

**APPROVED**  
BY RESOLUTION # 2012-0390  
BOARD OF SUPERVISORS

**COUNTY OF SACRAMENTO  
CALIFORNIA**

MAY 28 2012

By Cyndi Lee  
Clerk of the Board

For the Agenda of:  
May 22, 2012  
Timed: 11:15 A.M.

To: Board of Supervisors

From: Community Corrections Partnership

Subject: Accept The Community Corrections Partnership's Amendment To The Fiscal Year 2011-12 Public Safety Realignment Plan

Supervisorial  
District(s): All

Contact: Don L. Meyer, Chief Probation Officer, 875-0310  
Scott R. Jones, Sheriff, 874-7146

**Overview**

As part of the Fiscal Year 2011-12 State Budget, public safety realignment law was enacted (AB 109/117 as amended) which shifted the responsibility for managing low level offenders from the State to counties. The Community Corrections Partnership (CCP), by statute, is responsible for developing a Realignment Plan (Plan) to describe how the low level offender population being transferred to the County will be addressed in Sacramento County. On October 13, 2011, the CCP approved the Fiscal Year 2011-12 Plan which identified five core programs: the Sheriff's Department re-opening of the Roger Bauman Facility (RBF) at the Rio Cosumnes Correctional Center (RCCC), inmate services, expansion of home detention and pretrial release program and the Probation Department's opening of a third Adult Day Reporting Center. The Plan was accepted on a 4-1 vote by the Board of Supervisors on November 1, 2011. Due to delays in start-up of the Sheriff's programs and other unanticipated costs due to realignment implementation, the CCP approved an amendment to the Sheriff's funding of programs on May 3, 2012, in order to shift funds from unexpended programs to cover funding in other programs and inmate housing. The Probation Department's funded program is not being amended.

**Recommendation**

Adopt the attached Resolution accepting the CCP's Amendment to the Fiscal Year 2011-12 Public Safety Realignment Plan.

**Measures/Evaluation**

The Plan will use evidence based practices to develop, measure and evaluate the programs and processes used to address this population.

**Fiscal Impact**

The Sheriff's Department AB 109 approved programs for Fiscal Year 2011-12 were budgeted \$9,544,083 from the State allocation. Total actual and projected costs for Sheriff's Department AB 109 programs is \$15,403,669, leaving a difference of \$5,859,586 that is not covered by AB 109 funds that will impact the Sheriff's Department Fiscal Year 2011-12 budget expenditures. The CCP's amendment to the Fiscal Year 2011-12 Public Safety Realignment Plan does not

increase the Plan's total amount; however, it amends the Sheriff's funding of programs by shifting funds from unexpended programs to cover funding in other programs and inmate housing throughout the jail system, not just at RBF. The amended Plan does not change the Probation Department's funded program.

## **BACKGROUND**

As part of the Fiscal Year 2011-12 State Budget, public safety realignment law was enacted (AB 109/117 as amended) which shifted the responsibility for managing low level offenders from the State to counties. The Community Corrections Partnership (CCP), by statute, is responsible for developing a Realignment Plan (Plan) to describe how the low level offender population being transferred to the County will be addressed in Sacramento County. On October 13, 2011, the CCP approved the Fiscal Year 2011-12 Plan which identified five core programs: the Sheriff's Department re-opening of the Roger Bauman Facility (RBF) at the Rio Cosumnes Correctional Center (RCCC), inmate services, expansion of home detention and pretrial release program and the Probation Department's opening of a third Adult Day Reporting Center. The Plan was accepted on a 4-1 vote by the Board of Supervisors on November 1, 2011, Resolution Numbers 2011-0801, 0802, and 0803.

There were delays in the implementation of programs for a variety of reasons and the Sheriff's Department had other unanticipated expenditures that were not funded. In addition, on March 8, 2012, County Counsel, issued an opinion to the CCP that stated: "The Plan is very specific regarding the manner in which realignment funds are to be spent. The purpose of the Plan is to designate the manner in which realignment funds will be expended. Failure to expend funds in a manner consistent with the Plan carries the potential of the loss, and repayment, of those funds. To the extent that the CCP Executive Committee wishes to alter the manner in which the current Plan designates implementation and expenditures, it is recommended that it approve an amended Plan and submit that Plan to the Board of Supervisors."

Due to delays in start-up of the Sheriff's programs and other unanticipated costs due to realignment implementation, the CCP Full Committee recommended and the Executive Committee approved an amendment to the Sheriff's AB 109 programs on May 3, 2012 in order to provide flexibility for the Sheriff's Department to shift funds from unexpended programs to cover funding in other programs and to cover costs of inmate housing throughout the jail system, not just at RBF. The Probation Department's AB 109 program is not being amended.

## **DISCUSSION**

The adopted Sacramento County Fiscal Year 2011-12 AB 109 Plan contains funding for the Sheriff's Department to (a) develop and implement alternatives to incarceration and jail diversion programs, (b) expand inmate custody services, and (c) provide custody housing for the convicted AB 109 offenders receiving sentences for new non-violent, non-serious, non-sex offenses ("N3") crimes that must be served in County Jail instead of State Prison. The Plan includes \$2,857,570 for operational and start-up costs for a Pretrial Release and Supervised OR Program and expansion of the Home Detention Electronic Monitoring (EM) Program at the Sheriff's Work Release facility. Other funding totaling \$500,000 was established to cover the

expense for implementing inmate custody services / programs including evidence-based risk and needs assessments, cognitive behavioral therapy, job / education assistance, and development of transitional reentry plans for the incarcerated AB 109 offender populations. Separate inmate housing custody staffing and start-up funding totaling \$6,186,513 for the re-opening of RBF at RCCC was also identified in the Plan. AB 109 Realignment allocations covering operations and start-up costs for the initial fiscal year totaled \$9,544,083 for the Sheriff's Department.

The Plan assumed that the treatment and service program increases directed to in-custody AB 109 offenders and offenders participating in the new alternatives to incarceration and non-custody diversion programs (Home Detention / EM) could be developed, implemented, and would handle projected caseloads within 60 – 90 days of start-up rather than later in the Plan's nine month budget cycle. Over the past six months since AB 109 went into effect October 1, 2011, the Sheriff's Department has; however, encountered several operational issues which had to be resolved before the Pretrial Release and Home Detention Programs were able to begin accepting referrals. Because of these delays, the initial operating costs for both programs are projected to be \$1,043,526 through the end of the fiscal year, June 30, 2012. This will leave an unexpended balance in both Programs' original Realignment budgets of \$1,814,044.

An unanticipated delay in contracting with a qualified service provider knowledgeable with "best practice" programming / treatment models directed to incarcerated offenders has limited overall expenditures from the inmate services expansion budget. In addition, a full-time Reentry Coordinator and support staff, including RCCC social workers, have been assigned to manage and provide the AB 109 assessments, housing classification, cognitive behavioral, and other supporting interventions that will facilitate the reentry of AB 109 inmates from the County Jail to the community. When the AB 109 service contracting and program development process is finalized, the goal of the Sheriff's Department is to have a broad range of expanded programming for inmates which address areas and needs that include (a) academic, vocational and financial, (b) alcohol and other drugs, (c) aggression, hostility, anger, and violence, (d) criminal thinking, behaviors, and associations, and (e) family, marital and other relationships. A total of \$122,082 is projected to be spent by the end of the fiscal year leaving an unexpended balance of \$377,918 in the inmate services budget.

In order to begin accommodating the projected increase and overall volume of AB 109 newly incarcerated offenders, the Plan allocated funding to the Sheriff to re-open RBF at RCCC which contains multiple occupancy housing and has a Corrections Standards Authority (CSA) rated capacity for 158 detainees. The intent was to staff and operate a new Reception Center unit at the facility that would be responsible for intake / screening, risk / needs assessments, and housing classification process for this inmate population. The staff would also screen inmates and assist them to participate in literacy classes, RCCC work crews, and substance abuse education / relapse prevention counseling offered through existing service provider programs located at the branch jail.

The primary RBF target realignment detainee group is AB 109 offenders ("N3") the Superior Court sentenced to County Jail who are designated as "County Jail / Prison" inmates in the jail's management information system. After undergoing classification, these inmates could continue to be housed at the RBF facility or because of higher security risk considerations, could be assigned to other RCCC maximum security single- or double-occupancy housing units. Through

March 2012, RCCC has accumulated 28,592 total inmate custody days for these detainees, resulting in an average daily population (ADP) of 255 ("N3") detainees. Based on the actual auditable daily jail inmate custody rate for RCCC of \$94.81, the cost to house these inmates during the first six months of the Realignment legislation is \$2,710,808 plus \$236,720 in RBF start-up costs for a total of \$2,947,528.

Over the same period, the Sheriff's Department has processed an even greater number of AB 109 offenders who are being detained on State Parole revocations. This revocation population has accounted for 51,246 inmate custody days, resulting in an additional average ADP of 378 AB 109 detainees. This inmate custody population is nearly double the ADP of parole revocation inmates the State originally projected for the County Jail system. Because of security classification factors, these inmates are housed at the Main Jail or in RCCC's maximum or medium security housing units. The incarceration costs based on the daily inmate custody rate of \$94.81 through March 2012 was \$4,858,633. Before AB 109 took effect, the Sheriff's Department had a contract with the State to be reimbursed \$77.17 per ADP for parolees detained within the Sacramento County jail system. Effective October 1, 2011, the State cancelled its contract and the cost of housing parolees shifted to county responsibility to be covered by AB 109 funding.

The inmate housing cost for both the RBF target realignment detainee group and State Parole revocation population for the remaining quarter (April-June 2012) using the daily inmate custody rate is projected to reach another \$6,431,900. This will bring the total AB 109 housing cost for these two incarcerated offender groups to approximately \$14,238,061. These counts of AB 109 inmates and associated custody costs do not include those Probation Department AB 109 detainees who are jailed as a Post-Release Community Supervision (PRCS) revocation or flash incarceration booking at the Main Jail.

The Amendment to the Fiscal Year 2011-12 Plan approved by the CCP on May 3, 2012, authorizes the Sheriff's Department to shift funds from unexpended programs to cover costs in other programs and costs of inmate housing throughout the jail system, not just at RBF. In addition, the CCP approved \$25,000 be allocated from contingency funds from the CCP Planning Allocation to cover continued consultant support.

These amendments are one-time modifications to the AB 109 Realignment Plan developed by the CCP for Fiscal Year 2011-12. Continued funding proposals for the Sheriff and Probation Departments' core Realignment programs will need to be developed, submitted and approved by the CCP as part of the annual Plan development and funding allocation process.

### **MEASURES/EVALUATION**

The Plan will use evidence based practices to develop, measure and evaluate the programs and processes used to address the AB 109 populations.

### **FINANCIAL ANALYSIS**

The Sheriff's Department AB 109 approved programs for Fiscal Year 2011-12 were budgeted \$9,544,083 from the State allocation. Total actual and projected costs for Sheriff's Department

AB 109 programs is \$15,403,669, leaving a difference of \$5,859,586 that is not covered by AB 109 funds that will impact the Sheriff's Department Fiscal Year 2011-12 budget expenditures. The CCP's amendment to the Fiscal Year 2011-12 Public Safety Realignment Plan does not increase the Plan's total amount; however, it amends the Sheriff's funding of programs by shifting funds from unexpended programs to cover funding in other programs and inmate housing throughout the jail system, not just at RBF. The amended Plan does not change the Probation Department's funded program.

Respectfully submitted,

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DON L. MEYER, Chair  
Community Corrections Partnership

Attachments:

Resolution

CCP AB 109 Public Safety Realignment Plan FY 2011-12 Amendment

**RESOLUTION NO. 2012-0390**

**ACCEPT THE COMMUNITY CORRECTIONS PARTNERSHIP'S AMENDMENT TO  
THE FISCAL YEAR 2011-12 PUBLIC SAFETY REALIGNMENT PLAN**

**WHEREAS**, the Community Corrections Partnership (CCP) developed a plan to implement public safety realignment pursuant to Assembly Bill 109 and Assembly Bill 117 as modified;

**WHEREAS**, the Fiscal Year 2011-12 Public Safety Realignment Plan includes five core programs: the Sheriff's re-opening the Roger Bauman Facility at the Rio Cosumnes Correctional Center, inmate services, expansion of the existing home detention program, and the creation of a pretrial release program and the Probation Department's opening of a third Adult Day Reporting Center;

**WHEREAS**, the CCP approved the Fiscal Year 2011-12 Realignment Plan (Plan) on October 13, 2011;

**WHEREAS**, the Board of Supervisors adopted the Plan on November 1, 2011, Resolution Numbers 2011-0801, 0802, and 0803.

**WHEREAS**, due to delays in start-up of the Sheriff's Programs and other unanticipated costs due to realignment implementation, the CCP approved an amendment to the Sheriff's funding of programs on May 3, 2012 in order to shift funds from unexpended programs to cover funding in other programs and inmate housing.

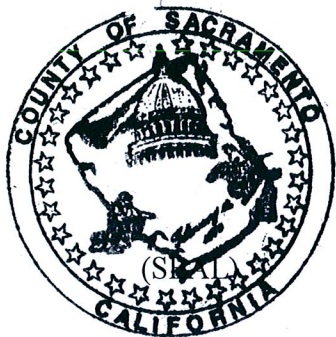
**NOW, THEREFORE, BE IT RESOLVED AND ORDERED** that the Board of Supervisors hereby accepts the Community Corrections Partnership's Amendment to the Fiscal Year 2011-12 Realignment Plan.

On a motion by Supervisor MacGlashan, seconded by Supervisor Peters, the foregoing Resolution was passed and adopted by the Board of Supervisors of the County of Sacramento this 22<sup>nd</sup> day May, 2012, by the following vote, to wit:

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

*Don Nottoli*

Chair of the Board of Supervisors  
of Sacramento County, California



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: 5/22/12

By: *V. Rodgers*  
Deputy Clerk, Board of Supervisors

**FILED**  
BOARD OF SUPERVISORS

MAY 22 2012  
BY: *Cyndi Lee*  
CLERK OF THE BOARD

ATTEST: *Cyndi Lee*  
Clerk, Board of Supervisors

**Sacramento County  
Community Corrections Partnership**

**AB 109 Public Safety Realignment Plan Fiscal Year 2011-12 Amendment**

**The Need For Amending Realignment Plan**

As part of the Fiscal Year 2011-12 State Budget, the Public Safety Realignment law was enacted (AB 109/117 as amended) which shifted the responsibility for managing low level offenders from the State to counties. The Community Corrections Partnership (CCP), by statute, is responsible for developing a Realignment Plan to describe how the low level offender population being transferred to the County will be addressed in Sacramento County. On October 13, 2011, the CCP approved the Fiscal Year 2011-12 plan which identified five core programs: the Sheriff's Department re-opening of the Roger Bauman Facility at the Rio Cosumnes Correctional Center, inmate services, expansion of Home Detention and Pretrial Release Program and the Probation Department's opening of a third Adult Day Reporting Center. The Plan was accepted on a 4-1 vote by the Board of Supervisors on November 1, 2011, Resolution Numbers 2011-0801, 0802 and 0803. Due to delays in start-up of the Sheriff's programs and other unanticipated costs due to Realignment implementation, the CCP approved an amendment to the Sheriff's funding of programs on May 3, 2012 in order to shift funds from under-expended programs to cover over-expended funding due to the cost of inmate housing. The Probation Department's funded program is not being amended.

The adopted Sacramento County Fiscal Year 2011–12 AB 109 Realignment Plan contains funding for the Sheriff's Department to (a) develop and implement alternatives to incarceration and jail diversion programs, (b) expand inmate custody services, and (c) provide custody housing for the convicted AB 109 offenders receiving sentences for new non-violent, non-serious, non-sex offenses ("N3") crimes that must be served in County Jail instead of State Prison. The Plan includes \$2,857,570 for operational and start-up costs for a Pretrial Release and Supervised OR Program and expansion of the Home Detention Electronic Monitoring (EM) Program at the Sheriff's Work Release facility. Other funding totaling \$500,000 was established to cover the expense for implementing inmate custody services / programs including evidence-based risk and needs assessments, cognitive behavioral therapy, job / education assistance, and development of transitional reentry plans for the incarcerated AB 109 offender populations. Separate inmate housing custody staffing and start-up funding totaling \$6,186,513 for the re-opening of the Roger Bauman facility (RBF) at the Rio Cosumnes Correctional Center (RCCC) was also identified in the Realignment Plan. AB 109 Realignment allocations covering operations and start-up costs for the initial fiscal year totaled \$9,544,083 for the Sheriff's Department. The following information will provide detail on each program area, the progress related to Program implementation and projected expenses in comparison to approved funding in the Fiscal Year 2011-12 Realignment Plan:

- (a) The Realignment Plan assumed that the treatment and service program increases directed to in-custody AB 109 offenders and offenders participating in the new alternatives to incarceration and non-custody diversion programs (Home Detention / EM) could be developed, implemented, and would handle projected caseloads within 60 – 90 days of start-up rather than later in the Plan's nine month budget cycle. Over the past six months since AB 109 went into effect October 1, 2011, the Sheriff's Department has, however, encountered several operational issues which had to be resolved before the Pretrial Release and Home Detention Programs were able to begin accepting referrals. The problems concerned, for example, the lack of building space to locate staff, the extended timing needed to purchase, install, test and train personnel to use the new validated screening instruments, and the finalizing of policies, procedures, and essential standing orders related to both Programs. Because of these delays, the initial operating costs for both programs will be \$1,043,526 through the end of the fiscal year, June 30, 2012. This will leave an unexpended balance in both Programs' original Realignment budgets of \$1,814,044.
- (b) An unanticipated delay in contracting with a qualified service provider knowledgeable with "best practice" programming / treatment models directed to incarcerated offenders has limited overall



expenditures from the Realignment Plan inmate services expansion budget. The Department initially developed and issued a Request For Proposal (RFP) for public or private providers to deliver evidence-based model counseling and other direct service interventions. The contract provider would also oversee case management reentry services for AB 109 inmates who are redirected to community supervision through the Sheriff's Home Detention Electronic Monitoring (EM) diversion program specifically established in response to realignment. Proposals from the three RFP respondents were evaluated, scored, and rejected for not offering or complying with the minimum service levels the Department was seeking. As a result, RCCC management staff are now in the process of identifying and conferring with other community-based groups with the experience to provide the assessments, counseling, job assistance, case management and other support services the Sheriff wants to make available to these inmates.

A full-time Reentry Coordinator and support staff, including RCCC social workers, have been assigned to manage and provide the AB 109 assessments, housing classification, cognitive behavioral, and other supporting interventions that will facilitate the reentry of AB 109 inmates from the County Jail to the community. "Thinking For a Change" cognitive behavioral training classes have begun at RCCC through a contract approved by the Board of Supervisors on February 28, 2012, Resolution Number 2012-0098. This 25-week course, directed through the Elk Grove Unified School District and community education program, is designed to help inmates make long-term behavioral changes in how they think and act upon situations with which they are confronted. When the AB 109 service contracting and program development process is finalized, the goal of the Sheriff's Department is to have a broad range of expanded programming for inmates which address areas and needs that include (a) academic, vocational and financial, (b) alcohol and other drugs, (c) aggression, hostility, anger, and violence, (d) criminal thinking, behaviors, and associations, and (e) family, marital and other relationships. A total of \$122,082 is projected to be spent by the end of the fiscal year leaving an unexpended balance of \$377,918 in the inmate services budget.

- (c) In order to begin accommodating the projected increase and overall volume of AB 109 newly incarcerated offenders, the Realignment Plan allocated funding to the Sheriff to re-open the Roger Bauman facility (RBF) at the Rio Cosumnes Correctional Center which contains multiple occupancy housing and has a Corrections Standards Authority (CSA) rated capacity for 158 detainees. The intent was to staff and operate a new Reception Center unit at the facility that would be responsible for intake / screening, risk / needs assessments, and housing classification process for this inmate population. The staff would also screen inmates and assist them to participate in literacy classes, RCCC work crews, and substance abuse education / relapse prevention counseling offered through existing service provider programs located at the branch jail.

The primary RBF target realignment detainee group is AB 109 offenders ("N3") the Superior Court sentenced to County Jail who are designated as "County Jail / Prison" inmates in the jail's management information system. After undergoing classification, these inmates could continue to be housed at the RBF facility or because of higher security risk considerations, could be assigned to other RCCC maximum security single- or double-occupancy housing units. Through March 2012, RCCC has accumulated 28,592 total inmate custody days for these detainees, resulting in an average daily population (ADP) of 255 ("N3") detainees. Based on the actual auditable daily jail inmate custody rate for RCCC of \$94.81, the cost to house these inmates during the first six months of the Realignment legislation is \$2,710,808 plus \$236,720 in RBF start-up costs for a total of \$2,947,528.

Over the same period, the Sheriff's Department has processed an even greater number of AB 109 offenders who are being detained on State Parole revocations. This revocation population has accounted for 51,246 inmate custody days, resulting in an additional average daily population (ADP) of 378 AB 109 detainees. This inmate custody population is nearly double the ADP of parole revocation inmates the State originally projected for the County Jail system. Because of security classification factors, these inmates are housed at the Main Jail or in RCCC's maximum

or medium security housing units. The incarceration costs based on the daily inmate custody rate of \$94.81 through March 2012 was \$4,858,633. The inmate housing cost for both the RBF target Realignment detainee group and State Parole revocation population for the remaining quarter (April-June 2012) using the daily inmate custody rate is projected to reach another \$6,431,900. This will bring the total AB 109 housing cost for these two incarcerated offender groups to approximately \$14,238,061. These counts of AB 109 inmates and associated custody costs do not include those Probation Department AB 109 detainees who are jailed as a Post-Release Community Supervision (PRCS) revocation or flash incarceration booking at the Main Jail.

### **Proposed Amendment**

The Sheriff's Department is requesting amendment of the AB 109 Fiscal Year 2011-12 Realignment Plan to expand inmate housing designations beyond the RBF facility in order to use their AB 109 allocation for AB 109 inmate housing costs incurred or to be incurred in the remainder of the 2011-12 fiscal year at other RCCC and Main Jail housing units. Those housing costs are limited to the RBF target realignment detainee group of convicted felons ("N3") sentenced by the Superior Court for crimes that must be served in County Jail instead of State Prison, State Parole revocation detainees and PRCS probation violators.

For the amended Plan, the Sheriff's Department is also requesting to minimize the overall fiscal impact of AB 109 inmate housing costs by having the authority in Fiscal Year 2011-12 to shift unexpended funds from its three other AB 109 programs to help offset the additional financial shortfall in inmate housing costs due to the Realignment legislation. The Sheriff's Department's actual total program costs for October 2011 – March 2012 and projected last quarter inmate housing costs during the first year of AB 109 Realignment will exceed their total funded allocation by \$5,859,586. Expenditures for the Department's other AB 109 funded programs (Pretrial Release, Home Detention / Electronic Monitoring and Inmate Services) will be \$2,191,962 less than the adopted total budgets (\$3,357,570) for these three programs.

In order to address these areas, the Fiscal Year 2011-12 Public Safety Realignment Plan developed by the Sacramento Community Corrections Partnership (CCP) and approved by the Board of Supervisors is being amended to reflect the following changes:

### ***AB 109 Public Safety Realignment Plan FY 2011-12 Amendment***

1. ***Inmate Housing*** – For Fiscal Year 2011-12, jail inmate housing designations for the AB 109 Realignment Plan will include the re-opened RBF facility and other RCCC and Main Jail maximum and medium security housing units where AB 109 detainees are held. The AB 109 inmate housing costs will be based on the Department's federally-audited daily jail inmate custody rate multiplied by the number of custody days the AB 109 inmate populations are detained in the County's Jail system. The daily jail inmate custody rate covers the actual costs for the intake, screening, healthcare, food, and clothing for each incarcerated inmate.
2. ***Unexpended Realignment Program Funds*** – For Fiscal Year 2011-12, the Sheriff's Department has authority and flexibility to shift unexpended funds from its other adopted AB 109 Realignment Program budgets (Pretrial Release, Home Detention / EM, and inmate custody services / programs) to offset the shortfall in inmate housing costs due to the Realignment legislation.
3. ***AB 109 Contingency Reserve Fund*** – From the CCP planning allocation included in the Realignment Plan, there remains \$47,973 in contingency funds that have not been allocated. In order to provide continued support to the CCP and its work groups, and prepare a Fiscal Year 2011-12 Realignment Annual Report, the CCP authorizes the expenditure of an additional \$25,000 to cover Consultant costs to assist with this work.

These amendments are one-time modifications to the AB 109 Realignment Plan developed by the CCP for Fiscal Year 2011-12. Continued funding proposals for the Sheriff's and Probation Departments core Realignment programs will need to be developed, submitted and approved by the CCP as part of the annual Realignment Plan development and funding allocation process.