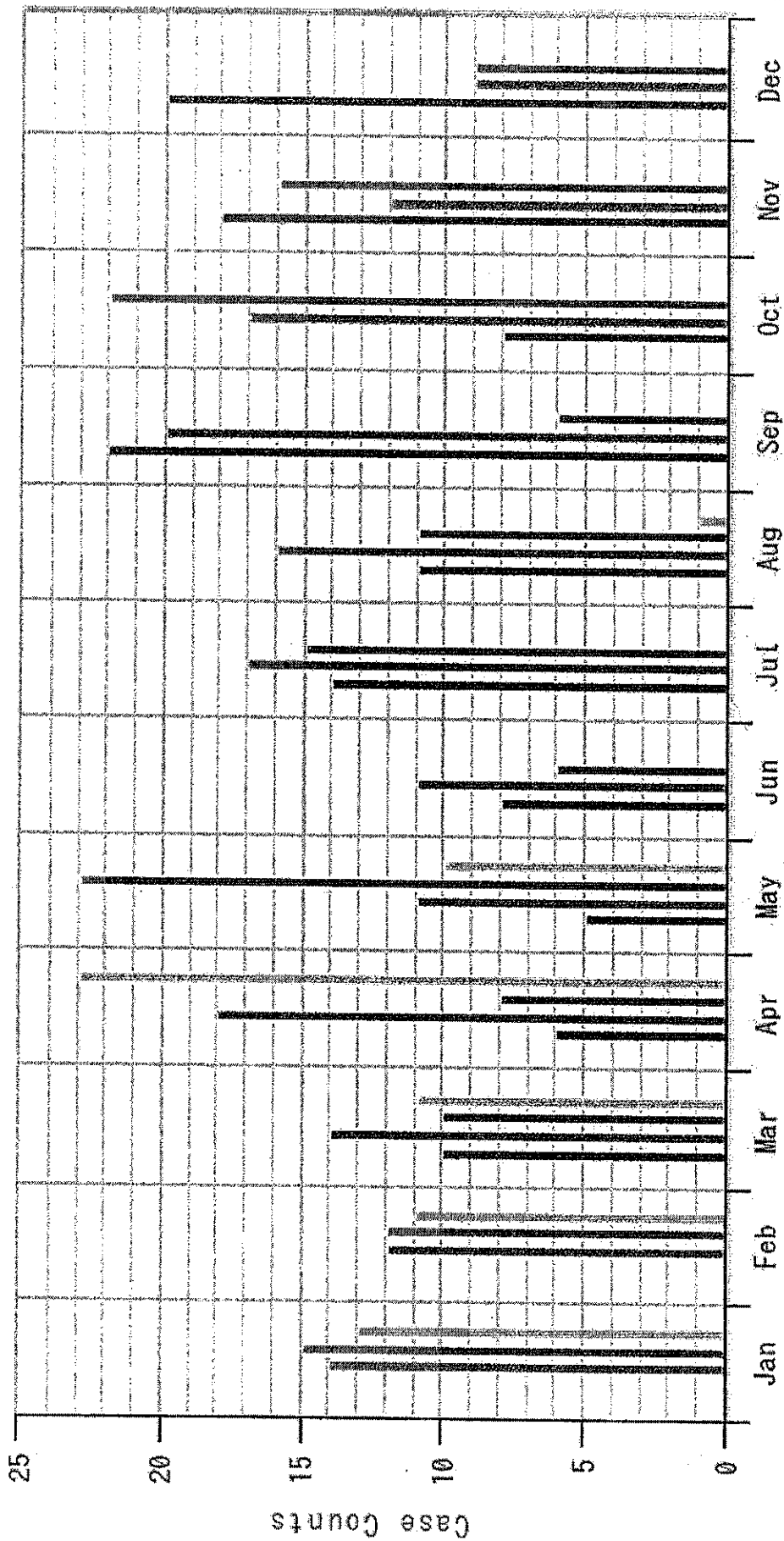
Source: LawSuite - DA



2011: 6    2012: 184    2013: 209    2014: 59

# Monthly Count of Mandatory Supervision Revocations

Source: LawSuite - DA

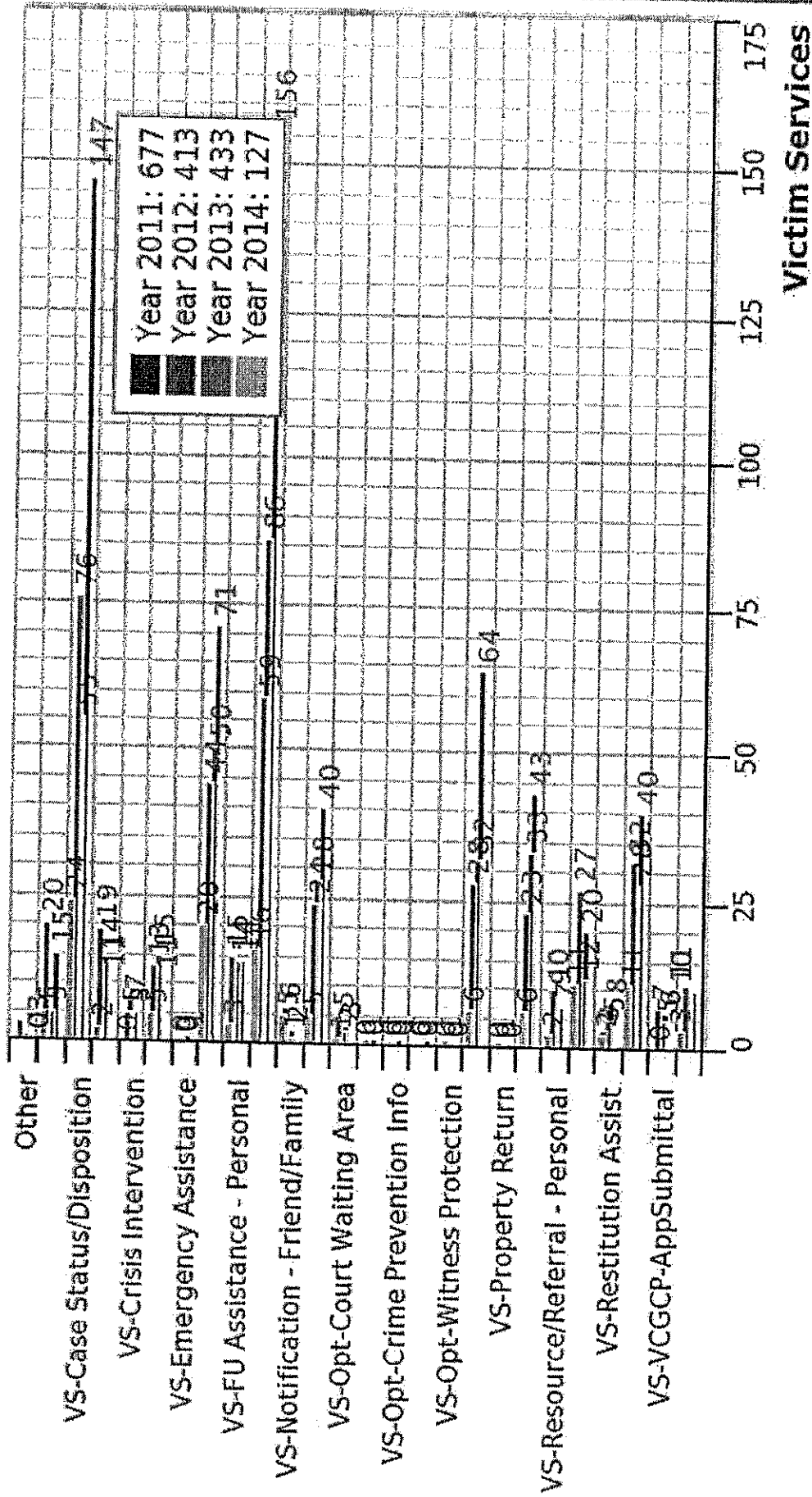


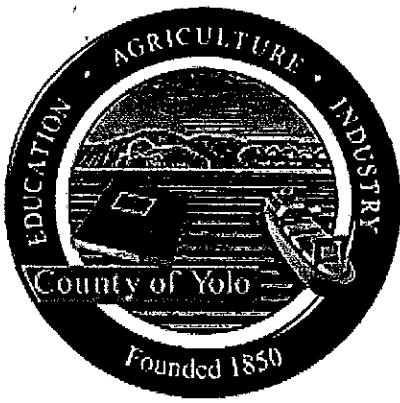
2011: 130 2012: 195 2013: 177 2014: 69

# Victim Service Activity by Year

(Relative to 1170(h), PRCs, and Mandatory Sup Revocation cases)

Source: LawSuite - DA





**CRIMINAL JUSTICE  
REALIGNMENT—  
VICTIM'S RIGHTS:  
THE JUSTICE SYSTEM'S  
RESPONSIBILITIES**

**March 1, 2013**

## **I. INTRODUCTION**

Beginning October 1, 2011, the California criminal justice system experienced significant changes to the laws governing the sentencing of felony convictions and the treatment of felons released post-conviction. These changes have collectively become known as “Realignment.” In light of the significant changes to the California criminal justice system, the Yolo County Community Corrections Partnership (CCP), through the Victim’s Rights Workgroup, has adopted a victim notification process and a revised restitution process to address victim’s rights. The guidelines set forth below set forth the procedures for the notification process and restitution referral process, for Yolo County victims, to ensure compliance with Marsy’s Law and also serve to advise the interested stakeholders within the County of this process.

## **II. OVERVIEW**

### **A. Realignment**

AB 109 and its companion bills, AB 117, AB 118, AB 116, ABX1 16, and ABX1 17 mandate that felons convicted of 500 different crimes will serve their prison sentence in county jail instead of state prison. These felons (and their crimes) must be non-violent, non-serious and non-sex offenders (referred to as “1170(h) Offenders” or “1170(h) Defendants”). Offenders sentenced to serve determinate terms, whether it is in state prison or local custody as the new law requires, must serve a term chosen by the Court. However, the new laws also permit a judge to split a determinate sentence on “1170 offenders” between custody and “mandatory supervision.”

Additionally, the law requires that a county agency, which in Yolo County is the Yolo County Probation Department, supervise any felon released from state prison after October 1, 2011, whose committing offense was non-violent, non-serious, or who is a low- to mid-risk sex offender. This is called “Post Release Community Supervision” (“PRCS”). Responsibility for any violations requiring court intervention will fall on the DA’s Office and the Public Defender’s Office. Sanctions for violations will be served in county jail for offenders under Post Release Community Supervision, as well as for most formal parolees, and will be limited to 180 days per revocation.

### **B. Marsy’s Law and Victim Rights**

The voters of California passed Marsy’s Law, which became effective on November 5, 2008, amending our State Constitution (article I, § 28), as well as the Penal Code, and created a substantial expansion of existing victims’ rights and imposed certain obligations on the part of district attorneys, peace officers, probation departments, California Department of Corrections and Rehabilitation (CDCR), parole, the courts, and the governor.

The purpose and intent in enacting this initiative was to provide victims with enhanced rights to justice and due process. These rights include the expectation that

felons be appropriately detained in custody, sentenced, and sufficiently punished so that “the public safety is protected and encouraged as a goal of highest importance.” (Cal. Const. art. I, § 28, subd. (a)(4).) The California Constitution now provides that “Victims of crimes have a collectively shared right to expect that persons convicted of committing crimes are sufficiently punished in both the manner and the length of the sentences imposed by the courts.” (Cal. Const. Art. I, section 28, subd. (a)(5).)

The California Constitution enumerates several rights to which victims are entitled including:

1. To have the safety of the victim and the victim’s family be the primary consideration in fixing the amount of bail and setting release conditions for the defendant;
2. To reasonable notice, upon request, of all public proceedings at which the defendant and the prosecutor are entitled to be present and to be present at all parole or other post-conviction release proceedings;
3. To be informed, upon request, of the scheduled release date of the defendant;
4. To seek and secure restitution;
5. To be informed of all parole procedures, to participate in the parole process, to provide information to the parole authority to be considered before the parole of the offender, and to be notified, upon request, of the parole or other release of the offender; and
6. To have the safety of the victim, the victim’s family, and the general public considered before any parole or other post-judgment release decision is made.

Marsy’s Law added a truth in sentencing provision to the California Constitution. (Cal. Const. art. I, § 28, subd. (f)(5).) This provision states that sentences imposed upon criminal wrongdoers “shall be carried out in compliance with the courts’ sentencing orders, and shall not be substantially diminished by early release policies intended to alleviate overcrowding in custodial facilities. The legislative branch shall ensure sufficient funding to adequately house inmates for the full terms of their sentences, except for statutorily authorized credits which reduce those sentences.” Marsy’s Law also added the public safety bail provision (Cal. Const. art. I, § 28, subd. (f)(3)) which

requires that in setting bail or own recognizance release, the protection of the public and the safety of the victim shall be the primary considerations.

In the wake of realignment, the Victim Rights Workgroup, has evaluated the impact realignment has on victims' rights, and through this document, has sought to inform all interested stakeholders how our County can continue to ensure compliance with Marsy's law.

### **III. VICTIM NOTIFICATION FOR VICTIMS OF 1170(h) DEFENDANTS AND POST-RELEASE COMMUNITY SUPERVISION (PRCS) OFFENDERS**

Responsibility for two populations of offenders has now been shifted from CDCR to Yolo County—1170(h) Offenders and Post-Release Community Supervision (PRCS) Offenders. Below is a description of the Yolo County notification process for victims of 1170(h) offenses and victims that must be served within the PRCS population.

#### **A. 1170(h) Defendants**

After a case is charged by the District Attorney, if there is a victim (who is eligible for advocacy by the Victim Services Division), and the criminal defendant is charged with a 1170(h) offense, a victim advocate will be assigned to the case. Generally, the District Attorney's Office does not assign an advocate to victims of property crimes. The advocate shall contact the victim to advise the victim of his or her rights pursuant to Marsy's Law. Specifically, it shall be explained to the victim that he or she has a right to be heard about a defendant's potential release from custody, an offer in the case, and sentencing. Additionally, it shall be explained to the victim that the defendant is facing at most, a commitment within the county jail pursuant to 1170(h), that the defendant is not facing a state prison commitment, and that the county jail sentence may be either a "straight" county jail sentence, or a "split" sentence.

If the defendant is facing potential release from custody by either the Court or the jail, the victim must be contacted in advance to allow the victim an opportunity to be heard about the defendant's release. If the jail is considering the release of a 1170(h) defendant, the jail shall contact the victim, or an advocate from the Yolo County District Attorney's Office, prior to a defendant's release from custody. The victim shall be advised of the potential for release and be allowed to express to the jail or victim advocate his or her position about a defendant's release.

If after this process is followed, a defendant is released from custody, the victim shall be notified of the defendant's release through the Victim Information and Notification Everyday (VINE) System.

During the duration of the case, the advocate will maintain contact with the victim to advise him or her of the case status and allow the victim to provide input. Specifically, the Victim Advocate and the Yolo County Probation Department will now engage in discussions with the victim about the distinctions between a "straight sentence," pursuant to Penal Code § 1170(h)(5)(A), and a "split sentence," pursuant to Penal Code § 1170(h)(5)(B), and they will also discuss whether the victim would prefer that a defendant serve either a "straight" jail sentence, or a split sentence. This conversation shall take place preferably pre-sentence, or post-sentence, by the advocate and the Yolo County Probation Department. The victim's wishes shall be conveyed to the attorney prosecuting the case, or to the Court through the Probation Officer's Pre-Sentence Report and Recommendation.

As with any criminal case, 1170(h) cases included, the victim will be advised he or she has a right to be heard at sentencing.

#### **B. Post Release Community Supervision (PRCS) Offenders**

Certain felons released from prison on or after October 1, 2011, will now be supervised by the Yolo County Probation Department instead of CDCR. This population, known as the PRCS population, may be on supervision for an offense involving a victim.

When the inmate is released from CDCR, for an offense that involves a victim eligible for services through the Yolo County District Attorney Victim Service's Division, the Yolo County Probation Department will notify the Yolo County District Attorney's Office Victim Services Division of the offender's release to allow an advocate time to contact the victim about the inmate's release, if this has not already occurred. The Yolo County Probation Department will share with the Victim Services Division a monthly case list of inmates being released from CDCR to supervision by the Yolo County District Attorney's Office.

If the Yolo County Probation Department finds the offender is in violation of a term or condition of his or her PRCS, the Probation Department or Victim Advocate, at the Probation Department's request, will contact the victim to obtain the victim's input regarding the violation and potential disposition. The Probation Department or the advocate shall discuss the victim's desires with the prosecuting attorney handling the



case. The victim's desires regarding the violation shall be considered and conveyed to the court by the prosecuting attorney, the Probation Department, or the advocate.

If an offender is serving jail time for a violation of PRCS, upon an offender's release, the jail, through the VINE system, or an advocate designated to handle PRCS shall notify the victim of the offender's release from custody.

In situations where the offender is facing release from his or her term of PRCS, the Probation Department, or the advocate designated to handle PRCS, at the Probation Department's request, shall notify the victim of the offender's release from PRCS.

## **IV. RESTITUTION PROCESS**

The Victim's Rights Workgroup has established a process by which restitution may be collected for 1170(h) defendants and PRCS offenders.

### **A. Restitution for 1170(h) Offenses**

As discussed above, there are two types of sentences a defendant may receive when sentenced pursuant to Penal Code § 1170(h). A defendant may receive a straight county jail sentence, pursuant to Penal Code § 1170(h)(5)(A), or a defendant may receive a split sentence, pursuant to Penal Code § 1170(h)(5)(B), which consists of a jail sentence and a period of mandatory supervision.

In a case where a defendant receives a straight sentence in the county jail, pursuant to Penal Code § 1170(h)(5)(A), and there is a court ordered restitution amount for a victim, the prosecutor handling the case will fill out the standard restitution referral request, noting on the request the 1170(h)(5)(A) sentence, and the prosecutor also will fill out the Judicial Council Form CR-110, "Order for Restitution and Abstract of Judgment." Both forms will be submitted to the Yolo County Jail to assist with the collection of restitution during the defendant's period of confinement in the county jail. With the passage of SB 1210, effective January 1, 2013, the Yolo County Sheriff's Department now has the authority to collect restitution for the victim through the inmate's books (money account with the jail used for purchasing items at the jail).

If at the completion of straight jail sentence (1170(h)(5)(A)), a defendant has not paid restitution in full to the victim, a designee from the jail staff shall notify Cathy Berger at Yolo County Superior Court. The court shall attempt to collect any outstanding restitution balance. If the defendant, however, fails to pay restitution through the court, Cathy Berger at the Yolo County Superior

Court, or her designee, shall refer the outstanding restitution balance to the California State Franchise Tax Board (FTB) for collection.

In a case where a defendant receives a split sentence, pursuant to Penal Code § 1170(h)(5)(B), and there is a court ordered restitution amount for a victim, the prosecutor and the Probation Department will request the restitution order be included as a term and condition of the defendant's mandatory supervision. The prosecutor will complete the standard restitution referral that is completed in a probation case, and submit the referral to Cathy Berger at Yolo County Superior Court and the Yolo County Jail. The prosecutor will designate on the restitution referral that the sentence is imposed pursuant to Penal Code § 1170(h)(5)(B). This designation ensures a designee from the jail is notified of the restitution order, which will allow the jail to collect restitution from the inmate's books, if possible, while the defendant is serving the jail portion of his or her sentence. Upon defendant's release from jail to mandatory supervision, a designee from the jail will notify the Probation Department of the defendant's restitution balance. The Probation Department will update Cathy Berger at the Yolo County Superior Court of this balance.

If at the completion of the 1170(h)(5)(B) sentence, a defendant has not paid restitution in full to the victim after the court has attempted to collect restitution, Cathy Berger at the Yolo County Superior Court, or her designee, shall refer the outstanding restitution balance to FTB for collection.

**B. Restitution for PRCS**

The Yolo County Probation Department is now responsible for assisting victims in collecting restitution from an inmate while on parole, or what is now called PRCS.

Upon an inmate's release from CDCR, the Yolo County Probation Department shall determine whether there is an outstanding victim restitution order. If there is an outstanding restitution order, the Probation Department shall make it a term and condition of the offender's PRCS that he or she is responsible for paying victim restitution. If the restitution order was in effect prior to 2009, the Probation Department shall contact YCCS to set up an account for the offender to pay restitution to the victim. If the restitution order became effective after 2009, the Probation Department shall contact Cathy Berger at the Yolo County Superior Courts to set up an account for the offender to pay restitution to the victim. If the offender has not paid the victim restitution order in full at the time of termination from PRCS, YCCS or the Yolo County Superior Court, depending upon which organization is responsible for the account, shall refer the outstanding restitution balance to FTB for collection.



# County of Yolo

## PROBATION DEPARTMENT



PROBATION OFFICES  
2780 East Gibson Road  
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JUVENILE DETE  
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Community Corrections

Brent Cardall  
Chief Probation Officer

July 9, 2014

Julienne James  
Bureau of Justice Assistance  
Senior Policy Advisor  
810 Seventh Street, NW  
Washington, DC 20531

To Whom It May Concern:

Please accept this Letter of Interest for consideration for a Justice Reinvestment Initiative (JRI) Phase II award. This award will support targeted technical assistance for the County of Yolo's implementation of the three justice reinvestment strategies identified as driving our high use of jail beds.

### **Community Corrections Partnership**

As part of our initial Letter of Interest (LOI) for Phase I, the Executive Committee of the Community Corrections Partnership (CCP) agreed to serve as the "collaborative" for the Justice Reinvestment Initiative in Yolo County. The executive committee includes the Chief Probation officer as Chair, the Sheriff, the District Attorney, the Public Defender, a local police chief, the Court Executive Officer, and the Director of Drug, Alcohol and Mental Health. The CCP created a JRI work group subcommittee to work with the Crime and Justice Institute (CJI) in Phase I, using the data analysis conducted by CJI and developing strategies to address the drivers identified. The Executive Committee of the CCP will continue as the "collaborative" group in Phase II if awarded, with the JRI work group keeping an active role in the actual implementation of the strategies.

### **Summary of Phase I Activities**

During JRI's Phase I, the Crime and Justice Institute (CJI) analyzed data from the Yolo County Probation Department, the Sheriff's Department, the Superior Court, and Yolo County's Pretrial Program and presented its preliminary findings and analysis to the Board of Supervisors and the CCP in October and December 2012. These preliminary findings included:

- ▶ After new arrests, failure to appear (12%) and probation violations (8%) are the most common booking reasons

- ▶ The most common charge categories in Yolo County among the pretrial population are drug use/possession followed by probation violation.
- ▶ The average length of stay (ALOS) in jail of the large (50%) pretrial population was 14.9 days
- ▶ The overall ALOS for sentenced felony offenders was 55.1 days
- ▶ Probationers with drug-related offenses (including DUI) had the lowest success rates

From CJI's presentations to the Board of Supervisors and the CCP, and based on these preliminary findings, the JRI work group and the CCP identified three policy areas with potential for achieving cost savings and reinvestment opportunities in the Yolo County criminal justice system.

On December 4, 2012, the JRI workgroup decided to examine and promote three justice reinvestment policy strategies:

1. Improve the supervision and treatment of drug abusing offenders on probation.
2. Develop and enhance the effectiveness of in-jail treatment programming.
3. Address the high rate of failure to appear arrests and bookings by implementing a Court reminder system.

### **Strategy 1: Improve the Supervision and Treatment of Drug Abusing Offenders on Probation**

Drug use and possession offenders are the largest offense category on probation supervision in the data reviewed by CJI. Also, as mentioned above, supervision violations are the third most common jail booking behind new offenses and failures to appear. Of those supervised by the Probation Department, recent data analysis shows 88% of high risk offenders in Yolo County have some substance use issue. 20% of high risk offenders have never stayed clean for six months or longer while in the community on supervision.

The JRI work group identified two areas within this strategy to focus implementation. The first is using evidence-based supervision practices specific to drug offenders to guide supervision of offenders. Offenders are already risk and need assessed and case plans are developed based on the needs assessment. However, the plan is to transition to the Ohio risk assessment (ORAS) suite of tools given the availability of multiple tools to be used across decision points in the criminal justice system. This will assist in moving towards a system approach in addressing the risk, need and responsivity principles.

JRI funding and technical assistance in this area would provide training in moving to the ORAS. Additional training on evidence-based practices, such as the utilizing the Skills for Offender Assessment and Responsivity in New Goals 2 (SOARING 2) eLearning System developed by the Center for Correctional Excellence at George Mason University, would also be implemented. SOARING 2 focuses on the skills associated with using evidence-based practices for the effective management of offenders through e-learning modules for probation officers. The modules are then followed up by coaching by trained SOARING 2 coaches.

JRI funding and technical assistance would also provide further policy development in the areas of drug testing, case plan development and graduated sanctions and incentives. This includes training in assessing the appropriate level of intervention for community based substance abuse services, training for officers regarding the cycles of substance abuse, relapse prevention, appropriate testing regimens and other interventions. These areas of training will assist in probation officers taking a “what works” approach to supervision in hopes of improving outcomes.

Secondly, improving the offender treatment network in Yolo County will improve the effectiveness of services to which offenders are referred. According to the Alcohol Drug and Mental Health administration in Yolo County, many providers are not familiar with research that describes effective practices with criminal offenders. This is a serious issue that needs to be addressed to insure better outcomes for clients.

In order to address both of these tactics, Yolo County would like to implement the RNR Simulation Tools developed by the Center for Correctional Excellence at George Mason University. This web-based decision-support system was created to help jurisdictions and providers implement the risk, need, responsivity (RNR) framework. These tools integrate the science around effective screening, assessment, programs and treatment matching to improve individual and system outcomes. By implementing this system, Yolo County could see an increase in the success rates of drug abusers on supervision and a reduction in re-arrest and re-incarceration. The RNR Simulation Tools provide an estimated recidivism reduction based on matching the offender’s needs with the appropriate available service or intervention. This projected recidivism rate will also inform Yolo County on the realistic estimate of the impact of this strategy

## **Strategy 2: Develop and Enhance the Effectiveness of in-jail Treatment Programming**

As identified in the CJI data analysis, drug use and possession violators are the largest category of pretrial offenders and the second highest category of sentenced offenders in the jail behind probation violators. As of June 26, 2014 the Yolo County jail population was 528, of which 296 were in custody on drug related charges. Estimates from the JRI work group indicate that 88% of all inmates in custody are in need of some type of drug education or treatment. While this demand is high, the current programming in the jail is not adequate to meet this need. The referral system for in-custody programming is inmate initiated and exclusions from programs are made based on offense type or disciplinary issues. Risk and needs are not currently utilized as criteria for program matching.

Yolo County’s JRI work group and CCP identified the strategy of funding a full-time custody Treatment Coordinator to develop assessment processes and programming that would match the needs of the jail population with the available services while in custody. The Treatment Coordinator would work with Probation and the provider network to develop processes to facilitate continuation of services initiated in the jail with services available in the community. This position would be responsible for

- Identifying the population to initially target for programming

- Selecting or develop a short needs assessment to be used to direct inmates into jail programming and to follow the inmates into the community
- Selecting 1-2 evidenced based programs to offer in the jail and work with the existing programs to enhance their use of evidence-based curriculum

To begin and support implementation of the position to enhance jail programming and processes, CJI recommends the following technical assistance accompany the funding of this position:

- Train treatment coordinator, Sheriff's staff and programming staff on administration of needs assessment and use
- Train the treatment coordinator, Sheriff's staff and programming staff on effective interventions for changing criminal behavior
- Facilitate discussions with Sheriff's staff, programming staff and ADMH on creating a seamless system of services for inmates being released into the community
- Develop a set of process and outcome measures for the position and the strategy
- Develop the methodology to determine the cost savings associated with the strategy

### **Strategy 3: Address the High Rate of Failure to Appear Arrests and Bookings by Implementing a Court Reminder System**

Data indicated that Failures to Appear (FTA) are the second most common reason for individuals being booked at the jail (11.7%). It is estimated that it takes a law enforcement officer several hours to transport an individual to the detention center to be booked on an FTA warrant. In most cases, the individual is immediately released with a Notice to Appear in court and is not provided a follow-up reminder. A robust cost analysis will be developed in the early stages of phase II. Analysis from Multnomah County Oregon indicates a cost avoidance of \$1319 when a new warrant is issued due to an FTA.<sup>1</sup> If approved we will identify and project actual cost avoidance relative to our jurisdiction.

Yolo County identified a strategy of reducing court FTAs by adopting a court date reminder program to improve court docket efficiency and diminish the issuance of bench warrants that ultimately translate into time-consuming and costly criminal justice activities including arrests, bookings, and additional charges requiring adjudication and disposition. A number of jurisdictions have adopted postcard and/or phone call reminder programs to increase appearance rate for court hearings. The programs range in complexity and sophistication. In Jefferson County, Colorado, they started informally making live calls and based on their early success they have moved into a more formalized calling system with very positive results.<sup>2</sup> In Arapahoe County, Colorado the Sheriff's Office started a pilot project in 2006 to remind defendants about

<sup>1</sup><http://www.pretrial.org/download/research/Multnomah%20County%20Oregon%20CANS%20Cost%20Benefit%202006.pdf>

<sup>2</sup> Schnacke, Timothy R., Michael R. Jones, Dorian M. Wloderman (2012). *Increasing Court-Appearance Rates and Other Benefits of Live Call Telephone Court Date Reminders: The Jefferson County, Colorado, FTA Pilot Project And Resulting Court Date Notification Program*, The Journal of the American Judges Association, Volume 48, issue 3. National Center for State Courts, Williamsburg, Virginia, <http://aja.ncsc.dni.us/publications/courtrv/cr48-3/CR48-3.pdf>

upcoming court dates. According to their Judicial Services website, “the FTA rate is cut in half when a defendant is contacted from 21.4% to 9.9%.”<sup>3</sup> A postcard reminder program was implemented in 14 counties across Nebraska between March 2009 and May 2010. According to the findings of the Nebraska program, “reminders significantly reduced FTA overall, and more substantive reminders were significantly more effective than a simple reminder.”<sup>4</sup> Additional information on these kinds of programs also is available from vendors who perform reminder services including AnyTrax ([www.anytrax.com](http://www.anytrax.com)) and OffenderLink ([www.fieldware.com/OffenderLink/](http://www.fieldware.com/OffenderLink/)).

### **Sustainability and Reinvestment Strategy**

The selected strategies should result in a decreased number of bookings and less supervision revocations resulting in custody time. The JRI work group is committed to recommending that the savings realized from these reductions will be reinvested to fund the jail treatment coordinator position and the court reminder system should those strategies prove to be successful. At the beginning of phase II, we will develop a model that accurately projects all of the realized cost savings and/or cost avoidance benefits of the strategies so that a meaningful long-term reinvestment strategy can be developed and adjusted as needed. This model would also include a tracking system to measure the performance of each strategy that is implemented. Should additional savings be realized the work group would like to continue its innovative work on investing strategies that reduce costs while improving outcomes. The intent is to sustain this change by making justice reinvestment the framework for future funding and programmatic decisions within Yolo County.

### **Closing**

Over the last several years Yolo County has undergone an intense system wide cultural shift in the way it does business relative to the criminal justice system. That change has been focused on sustainability across the entire system that is not dependent upon ongoing outside funding. We have done this through a collaborative effort of policy and procedure changes and by building capacity within the system. To ensure continued collaboration, in past projects we have been very successful in creating a continuous feedback loop to ensure that this is not a finite process. Stakeholders are always able to provide input regarding the process at any point during the process to allow for a fluid process that produces a greater level of continued commitment.

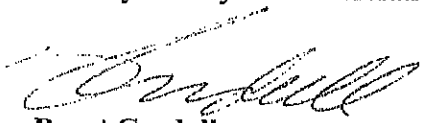
Holding true to past successes, Yolo County is committed to addressing the cost drivers in our system and taking meaningful steps to reduce them. We are also very excited to take those savings and reinvest them in strategies that have a positive impact on our clients and our community as a whole as illustrated by the endorsement of the Community Correction Partnership.

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<sup>3</sup><http://www.co.arapahoe.co.us/Departments/CS/JudicialServices/Court%20Date%20Notification%20Program.asp>

<sup>4</sup> Bornstein, Brian H., Alan J. Tomkins, Elizabeth M Neeley (2010). *Reducing Courts' Failure to Appear Rate: A Procedural Justice Approach*. <https://www.ncjrs.gov/pdffiles1/nij/grants/234370.pdf>

Thank you for your consideration,

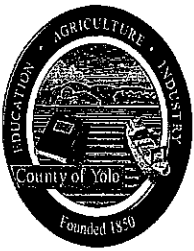
A handwritten signature in black ink, appearing to read "Brent Cardall", written in a cursive style.

**Brent Cardall**

**Chief Probation Officer**

**Yolo County Community Corrections Partnership Chair**





# County of Yolo

Communit Corrections Partnership

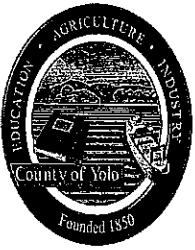


Community Corrections

Monday July 14<sup>th</sup>, 2014

Brent Cardall  
Chief Probation Officer

	Name	Organization	Signature
X	1. Tom Lopez	YOLO STAFF	
	2. Vodi Nerell	Communi Care	
X	3. Tracie Olson	Public Defender	
X	4. ED PRIETA	YSO	
X	5. Das Beruino	Woodland PD	
X	6. Marc Lopez	SCOPE / DEC	
X	7. Kwalker-Clarkson	Yolo Superior Court	
X	8. Cathy Berger	Yolo Superior Court	
	9. Doug Zeck	Fourth & Hope	
X	10. Rosario Ruiz-Dale	YSO	
X	11. H. Blair	DA, VICTIM SERVICES	
X	12. LARRY BLACK	DAVIS PD.	
X	13. Jeff Reese	D. A	
X	14. Maggi Schmitt	SCOPE / DEC YOLO	
X	15. Jonathan Raven	DA	
X	16. Anna Salcedo	BOS - 4	
X	17. Jill COOK	(by Lisa Howard)	
X	18. Brent Cardall	"	
X	19. Ray Simmons	"	



# County of Yolo

Communit Corrections Partnership



Community Corrections

Monday July 14<sup>th</sup>, 2014

Brent Cardall  
Chief Probation Officer

	Name	Organization	Signature
X 20.	<i>Mike Parker</i>	<i>Probation</i>	<i>[Signature]</i>
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