

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Probation	(2) MEETING DATE 10/30/2012	(3) CONTACT/PHONE Chief James Salio, 781-1039	
(4) SUBJECT Submittal of an Update to the 2011 Public Safety Realignment Act (AB109) Implementation Plan for the Board of Supervisor's consideration and approval; submittal of a resolution amending to the Position Allocation list to add 9.00 FTE positions and a request to approve corresponding budget adjustments in Fund Center 132 - District Attorney, 135 - Public Defender, 136 - Sheriff-Coroner, 139 - Probation, and 166 - Behavioral Health, totaling \$517,154.			
(5) RECOMMENDED ACTION It is recommended that the Board: <ol style="list-style-type: none"> 1. Approve the updated 2011 Public Safety Realignment Act (AB 109) Implementation Plan for FY 2012-13 and FY 2013-14; 2. Approve and direct the Chair to sign a resolution amending the Position Allocation List (PAL) to add the following positions: <ul style="list-style-type: none"> • A 0.50 FTE Deputy District Attorney and a 0.50 FTE Victim Witness Assistance Coordinator II in FC 132 - District Attorney; • A 1.00 FTE Administrative Service Officer, and 3.00 FTE Drug & Alcohol Specialists II in FC 166 - Behavioral Health; • A 1.00 FTE Correctional Technician, a 1.00 FTE Program Manager I, and a 1.00 FTE Department Automation Specialist in FC 136 - Sheriff-Coroner; • A 1.00 FTE Program Manager I in FC 139 - Probation 3. Approve, by four-fifths vote, a corresponding budget adjustment in Fund Centers 132–District Attorney, 166–Behavioral Health, 136–Sheriff-Coroner, 139–Probation, and 135–Public Defender, totaling \$517,154. The plan is deemed accepted unless rejected by a four-fifths vote of the board.			
(6) FUNDING SOURCE(S) 2011 Public Safety Realignment (State)	(7) CURRENT YEAR FINANCIAL IMPACT \$517,154	(8) ANNUAL FINANCIAL IMPACT \$5,104,758	(9) BUDGETED? No
(10) AGENDA PLACEMENT { } Consent { } Presentation { } Hearing (Time Est. _____) { X } Board Business (Time Est.: <u>30 min.</u>)			
(11) EXECUTED DOCUMENTS { X } Resolutions { } Contracts { } Ordinances { } N/A			
(12) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) N/A	(13) BUDGET ADJUSTMENT REQUIRED? BAR ID Numbers: 1213052, 1213051, 1213047, 1213048, 1213049, 1213050 { X } 4/5th's Vote Required { } N/A		
(14) LOCATION MAP N/A	(15) BUSINESS IMPACT STATEMENT? No	(16) AGENDA ITEM HISTORY { } N/A Date: <u>10/11/11</u> and <u>3/6/12</u>	
(17) ADMINISTRATIVE OFFICE REVIEW Geoff O'Quest, Administrative Analyst			
(18) SUPERVISOR DISTRICT(S) All Districts -			

County of San Luis Obispo



TO: Board of Supervisors

FROM: Probation / Chief James Salio, 781-1039

DATE: 10/30/2012

SUBJECT: Submittal of an Update to the 2011 Public Safety Realignment Act (AB109) Implementation Plan for the Board of Supervisor's consideration and approval; submittal of a resolution amending the Position Allocation list to add 9.00 FTE positions and request to approve corresponding budget adjustments in Fund Center 132 - District Attorney, 135 - Public Defender, 136 - Sheriff-Coroner, 139 - Probation, and 166 - Behavioral Health, totaling \$517,154.

RECOMMENDATION

It is recommended that the Board of Supervisors:

1. Approve the updated 2011 Public Safety Realignment Act (AB 109) Implementation Plan for FY 2012-13 and FY 2013-14;
2. Approve and direct the Chair to sign a resolution amending the Position Allocation List (PAL) to add the following positions:
 - A 0.50 FTE Deputy District Attorney II and a 0.50 FTE Victim Witness Assistance Coordinator II in FC 132 - District Attorney;
 - A 1.00 FTE Administrative Service Officer, and 3.00 FTE Drug & Alcohol Specialists IIs in FC 166 - Behavioral Health;
 - A 1.00 FTE Correctional Technician, a 1.00 FTE Program Manager I, and a 1.00 FTE Department Automation Specialist in FC 136 - Sheriff-Coroner;
 - A 1.00 FTE Program Manager I in FC 139 - Probation
3. Approve, by four-fifths vote, a corresponding budget adjustment in Fund Centers 132–District Attorney, 166–Behavioral Health, 136–Sheriff-Coroner, 139–Probation, and 135–Public Defender, totaling \$517,154.

Under Penal Code section 1230.1(c), the 2011 Public Safety Realignment Act (AB 109) Implementation Plan is deemed accepted unless rejected by a four-fifths vote of the Board.

Discussion

BACKGROUND

The 2011 Public Safety Realignment Act (AB 109) was signed into law on April 4, 2011. AB 109 transfers responsibility from the State to counties for offenders convicted of certain lower level felonies, defined as non-serious, non-violent, non-registered sex (N3) offenses.

This transfer of responsibility includes three groups. First, offenders convicted of new crimes in San Luis Obispo Superior Court which meet the N3 definition will now serve their sentence in county jail, rather than State prison. Second, offenders released from State prisons deemed eligible for Post Release Community Supervision (PRCS) will now be supervised by the County Probation Department, rather than the State's Division of Adult Parole. Third, parolees supervised by State Parole, will now serve time in County jail if they violate the terms of their parole and are returned to incarceration.

AB 109 requires that a plan for providing for the housing, supervision and treatment of the offenders be developed and

presented to the Board of Supervisors for their review and approval. The Plan is then required to be submitted to the State Corrections Standards Authority. The law requires the creation of an Executive Committee of the Community Corrections Partnership (CCP) tasked with creation of the Plan. (The CCP is a pre-existing body, created under Penal Code Section 1230.) The Executive Committee must include the following voting members, by agency:

- Chief Probation Officer (Jim Salio, Committee Chair)
- A Chief of Police (Robert Burton, Acting Chief of Police, Paso Robles)
- Sheriff (Ian Parkinson)
- District Attorney (Gerald Shea)
- Public Defender (Patricia Ashbaugh)
- Presiding Judge of the Superior Court or designee (Susan Matherly, Court Executive Officer)
- A representative from the County Department of Social Services, Mental Health, or Alcohol and Substance Abuse programs, as chosen by the Board of Supervisors (Jeff Hamm, Health Agency Administrator)

In developing the Plan, the Executive Committee sought to achieve three goals:

1. Maintain maximum public safety,
2. Improve the offender success rate while incarcerated or under supervision and reduce recidivism, and
3. Increase alternatives to incarceration and provide treatment support for low level offenders.

To achieve this, the plan focuses on three main strategies:

1. Increase jail capacity to house the new population of offenders,
2. Increase the number of staff in order to supervise Post Release Community Supervision (PRCS) offenders, and
3. Increase treatment opportunities in San Luis Obispo County.

The plan addresses the three key areas of the local criminal justice system that will be affected by realignment to ensure public safety is maintained. The three key areas are: Housing, Supervision, and Treatment and Programming.

Realignment Strategies include the following:

Housing (Sheriff's Office)

- Increased Jail Bed/Staffing
- Increased Nursing and Mental Health Care
- Increased Funding for Medical Care for Realignment inmates at the Jail
- Increased Funding for Food and Clothing for increase in Realignment jail population
- Expanded Home Detention Program

Supervision (Probation Department)

- Post-Release Community Supervision
- Electronic Supervision Program

Treatment and Programming (Various Providers)

- Collaborative Re-Entry Program
- Jail Treatment Program
- Increased Community Treatment for Realignment Population
- Expanded Sober Living Environments

Table 1: Projected and Actual Numbers for Realigned Population as of June 2012

For FY 2011-12	Projected	Actual
1) New N3 sentences to County Jail	65	106
2) Post Release Community Supervision	171	168
3) Parole and PRCS Revocations to County Jail	27	83

SUMMARY

The first full year of AB109 implementation has given CCP partners an opportunity to test and assess initial program approaches, make midyear course corrections, and develop a revised road map for Year 2 and beyond that reflects the realities of the County's increased responsibilities to house, supervise, and treat criminal offenders. Several key "lessons learned" have helped shape the proposed strategies outlined below. First, the Sheriff's Office has experienced a

population surge at the County Jail that far exceeds original predictions both in terms of size and treatment needs. Second, an original plan to develop jail treatment and community-based day reporting through outside contracted service providers proved too costly and was predicted to be less effective than building on existing local resources and providers already working together through the AB109 Collaborative Re-Entry Program. Third, District Attorney and Public Defender responsibilities have increased significantly in conjunction with AB109 implementation, and additional resources have been requested to cover the workload.

The state allocation increase for FY 2012-13 and the savings from not implementing the contract Day Reporting Center, the contract Jail Treatment and the Pre-Trial Supervision were used to support the following additional realignment plan needs for FY 2012-13:

Offender Housing (Sheriff Department)

- Add (1) FTE Correctional Technician due to increased offender population.
- Increase in funds available for inmate bedding, clothing and food.
- Increased funding for Psychiatrist's hours and psychotropic medication.

In addition, increased Funding for Law Enforcement Medical Care (LEMC) was approved by the Board of Supervisors on September 18, 2012 due to larger than anticipated AB 109 population and higher than originally projected medical costs per AB 109 inmate.

Supervision (Probation Department)

- Add (1) FTE Program Manager, for program research and data analysis.
- Add (.5) FTE Deputy District Attorney for Parole and PRCS violation unit.
- Add (.5) Victim Witness Assistant Coordinator for Parole and PRCS violation unit.
- Add funding for Public Defender - Specialty Court Advocate.

In addition, the Probation Officer position previously allocated to Pre-Trial Service is being reallocated, which will provide Probation with an additional Officer to handle supervision of the PRCS population resulting in smaller case loads.

Treatment (Public and Private Providers)

- Add (1) FTE Program Manager I-Sheriff for coordination of inmate program services.
- Add (1) FTE Administrative Services Officer-Behavioral Health for Program support.
- Add (1) FTE Data Automation Specialist II -Sheriff to be able to do the programming and data gathering required for statistical analysis.
- Add (2) FTEs Drug and Alcohol Specialists II for regional community based treatment.
- Add (1) FTE Drug and Alcohol Specialist II for jail treatment.
- Add funding for supportive housing services.

The Offender Treatment will consist of integrated services between the jail treatment and community treatment. A Probation Officer, reallocated from Pre-Trial Services, will work with a Drug and Alcohol Therapist in the jail to deliver cognitive behavioral and substance abuse treatment in the jail. The in-jail treatment will interface with community treatment which will provide referrals to the newly regionalized treatment hubs run by County Drug and Alcohol Services. Each hub will consist of a therapist and case manager who will be able to assess and treat the offender population.

Finally, the newly hired Program Manager will be charged with coordinating and developing other vocational, educational and treatment programs within the county jail to address the need of defendants incarcerated under realignment.

The CCP Executive Committee recommends that the Board of Supervisors adopt the proposed Update to the 2011 Public Safety Realignment Act (AB 109) Implementation Plan and the corresponding position allocations. By statute, the Plan is deemed accepted by the Board of Supervisors unless rejected by a four-fifths vote.

Other Agency Involvement

The Executive Committee of the Community Corrections Partnership (CCP) approved the Plan. Organizations involved in the creation of the Plan at the working group level include staff from the Probation Department, Sheriff's Office, County Administrative Office, Office of the District Attorney, Public Defender, and Paso Robles Police; the County Departments of Social Services, Mental Health, and Drug and Alcohol Services; and the Community Action Partnership of San Luis

Obispo (CAPSLO).

Financial Considerations

The 2011 Public Safety Realignment Act provides funding in Fiscal Year 2011-12 to counties for the new responsibilities being transferred from the State. Funding for Public Safety Realignment was allocated to counties based on factors such as county size and the expected number of offenders. For Year 1 of implementation (FY 2011-12), San Luis Obispo County was allocated \$2,200,000, plus a one-time amount of \$150,000 for planning and a one-time amount of \$155,275 for startup costs. The allocation for Year 1 was based on a nine month year running from October 1, 2011 to June 30, 2012, corresponding with the remainder of that fiscal year, FY 2011-12.

For FY 2012-13 the allocation is \$5,179,333. We had a carry-over from FY 2011-12 of \$386,320, making the total available for allocation of \$5,565,653. There was also another \$150,000 allocated for planning and training in FY 2012-13. The projected cost to maintain the current level of service for FY 2013-14 is \$5,179,333.

The CCP Executive Committee voted to carry a reserve fund of at least \$500,000 due to the uncertainty of future funding absent the California State constitutional guarantee of increased funding.

Table 2: Fiscal Year 2012-13 Budget

AB 109 REALIGNMENT FUNDING	FY 2012-13	FY 2013-14
CURRENT YEAR ALLOCATION	\$5,179,333.00	\$5,179,333.00
PRIOR YEAR UNSPENT FUNDS	\$386,320.00	\$-
TOTAL FUNDING	\$5,565,653.00	\$5,179,333.00
OFFENDER HOUSING		
Jail Staffing	\$1,898,082.00	\$2,023,033.00
Jail costs for food & clothing for AB 109 offenders	\$300,000.00	\$330,000.00
LEMC - in custody health care	\$533,435.00	\$533,435.00
Mental Health - in custody services	\$232,646.00	\$232,646.00
Home Detention Program	\$54,750.00	\$40,000.00
Subtotal Offender Housing	\$3,018,913.00	\$3,159,114.00
OFFENDER SUPERVISION		
Post Release Supervision	\$495,901.00	\$553,569.00
Electronic Supervision Program	\$44,550.00	\$44,550.00
District Attorney PRCS & Parole Violation Prosecution Unit	\$36,539.00	\$73,077.00
Public Defender - Specialty Court Advocate	\$40,000.00	\$40,000.00
Subtotal Offender Supervision	\$616,990.00	\$711,196.00
OFFENDER TREATMENT		
Collaborative Re-Entry Program:		
Re-Entry Services - Jail	\$367,394.00	\$382,092.00
Re-Entry Services - Community	\$715,309.00	\$653,528.00
Housing	\$130,828.00	\$130,828.00
Cognitive Behavioral Treatment	\$68,000.00	\$68,000.00
Subtotal Offender Treatment	\$1,281,531.00	\$1,234,448.00
GRAND TOTAL	\$4,917,434.00	\$5,104,758.00
RESERVE CONTINGENCY FUNDS	\$648,219.00	\$74,575.00

The Governor has continued to pledge his commitment to funding realignment. Proposition 30 will be before the voters on November 6, 2012 which, if passed, will guarantee constitutionally protected funding.

\$4 million of AB 109 funding is already included in the FY 2012-13 budget. This amount was budgeted based on the assumption that the allocation for this year would at least provide for continuation of the programs and resources provided by the FY 2011-12 partial-year funding of \$2.3 million. Budget adjustments totaling \$517,154 are requested as part of the Board's approval of the updated Plan in order to add AB 109 funding to Fund Centers 132 - District Attorney, 135 - Public Defender, 136 - Sheriff-Coroner, 139 - Probation, and 166 - Behavioral Health. This will bring the FY 2012-13 budget into line with the figures presented in the FY 2012-13 column of Table 2 on the preceding page.

Results

Board approval of the proposed Update to the 2011 Public Safety Realignment Act (AB 109) Implementation Plan will allow the County departments and other partners involved to continue to make the changes necessary to manage the shift in responsibility of the realigned offender population.

The Community Corrections Partnership (CCP) continues to meet monthly to monitor the Plan, in order to make any adjustments as necessary, and to ensure the cooperation and integration among county departments and other partners that will be critical to success. The CCP will also oversee and track the results achieved under Public Safety Realignment, in terms of public safety, reduced recidivism, and the provision of alternatives to incarceration and treatment to low level offenders.

The baseline recidivism rate was established for the Post Release Community Supervision population in Year 1. Table 2 shows the PRCS recidivism rate for FY 2011-12.

Table 3: PRCS Recidivism Rates for FY 2011-12 (Felony only)

Low Risk	Medium Low Risk	Medium High Risk	High Risk
0 %	25%	15%	45%

The results that will be targeted for Public Safety Realignment, including reduced recidivism, will contribute to both public safety in the community and better results for offenders within the criminal justice system. Both outcomes will make an important contribution to the County's desired community-wide results of a Safe and Healthy Community.