

APPROVED  
BY RESOLUTION # 2011-0755E 2011-0756  
BOARD OF SUPERVISORS

09 25 2011  
By *Cyndi Lee*  
Clerk of the Board

COUNTY OF SACRAMENTO  
CALIFORNIA

For the Agenda of:  
October 25, 2011

To: Board of Supervisors

From: District Attorney's Office  
Public Defender's Office

Subject: Retroactive Approval Of 2011 Public Safety Realignment Revenue For Post Release Community Supervision Revocation Activities To Include 1.0 FTE Attorney, Lv V, Position For District Attorney And 1.0 FTE Attorney, Lv V, Position For Public Defender (SRA 2012-080B); And Approval Of Appropriation Adjustment Request For \$471,018 In Fiscal Year 2011-12 (AAR No. 2012-2011)

Supervisorial  
District: All

Contact: Sue Elliott, Chief of Administrative Services, 874-5126  
Rhonda Engellenner, Administrative Services Officer III, 874-6999

**Overview**

Assembly Bill (AB) 109 is a new law enacted to shift responsibility for managing certain offenders from the state to the counties effective October 1, 2011, and transferring responsibility from the Board of Prison Hearings to county courts to conduct revocation hearings for inmates released from state prison on Post Release Community Supervision (PRCS). State revenue totaling \$471,018 has been identified for nine months in Fiscal Year 2011-12 to be divided equally between the District Attorney (DA) and Public Defender (PD). The DA will use the funds to add 1.0 FTE Attorney, Lv V, position, 2.0 FTE temporary Legal Research Assistants, and transcription services. The PD will add 1.0 FTE Attorney, Lv V, and 1.0 FTE temporary Investigative Assistant; the remainder will be used for case related costs and to reimburse Conflict Criminal Defenders for the costs associated with conflicts. This item is retroactive due to on-going discussions regarding the overall public safety realignment plan within the County of Sacramento.

**Recommendation**

1. Approve the attached Salary Resolution Amendment (SRA) to establish 1.0 FTE Attorney, Lv V, for the DA and 1.0 FTE Attorney, Lv V, for the PD (SRA No. 2012-080B); and,
2. Approve the attached Appropriation Adjustment Request (AAR) in the amount of \$471,018 establishing Fiscal Year 2011-12 appropriations for the DA and PD (AAR No. 2012-2011).

Retroactive Approval Of 2011 Public Safety Realignment Revenue For Post Release Community Supervision Revocation Activities To Include 1.0 FTE Attorney, Lv V, Position For District Attorney And 1.0 FTE Attorney, Lv V, Position For Public Defender (SRA No. 2012-080B); And Approval Of Appropriation Adjustment Request For \$471,018 In Fiscal Year 2011-12 (AAR No. 2012-2011)

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#### **Measures/Evaluation**

The number of PRCS revocation cases due to AB 109 is unknown at this time. Caseloads will be monitored to determine if additional staffing will be necessary as a result of this new requirement.

#### **Fiscal Impact**

State revenue totaling \$471,018 has been identified for Sacramento County's DA and PD for the period October 1, 2011 through June 30, 2012. This revenue is to be divided equally between the two entities. The DA will fund 1.0 FTE Attorney, Lv V; 2.0 FTE temporary Legal Research Assistants; and transcription costs. The PD will fund 1.0 FTE Attorney, Lv V; 1.0 FTE temporary Investigative Assistant; conflicts; and case related costs. This revenue was not included in the DA or PD 2011-12 Adopted Budgets.

#### **BACKGROUND**

The United States Supreme Court ordered California to reduce its number of inmates in California's 33 prisons to 137.5% design capacity by May 2013. Assembly Bill (AB) 109 and AB 117 were introduced providing legislation that changes sentencing laws and provides that some state prison inmates would be released to Probation departments on Post Release Community Supervision (PRCS).

Implementation of the 2011 Realignment Legislation commenced October 1, 2011. To ensure funding prior to implementation, Governor Brown signed trailer bills AB 118 and Senate Bill (SB) 89 which secure funding from a dedicated portion of state sales tax revenue and Vehicle License Fees (VLF). AB 118 establishes the Local Revenue Fund 2011 for counties to receive the revenues and appropriate funding for 2011 Public Safety Realignment. SB 89 provides revenue to counties for local public safety programs.

Funding allocations to counties for Fiscal Year 2011-12 are divided into four parts: (1) AB 109 programs to include adult population shifts; (2) district attorney and public defender responsibilities associated with revocation proceedings involving persons subject to PRCS; (3) one-time start-up, training and retention funds; and (4) one-time Community Corrections Partnership planning grants.

Per Government Code section 30025(f)(5), "The moneys in the District Attorney and Public Defender Account shall be used exclusively to fund costs associated with revocation proceedings involving persons subject to state parole and the Post Release Community Supervision Act of 2011 (Title 2.05 (commencing with Section 3450) of Part 3 of the Penal Code). The moneys shall be allocated equally by the county or city and county to the district attorney's office and county public defender's office, or where no public defender's office is established, to the county for distribution for the same purpose."

Retroactive Approval Of 2011 Public Safety Realignment Revenue For Post Release Community Supervision Revocation Activities To Include 1.0 FTE Attorney, Lv V, Position For District Attorney And 1.0 FTE Attorney, Lv V, Position For Public Defender (SRA No. 2012-080B); And Approval Of Appropriation Adjustment Request For \$471,018 In Fiscal Year 2011-12 (AAR No. 2012-2011)

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## **DISCUSSION**

In support of AB 109, State revenue totaling \$471,018 has been identified for nine months in Fiscal Year 2011-12 for Sacramento County's District Attorney (DA) and Public Defender (PD). This amount is to be divided equally between the two entities.

While the plan is still evolving, it is anticipated that the DA and PD offices will be responsible for litigating PRCS violations. Sanctions for violations will be served in county jail for offenders under PRCS and will be limited to 180 days. If someone placed on PRCS violates the release conditions, the Probation Department may file a petition to revoke PRCS. The PRCS individuals are entitled to be represented by counsel (here the Public Defender) and if the case is not resolved, the DA will be required to present evidence at a revocation hearing. Petitions for revocation and revocation hearings are presented to a judge or hearing officer.

### **District Attorney**

The DA will use the funds to add one full time prosecutor to review felony cases set for PRCS revocation hearings and to present evidence at those hearings. The prosecutor will also review felony cases assigned to the DA Superior Court Review Team that qualify for commitment to county jail instead of state prison, and will determine the appropriate offer to defense attorneys for resolution of the cases. Additionally, the prosecutor will provide training to assist fellow prosecutors in their understanding of AB 109. The DA will add two temporary Legal Research Assistants (LRAs) to assist the prosecutor.

The total cost of the positions for nine months is \$216,013 (\$154,612 for the prosecutor; \$61,401 for the LRAs). The balance of the funding, \$19,496 will be used for transcription services.

### **Public Defender**

The PD will use the funds to add one full time defense attorney and one temporary full time investigative assistant. The PD's Administration and this attorney will develop and implement a systemic approach to handling this new caseload/workload. The attorney will provide legal representation to clients in this new caseload which will include interview/counsel of clients, legal and factual investigation, plea and sentence negotiations, probable cause review hearings, contested hearings, and sentencing.

The total cost of the positions for nine months is \$190,494 (\$154,612 for the defense attorney; \$35,882 for the temporary investigative assistant). The balance of the funding, \$40,015 will be used for conflicts and case related costs.

## **MEASURES/EVALUATION**

The number of PRCS cases due to AB 109 is unknown at this time. Caseloads will be monitored to determine if additional staffing will be necessary as a result of this new requirement.

Retroactive Approval Of 2011 Public Safety Realignment Revenue For Post Release Community Supervision Revocation Activities To Include 1.0 FTE Attorney, Lv V, Position For District Attorney And 1.0 FTE Attorney, Lv V, Position For Public Defender (SRA No. 2012-080B); And Approval Of Appropriation Adjustment Request For \$471,018 In Fiscal Year 2011-12 (AAR No. 2012-2011)

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**FINANCIAL ANALYSIS**

State revenue totaling \$471,018 has been identified for Sacramento County's DA and PD for the period of October 1, 2011 through June 30, 2012. This revenue is to be divided equally between the two entities. The DA will fund 1.0 FTE Attorney, Lv V; 2.0 FTE temporary Legal Research Assistants; and transcription costs. The PD will fund 1.0 FTE Attorney, Lv V; 1.0 FTE temporary Investigative Assistant; conflicts; and case related costs. This revenue was not included in the DA or PD 2011-12 Adopted Budgets.

Respectfully submitted,

APPROVED:  
BRADLEY J. HUDSON  
County Executive

\_\_\_\_\_  
JAN SCULLY, District Attorney  
District Attorney's Office

By: \_\_\_\_\_  
NAVDEEP S. GILL  
Chief Operations Officer

\_\_\_\_\_  
PAULINO DURAN, Public Defender  
Public Defender's Office

By: \_\_\_\_\_  
BRUCE WAGSTAFF, Agency Administrator  
Countywide Services Agency

Attachment:

- Salary Resolution Amendment
- SRA Resolution
- Appropriation Adjustment Request

SRA #2012-080B

FY 2011-12

Effective Date: October 23, 2011

SECTION 13 - DISTRICT ATTORNEY

Action	Pos ID	Job ID	Job Title	Pos Type	FTE	Job Subtotal
Add*		27623	Attorney Lv 5 Criminal	Perm FT	1.0	1.0
				Position FTE Total	1.0	
			Net Section FTE Change		1.0	

\*New Position

SECTION 30 - PUBLIC DEFENDER

Action	Pos ID	Job ID	Job Title	Pos Type	FTE	Job Subtotal
Add*		27623	Attorney Lv 5 Criminal	Perm FT	1.0	1.0
				Position FTE Total	1.0	
			Net Section FTE Change		1.0	

\*New Position

RESOLUTION NO. 2011-0755

WHEREAS, Salary Resolution No. 2000-0877 is amended as specified in the attached pages(s).

WHEREAS, except as amended by this resolution, said Annual Salary Resolution shall remain in full force and effect.

NOW, THEREFORE, the Board of Supervisors, County of Sacramento, resolves and determines the effective date of each amendment will be specifically set forth in the attached page(s).

On a motion by Supervisor Nottoli, seconded by Supervisor Serna, the foregoing resolution was passed and adopted by the Board of Supervisors of the County of Sacramento, State of California, this 25th day of October, 2011 with the following vote, to wit:

AYES: Supervisors, Nottoli, Serna, Yee, MacGlashan

NOES: Supervisors, None

ABSENT: Supervisors, Peters

ABSTAIN: Supervisors, None



*Roberta MacGlashan*

Chair of the Board of Supervisors  
of Sacramento County, California

**FILED**  
BOARD OF SUPERVISORS

OCT 25 2011  
BY *Cyndi Lee*  
CLERK OF THE BOARD

ATTEST: *Cyndi Lee*  
Clerk, Board of Supervisors

In accordance with Section 25103 of the Government Code of the State of California a copy of the document has been delivered to the Chairman of the Board of Supervisors, County of Sacramento on 10/25/11

*V. Rodger*  
Deputy Clerk, Board of Supervisors

APPROPRIATION ADJUSTMENT REQUEST

2011 OCT 27 5 PM 2011  
 COUNTY OF SACRAMENTO  
 AUDITOR-CONTROLLER

2. Department Name: District Attorney/Public Defender  
 Department Name (if applicable):  
 3. Date: September 27, 2011

4. REQUEST ADJUSTMENT OF APPROPRIATION AS LISTED BELOW

SOURCE OF FINANCING	FUND#	INDEX#	ACCOUNT	ACCOUNT TITLE	AMOUNT
SOURCE OF FINANCING	001A	5805833	95956900	State Aid Other Misc Programs	\$235,509
	001A	6916910	95956900	State Aid Other Misc Programs	235,509
USE OF FINANCING	001A	5805833	10111000	Salaries & Wages - Regular Employees	\$154,612
	001A	5805833	10112100	Salary & Wages - Extra Help	61,401
	001A	5805833	20256200	Transcribing Services	19,496
	001A	6916910	10111000	Salaries & Wages - Regular Employees	154,612
	001A	6916910	10112100	Salary & Wages - Extra Help	35,882
	001A	6916910	20253100	Legal Services	45,015

5. JUSTIFICATION (Attach Memo if Necessary)

This AAR is necessary to recognize the 2011 Public Safety Realignment funding for the District Attorney and Public Defender's offices for revocation hearings. See attached Board letter for additional information.

Please send the executed copy of this AAR to Sue Elliott at Mail Code 03-261A.

Department Head: JAN SCULLY, DISTRICT ATTORNEY  
 Department Head (if applicable): PAULINO DURAN, PUBLIC DEFENDER

By: Susan Elliott (Signature) Date: 9-27-11  
 By: Rhonda Engellenner (Signature) Date: 9-27-11

6. ACTION

Dept. Head Approval(s) only required  
 Board Action Required  
 Four-Fifths Vote Required

Auditor-Controller: Jersadue Poan (Signature) Date: 10/7/11

7. APPROVAL

Approve  
 Disapprove

County Executive: Thomas R. Burkatt (Signature) Date: 10/7/11

8. RESOLUTION

On a motion by Supervisor Nottoli, seconded by Supervisor Serna, the foregoing resolution was passed and adopted by the BOARD OF SUPERVISORS of the County of Sacramento, State of California, this 25th day of October, 2011, by the following vote, to wit:

AYES: Supervisors, Nottoli, Serna, Yee, MacGlashan  
 NOES: Supervisors, None  
 ABSENT: Supervisors, Peters

FILED  
 BOARD OF SUPERVISORS  
 OCT 25 2011  
 Cyndi Lee  
 CLERK OF THE BOARD



Resolution Number: 2011-0756

Cyndi Lee (Signature)  
 CLERK OF THE BOARD OF SUPERVISORS

CHAIR OF THE BOARD OF SUPERVISORS: Robert Marshall (Signature)

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