



**Contra
Costa
County**

To: Board of Supervisors

From: Community Corrections Partnership-Executive Committee

Date: January 15, 2013

Subject: 2012/13 AB 109 CRIMINAL JUSTICE REALIGNMENT IMPLEMENTATION PLAN

RECOMMENDATION(S):

1. RECEIVE the 2012/13 AB109 Public Safety Realignment Operational Plan, as adopted by the Community Corrections Partnership (CCP) Executive Committee on November 9, 2012.
2. APPROVE the 2012/13 AB109 Public Safety Realignment Recommended Budget, as recommended by the CCP Executive Committee.
3. APPROVE Appropriations and Revenue Adjustment No. 5047 authorizing new revenue in the amount of \$8,343,737 in various county departments and appropriate it for implementation of the 2012/13 AB109 Public Safety Realignment Budget -

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **01/15/2013** ☒ APPROVED AS RECOMMENDED ☒ OTHER

Clerks Notes:

See Addendum

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
 Candace Andersen, District II Supervisor
 Mary N. Piepho, District III Supervisor
 Karen Mitchoff, District IV Supervisor
 Federal D. Glover, District V Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: January 15, 2013

David Twa, County Administrator and Clerk of the Board of Supervisors

By: June McHuen, Deputy

Contact: PHILIP KADER
 925-313-4188

cc:

RECOMMENDATION(S): (CONT'D)

Department Programs.

4. ADOPT Position Adjustment Resolution Nos. 21221-21227 authorizing new positions in various county departments for the implementation of the 2012/13 Public Safety Realignment Budget.

5. APPROVE Appropriations and Revenue Adjustment No. 5046 authorizing new revenue in the amount of \$4,035,000 in the County Administrator's Office (0003) and appropriate it for implementation of the 2012/13 AB109 Public Safety Realignment Budget - Community Programs.

6. DIRECT the County Administrator to develop and implement a comprehensive Request for Proposals (RFP) process, report funding recommendations to the Community Corrections Partnership and Public Protection Committee, and take necessary actions to implement funding recommendations for final review and approval by the Board of Supervisors.

FISCAL IMPACT:

\$20,689,520, 100% State AB109 Public Safety Realignment Funding. The 2012/13 Realignment Budget continues services implemented in fiscal year 2011/12, expands some programming, and authorizes new programming. For this reason, although today's action includes a Recommended Budget of \$20,689,520, \$4,660,783 is currently appropriated in the county budget and \$12,378,737 in new appropriations are being recommended. An additional \$3,650,000 is recommended to remain unappropriated for expenditures as outlined in the Recommended Budget Summary (attached).

BACKGROUND:

In 2011, the California Legislature passed and the Governor signed into law the Public Safety Realignment Act (Assembly Bill 109), which transfers responsibility for supervising specific low-level inmates and parolees from the California Department of Corrections and Rehabilitation (CDCR) to counties. Assembly Bill 109 (AB 109) took effect on October 1, 2011 and realigns three major areas of the criminal justice system. On a prospective basis, the legislation:

- Transfers the location of incarceration for lower-level offenders (specified non-violent, non-serious, non-sex offenders) from state prison to local county jail and provides for an expanded role for post-release supervision for these offenders;
- Transfers responsibility for post-release supervision of lower-level offenders (those released from prison after having served a sentence for a non-violent, non-serious, and non-sex offense) from the state to the county level by creating a new category of supervision called Post-Release Community Supervision (PRCS);

- Transfers the housing responsibility for parole and PRCS revocations to local jail custody

AB 109 also tasked the local Community Corrections Partnership (CCP) with recommending to the County Board of Supervisors a plan for implementing criminal justice realignment. The Board of Supervisors adopted the Contra Costa County Realignment Plan on October 4, 2011 (Agenda Item No. D.5), as recommended by the Executive Committee of the CCP. The Executive Committee of the CCP is composed of the County Probation Officer (Chair), Sheriff-Coroner, a Chief of Police (represented by the Richmond Police Chief), District Attorney, Public Defender, Presiding Judge of the Superior Court or designee (represented by the Court Executive Officer), and County Behavioral Health Director.

In June 2012, the County was informed that the estimated 2012/13 and 2013/14 Realignment funding allocations were increased to \$19,285,330 from the 2011/12 allocation of \$4,572,950 (9-month allocation). Since that time, the Executive Committee has met monthly to discuss program objectives and created an Ad Hoc Committee to develop an operational plan (attached) as a means to evaluate programming options. The Ad Hoc committee met almost weekly over the course of two months and received input from various county departments, local law enforcement, and members of the community. On November 9, 2012, the CCP Executive Committee adopted a finalized Operational Plan and on December 4, 2012 adopted a 2012/13 Public Safety Realignment budget for recommendation to the Board of Supervisors.

Today's actions would approve the 2012/13 AB109 Public Safety Realignment budget, including the appropriation of new funding and the addition of positions in county departments to implement programming outlined in the budget plan. Approval of new revenue appropriations within the county budget requires a four-fifths majority vote (Government Code § 29088) and position augmentations require a simple majority of the Board of Supervisors. The proposed budget also contemplates a revenue appropriation of \$4,035,000 for community programming, which similarly requires a four-fifths majority vote of the Board for approval. It is also recommended that the Request for Proposals process be referred to the County Administrator's Office for processing and coordination with the Community Corrections Partnership, Public Protection Committee and the Board of Supervisors.

CONSEQUENCE OF NEGATIVE ACTION:

Negative action would result in net expenditure appropriations, estimated revenue and related personnel actions not being approved for 2012/13 AB109 programming.

CHILDREN'S IMPACT STATEMENT:

No impact.

CLERK'S ADDENDUM

Speakers: Mark Peterson, District Attorney; Chris Magnus, Community Corrections Partnership (CCP); Gayle McLaughlin, Mayor for City of Richmond; Susan Kim, CCP Executive Committee; Marilyn Lanlosi, Richmond Progressive Alliance; Rebecca Brown, resident of Richmond; Eli Moore, Pacific Institute; Eduardo Martinez, resident of Richmond; Charles Gibson, County Chiefs Organization; Eleanor Thompson, resident of Richmond; Rollie Katz, Public Employees' Union, Local One; Charles Newsome, resident of Richmond; Willie Mims, East County NAACP; Nathan Rapp, representing office of Senator Loni Hancock; David Seidner, Behavioral Health; Adam Kruggel, CCISCO; Tamisha Walker, resident of Pinole; Kathleen Sullivan, resident of Richmond; Jonathan Perez, Safe Return Project; Johnny Valdepena, Safe Return Project, Project CCISCO, Victory Outreach Richmond; Mariana Moore, Human Services Alliance. Joanne Genet, Contra Costa Health Services was not able to stay for public comment, but left written material from the Public and Environmental Health Advisory Board for the Board's consideration (attached). By unanimous vote, with all members present, ADOPTED the recommendations as presented today; and By unanimous vote, with all members presents, DIRECTED the development process for the 2013/2014 budget give priority to the allocation of funding for detention facility medical services (approximately \$1.2 M), the District Attorney's Office (approximately \$700,000), the Employment and Human Services Department (approximately \$771,000), and consideration to assistance for local law enforcement; and to include clarification of what services those allocations would provide.

ATTACHMENTS

CCP-Executive Committee AB109 Operational Plan

2012/13 AB109 Public Safety Realignment Recommended Budget Summary

Appropriations and Revenue Adjustment No. 5046 - AB109 Community Programs

Appropriations and Revenue Adjustment No. 5047 - AB109 Department Programs

2012/13 AB109 Personnel Adjustment Summary

P300 No. 21221 - Sheriff's Office

P300 No. 21222 - District Attorney

P300 No. 21223 - Probation Department

P300 No. 21224 - Behavioral Health

P300 No. 21225 - County Administrator's Office

P300 No. 21226 - Public Defender

P300 No. 21227 - Law and Justice Systems