

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

501



FROM: Probation Department

SUBMITTAL DATE:
July 18, 2011

SUBJECT: Designation of the Riverside County Probation Department as the Riverside County agency to provide Post-release Community Supervision (PRCS) pursuant to the provisions of AB 109, Criminal Justice Alignment.

RECOMMENDED MOTION: That the Board of Supervisors:

1. Designate the Riverside County Probation Department as the Riverside County agency to provide Post-release Community Supervision (PRCS) pursuant to California's Criminal Justice Alignment addressed in AB 109.
2. Notify the California Department of Corrections and Rehabilitation that the Riverside County Probation Department is the agency selected to provide Post-release Community Supervision (PRCS) pursuant to the provisions of AB 109/AB 117.
3. Designate the Director of the Department of Mental Health as a member of the Community Corrections Partnership (CCP) Executive Committee for AB 109 Criminal Justice Alignment.
4. Approve and direct the Auditor-Controller to establish a special interest bearing fund for AB 109/AB 118 Criminal Justice Alignment program allocations entitled County Local Revenue Fund 2011.
5. Approve and direct the Auditor-Controller to establish a special interest bearing fund for AB 109/AB 118 Criminal Justice Alignment one-time hiring, training, retention purposes allocation funds.
6. Approve and direct the Auditor-Controller to establish a special interest bearing fund for AB 109/AB 118 Criminal Justice Alignment one-time Community Corrections Partnership (CCP) planning allocation funds.

[Signature]
Alan M. Crogan, Chief Probation Officer

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FORM APPROVED COUNTY COUNSEL
BY: NEAL R. KIPNIS DATE: Departmental Concurrence

FINANCIAL DATA	Current F.Y. Total Cost:	\$ 0	In Current Year Budget:	No
	Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	No
	Annual Net County Cost:	\$ 0	For Fiscal Year:	FY 11/12

SOURCE OF FUNDS: State	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input checked="" type="checkbox"/>

C.E.O. RECOMMENDATION: APPROVE

BY: *[Signature]*
Elizabeth J. Olson

County Executive Office Signature

Dep't Recomm.: Consent Policy
Per Exec. Ofc.: Consent Policy

Designation of the Riverside County Probation Department as the Riverside County agency to provide Post-release Community Supervision (PRCS)

BACKGROUND: On Monday, April 4, 2011 Governor Jerry Brown signed AB 109, which is the budgetary bill known as Criminal Justice Alignment or simply known as Realignment. The Act will become operative on October 1, 2011, which is the target date after the state budget was determined and a funding source was established.

AB 109 changes the definition of a felony as it relates to sentencing, shifts prison housing for "low level offenders" from prison to local county jails, and transfers the supervision of many parolees from the Department of Adult Parole and Board of Prison Hearings to county Probation Departments and eventually the Court. The shifting of supervision and housing from the California Department of Corrections and Rehabilitation (CDCR) to the County requires a comprehensive plan to effectively implement these modifications to the criminal justice system without compromising public safety. The bill realigns numerous responsibilities concerning adult felony offenders to the counties including: specifying local jail custody only and supervision for offenders previously eligible for a commitment to state prison; and specifying certain offenders, upon release from prison, subject to community supervision and accountability by a local agency rather than state parole.

The act declares that certain offenders released from state prison for nonviolent, non-serious and non-high risk sex offenses be "subject to post-release community supervision provided by a county agency designated by each county's Board of Supervisors which is consistent with evidence-based practices, including, but not limited to, supervision, policies, procedures, programs and practice demonstrated by scientific research to reduce recidivism among individuals under post-release supervision."

AB 109 also requires that the local Community Corrections Partnership, already established by SB 678, form an Executive Committee chaired by the Chief Probation Officer to "recommend a local plan to the Board of Supervisors for the implementation of the 2011 Public Safety Realignment." Members of the Executive Committee include the following: Chief Probation Officer (chair); Presiding Judge of the Superior Court or designee; District Attorney; Public Defender; Sheriff; a Chief of Police; and one department representative from either the Department of Public Social Services, head of the County Department of Mental Health or head of the county Alcohol or Substance Abuse Programs as designated by the County Board of Supervisors. It is recommended that the Board of Supervisors designate the Riverside County Director of the Department of Mental Health as the Executive Committee member.

Designation of the Riverside County Probation Department as the Riverside County agency to provide Post-release Community Supervision (PRCS)

On June 30, 2011 Governor Jerry Brown signed AB 117, clean up legislation for the AB 109 Criminal Justice Realignment. As a result of this clean up legislation and establishment of funding the act will become operative on October 1, 2011. This is the date that the non-violent, non-serious and non-serious sex offenders will begin to be released to the counties. Prior to their release CDCR is forwarding a pre-release packet on each PRCS inmate to the county agency responsible for supervision of these individuals, as designated by the Board of Supervisors. In order for CDCR to send the pre-release packet prior to the inmate's release they need notification from the County's Board of Supervisors designating which agency will provide PRCS pursuant to the provisions of AB 109. As required by Penal Code Section 3003 (k)(1), this notification is required on or before August 1, 2011. On July 12, 2011, members of the Executive Committee met and were in agreement with the Probation Department being designated as the agency responsible for supervision of the PRCS population.

AB 118, the budget trailer bill that creates the funding framework for all aspects of 2011 Realignment, requires the county to create the County Local Revenue Fund 2011. These funds are intended to cover all aspects of the adult population shifts: the transfer of the low-level offender population, counties' new supervision responsibilities for state prison inmates released to post-release community supervision (PRCS), sanctions – to include incarceration – for those on PRCS who are revoked, and local custody up to 180 days for state parolees who are revoked.

Two additional funds to be created are for AB 109 start-up costs and Community Correction Partnership (CCP) planning (one-time allocations). The AB 109 start-up costs fund is to help cover counties' costs associated with hiring, retention, training, data improvements, contracting costs, and capacity planning pursuant to each county's AB 109 implementation plan. The CCP planning is for the purpose of assisting each county's CCP in developing its AB 109 implementation plan.

No additional net county cost will be required and there is no county match requirement. The Probation Department will return with another Form 11 at a later date outlining the implementation of AB 109, including budget adjustments. This implementation of AB 109 has been reviewed by the Auditor-Controller, and approved as to form by County Counsel.