

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



149

FROM: District Attorney

SUBMITTAL DATE:
November 22, 2011

SUBJECT: Approval of the local Community Corrections Partnership preliminary plan for the implementation of AB 109, Criminal Justice Alignment for Riverside County District Attorney's Office, ("District Attorney") and Amend Ordinance No.440 pursuant to Resolution 4408878 submitted herewith.

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve the local Community Corrections Partnership plan for the District Attorney for the implementation of the 2011 Public Safety Realignment pursuant to AB 109 Criminal Justice Alignment, AB 117 Criminal Justice Realignment, and AB 118 Local Revenue Fund 2011.
2. Approve and direct the Auditor-Controller to make the budget adjustments as outlined in the attached Schedule A for FY 11/12.
3. Amend Ordinance No. 440 pursuant to Resolution 440-8878 submitted herewith.

BACKGROUND:

(Commences on page 2)


 JEFFREY A. VAN WAGENEN, JR.
 Assistant District Attorney for
 PAUL E. ZELLERBACH, District Attorney

FINANCIAL DATA	Current F.Y. Total Cost:	\$968,094.00	In Current Year Budget:	No
	Current F.Y. Net County Cost:	\$ 0.00	Budget Adjustment:	Yes
	Annual Net County Cost:	\$ 0.00	For Fiscal Year:	FY 11/12

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

C.E.O. RECOMMENDATION:

APPROVE

BY: 
 Robert Tremaine

County Executive Office Signature

Approved by Barbara A. Olivier
 Asst. County Executive Officer/
 Human Resources Director

FISCAL PROCEDURES APPROVED
 PAUL ANGULO, CPA, AUDITOR-CONTROLLER
 BY:  SAMUEL WONG 11/28/11

Policy
 Policy

Consent
 Consent

Department Recommendation:
 Per Executive Office:

SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA
FORM 11: Approval of the local Community Corrections Partnership preliminary plan for the implementation of AB 109, Criminal Justice Alignment for Riverside County District Attorney's Office, ("District Attorney") and Amend Ordinance No.440 pursuant to Resolution 440-887 submitted herewith.
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Earlier this year, Governor Edmund G. Brown Jr. signed Assembly Bill (AB) 109 and AB 117, commonly referred to as Realignment. The intent of the legislation was to reduce both recidivism and the number of inmates housed in the state's prison system by giving local authorities control of certain classes of offenders, generally those offenders who have committed non-violent, non-serious, non-registered sex crimes. As a result of the legislation, on October 1, 2011, offenders convicted of one of the "three non's" will be incarcerated in local jails, instead of state prisons, and will be supervised after their release by local Probation departments, rather than the California Department of Corrections and Rehabilitation. Additionally, offenders who violate the terms of their release will be prosecuted in Superior Court by local District Attorney offices, and represented by local Public Defender offices.

Governor Brown also signed multiple trailer bills to secure funding for Realignment for the current fiscal year. (Whether or not there is sufficient funding is open to debate, but it is generally believed by local law enforcement agencies that the allocated funding is insufficient to meet the needs this fiscal year.) Realignment funding comes from a portion of the state sales tax revenue and Vehicle License Fees (VLF). This legislation has provided funding allocations to the County of Riverside for the remainder of fiscal year 2011-12 in the following amounts:

• Post-Release Community Supervision & Local Incarceration:	\$21,074,473
• Training & Implementation Activities (One-Time Money):	\$ 1,487,050
• Planning (One-Time Money):	\$ 200,000
• District Attorney & Public Defender (Specifically Designated):	\$ 755,421
• Superior Court:	\$ 662,000

The Community Corrections Partnership (CCP), which was previously established in Penal Code section 1230, was given the task of developing and recommending to the County Board of Supervisors an implementation plan for Realignment. Specifically, the distribution of the Post-Release Community Supervision & Local Incarceration, Training & Implementation Activities, and Planning allocations fell under the purview of the CCP. The CCP Executive Committee (CCPEC) is comprised of the following:

- Alan Crogan, Chief Probation Officer
- Stan Sniff, Sheriff
- Paul Zellerbach, District Attorney
- Gary Windom, Public Defender
- Jerry Wengerd, Director of Mental Health
- Sherrill Ellsworth, Presiding Judge of the Superior Court
- Pat Williams, Chief of Police for Desert Hot Springs

Staff from the CCP member agencies met to review and discuss the budget requests and related issues submitted, and came to a general consensus on the appropriate funding allocations. The budget, which was developed and submitted for approval by the CCPEC, provided a conservative approach, along with a contingency fund to address the numerous variables and unknown factors that each agency is managing during the implementation of Realignment. A 3.5% share of each agency's allocation will be set aside to assist in establishing the contingency fund. The budget was accepted and adopted by the CCPEC.

SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA
FORM 11: Approval of the local Community Corrections Partnership preliminary plan for the implementation of AB 109, Criminal Justice Alignment for Riverside County District Attorney's Office, ("District Attorney") and Amend Ordinance No.440 pursuant to Resolution 440-8878submitted herewith.
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As it relates specifically to the District Attorney's Office, by law, the District Attorney and the Public Defender share equally in the fund specially designated for the District Attorney and the Public Defender. Accordingly, each office receives \$377,710.50. The CCPEC determined that the District Attorney would receive \$570,109 from the Post-Release Community Supervision & Local Incarceration fund, minus \$19,954 for the contingency fund. This represents a 2.71% share of the \$21,074,467. Additionally, the District Attorney will receive \$40,228 from the one-time money funding sources. Accordingly, the total amount allocated from the CCPEC is \$590,383, and the total amount allocated from all Realignment funding sources for Fiscal Year 2011-12 is \$968,093.50.

This District Attorney will use the funding for one-time and on-going costs to generally support prosecution efforts related to the implementation of Realignment, specifically to prosecute violations of Post-Release Community Supervision as filed in the Superior Court by the Probation Department. To successfully handle these matters, the District Attorney's plan involves assigning three senior prosecutors supported by one senior investigator, one investigative technician, one paralegal, and three legal support assistants. It is anticipated that these nine full-time positions will be required to handle the new case load countywide at an additional cost of \$1,288,205 annually. Funding for these new positions during Fiscal Year 2011-12 will come from the Realignment funding sources. In future years, the District Attorney will work with the other members of the CCPEC, along with local and state legislators, to ensure that sufficient funding is provided.

The current fiscal year budget adjustments for the District Attorney are outlined in the attached Schedule A, and represents approximately nine months of anticipated expenditures. We are not anticipating any additional net county cost in the current fiscal year for this program.

The attached resolution details the requested positions to be added to the District Attorney's Office to accomplish the mission described.

In accordance with Board Policy A-30, positions will be deleted upon termination of the funding.

This implementation of this plan has been reviewed by the Community Corrections Partnership Executive Committee, the Auditor-Controller, Human Resources and approved as to form by County Counsel.

Schedule A

Riverside County District Attorneys Office
 AB 109 Criminal Justice Alignment
 Fiscal Year 2011/12

Increase Appropriations:

10000-2200100000-510040	Regular Salaries	630,510
10000-2200100000-513000	Retirement - Misc	119,765
10000-2200100000-513040	Retirement - Safety	26,900
10000-2200100000-513120	Social Security	28,316
10000-2200100000-513140	Medicare Tax	8,508
10000-2200100000-515040	Flex Benefit Plan	58,551
10000-2200100000-515100	Life Insurance	858
10000-2200100000-515120	Long Term Disability	2,604
10000-2200100000-515160	Optical Insurance	392
10000-2200100000-515220	Short Term Disability	1,818
10000-2200100000-515260	Unemployment Insurance	2,502
10000-2200100000-518010	Def Comp Ben Mgmt	5,038
10000-2200100000-518120	SEIU Pension Plan	1,152
10000-2200100000-520200	Communications	1,024
10000-2200100000-520220	County Radio Systems	1,994
10000-2200100000-520240	Communication Equipment	147
10000-2200100000-520260	Computer Lines	3,974
10000-2200100000-520320	Telephone Service	6,006
10000-2200100000-521360	Maint-Computer Equip	222
10000-2200100000-521380	Maint-Copier Machines	918
10000-2200100000-521640	Maint - Software	4,217
10000-2200100000-523700	Office Supplies	3,302
10000-2200100000-523760	Postage-Mailing	704
10000-2200100000-527840	Training -Education/Tuition	50,228
10000-2200100000-528920	Car Pool Expense	8,444
	Total	<u>\$ 968,094</u>

Increase Estimated Revenues:

10000-2200100000-755900	CA-AB118 Local Revenue	<u>968,094</u>
	Total	<u>\$ 968,094</u>

1 RESOLUTION NO. 440-8878

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3 BE IT RESOLVED by the Board of Supervisors of the County of Riverside, State of California, in
4 regular session assembled on December 6, 2011, that pursuant to Section 4(a)(ii) of Ordinance No. 440,
5 the District Attorney is authorized to make the following listed change(s), operative on the date of
6 approval, as follows:

7 Job
8 Code +/- Department ID Class Title
9 78534 + 3 2200100000 Deputy District Attorney IV