

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
ACTION AGENDA SUMMARY

DEPT: Probation

BOARD AGENDA # B-4

Urgent

Routine

AGENDA DATE July 26, 2011

CEO Concurs with Recommendation YES NO

4/5 Vote Required YES NO

(Information Attached)

SUBJECT:

Approval to Designate the Stanislaus County Probation Department as the Local Entity Responsible for Providing Post-release Supervision to Inmates Released Pursuant to the Post-release Community Supervision Act of 2011

STAFF RECOMMENDATIONS:

1. Designate the Stanislaus County Probation Department as the local entity responsible for providing post-release supervision to inmates released pursuant to the Post-release Community Supervision Act of 2011.
2. Designate the Director of Mental Health/ Alcohol and Drug Programs to serve on the Community Corrections Partnership executive committee.

FISCAL IMPACT:

On June 30, 2011, Governor Brown signed Assembly Bill 117, which made statutory changes necessary to implement the public safety realignment portions of the Budget Act of 2011 as contained in Assembly Bill 109 (AB 109). It is anticipated that realignment funding for Stanislaus County in the 2011-2012 Fiscal Year will be approximately 6 million dollars. This funding will be used to mitigate the impacts of the realigned population of lower level offenders, adult parolees and juvenile offenders from state to local jurisdictions. The Department will return at a later date with an implementation plan and budget impacts.

BOARD ACTION AS FOLLOWS:

No. 2011-448

On motion of Supervisor O'Brien, Seconded by Supervisor Chiesa
and approved by the following vote,

Ayes: Supervisors: O'Brien, Chiesa, Withrow, DeMartini, and Chairman Monteith

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) X Approved as recommended

2) _____ Denied

3) _____ Approved as amended

4) _____ Other:

MOTION:

ATTEST:

Elizabeth A. King
ELIZABETH A. KING, Assistant Clerk

File No.

Approval to Designate the Stanislaus County Probation Department as the Local Entity Responsible for Providing Post-release Supervision to Inmates Released Pursuant to the Post-release Community Supervision Act of 2011 and Other Matters Related to Criminal Justice Realignment

DISCUSSION:

On April 4, 2011, Governor Brown signed Assembly Bill 109, which makes fundamental changes to California's correctional system. AB 109 realigns custodial and community supervision responsibility for non serious, non violent and non sex offenders, as well as supervision of lower level adult parolees returning from state prison sentences to counties. AB 109 did not contain funding for county agencies to implement the realignment shift and was not operative until funding was provided to counties. On June 30, 2011, Governor Brown signed a series of legislative bills as part of the State budget that provided funding and made necessary technical changes to implement the public safety realignment program outlined in AB 109.

The legislation enacting the financing and technical changes necessary was contained in Senate Bills 87 and 89 and Assembly Bill 117. These three bills were extensive in nature and contained two designation requirements for the Board of Supervisors. By August 1, 2011, the Board of Supervisors must designate the county entity responsible for providing post-release supervision to local inmates sentenced under the realignment act, as well as those lower level inmates released on parole from the Department of Corrections. The Probation Department is most suitable to supervise this population. The Department supervised many of the returning population prior to their commitment to the State and has pertinent criminal histories established for most of these offenders. Additionally, the Department has existing protocols in place for returning violators to court.

Secondly, California Penal Code Section 1230(b) requires each county to establish a Community Corrections Partnership (CCP) and specifies the membership that comprises the CCP. AB 117 requires that the CCP must recommend a local plan to the county Board of Supervisors for the implementation of the 2011 Public Safety Realignment and that the plan must be voted on by an Executive Committee of each county's CCP. The Board is required to designate the final member of the CCP Executive Committee. By statute, the current Executive Committee consists of the Chief Probation Officer as Chair, the Sheriff, the District Attorney, the Public Defender, the Presiding Judge of the Superior Court, and a local Chief of Police. The Board of Supervisors is tasked with appointing the final member who must be either, the Director of the Department of Mental Health, the Department of Social Services, or Alcohol and Drug Programs. In Stanislaus County, the Director of Mental Health also serves as the Director over Alcohol and Drug Programs, therefore, is well suited for membership on the CCP Executive Committee. Once the local community corrections realignment implementation plan is approved by the Executive Committee, it will be forwarded to the Board for final consideration.

Approval to Designate the Stanislaus County Probation Department as the Local Entity Responsible for Providing Post-release Supervision to Inmates Released Pursuant to the Post-release Community Supervision Act of 2011 and Other Matters Related to Criminal Justice Realignment

DISCUSSION: (Continued)

The Board may approve the plan or return it to the committee for reconsideration with a 4/5ths vote. The CCP is currently in the process of developing the local plan to be forwarded to the Board of Supervisors. The Probation Department will return to the Board with additional information and a detailed list of recommendations once the planning process is completed.

POLICY ISSUES:

Board approval of the recommended designations ensures the county is in compliance with the initial requirements of the assorted realignment legislation and supports the Board's priority of A Safe Community.

STAFFING IMPACTS:

There are no staffing impacts associated with this item at this time.

CONTACT PERSON:

Jill Silva, Assistant Chief Probation Officer. Telephone: (209) 525-4503

Stanislaus County

PowerPoint
Presentation



Probation Department

Recommendations

1. Designate the Probation Department as the supervising entity.
2. Designate the Behavioral Health & Recovery Services Director as the seventh member of the Executive Committee of the Community Corrections Partnership (CCP).

AB 109 Public Safety Realignment

What it means in a nutshell

1. Individuals convicted of specified Felonies of 3 years or less will be housed in County Jail instead of State Prison. Individuals may ultimately serve more than 3 years in custody.
2. Parole violators will no longer go to Prison to serve their time. They will stay in County Jail to serve all time.
3. Approximately 60% of Parolees released from State Prison will be released to Probation Supervision, as well as individuals from number 1 who will be released from local custody and will be responsible to Probation.

AB 109 Public Safety Realignment

What are the numbers?

For Fiscal Year 2011-2012 CDCR projections for the remaining 9 months are:

- 215 individuals sentenced to County Jail on new Felony offenses will no longer go to State Prison
- 76 parole violators will no longer spend any time in State Prison
- 512 Parolees will be released from State Prison and monitored by Probation Officers

AB 109 Public Safety Realignment

- Is this another unfunded state mandate?
- How can we possibly pay for this?

AB 109 Public Safety Realignment

State is providing \$6 million dollars this fiscal year to fund Realignment impacts.

How do we know what to spend it on?

Community Corrections Partnership Board

AB 109 Public Safety Realignment

Community Corrections Partnership Board

- The CCP was created to guide counties towards a plan that addresses the most effective ways to integrate the population and:
 1. maximize public safety
 2. use the taxpayers dollar in the most efficient way possible.
- The CCP has two parts – the full committee and the executive committee

AB 109 Public Safety Realignment

- The full CCP body consists of:
 - The Chief Probation Officer (Chair)
 - The Presiding Superior Court Judge
 - A County Supervisor
 - The District Attorney
 - The Public Defender
 - The Sheriff
 - A Chief of Police
 - The Head of Social Services
 - The Head of Mental Health
 - The Head of Department of Employment
 - The Head of the County Office of Education
 - A Community Based Organization Representative
 - A Victim Representative

AB 109 Public Safety Realignment

- The CCP Executive Committee consists of:
 - The Chief Probation Officer (Chair)
 - A Chief of Police
 - The Sheriff
 - The District Attorney
 - The Public Defender
 - The Presiding Superior Court Judge
 - A representative appointed by the Board of Supervisors of either:
 - The Director of Mental Health
 - The Director of the Department of Alcohol and Drug Programs
 - The Director of the Department of Social Services

AB 109 Public Safety Realignment

- The role of the Executive Committee is to recommend a plan to the Board of Supervisors for addressing the realigned population.
- We anticipate the plan will be broad in nature and flexible as we don't yet have a good idea of the needs of the system or the offenders at this point. It will likely call for expansion of existing programs such as detention beds, probation supervision, day reporting center, alternative work programs, in-custody prevention programs, Drug Court, etc.
- The CCP report will be given to the Board of Supervisors in mid to late September with recommendations for implementing the plan.

AB 109 Public Safety Realignment

- This will require an entire systemic change from local police, prosecution, courts, Sheriff, Probation etc.
- System will look dramatically different 1 year from now at all points.
- Stanislaus County is well situated to accomplish the task. We have much of the required infrastructure in place. This will mean expansion vs. standing up new programs and the related infrastructure etc.

AB 109 Public Safety Realignment

- Sheriff and Probation will see the most significant impacts. We have a long history of working well together and we are both committed to making this work for our county. There will be challenges, and there will be individual examples of where it didn't work, but overall we will work towards a more effective and accountable system.

AB 109 Public Safety Realignment

Questions?

Stanislaus County



Probation Department