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BOARD OF SUPERVISORS

Cyndee L.
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BOARD OF SUPERVISORS

COMMUNICATION RECEIVED & FILED *(Non-Action Item On Board Agenda)*

AGENDA: September 20, 2011

FROM: Department of Probation

SUBJECT: AB 109 and AB 117: Public Safety Realignment Plan Update

COPIES TO:

- EACH SUPERVISOR
- COUNTY EXECUTIVE
- COUNTY COUNSEL
- COUNTYWIDE SERVICES AGENCY
- INTERNAL SERVICES AGENCY
- MUNICIPAL SERVICES AGENCY
- OTHER: DEPARTMENT OF FINANCE

**C O U N T Y O F S A C R A M E N T O
C A L I F O R N I A**

For the Agenda of:
September 20, 2011
"Communications Received and Filed"

To: Board of Supervisors
From: Probation Department
Subject: AB 109 and AB 117: Public Safety Realignment Plan Update

Supervisorial
District(s): ALL
Contact: Don L. Meyer, Chief Probation Officer
Community Corrections Partnership Chair

INTRODUCTION

As part of the FY 11-12 State Budget, a new public safety realignment law (AB 109) was enacted to shift the responsibility for managing low level offenders from the State to the counties. The Community Corrections Partnership (CCP), as outlined in SB 678, is responsible for developing a realignment plan to describe how this new population of offenders will be addressed in Sacramento County. Public safety realignment becomes effective on October 1, 2011 and is prospective - no state prison inmates will be transferred to county jails at that time. The CCP expects to have a realignment plan by late October. The law does not require a plan to be in place by October 1, 2011. The Community Corrections Partnership needs time to develop an appropriate plan that will be sufficient to meet the needs of the County while maintaining public safety.

RECOMMENDATION

Receive and file this report.

DISCUSSION

Chaptered in 2011, AB 109 and AB 117 shift the responsibility for managing low level offenders from the State to Counties. This public safety realignment is effective October 1, 2011. It is achieved by sentencing changes which prevent non-violent, non-serious and non-sex offenses from being sentenced to prison and by allowing defendants to be housed in the local jail for more than 1 year with time being served in jail, on probation or with alternative custody options. Furthermore, offenders released from prison that have a current non-violent, non-serious conviction, or are a low to moderate risk sex offender will be sent to Counties for local supervision. No state prison inmates will be transferred to county jails.

The Community Corrections Partnership (CCP) is responsible for developing a realignment plan to describe how this new population of offenders will be addressed in Sacramento County. The

CCP is in the process of developing an appropriate plan that will be sufficient to meet the needs of the County while maintaining public safety and addressing the intent of the legislation.

The CCP Executive Committee will vote on the plan and will submit it to the Board of Supervisors for approval. The CCP Executive Committee members include:

- Chief Probation Officer (Statutory Chair)
- Chief of Police
- Sheriff
- District Attorney
- Public Defender
- Presiding Judge or his/her designee
- Countywide Services Agency Administrator (Board Designee)

On July 26, 2011, the Board of Supervisors adopted a resolution which designated Probation as the agency responsible for providing Post Release Community Supervision for inmates released from prison.

Sacramento County will be receiving \$13.1 million for the last nine months of Fiscal Year 2011-12 to implement the public safety realignment plan. There is an additional \$471,018 designated 50%-50% to the District Attorney and Public Defender Offices for parole revocation proceedings; \$200,000 is allocated in one-time funding for use by the CCP for planning purposes; and \$927,200 is allocated for one time start-up funding for program implementation and training.

At the time of this letter, the CCP has held 5 meetings and continues to convene regularly. The CCP is subject to the Brown Act, and members of the public are also attending regularly. The CCP consultant has been working with member departments to gather data to develop programs. To date, the CCP has reviewed the following four programs which are listed in the order they were submitted:

1. Sheriff's Home Detention (electronic monitoring/global position system(GPS); Projected Budget: \$2,554,816; Start Up Costs: \$329,248
2. Re-Opening of Roger Bauman Facility at the Rio Cosumnes Correctional Center (reception center and additional bed space); \$6,484,734; Start Up Costs:\$201,779
3. Post Release Community Supervision (Adult Day Reporting Center, Probation services and supervision for inmates released from prison and sentenced locally) Projected Budget: \$5,085,415; Start Up Costs: \$477,090
4. Pretrial Release/Supervised OR (assessment based release of pre-trial jail inmates) Projected Budget: \$2,212,002; Start Up Costs:\$106,000

The projected budgets for just these programs exceed the allocation of \$13.1 million with multiple program proposals outstanding and still pending submission. The CCP will evaluate all possible alternatives for programs with different staffing and cost proposals in order to determine the best use of the \$13.1 million allocation within the legislative intent.

AB 109, Ch.15, Section 229(1),(3),(7) indicates, "The Legislature reaffirms its commitment to reducing recidivism among criminal offenders.....Criminal justice policies that rely on building and operating more prisons to address community safety concerns are not sustainable, and will not result in improved public safety....Fiscal concerns and programs should align to promote a justice reinvestment strategy that fits each County. Justice reinvestment is a data-driven approach to reduce corrections and related criminal justice spending and reinvest savings in strategies

designed to increase public safety. The purpose of justice reinvestment is to manage and allocate criminal justice populations more cost-effectively, generating savings that can be reinvested in evidence-based strategies that increase public safety while holding offenders accountable.

CONCLUSION

The CCP expects to have a realignment plan submitted to the Board of Supervisor for approval by late October, 2011.

cc: Community Corrections Partnership members, County Counsel, Bruce Wagstaff, Agency Administrator Countywide Services, Brad Hudson, County Executive Officer, Tom Burkart, County Budget Officer, Navdeep Gil, Chief Operations Officer, Lynn Wynn, Principal Administrative Analyst, Fred Campbell, Consultant Criminal Justice Research Foundation

*Submitted by
Topo Padilla
9/20/11*
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Executive Summary

The bail industry is regulated by California Department of Insurance. Bail agents are in fact licensed insurance agents.

"A Bail Bond is an Insurance Policy that guarantees a persons appearance in court. This Insurance Policy is an agreement between the bail agency and the court that guarantees the court appearances. If the defendant appears in court as ordered then the bail bond will not be in jeopardy; however, if the defendant fails to appear in court, the bail agency has 180 days to return the defendant to court. If the defendant is not returned to court the court will enter Summary Judgment against the bail agent and the full amount of the bail bond must be paid to the court."

When a bail agent negotiates a bail bond they do so by obtaining a vast amount of personal information from the defendant as well as requiring a co-signor for the bail bond. This co-signor can be a family member or a friend that will financially guarantee the bond to the bail agent. The cost of a bail bond is 10% of the bail amount. Therefore, when a bail agent posts a bond with the court, the defendant's appearance is not only guaranteed by the bail agent it is also backed by family members and or friends. If and when a defendant fails to appear in court the bail agent has 180 days to return the defendant to court. The agent takes this task on at no cost to the taxpayers. It is the agreement that binds the bail agent to either return the defendant or pay the full amount of the bond.

Sacramento County Warrants September 2011

The source of this information is from the Sacramento County Sheriff's Department

Level of Warrant	Quantity	Sum of Warrants
Felony	6,071	\$153,821,047.06
Misdemeanor	90,608	\$197,406,354.71
TOTAL	96,679	\$351,227,401.77

Forfeited Bail Bonds in Sacramento September 2011

The source of this information is from the Sacramento Superior Court Bond Unit

Bond Status	Quantity
Current Active Warrants	96,679
Current Active Warrants that Defendant was released on a Bail Bond	144
Current Active Warrants that Defendant was released on a Promise to Appear	96,535

This report was prepared with information obtained from the Sacramento County Sheriff's Department. The purpose of the report is to obtain the average bail on individuals that are in-custody in the Sacramento County Jails.

Total Number of Inmates in Sacramento County Jail	4089
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Status	Number of Inmates	Total Bail Amount	Average Bail Amount
Inmate has No Bail only	2769	\$ 0	\$ 0
Inmate has Bail & No Bail	588	\$ 283,227,906.00	\$ 481,680.11
Inmates are Eligible for Bail	732	\$ 363,354,207.00	\$ 496,385.53
Inmates Eligible for Bail with the following:			
Bail equal/above \$1,000,000.00	107	\$ 273,917,087.00	\$ 2,559,973.00
Bail equal/above \$500,000.00 (and less than \$1,000,000)	32	\$ 19,534,500.00	\$ 610,453.00

The Average bail for Defendant's Eligible for Bail

Status	Number of Inmates	Total Bail Amount	Average Bail Amount
Inmates are Eligible for Bail	732	\$ 363,354,207.00	\$ 496,385.53