

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

DEPT: Chief Executive Office

BOARD AGENDA # IX. A

Urgent

Routine

AGENDA DATE November 13, 2012

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval to Adopt Official County Position to Support Legislation or Actions for the Allocation of State Criminal Justice Realignment Funding Based on AB 109 Offender Caseloads

STAFF RECOMMENDATIONS:

Adopt Official County Position to Support Legislation or Actions for the Allocation of State Criminal Justice Realignment Funding Based on AB 109 Offender Caseloads.

FISCAL IMPACT:

The County's nine month spending plan in Fiscal Year 2011-2012 to fund public safety realignment AB 109 projected caseload was \$6.2 million, out of over \$300 million statewide, which was administered through the Stanislaus County Community Correction Partnership. Year two allocation totaled \$12.2 million for Fiscal Year 2012-2013 out of an over \$842 million statewide.

BOARD ACTION AS FOLLOWS:

No. 2012-571

On motion of Supervisor Chiesa, Seconded by Supervisor De Martini
and approved by the following vote,

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

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: CHRISTINE FERRARO TALLMAN, Clerk

File No.

DISCUSSION:

This action has been requested of the Stanislaus County Board of Supervisors by the Board of Supervisors of Kern County. The attached resolution (Attachment A) is in support of increased State criminal justice realignment funds in Fiscal Year 2012-2013, calling for the allocation of these funds based on each county's average daily population (ADP) of offenders covered by criminal justice realignment, and on caseloads exceeding projected ADP by the California Department of Corrections and Rehabilitation (CDCR).

Enactment of AB 109 (Chapter 15, Statutes of 2011) mandated a massive shift in the supervision of many felony criminal offenders and parolees from the California Department of Corrections and Rehabilitation to county law enforcement authorities beginning October 1, 2011. Under the law, felons convicted of so-called "non-violent, non-serious, non-sexual" (triple-non) offenses are now sentenced to county jail and supervision instead of State prison, and the same class of offenders who are housed in State prison must now be paroled to counties for Post Release Community Supervision. In addition, offenders who violate State parole must enter our County Sheriff's supervision instead of State prison.

To help offset the cost of the added public safety responsibilities imposed on counties under this significant new mandate, SB 1020 (Chapter 40, Statutes of 2012) dedicates a share of State sales and use tax revenues to be distributed among counties. However, in many counties, the distribution of Fiscal Year 2012-2013 falls far short of the amount needed to house and supervise these offenders or to provide evidence-based drug, mental health, and job training services aimed at breaking the cycle of re-offense and re-incarceration, which is a principal goal of AB 109. Many counties outside the San Joaquin Valley are receiving several times more money per AB 109 offender than valley counties, yet the need for these funds is greatest in the valley, where persistent high unemployment and serious felonies such as robbery, burglary, and vehicle theft, all of which now send these offenders to our local supervision and treatment.

Many San Joaquin Valley counties are supervising greater numbers of State prison parolees and offenders whose parole has been revoked than the State Department of Corrections and Rehabilitation had projected in developing AB 109 formulas.

In the first twelve months of AB 109 implementation, the Stanislaus County Probation Department has received 807 former prison inmates for Post Release Community

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Supervision who are now the County's responsibility under AB 109, 29% more than the CDCR originally predicted the County would receive.

The Stanislaus County Sheriff's Department has booked 1,575 parole violators who would have been returned to State prison before AB 109 but whom the Sheriff must now incarcerate or otherwise supervise, which is 25% more than CDCR had projected.

In addition, 537 so-called "non-violent, non-sexual, non-serious" (triple-non) offenders whose felonies would have sent them to state prison before AB 109 have been sentenced to the Sheriff's supervision since the law took effect, 33% above CDCR's projection; 85.3% of these offenders received a split sentence of both jail time and mandatory supervision by the Probation Department.

Stanislaus County's re-arrest figures show that State realignment funding is critically short of the amount needed to provide effective treatment to help reduce recidivism among Stanislaus's rapidly growing AB 109 offender population.

Unless State realignment funding is targeted more closely to AB 109 populations, many San Joaquin Valley counties will be unable to afford the types of evidence-based treatment and supervision programs that are needed to break the costly cycle of re-offense and re-incarceration which filled State prisons to the point of overflowing and which now threaten to do the same to county jails in the valley. Both the Stanislaus County's Sheriff and Chief of Probation are in support of this action.

POLICY ISSUES:

Board approval of this recommended action supports the Board priority of a safe community.

STAFFING IMPACT:

Staff from both Probation and Sheriff's departments will continue to work within the existing legislation enacted as a result of AB 109.

CONTACT:

Monica Nino – Chief Executive Office (209) 525-6333

ATTACHMENT A

Supporting Allocation of State Criminal Justice Realignment Funding Based on AB 109 Offender Caseloads

WHEREAS, AB 109 (Chapter 15, Statutes of 2011) mandated a massive shift in the supervision of many felony criminal offenders and parolees from the California Department of Corrections and Rehabilitation (CDCR) to county law enforcement authorities beginning October 1, 2011; and

WHEREAS, Counties' State-mandated responsibility to supervise so-called "non-violent, non-serious, non-sexual" offenders has imposed sizable logistical and financial burdens on counties, which are already struggling to provide local services within the constraints of scarce local revenues; and

WHEREAS, AB 118 (Chapter 40, Statutes of 2011) dedicated a share of State sales and use tax revenues to be allocated among counties to help offset the cost of the added public safety responsibilities mandated by AB 109; and these allocations were altered in SB 1020 (Chapter 40, Statutes of 2012); and

WHEREAS, for Fiscal Years 2012-13 and 2013-14, AB 109 revenues are allocated to counties either based on a county's age 18-64 population, on a county's average daily population of AB 109 offenders, or on the amount of AB 109 funding it received in Fiscal Year 2011-12; and

WHEREAS, while the allocation enables each county to select the best of the three funding options, it results in broad disparities among counties in the amount of funding that is available per offender, with some counties receiving several times more funding per offender than other counties; and

WHEREAS, the funding disparity has a negative impact on counties with high unemployment resulting in higher property crime rates, including many counties in the Central Valley such as Stanislaus County, where robberies have increased 88%, burglaries have jumped 147%, and auto thefts have increased 95% in 2011-12 over 2010-11 while unemployment ranged between 13.5% and 15.3% during the same period; and

WHEREAS, some counties are supervising far greater numbers of parolees returning from State prison or who have violated State parole than CDCR projected, and these counties are also contending with increasingly crowded jails as AB 109 sends more felony offenders to local supervision; and

WHEREAS, in the first twelve months of AB 109 implementation, the Stanislaus County Probation Department has received 807 former prison inmates for Post Release Community Supervision who are now the County's responsibility under AB 109, 29% more than the CDCR originally predicted the County would receive; and

WHEREAS, the Stanislaus County Sheriff's Department has booked 1,575 parole violators who would have been returned to state prison before AB 109 but whom the Sheriff must now incarcerate or otherwise supervise, which is 25% more than CDCR had projected; and

WHEREAS, in addition, 537 so-called "non-violent, non-sexual, non-serious" (triple-non) offenders whose felonies would have sent them to state prison before AB 109 have been

sentenced to the Sheriff's supervision since the law took effect, 33% above CDCR's projection; 85.3% of these offenders received a split sentence of both jail time and mandatory supervision by the Probation Department; and

WHEREAS, since October 1, 2011, 32% of 537 "triple-non" offenders have been re-arrested, 26 % of 807 offenders released from state prison to community supervision have been arrested, and 29% of parole violators who were released from jail have been re-arrested; and

WHEREAS, Stanislaus County's re-arrest figures show that State realignment funding is critically short of the amount needed to provide effective treatment to help reduce recidivism among Stanislaus's rapidly growing AB 109 offender population; and

WHEREAS, unless State realignment funding is targeted more closely to AB 109 populations, many San Joaquin Valley counties will be unable to afford the types of evidence-based treatment and supervision programs that are needed to break the costly cycle of re-offense and re-incarceration which filled State prisons to overflowing and which now threaten to do the same to county jails in the Valley;

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Board of Supervisors of the County of Stanislaus, State of California, as follows:

To successfully implement AB 109 without jeopardizing public safety, the State must commit more funds, to all counties for supervision, evidence-based treatment, and incarceration where necessary.

To ensure that public safety is equally protected in each county, State funding for AB 109 mandates must be allocated to counties in an equal amount for each AB 109 offender who is within a county's supervision.

To further ensure equity, AB 109 allocation formulas must include an account from which additional funds can be distributed to those counties that have experienced greater numbers of parolees and parole revocations than the State Department of Corrections and Rehabilitation and the Department of Finance projected at the program's inception.

BE IT FURTHER RESOLVED that copies of this document shall be forwarded to the Governor, the Members of the Legislature representing Stanislaus County and the California State Association of Counties.