

**RIVERSIDE COUNTY
COMMUNITY CORRECTIONS PARTNERSHIP
EXECUTIVE COMMITTEE**

DOWNTOWN LAW BUILDING
3960 ORANGE STREET, 5TH FLOOR CONFERENCE ROOM, RIVERSIDE, CA

OCTOBER 2, 2012, 1:30 P.M.

AGENDA

1. CALL TO ORDER – ROLL CALL
2. APPROVAL OF MINUTES – SEPTEMBER 4, 2012
3. BOARD OF SUPERVISOR’S AB 109 WORKSHOP: NOVEMBER 19th, CAC – BOARD CHAMBERS, 9:00 A.M. – DISCUSSION ITEM
4. 2nd ANNUAL REALIGNMENT CONFERENCE (handout) – DISCUSSION ITEM
5. ACLU LETTER (handout) – DISCUSSION ITEM
6. STANFORD LAW SCHOOL RESEARCH PROJECT (handout) – ACTION ITEM
7. ADOPT AB 109 FY 2012/13 BUDGET – ACTION ITEM
 - a) CONTINGENCY FUNDS
 - b) AB 109 ROLLOVER FUNDS
8. STAFF REPORTS (CONTINUED TO NOVEMBER 6th)
9. NEXT MEETING: NOVEMBER 6, 2012; 1:30 P.M.
10. PUBLIC COMMENTS (NON AGENDA ITEMS)

In accordance with State Law (The Brown Act):

- *The meetings of the CCP Executive Committee are open to the public. The public may address the Committee within the subject matter jurisdiction of this committee.*
- *Disabled persons may request disability-related accommodations in order to address the CCP Executive Committee. Reasonable accommodations can be made to assist disabled persons if requested 24-hours prior to the meeting by contacting Riverside County Probation Department at (951) 955-2830.*
- *The public may review open session materials at www.probation.co.riverside.ca.us under Related Links tab or at Probation Administration, 3960 Orange St., 6th Floor, Riverside, CA.*
- *Items may be called out of order.*

**RIVERSIDECOUNTY
COMMUNITY CORRECTIONS PARTNERSHIP
EXECUTIVE COMMITTEE MEETING**

September 4, 2012 – 1:30 p.m.
Downtown Law Building, 3960 Orange Street, 5th Floor, Riverside

MINUTES

1. CALL TO ORDER - ROLL CALL

The meeting was called to order by the Chairman, Chief Probation Officer Alan Crogan at 1:34 p.m.

Roll call of the members:

Dave Brown, Chief of Police, Hemet
Alan M. Crogan, Chief Probation Officer, Chairman
Jerry Wengerd, Director, Mental Health
Gary Windom, Public Defender
Paul Zellerbach, District Attorney, Vice Chairman

Not Present:

Sherri Carter, Executive Officer, Superior Court
Stan Sniff, Sheriff

2. APPROVAL OF MINUTES

Alan Crogan entertained a motion to approve the August 21, 2012 minutes of the Community Corrections Partnership Executive Committee (CCPEC) meeting. Motion was moved by Gary Windom, and seconded by Alan Crogan. Alan Crogan requested a vote of the motion which passed as follows:

Aye: Brown, Crogan, Wengerd, Windom, Zellerbach
Nay: None
Absent: Carter, Sniff

3. FINAL STATE ALLOCATIONS: FY 11/12 OPERATING FUNDS

Alan Crogan reviewed the *CCPEC Summary of AB 109 Operating Fund Receipt (Budget \$21.07M) Fiscal Year 2011/12* summary and chart (handouts).

Alan Crogan informed the committee of important dates to remember as follows:

- September 25, 2012 Realignment Letter calendared for the Board of Supervisors meeting
- October 2, 2012 CCPEC meeting: Adopt the AB 109 FY 2012-13 Budget
- November 19, 2012 Tentative date for Board of Supervisor's AB 109 Workshop

4. AB 109 ROLLOVER FUNDS

Alan Crogan reviewed the *CCPEC Summary of Budget Requests FY 2012/13* (handout), which also includes the rollover funds. He then distributed and discussed the three (3) scenarios from the *Budget Request – Funding Scenarios Fiscal Year 2012/13* (handout) as follows:

Total Available Funding as of September 4, 2012:	<u>\$43,183,181</u>
Total Budget Requests as of September 4, 2012:	<u>\$55,737,130</u>
Excess Requests over Available Funding:	<u>\$(12,553,949)</u>

- Scenario 1 – Funding at 9 months for all CCPEC Agencies
9 months funding approved for all agencies based on budget requests \$41,802,848
Amount Available for Contingencies \$ 1,380,334
Note: Each agency will keep their rollover funds
- Scenario 2 – Funding at 9 months (remove District Attorney and Public Defender)
9 months funding approved for all agencies
(w/out District Attorney and Public Defender) \$40,320,429
Amount Available for Contingencies \$ 2,862,752
Note: Each agency will keep their rollover funds
- Scenario 3 – Funding at 9 months for all CCPEC Agencies (Police @ 9 Months)
9 months funding approved for all agencies based on budget requests
(Police agencies FY 2011/12 approved budget funded at 9 months) \$41,591,738
Amount Available for Contingencies \$ 1,591,444
Note: Each agency will keep their rollover funds

Alan Crogan stated that the *AB 109 Rollover Funds* agenda item will be added as an action item at the next CCPEC meeting on October 2nd.

There was additional discussion in regards to when the AB 109 FY 2012/13 budget would be adopted by the Board of Supervisors and the Form 11 submission. Alan Crogan clarified that the AB 109 Workshop is intended to inform the Board of Supervisors of what was accomplished with AB 109 in the first year and what the plans are for the second year. Principal Management Analyst Elizabeth Olson reminded the committee of how the AB 109 Form 11 was filed last year and suggested to the committee on filing the Form 11 on October 16th, following the CCPEC vote on October 2nd. She also clarified that there should be one Form 11 indicating the AB 109 total budget request and individual Form 11's from each agency indicating their specific budget request as well as the details.

5. AB 109 CONTINGENCY FUNDS

Alan Crogan reviewed the *CCPEC Summary of Agency AB 109 Contingency Amounts FY 2011/12* (handout). The committee members discussed their views and agreed to take this up as an action item at the next CCPEC meeting.

6. CPOC ISSUE BRIEF: REALIGNMENT PERSPECTIVE

A copy of the *CPOC Issue Brief: Realignment Perspective* (handout) was distributed.

7. STAFF REPORTS

a) PROBATION: Chief Deputy Probation Officer Andrea Greer reviewed the *AB 109 Status Report* dated as of August 28, 2012, as follows:

- PRCS packets received from CDCR: 3,115
- Supervised Release ordered by the Court: 1,151
- Total PRCS and Supervised Release being supervised: 2,128
- PRCS warrants issued since October 1, 2011: 586
- Revocation Petitions since October 1, 2011: 862
- Flash Incarcerations since October 1, 2011: 307

Andrea Greer also reviewed the PRCS Fact Sheet and PRCS Population (handouts) as of August 28, 2012.

b) COURT: Nothing to report.

c) PUBLIC DEFENDER: Gary Windom reported that the Public Defender's office has hired and filled all of their positions except for one. This week, interviews will be held for the Social Worker position.

d) DISTRICT ATTORNEY: Nothing to report.

e) MENTAL HEALTH: Jerry Wengerd briefly reviewed the *AB 109 Activity Report*, the *FY 12/13 AB 109 Budget Request*, the *FY 12/13 AB 109 Budget Request Position Detail*, and the *AB 109 Budget Request-Supplemental Information* (handouts).

f) POLICE: Dave Brown reviewed and discussed the *P.A.C.T. Activity* (handout) for July and August. He also requested more feedback from the committee on how to report the P.A.C.T. activities more accurately and added that the statistics will be more detailed in future reports.

g) SHERIFF: Chief Deputy Ray Gregory reported and reviewed the *AB 109 Impact Update* (handout).

- Parole Violations (3056 PC): Total booked to date is 4,624
- Flash Incarcerations (3454 PC): Total booked to date is 359
- PRCS Violations (3455 PC): Total booked to date is 627
- Inmates Sentenced under 1170(h) PC for Felony Sentence to be served in County Jail: Total number of inmates sentenced per 1170(h) PC is 1,505
- Total number of inmates to date booked directly or sentenced to jail due to realignment is 5,472

8. PUBLIC COMMENTS (NON AGENDA ITEMS)

Ernest H. Wright, II, Certified Corrections Executive from the Desert Pass Education and Training Center distributed and reviewed a letter that was sent to Alan Crogan and the Riverside County Board of Supervisors. The letter provided the CCPEC with a recommendation of adding local detention beds through the use of a Public/Private Partnership.

7. NEXT MEETING

The next CCPEC meeting will be held on October 2, 2012, 1:30 p.m., Downtown Law Building, 5th Floor.

Alan Crogan called the meeting to adjourn at 2:46 p.m.

An attendance sheet was signed by all present and will be kept on file.

Minutes submitted by Andria Bartkowski, Executive Secretary, Riverside County Probation Department

Second Annual Conference on Public Safety Realignment

Presented by the Joint Training Partnership



CALIFORNIA STATE ASSOCIATION OF COUNTIES



CALIFORNIA STATE SHERIFFS' ASSOCIATION



CHIEF PROBATION OFFICERS OF CALIFORNIA

INNOVATIONS IN PUBLIC SAFETY AND JUSTICE IN CALIFORNIA Practices in Population Management

Thursday, November 1st and Friday, November 2nd, 2012
Memorial Auditorium in Sacramento

The 2012 Conference explores safe and effective methods of local correctional population management. It will provide concrete strategies and tactics CCPs can use to engage in systemic, data-driven efforts to manage their correctional population while improving public safety.

Research-based examples and concepts will be presented along with practical approaches for bridging the gap between research and practice at the local level.

Limited number of \$84/night rooms are available at the Sheraton Sacramento. Visit <https://www.starwoodmeeting.com/Book/CPSR> for reservations.

Thursday

- 10:00 Opening Remarks
- 10:15 Overview: *Viewing Population Management from a Systemic Perspective*
- 10:45 Panel: *Charging and Sentencing Practices*
- Noon Lunch (included)
- 1:00 Panel: *What Works in Population Management*
- 2:15 Case Study: *Widening the Lens to Improve Outcomes*
- 3:00 Panel: *Using Data to Inform Population Management*
- 4:15 Remarks from Governor Jerry Brown (invited)
- 5:00 Networking Reception at the Sheraton

Friday

- 7:45 Networking Continental Breakfast
- 8:30 Keynote: *Knowing Good Investments from Bad Investments*
- 9:45 Roundtable Discussions
- 11:30 Roundtable Summaries and Concluding Remarks
- Noon Adjourn

Note: Agenda subject to change



STC certified



MCLE credits available

Designed for Community Corrections Partnership Teams

- ♦ County Supervisors, Chief Probation Officer, Sheriff, District Attorney, Public Defender, Judges, County Administrative Officer, Police Chiefs, and members of the Community Corrections Partnership.
- ♦ Open to the public

SPACE IS LIMITED

Priority seating given to members of Community Corrections Partnership teams

Registration Information

Registration Fees

Individual	\$100/p
CCP Teams*	\$75/p
Registration at door	\$125/p

Includes materials, lunch, reception and continental breakfast

To register please visit:

<http://www.cvent.com/d/jcqs1s/1Q>

*Discount registration available only to three or more CCP members registered together by the county CCP Chair.

REGISTRATION DEADLINE

Friday, October 26, 2012



LIBERTY | JUSTICE | EQUALITY

Sent: September 20, 2012 (1:17pm)
To: Executive Committee Members, Riverside CCP
Company: Riverside CCP
Fax #: 951-955-2843
From: Hanna Dershowitz, Esq.
Fax #: 213-977-5299
Tel#: 213-977-9500 Ext. 208
Pages: 6 (including cover)
Subject: Attached letter to CCP Executive Committee Members

Notes: I would be greatly appreciative if the recipient of this fax would please circulate this letter to the members of the Executive Committee of the Riverside CCP. Please let me know if there is an additional action I should take. 213-977-5208

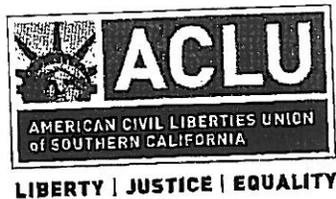
This communication contains confidential or privileged information. It is intended only for the addressee. If you received it in error, then any distribution, reading, copying, or use of this communication is strictly prohibited. In such circumstances, please notify us immediately by calling the above number and return the original communication to us at the above address by mail. Thank you.

President Shelan Joseph Vice President Antonio Brown Secretary Rebecca Avila Treasurer Mary Ellen Gale Affirmative Action Officer Gary Williams
 National Board Representative Isabelle R. Gunning

ACLU/ACLU FOUNDATION

Executive Director Hector O. Villagra Chief Counsel Mark D. Rosenbaum Deputy Executive Director James Gilliam
 Communications Director Jason Howe Development Director Sandy Graham-Jones
 Legal Director & Manheim Family Attorney for First Amendment Rights Peter J. Eliasberg Deputy Legal Director Ahilan T. Arulanantham
 Director of Policy Advocacy Clarissa Woo Director of Community Engagement Elvia Meza Executive Director Emeritus Ramona Ripston

1313 WEST EIGHTH STREET LOS ANGELES CA 90017 t 213.977.9500 f 213.977.5299 ACLU-SC.ORG



September 20, 2012

Riverside Community Corrections Partnership Executive Committee
3960 Orange Street, Suite 600
Riverside, CA 92501

RE: Recommendations regarding realignment funding allocations for 2012-2013

Dear Members of the Executive Committee:

As the Riverside County Community Corrections Partnership continues to debate how best to allocate approximately \$43 million in AB 109 funding for the 2012-2013 fiscal year, the Criminal Justice and Drug Policy Project of the ACLU of California respectfully submits the following information and recommendations for your consideration. Many of the allocations requested by the Department of Mental Health and the Riverside County Probation Department are proven to reduce recidivism and are far more cost-effective than daily incarceration rates. Conversely, requests earmarked for local police departments to conduct "compliance checks" of persons released on Post Release Community Supervision (PRCS) are not appropriate allocations for AB 109 funds and would be better spent in other areas.

Adult Day Reporting Centers

Riverside County Probation Department is requesting approximately \$400,000 in additional funds for an adult day reporting center. Adult day reporting centers offer opportunities for community supervision, as well as referrals for treatment, psychiatric/psychological services, job training, housing, and education.¹ Day reporting centers have been implemented in several counties nationwide, and have long been successful in supervising and serving offenders in the community.² Given those successes, Riverside County should make greater use of this program. Currently, Probation estimates that only 50 offenders will be eligible for services through the one day reporting center. Given that Probation is supervising approximately 500 AB 109 offenders in

¹ Riverside County Department of Probation, 2012-2013 Budget Proposal, pp. 8-9.

² The National Reentry Resource Center, The Council for State Governments,
www.nationalreentryresourcecenter.org

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the community, the access to day reporting should be significantly expanded.³

Expanded Pretrial Services and Supervision

As noted by the County Executive Submittal to the Board of Supervisors, 71% of inmates incarcerated in county jails in California are pretrial detainees.⁴ In Riverside County, pretrial inmates comprise approximately 66% of county jail inmates. Riverside Probation proposes to continue to identify eligible inmates for own recognizance (OR) release, and hopes to increase court approval of said recommendations to 75%.⁵

Given the rate of pretrial detention in Riverside's jails, expanded use of pretrial release should be a significant part of Probation's 2012-2013 Budget. Reductions in pretrial population will allow for better administration of services in the community, including medical and mental health services.

Indeed, counties across the state are beginning to invest their resources in cost-effective pretrial release and supervision plans. In Santa Cruz County, the overcrowding in the Main Jail had reached such proportions in 2004 that a Grand Jury Report deemed the jail dangerous for inmates and staff alike. In 2005, Probation began working with the Sheriff's detention staff to introduce a validated risk assessment tool to determine which defendants could be recommended for release on their own recognizance. After two years, the county found that fully 92% of supervised pretrial participants did not re-offend, and 89% made all of their court appearances. Ninety jail beds a day were saved-resulting in a 25% reduction in the average daily population. The percentage of pretrial inmates in Santa Cruz remains around 61%, due largely to the Sheriff's increased use of electronic monitoring.

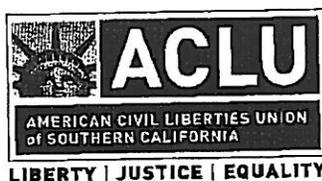
In Santa Clara County, the Office of Pretrial Services manages 638 pretrial defendants on supervised OR release and 398 pretrial defendants on straight OR release. Over the past three years, 98% of these defendants were not charged with a new offense during the pretrial period, 88% made all of their court appearances, and 90% committed absolutely no technical violation of their release, such as testing positive on a drug test, missing a counseling session, or violating a no-contact order. In the last six months of 2011 alone, the Office of Pretrial Services saved the county 197,051 jail days - or \$31.3 million in incarceration costs.

Using a risk-based assessment tool, the County can determine exactly which defendants pose a

³ Riverside County Department of Probation, 2012-2013 Budget Proposal, pg. 6.

⁴ Submittal to the Board of Supervisors, Riverside County, "Report to the Board on Option for Realignment Implementation," July 24, 2012, p. 4.

⁵ *Id.*



flight risk or threat to public safety and which defendants can be supervised safely out of custody until their trial date. This way, individuals who pose little or no flight risk or threat to public safety can maintain their jobs, homes, and support their families—all of which are factors shown to improve an individual's chances of reentry. Moreover, releasing those defendants assessed to be suitable for pretrial release allows the County to reserve jail space for individuals who pose a much higher risk for violence or reoffending.

Department of Mental Health

The Riverside Department of Mental Health is requesting more than \$13 million in funding for Intensive Treatment teams, detention services, contracted placement services, and expanded clinical services.⁶ Access to appropriate levels of medical care and mental health care is critical to the successful and constitutional operation of the county jails, and should be fully funded to those levels.

Post-release Accountability and Corrections Team Funding

Local law enforcement, specifically the police departments in Desert Hot Springs, Beaumont, Palm Springs, Riverside, Cathedral City, and Hemet, received approximately \$755,000 for a Post-release Accountability and Corrections Team (PACT).⁷ This year, the Association of Riverside County Chiefs of Police and Sheriffs has requested an additional \$1.6 million in funding for the 2012-2013 fiscal year.⁸ Although the PACT did not become fully operational until March 2012, it proposes to serve warrants for AB 109 probation violations, conduct compliance checks for those on PRCS, track known or suspected criminal offenders, and engage other agencies.⁹ Many of these functions can and should be performed by Probation and the County Sheriffs.

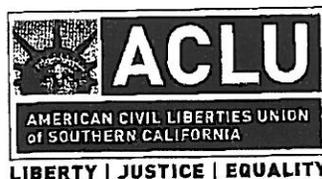
AB 109 explicitly prohibits the use of AB 109 funds for programs that do not pertain to Realignment. Additionally, monitoring offenders in the community is a duty best placed with Probation. Moreover, the 2012-2013 State Budget Act allocated \$20 million for local law enforcement. If additional law enforcement efforts are needed in Riverside County, increased

⁶ Official Minutes, Riverside County Community Corrections Partnership Executive Committee Meeting, August 7, 2012, pg. 3.

⁷ Memorandum prepared by the Association of Riverside County Chiefs of Police and Sheriffs, pg. 1.

⁸ PACT FY 12/13 Budget Proposal.

⁹ PACT presentation to the Riverside County Community Corrections Partnership Executive Committee, August 21, 2012.



funding should come from funds specifically earmarked for police. Given the burdens carried by county probation departments post-Realignment, the maximum amount of funds should be directed to Riverside Probation and the Department of Mental Health, as well as the implementation of recidivism reduction programs, rather than increasing funding for agencies that are eligible for new state funding.¹⁰

Split Sentencing

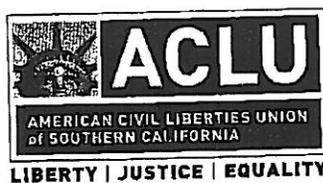
Under realignment, courts now have the option to give an individual convicted of a non-sexual, non-serious, non-violent felony (i.e., an 1170(h) offense) a blended or "split" sentence. Split sentences provide for the offender to both serve time in custody and be subject to mandatory supervision by the Probation Department immediately upon release from the jail. Such mandatory supervision can include daily reporting, drug testing, mental health and substance abuse treatment, and cognitive behavioral therapy for individuals at a high risk for violence.

With a split sentence, a judge can require less jail time, but ultimately hold the 1170(h) offender for a much longer period of supervision than the total amount of time spent on a straight jail sentence. More important, straight jail time does little if anything to improve an offender's chances of success once out of custody. The supervisory tail at the end of a split sentence is often the only opportunity for the County to change an individual's behavior and reduce the chances that he or she will reoffend in the future.

Other counties, such as San Joaquin County, are finding that split sentences are a much more effective way to safely reduce the jail population and ensure successful reentry. Since the start of realignment, approximately 70 percent of the split sentences in San Joaquin County have been split sentences. Rather than sentence an individual convicted for an 1170(h) offense to 24 months in county jail, judges are assigning these individuals to 16 months in county jail and 20 months on mandatory supervision, safely mitigating the jail population, but also ensuring that these individuals will not commit future crimes. Given the new credit calculation, which cuts jail time in half for most inmates, split sentences hold offenders accountable for a longer period of time than do straight sentences and facilitate reentry by continuing to subject them to sanctions for misconduct.

Riverside County already has increased its use of split sentences from 32% of the total in the 4th quarter of 2011 to 58% in the 1st quarter of 2012. Overall since realignment took effect, Riverside has used split sentences in 46% of realigned cases. A continuation of this trend will be beneficial.

¹⁰ See AB 1464 (Committee on Budget), Chapter 21, Statutes of 2012 (allocating \$20 million to the Board of State and Community Corrections for distribution to city police departments).



Riverside Community Corrections Partnership Executive Committee
September 20, 2012

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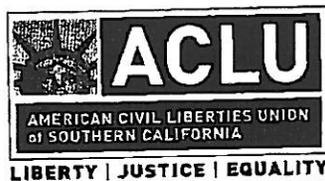
Accordingly, we urge Riverside County to continue to expand the use of split sentences.

The ACLU of California greatly appreciates the opportunity to submit the preceding information and recommendations, and looks forward to a collaborative relationship moving forward. I stand ready to provide any additional input you require, and may be reached at 213-977-5208.

Best,



Hanna Dershowitz, Esq.
Criminal Justice and Drug Policy Reform Advocate



September 10, 2012

Chief Alan M. Crogan
Riverside County
Chief Probation Officer
P.O. Box 833
Riverside, CA 92502-0833

Dear Chief Crogan:

The Stanford Criminal Justice Center at Stanford Law School is conducting research on the impact of California's Public Safety Realignment on local county decision-making. We are writing to invite Riverside County to be included in our study. Funding from the study comes from the U.S. Department of Justice, National Institute of Justice and the James Irvine Foundation. The purpose of the research is to better understand how county criminal justice actors are using the discretion afforded them by AB 109 (and its subsequent legislation) to manage the offender population. The research will include case studies of 6 to 10 counties who are being selected both to capture geographic and demographic diversity, as well as their innovative approach to the implementation of Realignment.

Participation in our study will include in-person or telephone interviews with each of the following key positions in your county: District Attorney, Public Defender, Presiding Judge of the Superior Court, Sheriff, and Probation Chief. Each interview will last about 45 minutes and will be scheduled at your convenience in fall 2012 and early winter 2013. Participation is voluntary and any reports or written documentation of our findings will exclude direct quotes or attribution.

We hope you will agree to participate as your county's experience would shed important perspective on how Realignment has affected the official duties of the key criminal justice actors in your county. We plan to share our results with California policymakers including the Board of State and Community Corrections, California State Legislature, California Attorney General, and Governor's Office. We will also share the information with other counties regarding the identification of model Realignment practices, particularly the use of evidence-based practices.

Our colleague Lisa Quan (ltquan@stanford.edu; 650-723-1191) will be in touch in the next couple of weeks to follow up to this letter of invitation.

Sincerely yours,



Joan Petersilia
Co-Faculty Director
Stanford Criminal Justice Center



Robert Weisberg
Co-Faculty Director
Stanford Criminal Justice Center

**AB 109 Community Corrections Partnership Executive Committee (CCPEC)
Summary of Budget Requests
FY 2012/13**

CCPEC Agency	Fiscal Year 2011/12						FY 2012/13			
	Approved Budgets	One-Time Funds	Other Funds	Total Budget	Actual Exp. 6/30/12	Rollover Funds	Contingency Funds	Budget Requests	Other Funds	Total
Police	\$ 704,450	\$ 51,510	\$ -	\$ 755,960	\$ 418,245	(1) \$ 337,715	\$ 25,550	\$ 1,690,380	\$ -	\$ 1,690,380
Public Defender	\$ 420,660	\$ 30,759	\$ 377,710	\$ 829,129	\$ 390,941	\$ 438,188	\$ 15,257	\$ 912,741	\$ 426,381	(3) \$ 1,339,122
District Attorney	\$ 550,155	\$ 40,228	\$ 377,711	\$ 968,094	\$ 663,641	\$ 304,453	\$ 19,954	\$ 1,063,817	\$ 426,381	(3) \$ 1,490,198
Mental Health	\$ 3,860,000	\$ 282,247	\$ -	\$ 4,142,247	\$ 1,750,033	\$ 2,392,214	\$ 140,000	\$ 13,270,192	\$ -	\$ 13,270,192
Sheriff's Department	\$ 9,360,500	\$ 684,448	\$ -	\$ 10,044,948	\$ 6,582,845	\$ 3,462,103	\$ 339,500	\$ 25,000,000	\$ -	\$ 25,000,000
Probation Department	\$ 5,441,096	\$ 397,858	\$ -	\$ 5,838,954	\$ 4,014,193	\$ 1,824,761	\$ 197,345	\$ 13,800,000	\$ -	\$ 13,800,000
Superior Court	\$ -	\$ -	\$ 662,000	\$ 662,000	\$ 662,000	\$ -	\$ -	\$ -	\$ 344,651	\$ 344,651
CCP Planning Grant	\$ -	\$ -	\$ 200,000	\$ 200,000	\$ 40,129	\$ 159,871	\$ -	\$ -	\$ 200,000	\$ 200,000
Contingency	\$ 737,606	\$ -	\$ -	\$ 737,606	\$ -	\$ 737,606	\$ -	\$ -	\$ -	\$ -
Total	\$ 21,074,467	\$ 1,487,050	\$ 1,617,421	\$ 24,178,938	\$ 14,522,027	\$ 9,656,911	\$ 737,606	\$ 55,737,130	(4) \$ 1,397,413	\$ 57,134,543

(1) Police agencies - Actual expenditures per invoices dated through June 30, 2012.

(2) Fiscal Year 2011/12 District Attorney/Public Defender received an additional state allocation of \$755,421 (\$377,411 each).

(3) Fiscal Year 2012/13 District Attorney/Public Defender will receive an additional state allocation of \$852,762 (\$426,381 to each).

(4) Fiscal Year 2012/13 available AB 109 Operating Funds - \$43,183,181.

**AB 109 Community Corrections Partnership Executive Committee (CCPEC)
Budget Request - Funding Scenarios
Fiscal Year 2012/13**

Total Available Funding as of July 1, 2012 (12-months)	\$ 43,183,181
Total Budget Requests as of July 1, 2012 (12-months)	\$ 55,737,130
Excess Requests over Available Funding	\$ (12,553,949)

Scenario 1 - Funding at 9 Months for all CCPEC Agencies

9 months funding approved for all agencies based on budget requests	\$ 41,802,848
Amount Available for Contingency	\$ 1,380,334

Note: Each agency keeps their rollover funds and share of FY11/12 contingency contribution

Scenario 2 - Funding at 9 Months (remove DA and PD)

9 months funding approved for all agencies (w/out DA and PD)	\$ 40,320,429
Amount Available for Contingency*	\$ 2,862,752

Note: Each agency keeps their rollover funds and share of FY11/12 contingency contribution

*DA & PD may return to CCPEC in March of 2013 to request funding from contingency based on workload

Scenario 3 - Funding at 9 Months for all CCPEC Agencies (Police @ 9 Months of FY11/12 Budget)

9 months funding approved for all agencies based on budget requests (Police agencies FY 2011/12 approved budget funded at 9 months)	\$ 41,591,738
Amount Available for Contingency	\$ 1,591,444

Note: Each agency keeps their rollover funds and share of FY11/12 contingency contribution

Scenario 4 - Funding at 9 Months for all CCPEC Agencies (remove DA/PD, Police @ 9 Months of FY11/12 Budget)

9 months funding approved for all agencies based on budget requests (Police agencies FY 2011/12 approved budget funded at 9 months)	\$ 40,109,319
Amount Available for Contingency*	\$ 3,073,862

Note: Each agency keeps their rollover funds and share of FY11/12 contingency contribution

*DA, PD, and Police may return to CCPEC in March of 2013 to request funding from contingency based on workload

**AB 109 Community Corrections Partnership Executive Committee (CCPEC)
 Summary Scenario 9 Month Funding of Budget
 FY 2012/13**

CCPEC Agency	FY 2012/13 (12 Months) Budget Requests	Funding Scenario Fiscal Year 2012/13 (9 Months)			
		Scenario 1	Scenario 2	Scenario 3	Scenario 4
Police	\$ 1,690,380	\$ 1,267,785	\$ 1,267,785	\$ 1,056,675	\$ 1,056,675
Public Defender	\$ 912,741	\$ 684,556	\$ -	\$ 684,556	\$ -
District Attorney	\$ 1,063,817	\$ 797,863	\$ -	\$ 797,863	\$ -
Mental Health	\$ 13,270,192	\$ 9,952,644	\$ 9,952,644	\$ 9,952,644	\$ 9,952,644
Sheriff's Department	\$ 25,000,000	\$ 18,750,000	\$ 18,750,000	\$ 18,750,000	\$ 18,750,000
Probation Department	\$ 13,800,000	\$ 10,350,000	\$ 10,350,000	\$ 10,350,000	\$ 10,350,000
Superior Court	\$ -	\$ -	\$ -	\$ -	\$ -
CCP Planning Grant	\$ -	\$ -	\$ -	\$ -	\$ -
Total	\$ 55,737,130	\$ 41,802,848	\$ 40,320,429	\$ 41,591,738	\$ 40,109,319
Contingency		\$ 1,380,334	\$ 2,862,752	\$ 1,591,444	\$ 3,073,862
FY12/13 Available Funding		\$ 43,183,181	\$ 43,183,181	\$ 43,183,181	\$ 43,183,181



OFFICE OF
THE DISTRICT ATTORNEY
COUNTY OF RIVERSIDE

MEMORANDUM

PAUL E. ZELLERBACH
DISTRICT ATTORNEY

October 2, 2012

TO: Community Correction Partnership Executive Committee
FROM: Paul E. Zellerbach
SUBJECT: FY 2012-13 Alternative Budget Scenario

Total Available Funding for FY 12-13 as of September 4, 2012:	\$43,183,181
Total Budget Requests for FY 12-13 as of September 4, 2012:	\$55,737,130
Excess Requests over Available Funding for FY 12-13:	\$12,553,949
Total Amount of Rollover Funds from FY 11-12 as of September 4, 2012:	\$ 9,656,911

**Alternative Scenario – Funding for 12 Months for all CCPEC Agencies
Offset by Rollover and Proportional Reduction)**



OFFICE OF
THE DISTRICT ATTORNEY
COUNTY OF RIVERSIDE

MEMORANDUM

PAUL E. ZELLERBACH
DISTRICT ATTORNEY

October 2, 2012

TO: Community Correction Partnership Executive Committee

FROM: Paul E. Zellerbach

SUBJECT: FY 2012-13 Budget

There is no law which prohibits the Community Corrections Partnership Executive Committee from funding the Realignment efforts of the District Attorney. Any opinion to the contrary is likely a result of a misreading and misunderstanding of the applicable Penal Code sections.

The Community Corrections Performance Incentive Act of 2009

Before the Public Safety Realignment Act of 2011 (AB 109 & AB 117), there was the Community Corrections Performance Incentive Act of 2009 (SB 678). This legislation was designed to provide sustainable funding for improved, evidence-based probation supervision practices in order to reduce the number of felony probationers who are sent to state prison on probation violations. The rationale behind the law was that reduced prison commitments would save taxpayer dollars and a portion of the savings would be redirected to local probation departments for re-investment in community corrections programs, which in theory would continue to reduce the number of prison commitments. The legislation, which was codified in Penal Code sections 1228 through 1233.8, rewards county probation departments for reducing the number of prison commitments stemming from probation violations, also known as their probation failure rate. Each county was authorized to establish a Community Corrections Performance Incentive Fund (CCPIF), to receive all amounts allocated by the legislation. The Penal Code further provided that the program shall be developed and implemented by probation and advised by a local Community Corrections Partnership (CCP), the membership of which was provided for in Penal Code section 1230.

The Riverside County Probation Department implemented a SB 678 program that significantly reduced the probation failure rate. In 2010, the number of probation violations resulting in a prison commitment was reduced from 6.5% (1,537) to 3.9% (991). This success qualified the probation department for a probation failure reduction payment (or SB 678 payment) of \$8,956,728 for FY 2011-12. These funds were paid into the CCPIF by the state. The monies for FY 2011-12, as with all funds paid pursuant to this legislation, are to be given exclusively to the probation department for the implementation of programs as described in Penal Code section 1230 and 1231.

The Public Safety Realignment Act of 2011

As part of the Public Safety Realignment Act of 2011, the Legislature added Penal Code section 1230.1, which created an Executive Committee from the Community Corrections Partnership established in the Community Corrections Performance Incentive Act. This Executive Committee was charged with the responsibility of preparing a plan to present to each county's board of supervisors for the implementation of the 2011 public realignment. The plan is to be voted on by the Executive Committee, and will be deemed accepted by the Board of Supervisors, unless the Board rejects the plan by a vote of four-fifths. In that event, the plan goes back to the Executive Committee for further consideration. The only statutory guidance for the Executive Committee on how to prepare a plan comes in Penal Code section 1230.1, section (d) states:

Consistent with local needs and resources, the plan may include recommendations to maximize the effective investment of criminal justice resources in evidence-based correctional sanctions and programs, including, but not limited to, day reporting centers, drug courts, residential multiservice centers, mental health treatment programs, electronic and GPS monitoring programs, victim restitution programs, counseling programs, community service programs, educational programs, and work training programs.

The District Attorney's Office efforts to implement Realignment, as described in the FY 2012-13 budget submission, fall squarely within the parameters established in Penal Code section 1230.1.

Additionally, Penal Code section 1230.1 makes no reference to the Penal Code sections that govern the Community Corrections Performance Incentive Act. The only common denominator is the use of the Community Corrections Partnership. But closer analysis reveals that the CCP is used quite differently. Under the Community Corrections Performance Incentive Act, programs are developed and operated exclusively by the probation department, with the advice of the CCP. Under Realignment, an Executive Committee was established with the sole goal of recommending an implementation plan for multiple departments to the Board of Supervisors. The plan would be deemed approved, unless rejected by a four-fifths vote of the Board, in which case the plan goes back to the Executive Committee for further consideration. Further proof of the difference between Realignment programs and Community Corrections Performance Incentive programs is the fact that the two statutory schemes are funded by different accounts, specifically the Local Community Corrections Account and the Community Corrections Performance Incentive Fund.

District Attorney Realignment Efforts

As part of Realignment, the District Attorney was tasked with performing hearings on violations of Post-Release Community Supervision. To support these efforts, Realignment legislation created a special sub fund that is to be split equally between the District Attorney and the Public Defender. These funds are to be used exclusively for costs associated with violation of PRCS hearings. However, Realignment is much broader than simply PRCS hearings, as are the efforts of the District Attorney. Accordingly, it only makes sense that the District Attorney receive additional funding to implement Realignment as necessary. Further, there is no law to support the notion that the District Attorney is limited only to the special funding authorized for PRCS hearings.

In fact, the Local Community Corrections Account is to be used broadly by the County as a whole to implement all of the various provisions of the Public Safety Realignment Act. As Government Code section 30025, subsection (f), subdivision (11), states: "The moneys in and transferred from the Local Community Corrections Account . . . shall be the source of funding for the provisions of Chapter 15 of the Statutes of 2011 [AB 109]. This funding shall not be used by local agencies to supplant other funding for Public Safety Services." The use of the words "local agencies" in this section suggests that the Legislature contemplated that local counties would divide up these monies between various local agencies. The fact that the Legislature did not exclude the District Attorney's Office and the Public Defender's Office from the Local Community Corrections Account further suggests that these agencies would receive such funds if they are impacted by any costs associated with Realignment.

Further, any funding separate from the PRCS sub fund would be for those costs that are not related to PRCS hearings. These additional costs are explained fully in the District Attorney's Office FY 2012-12 budget submission.

Conclusion

The programs created, implemented and funded as a result of the Community Corrections Performance Act of 2009, and the Penal Code sections cited by the Chief Probation Officer in his memorandums to the Community Corrections Partnership Executive Committee dated August 8, 2012, are separate and distinct from any programs created, implemented and funded as a result of the Public Safety Realignment Act of 2011. There is no law to support the notion that any limitation on the Community Corrections Performance Incentive Fund applies to the Local Community Corrections Account created by Realignment legislation. The District Attorney's Office should continue to receive its funding from the Local Community Corrections Account for necessary costs associated with Realignment, specifically those costs not covered by the PRCS sub fund split between the District Attorney and the Public Defender.

ORDER TO CUT STATE PRISON POPULATION WON'T BE EASED

Officials say they can't meet June deadline; federal judges might grant 6-month extension

ASSOCIATED PRESS

SACRAMENTO

A panel of federal judges won't consider easing its order that California sharply reduce its prison population to improve inmate care, but it may give state officials more time to comply, the three judges said Friday.

State prison officials have said they won't be able to meet a court-ordered deadline to reduce the population of the state's 33 adult prisons by June 2013. They argue that they could house another 3,000 inmates in those prisons while still bringing conditions up to constitutional standards for providing medical and mental health care.

The judges wrote in a four-page order that they are not willing to reconsider the population cap order that was upheld by the U.S. Supreme Court last year.

"That question has already been litigated and decided by this Court and affirmed by the Supreme Court, and this Court is not inclined to permit re-litigation of the proper population cap at this time," they wrote.

"It was a forceful rejection of the state's position that they are entitled to modify the population cap," said Don Specter, director of the nonprofit Berkeley-based Prison Law Office.



Richard J. Donovan Correctional Facility's gymnasium had to be converted to a reception center because of overcrowding. HOWARD LIPIN • 2006 U-T FILE PHOTO

"Here's my wish: that the state would stop playing games with the court and take the judgment of the U.S. Supreme Court seriously and abide by the law of the land."

Corrections officials said they could not immediately comment.

The judges said they would consider extending the state's deadline by six months, until December 2013. No further delay would be acceptable, they said, because the state already has said how it could meet the original standard

without endangering public safety.

"They have to prove that they can't do it by June. That's the next battle," Specter said. "That's going to be a hard burden for them to meet."

In court filings on Aug. 17 and again earlier this week, state officials said they could elect to keep enough inmates in private prisons in other states to meet the population cap.

"Although this is a far-worse alternative than the contemplated modification of the final benchmark be-

cause it relocates inmates far from their communities, is expensive, and is unnecessary in light of the vast improvements Defendants have made to prison health care, it is nevertheless an available option," state officials said in their filing on Tuesday.

The state already has sharply reduced its prison population under a law that took effect last year that shifts responsibility for less serious criminals to county jails. Prison officials say that will have moved more than 29,000 inmates to the local level by June 2013.

REPORT: AMSI A IAIL

