

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

925



**FROM:** District Attorney

**SUBMITTAL DATE:**

March 19, 2013

**SUBJECT:** Approve the utilization of funding for FY 12/13 for the District Attorney's efforts related to AB109 as approved by the Community Corrections Partnership Executive Committee and direct the Auditor-Controller to adjust the budget as specified in Schedule A attached.

**RECOMMENDED MOTION:** That the Board of Supervisors:

- 1) Approve the utilization of funding for FY 12/13 for the District Attorney's efforts related to AB109 as approved by the Community Corrections Partnership Executive Committee.
- 2) Approve and direct the Auditor-Controller to adjust the budget as specified in Schedule A.

**BACKGROUND:**

(Commences on page 2)

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

<b>FINANCIAL DATA</b>	Current F.Y. Total Cost:	\$35,704.00	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 12/13

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

**C.E.O. RECOMMENDATION:** APPROVE

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

FORMAL APPROVED COUNTY COUNSEL  
 BY:  DAVID H.K. HUFF  
 DATE: 3/25/13  
 Departmental Concurrence:  Patricia Rose  
 FISCAL PROCEDURES APPROVED  
 BY:  PAUL LANGHLO, CPA, AUDITOR-CONTROLLER

Department Recommendation:  Consent  Policy  
 Per Executive Office:  Consent  Policy

**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 direct Auditor-Controller to adjust budget according to Schedule A.

**DATE:** March 19, 2013

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In 2011, Governor Edmund G. Brown Jr. signed Assembly Bills 109 and 117, commonly referred to as Public Safety Realignment. The stated 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, and/or non-registerable sex crimes. As a result of the legislation, since October 1, 2011, offenders convicted the "three nons," have been incarcerated in our local jails, instead of state prisons, and have been supervised after their release by our Probation Department, rather than the California Department of Corrections and Rehabilitation. Additionally, offenders who violate the terms of their release are now being prosecuted in Superior Court by the District Attorney.

To support ongoing Realignment efforts and to better meet the needs of the community, for Fiscal Year 2012-13, funding allocations to the County of Riverside were increased. While still woefully insufficient, the amounts are as follows:

- Post-Release Community Supervision & Local Incarceration: \$43,183,181
- Planning (One-Time Money): \$ 200,000
- District Attorney & Public Defender (Specifically Designated): \$ 852,762

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:

- Chief Probation Officer
- Sheriff
- District Attorney
- Public Defender
- Director of Mental Health
- Presiding Judge of the Superior Court
- A Chief of Police Representing All County Chiefs of Police

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. The budget was accepted and adopted by the CCPEC.

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As it relates specifically to the District Attorney's Office budget submission for Fiscal Year 2012-13, by law, the District Attorney and the Public Defender will share equally in the fund specially designated for them. Accordingly, each office will receive \$426,381. The CCPEC determined that the District Attorney would receive \$797,863 from the Post-Release Community Supervision & Local Incarceration fund. This represents less than 2% of the total amount of money under the control of the CCPEC.

The District Attorney's Office initially budgeted \$ 1,188,540 for AB-109, Criminal Justice Realignment for fiscal year 2012–2013. In the final plan from the Community Corrections Partnership the District Attorney's Office received a total funding amount of \$ 1,224,244 that requires an adjustment to the District Attorney's budget as outlined in Schedule A.

This District Attorney will use the funding for on-going costs to generally support prosecution efforts related to the implementation of Realignment, including, but not limited to prosecuting 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 presented to the CCPEC in July of 2012, and submitted to the Board of Supervisors as part of the "AB 109 Implementation Plan" involves both the reassignment of current staff as well as the recruitment and hiring of new staff.

We are not anticipating any additional net county cost in the current fiscal year for this program.

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

Schedule A

**Increase Appropriations:**

10000-2200100000-510040	Regular Salaries	\$	35,704
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**Increase Estimated Revenue:**

10000-2200100000-755900	CA: AB118 Local Revenue	\$	35,704
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