

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

920



FROM: Executive Office

SUBMITTAL DATE:
January 9, 2014

SUBJECT: Support for Additional Realignment Funding from the State, all Districts

RECOMMENDED MOTION: That the Board of Supervisors:

1. Support the recommendation by the County of Los Angeles that the State of California increase local AB109 allocations so that adequate funds are available to provide operational capacity, systems integration and jail facility improvements necessary to address the needs of the AB109 population.
2. Authorize Jay Orr, CEO, to work with the Riverside legislative delegation, other counties, California State Association of Counties and County lobbyists to advocate that the Governor and Legislature provide essential realignment funding to all counties.

BACKGROUND:

Summary

California's Public Safety Realignment Act of 2011 (AB109) transferred jurisdiction for managing lower level offenders (non-violent, non-serious, non-sexual, or N3) from the State to counties and provided funding to support some of the essential supervision and services necessary to prevent recidivism. Under realignment offenders who complete prison sentences are sent back to counties for supervision by Probation. New offenders whose most recent crime fits the N3 criteria are housed in local jails for the

Alex Gann

Alex Gann
Deputy CEO

Departmental Concurrence

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	\$	\$	\$	\$	Consent <input type="checkbox"/> Policy <input checked="" type="checkbox"/>
NET COUNTY COST	\$	\$	\$	\$	

SOURCE OF FUNDS: N/A

Budget Adjustment:
For Fiscal Year:

C.E.O. RECOMMENDATION:

APPROVE

BY: *George A. Johnson*
George A. Johnson

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Ashley, seconded by Supervisor Benoit and duly carried, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Jeffries, Stone, Benoit and Ashley
Nays: None
Absent: Tavaglione
Date: January 14, 2014
xc: E.O.

Kecia Harper-Ihem
Clerk of the Board
By: *Kecia Harper-Ihem*
Deputy

- A-30
- Positions Added
- 4/5 Vote
- Change Order

Prev. Agn. Ref.:

District:

Agenda Number:

3-19

**SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA
FORM 11: Support for Additional Realignment Funding from the State, all Districts**

DATE: January 9, 2014

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BACKGROUND:

Summary (continued)

duration of their sentences. One Riverside County offender's sentence is 12 years 8 months, considerably longer than the usual one year time period that inmates were sentenced to jail prior to realignment. Under realignment probation and parole violators spend their time in county jails. California's jails were not designed or built to house inmates for extended periods of time and nearly all counties are now releasing inmates since there are insufficient rated beds available. The Riverside County Sheriff's Department released 9,296 inmates early during calendar 2013 and has already released 194 inmates in the first week of 2014. As of the first week of January 2014 724 inmates, approximately 19.2% of the total jail population (3,906 beds) were booked directly or sentenced to jail due to realignment. In testimony last March before the Little Hoover Commission, CSAC Executive Director Matt Cate stated, "In many California counties, sheriffs are routinely setting aside decisions made in courtrooms regarding flight risk, the gravity of offenses, county bail schedules and constitutional rights of detainees and victims of crime because they need to free up bed space for other detainees."

Although Riverside County has the greatest number of early releases in the state, no county has sufficient state funding to fully implement all of the programs necessary to reduce recidivism and move offenders toward self-sufficiency. Probation's current active realignment caseload is 2,868 (post release community supervision and mandatory supervision.) More than half of these probationers are at high risk for reoffending. During the last quarter of 2013 the Department of Mental Health provided either mental health or substance abuse treatment for 1,148 realigned offenders as well as nearly 3,000 nights of emergency housing for 81 individuals. Realigned offenders require more services, more treatment and greater oversight due to their high risk for reoffending than other managed populations; additional resources would provide increased staffing at all levels of the criminal justice system, additional treatment, more community based services at day reporting centers, the ability to house offenders who could then participate in electronic monitoring programs and enhanced job search and training opportunities, family therapy and resources including clothing, transportation and online access to job postings so that offenders can begin the process of community living and success. The County's five jails are spread from Blythe to French Valley, Indio to Banning and Riverside and the constant movement of inmates to manage the jail population greatly stresses the Sheriff's corrections transportation system. Additional resources (as well as additional jail beds) are essential.

California has started to see the tremendous savings that realigning offenders to the local level provides. However, the counties should not have to commit already thinly stretched local tax dollars to this effort in order to succeed. The Governor and Legislature need to work with the counties to achieve success and an initial step in insuring counties have the resources they need is for the Governor and Legislature to ensure that additional, adequate funds are provided to counties.

Impact on Citizens and Businesses

Programs that assist offenders to return to the community and become self-sufficient as well as abandoning a life of crime benefits every citizen by increasing public safety and reducing crime, particularly property crimes and those against persons. Businesses are less likely to be hampered by criminal activity and can increase hiring and productivity.

SUPPLEMENTAL:

Additional Fiscal Information

N/A

Contract History and Price Reasonableness

N/A

Attachment: Letter from William T. Fujioka, Chief Executive Officer, County of Los Angeles



County of Los Angeles CHIEF EXECUTIVE OFFICE

Kenneth Hahn Hall of Administration
500 West Temple Street, Room 713, Los Angeles, California 90012
(213) 974-1101
<http://ceo.lacounty.gov>

WILLIAM T FUJIOKA
Chief Executive Officer

Board of Supervisors
GLORIA MOLINA
First District
MARK RIDLEY-THOMAS
Second District
ZEV YAROSLAVSKY
Third District
DON KNABE
Fourth District
MICHAEL D. ANTONOVICH
Fifth District

December 19, 2013

Mr. Jay Orr
County Executive Officer Riverside County
Riverside, CA 92501

Dear Mr. Orr:

On December 17, 2013, the Los Angeles County Board of Supervisors unanimously adopted a motion in support of advocating in Sacramento for an immediate increase to the statewide allocation for the AB 109 Program to provide adequate resources for counties to make critical investments in operational capacity, systems integration and jail facility improvements to address the AB 109 population. Attached is a copy of our memo related to this issue.

While the enactment of AB 109 was designed to reduce prison overcrowding, address ongoing litigation and alleviate the State's fiscal deficit, the transfer of responsibilities from the State to counties has exacerbated the stresses on our operational capacity both within our jails and throughout our communities. Even with guaranteed funding made possible through the passage of Proposition 30 of 2013, current funding levels are woefully inadequate for counties to ensure successful implementation of the AB 109 Program.

As you know, since the implementation of AB 109 in 2011, counties have been severely burdened with the responsibility to address the needs of the AB 109 population particularly as it relates to their medical and mental health needs. In fact, several counties are already facing lawsuits which are modeled after the litigation against the State and focus on subpar medical and mental health care in local jail facilities.

It is clear that in order to avoid the costly litigation that has plagued the State for many years, counties must address the operational, physical and clinical infrastructure issues presented by AB 109 that many, if not all, counties are currently grappling with.

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Mr. Jay Orr
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In Los Angeles County, we have identified major shortfalls within the health and mental health services system to address the needs of the AB 109 population who has presented us with significantly higher rates of serious illness than anticipated. Within the jails, we are now tasked with housing more serious inmates for longer periods of time. This new dynamic has created serious population management challenges and has required us to transform our jail medical and mental health services from a focus on episodic and short-term services to chronic and continuity of care services. The long-term cost of the jail population challenges and clinical infrastructure needs was not clearly contemplated when AB 109 was enacted.

As you know, the State has begun to realize significant savings as a result of AB 109 and is poised to see additional savings in the billions of dollars in the coming years. **Therefore, I strongly urge you to join Los Angeles County and work with your delegation to advocate with the Governor and the Legislature to provide additional funding to all counties to support the necessary operational expansions, systems integration and jail facility improvements required by AB 109 to guarantee program success and support future systemic changes.**

I look forward to working with you on this critical issue facing California counties.

Sincerely,



WILLIAM T FUJIOKA
Chief Executive Officer

WTF:RA
MR:KA.ma

Attachment



County of Los Angeles
CHIEF EXECUTIVE OFFICE

Kenneth Hahn Hall of Administration
 500 West Temple Street, Room 713, Los Angeles, California 90012
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<http://ceo.lacounty.gov>

WILLIAM T FUJIOKA
 Chief Executive Officer

December 12, 2013

To: Supervisor Don Knabe, Chairman
 Supervisor Gloria Molina
 Supervisor Ridley-Thomas
 Supervisor Zev Yaroslavsky
 Supervisor Michael D. Antonovich

From: William T Fujioka
 Chief Executive Officer

Board of Supervisors
 GLORIA MOLINA
 First District

MARK RIDLEY-THOMAS
 Second District

ZEV YAROSLAVSKY
 Third District

DON KNABE
 Fourth District

MICHAEL D. ANTONOVICH
 Fifth District

**ADVOCACY TO INCREASE FUNDING FOR OPERATIONS, SYSTEMS
 INTEGRATION AND FACILITY IMPROVEMENTS RELATED TO IMPLEMENTATION
 OF THE 2011 PUBLIC SAFETY REALIGNMENT AND AB 109**

Implementation of the 2011 Public Safety Realignment and AB 109 represented a major shift in California's justice system, transferring the State's responsibility for custody, community supervision, and rehabilitation of certain inmates to California's counties. While AB 109 was designed to reduce the State's prison population, address ongoing litigation and alleviate its fiscal deficit, the shift has exacerbated the stresses on the counties' jail system's physical and clinical resource capacity to address the housing, medical, and mental health needs of the new population of inmates. Even with guaranteed funding for the new AB 109 responsibilities, made possible through the passage of Proposition 30 of 2013, current funding levels fall far short of what the County of Los Angeles needs to ensure full and successful implementation of AB 109.

We recommend the Board:

1. Send a five-signature letter to the Governor, Legislative Leadership, and the Los Angeles County Legislative Delegation requesting an immediate increase to funding for:
 - Operations and systems integration to effectively provide the needed treatment services and supervision for AB 109 offenders supervised in the community, as well as appropriate clinical and mental health care within the jails;

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- Infrastructure and facilities improvements to adequately address population management and the needs of AB 109 inmates, especially those with acute and chronic illness and serious mental health issues.
2. Instruct the Chief Executive Officer to urge the California State Association of Counties and its member counties to support and advocate this request.

DISCUSSION

The objective of the State's implementation of AB 109 was to reduce the State prison population to comply with the Federal three-judge panel's order to address ongoing constitutional issues related to health and mental health care in the prison system and to reduce the State's budget deficit. After two years of realignment, counties have absorbed the realigned inmate population, but have also assumed the responsibility to address their associated medical and mental health needs without adequate State investment in systems integration, operational needs in the community, and infrastructure and facilities improvements.

To successfully implement AB 109 and avoid the costly litigation that has plagued the State, it is clear that counties must address these operational, physical, and clinical infrastructure issues. Since implementation of AB 109, several of California's counties are already facing class action lawsuits filed by attorneys advocating for inmates' rights. These lawsuits are modeled after the litigation against the State and focus on subpar medical and mental health care in local jail facilities.

Operations and Systems Integration

Funding for AB 109 has been insufficient for the County to fully invest in the required systems integration and operational improvements needed to effectively provide adequate levels of treatment services and supervision for the AB 109 offenders supervised in the community, as well as appropriate clinical and mental health care within the jails.

The Department of Mental Health has identified significant shortfalls within its community mental health services system to address the mental health needs of the AB 109 population, which has presented much higher acuity and rates of serious mental health issues than originally estimated. Based on current utilization rates for acute inpatient care, State hospital and Institutions for Mental Disease beds, the current amount of funding allocated for these levels of care needs to be doubled to adequately address those offenders that require this type of treatment.

In addition, the current number of community-based specialized residential treatment beds is also inadequate to meet the needs of individuals who have co-occurring mental health and substance use disorders. Outpatient mental health and co-occurring substance abuse treatment services is also insufficient to meet the needs of AB 109 offenders supervised in the community.

Within the jails, the Sheriff, Health Services, and Mental Health Departments have had to transform medical and mental health services from a focus on episodic and short-term services to chronic and continuity of care services. This integration of services will ultimately improve medical and mental health care for inmates, but the long-term financial cost was not clearly contemplated in the AB 109 funding allocation.

The County is already facing increases in the unreimbursed medical costs for inmates compared to the pre-AB 109 baseline, attributable to a 15 percent increase in the number of inmates admitted to the acute hospital, a 30 to 40 percent increase in the number of referrals for a broader spectrum of ongoing specialty care and diagnostic services, a number of medically necessary surgical procedures for long-term AB 109 inmates, and corresponding drug costs.

Similarly, the County's AB 109 funding allocation has not been sufficient to increase jail mental health staffing proportionate to the increase in mentally ill AB 109 inmates. Lack of staffing and adequate and suitable treatment space seriously impedes the County's ability to provide effective and evidence-based mental health care within the custodial setting, as well as appropriately transition inmates to community care.

Jail Infrastructure

County jails were designed, and have been traditionally used, as holding facilities for individuals awaiting adjudication of their cases and as short-term lock-ups for low-risk, locally-sentenced inmates. In-custody medical and mental health services were likewise not designed for inmates with long-term sentences. However, post-AB 109, the County jail is now tasked with housing more serious inmates for longer periods of time.

Within the span of two years, the Los Angeles County jail population has increased by 23 percent from 15,400 to over 19,000 inmates, including 6,200 AB 109 inmates. In order to provide the capacity to accommodate this new population, who are all serving the full length of their sentence; other locally sentenced inmates now only serve 10 to 40 percent of their term. Compared to a pre-AB 109 average sentence of one year, AB 109 inmates are serving an average two and a half year sentences, with some inmates serving much more, including one sentenced to a 42-year term. The average

AB 109 inmate is now occupying a jail bed that would have otherwise been available for two inmates during the same span of time.

Furthermore, 50 percent of the AB 109 inmates have been classified as medium to high risk, requiring additional staff to maintain a safe and secure custody environment for both staff and inmates. Currently, 350 AB 109 inmates are housed in long-term single cell or restricted housing due to safety and security issues. This has required the Sheriff to convert the jail system's limited available double or multi-person units to one-man cells to house these inmates.

Funding Adequacy

The State has already begun realizing general fund savings as a result of realignment. According to the California Department of Corrections and Rehabilitation's (CDCR) report, *The Future of California Corrections: A Blueprint to Save Billions of Dollars, End Federal Oversight and Improve the Prison System*, the State is poised to realize annual net savings in the billions of dollars.

Fiscal Year	CDCR Realignment Savings (A)	AB 109 Statewide Funding (B)	AB 109 Funding as a % of CDCR Savings	CDCR's Net Savings Available for AB 109 (A minus B)
2011-12	\$0.43 billion	\$0.37 billion	86%	\$0.06 billion
2012-13	\$1.00 billion	\$0.87 billion	87%	\$0.13 billion
2013-14	\$1.60 billion	\$1.02 billion	64%	\$0.58 billion
2014-15	\$2.68 billion	\$0.95 billion	35%	\$1.73 billion
2015-16	\$3.63 billion	\$0.95 billion	26%	\$2.68 billion

Furthermore, the Legislative Analyst's Office recently projected State operating surpluses of billions of dollars in the coming years, growing to approximately \$10 billion by Fiscal Year 2018-19. The State should use some of these funds to reduce the significant burden that AB 109 has placed on county governments, particularly the County of Los Angeles, and provide needed investment to ensure its successful implementation.

CONCLUSION

Current funding levels fall far short of what the County of Los Angeles needs to ensure full and successful implementation of AB 109. It is clear that the AB 109 funding allocation has been insufficient for the County to make investments in systems integration and operational improvements to effectively provide treatment services and

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supervision for AB 109 offenders supervised in the community, as well as appropriate clinical and mental health care within the jails. The State must provide more funding to allow counties to make these needed investments.

In order to provide the necessary level of long-term custody housing and medical and mental health care, the County jail system's physical and clinical infrastructure must also be expanded. The State's existing capital projects grants, such as AB 900, were developed prior to the implementation of AB 109 and are not adequate to address the needs of county jails in a post-AB 109 environment. Additional funding is needed to reflect the long-term housing and medical and mental health needs of the AB 109 population.

Given the significant fiscal savings projected by the CDCR and economists' consensus of ongoing economic recovery, the State must provide all California counties with adequate funding to support the necessary operational improvements, systems integration, and jail facility improvements required by AB 109. This funding will ensure the provision of appropriate community treatment and supervision, as well as housing and effective custodial medical and mental health care for AB 109 offenders.

Should you have any questions, please contact Georgia Mattera, Public Safety, at (213) 893-2374, or Ryan Alsop, Office of Intergovernmental and External Affairs, at (213) 974-1100.

WTF:GAM:RA
SW:DT:ilm

c: Executive Office, Board of Supervisors
County Counsel
Sheriff
Health Services
Mental Health

PS.AB109.Advocacy to Increase Funding.brn.121213