



BOARD OF SUPERVISORS
AGENDA LETTER

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Agenda Number:

Department Name: Probation Department
Department No.: 022
For Agenda Of: September 20, 2011
Placement: Departmental
Estimated Tme: 45 minutes
Continued Item: No
If Yes, date from: N/A
Vote Required: 4/5

TO: Board of Supervisors

FROM: Department Patti Stewart, Chief Probation Officer
Director(s)
Contact Info: Beverly Taylor, Deputy Chief Probation Officer 739-8603

SUBJECT: Receive a presentation on the 2011 Public Safety Realignment Act and adopt the recommended Local County Implementation Plan and related budget revisions

County Counsel Concurrence

As to form: Yes

Other Concurrence: N/A

As to form: No

Recommended Actions:

That the Board of Supervisors:

- A. Receive a presentation on the 2011 Public Safety Realignment Act;
- B. Receive the Santa Barbara County 2011 Public Safety Realignment Act (AB109, as amended by AB117) Implementation Plan developed by the Community Corrections Partnership (CCP) and approved by the Executive Committee of the CCP;
- C. Approve the 2011 Public Safety Realignment Act spending plan included in Section VII of the Implementation Plan;
- D. Approve the attached budget revision to recognize the \$3,878,876 in State funding for incarcerating, supervising, and treating offenders realigned to the jurisdiction of the County; and,
- E. Approve the attached budget revision to recognize the \$273,700 in one-time State funding for AB109 implementation activities.

Auditor-Controller Concurrence

As to form: Yes

Summary Text

In an effort to address overcrowding in California's prisons and assist in alleviating the State's financial crisis, the 2011 Public Safety Realignment Act contained in AB109, as subsequently amended by AB117, transfers responsibility for specified lower level inmates and parolees from the California Department of Corrections and Rehabilitation (CDCR) to counties. This change will be implemented on October 1, 2011.

The Act expands the role of the Community Corrections Partnership (CCP) established in the California Community Corrections Performance Incentive Act of 2009 (Senate Bill 678) and creates a seven member Executive Committee from at large CCP members. The Executive Committee of the CCP is required to approve a recommended implementation plan to be submitted to the Board of Supervisors.

The attached 2011 Public Safety Realignment Act Implementation Plan was approved by unanimous vote of the Executive Committee of the CCP.

Background:

In recent years the State of California has faced significant budget challenges and the FY 2011-12 State Budget deficit was over \$26 billion. In addition, the California Department of Corrections and Rehabilitation has been subject to scrutiny due to high costs and poor outcomes, including an almost 70% recidivism rate. On May 23, 2011, the Supreme Court declared that California prison overcrowding was unconstitutional and upheld an order mandating the reduction of the population to 137.5% of designed capacity. At the time of the ruling, the population was 143,435 and under the judges' order it would have to be reduced to 109,805 in two years. The State had already benefitted from realigning the juvenile population to counties and began the process to realign adult offenders with the approval of the California Community Corrections Performance Incentive Act of 2009 (Senate Bill 678).

Senate Bill (SB) 678 provided counties financial incentives to decrease the number of felony probationers committed to state prison for probation revocations. SB 678 also created the fourteen member Community Corrections Partnership (CCP) established in Penal Code Section 1230 to advise the Chief Probation Officer regarding the application of Evidence Based Probation practices to reduce felony probation revocations and to improve outcomes. Assembly Bills 109/117 expand the role of the CCP and create an Executive Committee comprised of the Chief Probation Officer as Chair, a Chief of Police, the Sheriff, the District Attorney, the Public Defender, the Presiding Judge of the Superior Court, and a member from either County Department of Social Services, Mental Health, or Alcohol and Substance Abuse Programs, as appointed by the Board. On July 27, 2011, the County Law Enforcement Chiefs appointed Lompoc Police Chief, Tim Dabney as their delegate, and on August 2, 2011, your Board approved the appointment of Ann Detrick, Ph.D., Director Alcohol, Drug and Mental Health Services to the Executive Committee of the CCP.

AB109 brings two State realigned offender populations under the supervision and responsibility of the local county jurisdiction. The first is the post-release community supervision (PRCS) population of offenders whose committing prison offense was for a non-violent, non-serious, non-sex offense without a prior PC 667.5 (c) (prior prison term/violent felony), PC 1192.7(c) (prior serious felony), or registerable sex offenses pursuant to PC 290. The second population consists of non-violent, non-serious, non-sex offenders (NX3) who will now serve their prison sentences locally and can be subject

to a mandatory split sentence of probation supervision as ordered by the Superior Court. It is estimated that at full implementation, Santa Barbara County will be responsible for 600-640 realigned offenders.

Other key elements of AB109 include revocations of community supervision being heard and served locally, changes to custody credits for jail inmates serving prison sentences, and the expansion of local alternative custody options, including the expansion of electronic monitoring pursuant to Sections 3453 and 3454 PC for post release community supervision; the expansion of the Sheriff's authorization to include the involuntarily placement of post sentence inmates on a home detention program pursuant to Section 1203.016 PC; and new legislation pursuant to Section 1203.018 PC that authorizes the Sheriff to offer an electronic monitoring program to inmates being held in lieu of bail. Additionally, a range of community based punishment and other intermediate sanctions other than jail incarcerations were authorized for use by the counties.

The CCP first met in February 2011, and the Probation Department subsequently established workgroups to develop an Adult Local Action Plan. In April, the CCP affirmed that the workgroups should address SB678 and AB109 planning. CCP members were invited to join or send delegates to the workgroups. Following the amendment of AB109 by the signing of AB117 and the adoption of the State Budget, the CCP and workgroups transitioned to Brown Act operations and redirected efforts to the required Public Safety Realignment Implementation Plan. The attached plan was approved by unanimous vote of the Executive Committee on August 22, 2011.

Performance Measure:

N/A

Fiscal and Facilities Impacts:

Budgeted: No

Fiscal Analysis: There is no immediate impact to the general fund with the implementation of the programs recommended in the Implementation Plan. State funding for the 2011 Public Safety Realignment Act is based on formulas developed by the State Department of Finance (DOF) in collaboration with California County Administrative Officers and the California State Association of Counties. Santa Barbara County's allocation for FY 2011-12 includes a one-time \$150,000 planning grant, \$273,700 for one time implementation costs, and \$3,878,876 for incarcerating, supervising, and treating the realigned populations. The \$3,878,876 is a pro-rated amount due to the October start date. It is anticipated that revenue will grow through full implementation using similar DOF allocation formulas, however without a State Constitutional Amendment guaranteeing permanent future funding, Public Safety Realignment presents an alarming risk to the County.

Facility Impacts

The current State funding for Public Safety Realignment will allow reestablishing 24/7 operations of Santa Maria Jail after January 2012, and will help with the system wide demand for more jail beds.

Staffing Impacts:

<u>Legal Positions:</u>	<u>FTEs:</u>
0	+ 17 – Probation
0	+ 15 – Sheriff

This program will result in the refunding 3 civilian and 14 sworn positions in the Probation Department and 4 civilian and 11 sworn positions in the Sheriff’s Office as outlined in the spending plan narrative (Section VII) of the Implementation Plan. Due to previous budget reductions, both Departments will fund and fill previously unfunded positions. Legal positions will not increase in either department.

Special Instructions:

None

Attachments:

- Attachment A: Probation Department Mandates
- Attachment B: 2011 Public Safety Realignment Act Budget Revision
- Attachment C: 2011 Public Safety Realignment Act Implementation Funds Budget Revision

Authored by:

Damon Fletcher, Administrative Deputy Director

CC:

- Bill Brown, Sheriff
- Tim Dabney, Lompoc Police Chief
- Ann Detrick, PhD., Director Alcohol, Drug, and Mental Health Services
- Joyce Dudley, District Attorney
- Brian Hill, Presiding Judge of the Superior Court
- Rai Montes De Oca, Public Defender