

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

108



SUBMITTAL DATE:
November 19, 2011

FROM: Law Offices of the Public Defender

SUBJECT: Acceptance of Public Safety Realignment Act of 2011 (AB 109) funding for the Public Defender and Amendment of Ordinance No. 440 pursuant to Resolution 440-8875 submitted herewith.

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve the utilization of \$829,129 of AB 118 Local Revenue 2011 funding during the remainder of FY 11/12 to implement criminal justice realignment measures as outlined in AB 109 and approved by the Riverside County Community Corrections Partnership Executive Committee.
2. Approve and direct the Auditor-Controller to make the budget adjustments as outlined in the attached Schedule A for FY 2011/12.
3. Amend Ordinance No. 440 pursuant to Resolution 440- 8875 submitted herewith.

BACKGROUND: (Continued on Page 2)

The implementation of AB 109 will result in a significant increase in workload for the Public Defender. This anticipated increase stems from the change in sentencing laws created by new

[Signature]
Gary Windom, Public Defender

FINANCIAL DATA	Current F.Y. Total Cost:	\$829,129	In Current Year Budget:	No
	Current F.Y. Net County Cost:	\$0	Budget Adjustment:	Yes
	Annual Net County Cost:	\$0	For Fiscal Year:	11/12

SOURCE OF FUNDS: AB 118	Positions To Be Deleted Per A-30	<input checked="" type="checkbox"/>
	Requires 4/5 Vote	<input checked="" type="checkbox"/>

C.E.O. RECOMMENDATION: APPROVE

County Executive Office Signature BY: *[Signature]*
Elizabeth J. Olson

- Policy
- Policy
- Consent
- Consent

FISCAL PROCEDURES APPROVED
 PAUL ANGULO, CPA, AUDITOR-CONTROLLER
 BY: *[Signature]*
 SAMUEL WONG
 currency

Shawn Atin
 Assistant Human Resources Director

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

Prev. Agn. Ref.: 08/16/11 3.70, 10/18/11 3.42 | District: All | Agenda Number:
ATTACHMENTS FILED WITH THE CLERK OF THE BOARD

3.26

Acceptance of Public Safety Realignment Act of 2011 (AB 109) funding for the Public Defender and Amendment of Ordinance No. 440 pursuant to Resolution 440-8875 submitted herewith.

BACKGROUND continued

legislation. Clients that were previously sentenced to prison and placed on parole will now stay in our jails and community. This means a portion of the existing felony caseload will require more time, training, and staff to create individually appropriate sentences and access to rehabilitation services for suitable clients. Further, the legislation requires that the Public Defender represent individuals in Parole/Post-release Community Supervision hearings. This will create an entirely new category of cases with additional court appearances and clients that were previously handled at the State level.

The distribution of AB 109 funds for training, implementation, and planning falls under the purview of the Community Corrections Partnership Executive Committee (CCPEC). However, there were designated state allocations for the District Attorney, Public Defender and the Superior Courts are not subject to the CCPEC. The Public Defender portion of that allocation is \$377,710.

On September 26, 2011, the CCPEC received budget requests and presentations from all involved departments and on October 11, 2011 approved a total budget for the Public Defender in the amount of \$829,129. This amount is a combination of the allocation determined by the Public Safety Realignment Act in the amount of \$377,710 and an additional amount of \$451,419 voted on by the CCPEC. This amount accounts for staffing through the end of the 2011/2012 fiscal year. It also includes a separate amount of \$15,502 to be used as one-time start-up costs such as hiring, retention, creation of data systems, training, and related activities.

Attached is the summary of Public Defender impacts and anticipated strategies previously submitted to the Board by the Probation Department as part of the "Preliminary 2011 Implementation Plan." This summary details how the Public Defender will address this additional workload.

Schedule A

**Riverside County Public Defender
Public Safety Realignment Act of 2011 (AB109)
Fiscal Year 2011/12**

Increase Appropriations:

10000-2400100000-510040	Regular Salaries	\$ 520,243
10000-2400100000-518100	Budgeted Benefits	\$ 293,384
10000-2400100000-527840	Training-Education/Tuition	<u>\$ 15,502</u>
		\$ 829,129

Increase Estimated Revenue:

10000-2400100000-755900	CA-AB118 Local Revenue	\$ 829,129
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RESOLUTION NO. 440-8875

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

<u>Job Code</u>	<u>+/-</u>	<u>Department ID</u>	<u>Class Title</u>
78554	+ 3	2400100000	Deputy Public Defender IV
13931	+ 3	2400100000	Legal Support Assistant II
37563	+ 2	2400100000	Public Defender Investigator II
79875	+ 1	2400100000	Social Services Worker III



County of Riverside
Public Safety Realignment
&
Post-release Community Supervision

Preliminary
2011 Implementation Plan

Executive Committee of the Community Corrections Partnership

Alan M. Crogan, Chief Probation Officer, Chair
Sherrill Ellsworth, Presiding Judge
Paul Zellerbach, District Attorney
Gary Windom, Public Defender
Stanley Sniff, Sheriff
Jerry Wengerd, Director, Department of Mental Health
Patrick Williams, Chief, Police Department

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IV. PUBLIC DEFENDER

Impact of Realignment on the Law Office of the Public Defender

The realignment as a result of AB 109 will add to the workload of the Law Office of the Public Defender as more clients need to be handled and more complex dispositions need to be arranged to appropriately sentence clients on the local level. The Public Defender is working cooperatively with other agencies to avoid duplication of services and an effective division of the workload. We initially anticipate that the additional workload as a result of AB 109 will impact our office in two specific ways:

First we will be impacted by clients who would have been sentenced to state prison and had their rehabilitation needs assessed and addressed by the California Department of Corrections and Rehabilitation. As a result of the AB 109 Realignment, many of these clients will now remain within the jurisdiction of Riverside County. They will either be physically placed in county jail or other appropriate community release programs. The Public Defender will become responsible for working with other agencies to determine the most appropriate placement or alternative sentence available for these clients to insure that they receive the appropriate disposition for their case, any rehabilitation available is utilized, and the jails do not become overcrowded. However, this will create additional court appearances for our attorneys as these cases are reviewed by our office, probation, the court, and other partner agencies to make these assessments. It also will necessitate more case work to successfully set up alternative sentence plans.

The second anticipated impact is with those clients who violate the terms of their parole and must be addressed on a local level. We currently do not represent individuals in parole hearings. We anticipate an increase in our workload and would require specific additional training as we take on this new responsibility to represent these clients in their parole hearings. This would include visiting with them in the jails throughout the county, and working with other agencies to place them in appropriate alternative sentencing programs to address their rehabilitation needs. It is difficult to predict how much of an impact this will have until we have more data and a concrete plan for how these violation hearings will be handled by the Court and where the Court will hear these parole hearings within the county.

The Public Defender staff already assists clients with effective placement in drug treatment and other service programs each year. Additionally, our paralegals assist individuals each year who are seeking to "clean up" their records of criminal arrests and/or convictions. Our paralegals help remove significant barriers to employment, housing, public benefits, civic participation, immigration and attainment of other social, legal and personal goals. They currently prepare and file legal motions in court, conduct regular community outreach, hold clinics at community-based sites, and collaborate with other community partners to assist low income individuals who are most heavily impacted by the criminal justice system. It is anticipated that the demand for these programs will increase under AB 109.

Anticipated Realignment Team

We will make every effort to maximize resources that already exist within the Law Office of the Public Defender. This will mean providing new training to existing attorneys and staff to learn how to handle parole issues and how to effectively utilize alternative sentencing plans.

We will need added attorneys to make additional court appearances and represent those who are entitled to parole hearings, an obligation we did not previously have. We also anticipate the need to hire support staff that are experienced in working to identify programs; familiar with eligibility requirements; and can be responsible for designing alternative sentencing strategies. Further, additional paralegal or clerical resources may be necessary to provide assistance to individuals subject to community supervision who need to "clean up" their records or obtain other assistance to be successful upon their release.

The volume of hearings, as well as the protocol that is set up for handling these hearings and clients, will ultimately determine the actual resources that are required.

Budget for the Public Defender AB 109 Program

	Form 11 Positions		
	FY 11/12 rates @ top step	Full Year Total	@ 9 month Total
	Salary	Benefits	Total
Deputy Public Defender IV	\$141,128	\$54,453	\$195,581
Deputy Public Defender IV	\$141,128	\$54,453	\$195,581
Deputy Public Defender IV	\$141,128	\$54,453	\$195,581
Social Services Worker III	\$57,831	\$27,505	\$85,336
Legal Support Assistant II	\$44,583	\$23,611	\$68,194
Legal Support Assistant II	\$44,583	\$23,611	\$68,194
Legal Support Assistant II	\$44,583	\$23,611	\$68,194
PD Investigator II	\$77,403	\$36,240	\$113,643
PD Investigator II	\$77,403	\$36,240	\$113,643
Totals	\$769,770	\$334,178	\$1,103,948

\$813,627