



Agenda

PUBLIC PROTECTION COMMITTEE

August 6, 2012

11:00 A.M.

651 Pine Street, Room 101, Martinez

Supervisor Candace Andersen, Chair

Supervisor Federal D. Glover, Vice Chair

Agenda Items:

Items may be taken out of order based on the business of the day
and preference of the Committee

1. Introductions
2. Public comment on any item under the jurisdiction of the Committee and not on this agenda (speakers may be limited to three minutes)
3. Update on Public Safety Realignment under AB 109 (Philip Kader, County Probation Officer; Chair, Community Corrections Partnership)
4. Civil Grand Jury Report 1210 entitled, "Voluntary Inmate Labor - A Lost Opportunity"

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Public comment may be submitted via electronic mail on agenda items at least one full work day prior to the published meeting time.

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Glossary of Acronyms, Abbreviations, and other Terms (in alphabetical order):

Contra Costa County has a policy of making limited use of acronyms, abbreviations, and industry-specific language in its Board of Supervisors meetings and written materials. Following is a list of commonly used language that may appear in oral presentations and written materials associated with Board meetings:

AB	Assembly Bill	GIS	Geographic Information System
AB 109	Public Safety Realignment 2011/12	HCD	(State Dept of) Housing & Community Development
ABAG	Association of Bay Area Governments	HHS	Department of Health and Human Services
ACA	Assembly Constitutional Amendment	HIPAA	Health Insurance Portability and Accountability Act
ADA	Americans with Disabilities Act of 1990	HIV	Human Immunodeficiency Syndrome
AFSCME	American Federation of State County and Municipal Employees	HOV	High Occupancy Vehicle
AICP	American Institute of Certified Planners	HR	Human Resources
AIDS	Acquired Immunodeficiency Syndrome	HUD	United States Department of Housing and Urban Development
ALUC	Airport Land Use Commission	Inc.	Incorporated
AOD	Alcohol and Other Drugs	IOC	Internal Operations Committee
BAAQMD	Bay Area Air Quality Management District	ISO	Industrial Safety Ordinance
BART	Bay Area Rapid Transit District	JPA	Joint (exercise of) Powers Authority or Agreement
BCDC	Bay Conservation & Development Commission	Lamorinda	Lafayette-Moraga-Orinda Area
BGO	Better Government Ordinance	LAFCo	Local Agency Formation Commission
BOS	Board of Supervisors	LLC	Limited Liability Company
CALTRANS	California Department of Transportation	LLP	Limited Liability Partnership
CalWIN	California Works Information Network	Local 1	Public Employees Union Local 1
CalWORKS	California Work Opportunity and Responsibility to Kids	LVN	Licensed Vocational Nurse
CAER	Community Awareness Emergency Response	MAC	Municipal Advisory Council
CAO	County Administrative Officer or Office	MBE	Minority Business Enterprise
CCHP	Contra Costa Health Plan	M.D.	Medical Doctor
CCTA	Contra Costa Transportation Authority	M.F.T.	Marriage and Family Therapist
CCP	Community Corrections Partnership (AB 109)	MIS	Management Information System
CDBG	Community Development Block Grant	MOE	Maintenance of Effort
CEQA	California Environmental Quality Act	MOU	Memorandum of Understanding
CIO	Chief Information Officer	MTC	Metropolitan Transportation Commission
COLA	Cost of living adjustment	NACo	National Association of Counties
ConFire	Contra Costa Consolidated Fire District	OB-GYN	Obstetrics and Gynecology
CPA	Certified Public Accountant	O.D.	Doctor of Optometry
CPI	Consumer Price Index	OES-EOC	Office of Emergency Services-Emergency Operations Center
CSA	County Service Area	OSHA	Occupational Safety and Health Administration
CSAC	California State Association of Counties	Psy.D.	Doctor of Psychology
CTC	California Transportation Commission	RDA	Redevelopment Agency
dba	doing business as	RFI	Request For Information
EBMUD	East Bay Municipal Utility District	RFP	Request For Proposal
EIR	Environmental Impact Report	RFQ	Request For Qualifications
EIS	Environmental Impact Statement	RN	Registered Nurse
EMCC	Emergency Medical Care Committee	SB	Senate Bill
EMS	Emergency Medical Services	SBE	Small Business Enterprise
EPSDT	State Early Periodic Screening, Diagnosis and treatment Program (Mental Health)	SWAT	Southwest Area Transportation Committee
et al.	et ali (and others)	TRANSPAC	Transportation Partnership & Cooperation (Central)
FAA	Federal Aviation Administration	TRANSPLAN	Transportation Planning Committee (East County)
FEMA	Federal Emergency Management Agency	TRE or TTE	Trustee
F&HS	Family and Human Services Committee	TWIC	Transportation, Water and Infrastructure Committee
First 5	First Five Children and Families Commission (Proposition 10)	VA	Department of Veterans Affairs
FTE	Full Time Equivalent	vs.	versus (against)
FY	Fiscal Year	WAN	Wide Area Network
GHAD	Geologic Hazard Abatement District	WBE	Women Business Enterprise
		WCCTAC	West Contra Costa Transportation Advisory Committee

2012 PUBLIC PROTECTION COMMITTEE

UPDATE ON STATE PUBLIC SAFETY REALIGNMENT

The County Probation Officer, as Chair of the Community Corrections Partnership Executive Committee, will make an oral report on County's experience with realignment since the October 1, 2011 implementation and the planning effort on the new funding allocation.

The PPC last received status reports in April 2012 and December 2011. Attached for reference are the October 2011 Realignment Plan and Budget.

Background

The California Legislature passed the Public Safety Realignment Act (Assembly Bill 109), which transferred responsibility for supervising certain lower-level inmates and parolees from the California Department of Corrections and Rehabilitation (CDCR) to counties. Assembly Bill 109 (AB 109) took effect on October 1, 2011 and realigned three major areas of the criminal justice system. On a prospective basis, the legislation:

- Transferred the location of incarceration for lower-level offenders (specified non-violent, non-serious, non-sex offenders) from state prison to local county jail and provides for an expanded role for post-release supervision for these offenders;
- Transferred responsibility for post-release supervision of lower-level offenders (those released from prison after having served a sentence for a non-violent, non-serious, and non-sex offense) from the state to the county level by creating a new category of supervision called Post-Release Community Supervision (PRCS);
- Transferred the custody responsibility for parole and PRCS revocations to local jail, administered by county sheriffs

AB 109 also created the local Community Corrections Partnership (CCP) and tasked it with recommending to the County Board of Supervisors a plan for implementing the criminal justice realignment, which shall be deemed accepted by the Board unless rejected by a 4/5th vote. The Executive Committee of the CCP is composed of the County Probation Officer (Chair), the Sheriff-Coroner, a Chief of Police (represented by the Richmond Police Chief), the District Attorney, the Public Defender, the Presiding Judge of the Superior Court or designee, and the Health Director.

On October 4, 2011, the Board of Supervisors approved the CCP Realignment Implementation Plan and the CCP Executive Committee and its community advisory board have been meeting monthly to monitor the plan and state revenue distributions, and formulate recommendations, if necessary, for plan adjustments.

The County's AB 109 funding allocation for the nine-month remainder of FY 2011/12 was approximately \$4.5 million. This allocation was based upon a State funding formula that counter-intuitively rewarded those counties that historically sent many people to State prison. Contra Costa and other local urban counties that were disadvantaged by this funding formula argued vociferously that the formula should be changed and we prevailed. For each of the next two fiscal years, Contra Costa County will be allocated \$19 million – more than triple the original allocation annualized. The increased allocation will provide for the full funding of the October 2011 realignment plan plus some expansion and enhancement of those services, and also the development of new community-based re-entry services to be coordinated by the County. There are no funding guarantees beyond June 30, 2014.

The CCP is currently working on its FY 2012/13 budget and staffing plan and is considering proposals that have been submitted by each of the public safety partners. Due to the time required to create and fill staff positions, the CCP intends to ask the Board of Supervisors to approve at least a partial budget later this month to allow these necessary administrative processes to commence. The CCP would continue to refine the plan and budget throughout the year as the needs of the AB 109 population are analyzed and as focused services are prioritized.

To: Board of Supervisors
From: Community Corrections Partnership Exec Cte
Date: October 4, 2011



Contra
Costa
County

Subject: AB 109 CRIMINAL JUSTICE REALIGNMENT IMPLEMENTATION PLAN

RECOMMENDATION(S):

APPROVE the Contra Costa County 2011/12 Public Safety Realignment Implementation Plan, attached hereto, for criminal justice programs.

FISCAL IMPACT:

The recommended plan should result in no additional net County cost during fiscal year 2011/12, as recommended allocations are funded through State AB 109 public safety realignment funds. Future plans and realignment allocations will depend on future State allocations and are not reflected in this plan.

BACKGROUND:

The California Legislature passed the Public Safety Realignment Act (Assembly Bills 109), which transfers responsibility for supervising specific low-level inmates and parolees from the California Department of Corrections and Rehabilitation (CDCR) to counties. Assembly Bill 109 (AB 109) takes effect October 1, 2011 and realigns three major areas of the criminal justice system. On a prospective basis, the legislation:

- APPROVE
- OTHER
- RECOMMENDATION OF CNTY ADMINISTRATOR
- RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **10/04/2011** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYES _____ NOES _____
 ABSENT _____ ABSTAIN _____
 RECUSE _____

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: October 4, 2011
, County Administrator and Clerk of the Board of Supervisors

By: , Deputy

Contact: PHILIP KADER
925-313-4188

cc:

BACKGROUND: (CONT'D)

- Transfers the location of incarceration for lower-level offenders (specified non-violent, non-serious, non-sex offenders) from state prison to local county jail and provides for an expanded role for post-release supervision for these offenders;
- Transfers responsibility for post-release supervision of lower-level offenders (those released from prison after having served a sentence for a non-violent, non-serious, and non-sex offense) from the state to the county level by creating a new category of supervision called Post-Release Community Supervision (PRCS);
- Transfers the housing responsibility for parole and PRCS revocations to local jail custody

AB 109 also tasked the local Community Corrections Partnership (CCP) with recommending to the County Board of Supervisors a plan for implementing the criminal justice realignment, which shall be deemed accepted by the Board unless rejected by a 4/5th vote. The Executive Committee of the CCP is composed of the County Probation Officer (Chair), Sheriff-Coroner, a Chief of Police (represented by the Richmond Police Chief), District Attorney, Public Defender, Presiding Judge of the Superior Court or designee, and Health Director as agreed by the County Administrative Officer.

The attached document is the criminal justice realignment implementation plan developed and recommended by the CCP Executive Committee. The Executive Committee has met almost every week since early July. The plan attempts to meet the stated legislative objectives within a very limited funding allocation, as described in the "Assumptions" section of the plan. While we would like to be able to say that this is a comprehensive plan to deliver the full complement of incarceration, supervision, and rehabilitative/re-entry services contemplated by AB 109, the limited state allocation simply does not provide sufficient funds for everything we would like to include in this plan. The CCP considers this nine-month implementation plan to be the first step in an evolving, long-term effort to develop a comprehensive supervision and re-entry program. The programs, as recommended, cannot be sustained on an annual basis within the state funding allocation. While we are participating in efforts to secure additional state funding, we also recognize that we must change our policies, practices, and programming in order to manage this population within the limited funding available.

The CCP Executive Committee recommends approval of the plan and the related budget and staffing plan, which is transmitted to the Board today in a separate item.

CONSEQUENCE OF NEGATIVE ACTION:

CHILDREN'S IMPACT STATEMENT:

Contra Costa County 2011/12 Public Safety Realignment Implementation Plan

Executive Committee

Diana Becton, Presiding Judge

Cynthia Belon, Health Services

Philip Kader, Chief Probation Officer (Chair)

Robin Lipetzky, Public Defender

David Livingston, Sheriff-Coroner

Chris Magnus, Chief, Richmond Police Department

Mark A. Peterson, District Attorney

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Introduction

The Community Corrections Partnership (CCP) has been developing and refining this document since Assembly Bill 109 became law in late June 2011. This responsibility has not been taken lightly. We have spent many hours of meeting virtually every week since early July and many additional hours developing this CCP Plan. We have had excellent attendance of the voting members. We have attended training seminars, held several community forums and invited anyone interested to attend our weekly meetings.

It has become abundantly clear that the only plan that should be offered is one that continues as a work in progress. There are ongoing discussions involving interventions that could impact the State projections, and service opportunities that may decrease the number of incarceration beds and probation supervision cases. There is continued discussion regarding strategies to minimize incarceration of the AB 109 population, such as remodeling the County's bail-process, holding early disposition hearings, and increasing the use of electronic monitoring, to name but a few. The CCP will convene a community advisory group of members who will review data on outcomes, provide input on community needs and assessments of implementation, and advise on community engagement strategies. The CCP will meet with this group periodically to receive and discuss the group's input and advice. The CCP supports the implementation of County Re-Entry Strategic Plan and will participate in meetings to implement the strategic plan while gathering input on strategies to integrate realignment with broader re-entry policies and programs.

There is simply no way to know at this time if our planning assumptions will bear out. We have completed this Plan by carefully weighing all the possibilities and coming to a reasoned conclusion with the initial information we have studied. We offer this Plan fully understanding that it will be reviewed and likely modified during monthly meetings of the CCP. We expect that the careful collection of relevant data will inform our proposals to reallocate resources, if necessary, as well as provide early indications of the effectiveness of our case management.

There are several things we do know unequivocally. The prior funding from the State to offset the cost of incarcerating those pending state parole revocation hearings (\$777,000 a year) will no longer exist beginning October 1, 2011. We know that the 20 to 30 parolees previously transferred from our jail to prison every week will remain in County custody. We know that 20 to 30 people released from prison every month will be placed on Post-Release Community Supervision provided by our Probation Department rather than on State Parole.

Criminal Justice Realignment is a paradigm shift for California counties. No longer will it be enough for each criminal justice partner to focus on its own distinct mission within the justice system. Achievement of realignment goals will depend on the commitment and collaboration of all justice partners towards a combined mission, while recognizing the critical role that each justice partner plays in achieving positive outcomes.

The CCP is committed to doing the best job we can with the resources we have been provided. We are also prepared to adjust our Plan to ensure the best utilization of the limited revenue forwarded to us from State. Finally, we remain committed to vigorously search for the

very best alternatives and aggressively engage our communities in our effort to best serve our county.

Executive Summary

Overview.

The California Legislature passed the Public Safety Realignment Act (Assembly Bills 109), which transfers responsibility for supervising specific low-level inmates and parolees from the California Department of Corrections and Rehabilitation (CDCR) to counties. Assembly Bill 109 (AB 109) takes effect October 1, 2011 and realigns three major areas of the criminal justice system. On a prospective basis, the legislation:

- Transfers the location of incarceration for lower-level offenders (specified non-violent, non-serious, non-sex offenders) from state prison to local county jail and provides for an expanded role for post-release supervision for these offenders;
- Transfers responsibility for post-release supervision of lower-level offenders (those released from prison after having served a sentence for a non-violent, non-serious, and non-sex offense) from the state to the county level by creating a new category of supervision called Post-Release Community Supervision (PRCS);
- Transfers the housing responsibility for parole and PRCS revocations to local jail custody

AB 109 also tasked the local Community Corrections Partnership (CCP)¹ with recommending to the County Board of Supervisors a plan for implementing the criminal justice realignment, which shall be deemed accepted by the Board unless rejected by a 4/5th vote. The Executive Committee of the CCP is composed of the County Probation Officer (Chair), Sheriff-Coroner, a Chief of Police (represented by the Richmond Police Chief), District Attorney, Public Defender, Presiding Judge of the Superior Court or designee, and Health Director as agreed by the County Administrative Officer.

This document is the criminal justice realignment implementation plan developed and recommended by the CCP Executive Committee. The Executive Committee has met almost every week since early July. The plan attempts to meet the stated legislative objectives within a very limited funding allocation, as described below, under “Assumptions”. While we would like to be able to say that this is a comprehensive plan to deliver the full complement of incarceration, supervision, and rehabilitative/re-entry services contemplated by AB 109, the limited state allocation simply does not provide sufficient funds for everything we would like to include in this plan. Consideration was also given to provide supportive social and rehabilitation services to those offenders released from prison as well as those sentenced by the local courts and those spending custody time in the local jail.

Planning Assumptions.

As this dramatic and multi-dimensional criminal justice realignment (being an initiative that would have, under normal circumstances, required years of collaborative planning) was

¹ The Community Corrections Partnership was previously established under SB 678.

literally developed in a matter of months, the Executive Committee had to make a number of assumptions where definitive answers are currently unavailable:

State Funding Formula. The funding amount allocated to each California County is based upon the number of non-violent, non-serious, non-sex offenders sentenced to state prison by each county, rather than on the number of arrests or other contributing factors. Historically, Contra Costa County has sentenced fewer offenders to state prison per capita than many other counties and, consequently, finds itself “under-funded” compared with other counties that have historically sentenced proportionally more offenders to state prison. While making no value judgment on the sentencing practices of other counties, the state funding formula for 2011/12 realignment ironically rewards those counties that contributed most to state prison crowding. As a result of concerns expressed by this County and other disadvantaged counties, the state has agreed to reconsider the funding formula for future years. Therefore, we must emphasize that this plan is only relevant for the period October 1, 2011 through June 30, 2012. Any planning beyond June 2012 must be contingent on a yet to be determined funding formula.

Length of Confinement. Although the State Department of Finance has projected that the terms of confinement for parole revocations will be on average 30 days, the Sheriff’s Office anticipates that a more realistic average term of confinement for planning purposes should be 90 days (the maximum term). Contra Costa County currently has unutilized and unstaffed bed space within its detention facilities. In anticipation of the coming new offender population, pods within the West County Detention Facility and the Marsh Creek Detention Facility will be reopened and staffed, adding considerably to the costs of the Implementation Plan.

Budget.

The amount allocated to the County is \$4,572,950. The following is a breakdown of the recommended allocations, which are described in greater detail in the AB 109 Criminal Justice Realignment Budget for 2011/12, which is being transmitted to the Board in a separate item today:

Table 1. Contra Costa County AB 109 Spending Plan, FY2011-2012

Agency	FY2011-2012 (9-Month) Budget	Percent of Total FY2011-2012 (9-Month) Budget
Sheriff’s Office	\$2,489,750	54.4%
Probation Department	\$1,025,596	22.4%
Health Services	\$ 895,109	19.6%
Office of the Public Defender	\$ 94,995	2.1%
District Attorney Office	\$ 67,500	1.5%
Total	\$4,572,950	100%

New Population Estimates.

AB 109 will place newly released non-violent, non-serious, non-sex offenders under County supervision and will keep new lower-level offenders in local custody rather than state prison. For Contra Costa County, the new population estimates are:

Post-Release Community Supervision (PRCS) population. Between October 2011 and June 2012, it is estimated that 215 offenders will be released from prison and returned to the County at a rate of approximately 24 offenders per month.

Lower-level offenders serving county jail sentences. It is expected that over 60 new offenders will be added to the county jail population during the nine-month implementation period. The average length of sentences that will be served by these newly sentenced offenders is unknown and unpredictable at this time.

New mandatory probation supervision population. It is expected that a large number of the local sentenced AB 109 population will also be sentenced to a period of mandatory probation supervision to follow their county jail sentence. The size of this population and the average length of the term of probation supervision are as yet unknown.

New county jail population of parole/PRCS/probation violators. Beginning November 1, 2011, large numbers of parolees will be serving their sentences in local jail facilities rather than in state prison. In FY 2010-2011 1,276 new parolees were sent to state prison on parole revocations from Contra Costa County. These offenders will now remain in local custody. The actual rates of incarceration and the average length of the sentences to be served remain unknown at this time.

Implementation Strategies.

The Community Corrections Partnership has crafted strategies to protect the community and provide services to AB 109 offenders.

- The *Sheriff's Office* will open housing units within two of its three detention facilities to accommodate the increasing number of offenders that must be incarcerated, and expand its electronic monitoring program to supervise offenders within the community.
- The *Probation Department* will create a specialized unit to supervise and case manage the offender population, developing an individualized treatment plan for each offender and providing or referring probationers to a full range of community supervision services.
- For those AB 109 offenders who require assistance, *Health Services* will provide substance abuse treatment, mental health services, and homelessness prevention services through its Behavioral Mental Health Clinic, Behavioral Health Homeless Program, and community-based residential and outpatient drug programs. Additional bed space will be reserved for AB 109 clients provided in partnership with local community-based organizations.

- The *District Attorney's Office* will provide victim advocacy services, helping connect victims with relevant services. They will also gather information about the impact of the crime for the purposes of setting bail and release conditions (when appropriate) to assist in reducing local incarceration rates.
- The *Office of the Public Defender* will conduct a social history and needs assessment of clients pre-disposition and, pursuant to PC 1203.4 (clean slate), will assist in the filing of petitions for probationers to have their records cleared at the end of their terms of probation when eligible and in conjunction with the other justice partners.
- Staff members from each of the CCP agencies will participate in required orientations for PRCS offenders as they return to the community from state prison. During these meetings, CCP agencies and community-based organizations will provide information on service availability and the possible consequences of law violations.
- The CCP will meet monthly between October 2011 and June 2012 to monitor and evaluate the Implementation Plan. Particular emphasis will be placed on accuracy of client population estimates and costs, management information system development, receptiveness of offenders to offered services, identified gaps in the services and programs provided, and outcomes for AB 109 offenders. It is the Committee's intent to continue to refine the plan and reallocate resources as appropriate in the coming months.

Proposed Outcomes.

To gauge the effectiveness of AB 109 realignment in the county, the CCP will gather feedback from the partners on the effectiveness of the plan along with recidivism and quality of life outcomes for AB 109 offenders.

Recommendations

The Executive Committee submits the following recommendations to the Board of Supervisors, Contra Costa County:

1. ACKNOWLEDGE that State Criminal Justice Realignment is a work in progress, and that the plan recommended for adoption today may have to be adjusted in accordance with changing circumstances.
2. RECOGNIZE that the funding formula selected by the state to allocate realignment funding to local government provides insufficient funding to Contra Costa County for providing the expected continuum of incarceration, supervision, and rehabilitative/re-entry services contemplated under realignment.

3. RECOGNIZE that there is an ongoing need to secure funding for the County's Strategic Reentry Plan separate and apart from the funding allocated for criminal justice realignment.
4. RECOGNIZE that the plan recommended for adoption today is an implementation plan only and cannot be sustained on an annualized basis without increased state funding.
5. ACKNOWLEDGE that the Sheriff has the ability to offer a home detention program, as specified in section 1203.016 of the California Penal Code, in which inmates committed to the County Jail may voluntarily participate or involuntarily be placed in a home detention program during their sentence in lieu of confinement in the County Jail or other County correctional facility.
6. ACKNOWLEDGE that the Sheriff has the ability to offer an electronic monitoring program as specified in section 1203.018 of the California Penal Code, for inmates being held in lieu of bail in the County Jail or other County correctional facility.
7. ADOPT the Implementation Plan recommended herein as the Contra Costa County 2011/12 Public Safety Realignment Implementation Plan as required by PC1230.1 and the Post-Release Community Supervision strategy as required by PC3451 (as added by the Post-Release Community Supervision Act of 2011 contained in AB 109).

Overview of 2011 Public Safety Realignment Act (AB 109)

The goals of The Public Safety Realignment Act are to restructure supervision and incarceration, address the overcrowding problem in California's prisons, and reduce the cost of the centralized state prison system. AB 109 transfers responsibility for supervising low-level inmates and parolees (those convicted of non-serious, non-violent, or non-sex offenses) from the California Department of Corrections and Rehabilitation to counties. Implementation of AB 109 is scheduled to begin October 1, 2011.

AB 109 amends Section 1230.1 of the California Penal Code to read: "Each county local Community Corrections Partnership established pursuant to subdivision (b) of Section 1230 shall recommend a local plan to the County Board of Supervisors for the implementation of the 2011 public safety realignment. (b) The plan shall be voted on by an executive committee of each county's Community Corrections Partnership consisting of the Chief Probation Officer of the county as chair, a Chief of Police, the Sheriff, the District Attorney, the Public Defender, a presiding judge or his or her designee, and the department representative listed in either section 1230 (b) (2) (G), 1230 (b) (2) (H), or 1230 (b) (2) (J) as designated by the county board of supervisors for purposes related to the development and presentation of the plan. (c) The plan shall be deemed accepted by the County Board of Supervisors unless rejected by a vote of 4/5ths in which case the plan goes back to the Community Corrections Partnership for further consideration. (d) 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 multi-service centers, mental health treatment programs, electronic and GPS monitoring programs, victims restitution programs, counseling programs, community service programs, educational programs, and work training programs."

Target Population: The post-release community supervision population, released from prison to community supervision, is the responsibility of local probation departments. This population includes non-violent, non-serious, non-sex offenders with or without a prior conviction for a serious or violent offense or a sex-offender registration requirement. The population that will serve their prison sentences locally includes the non-violent, non-serious, non-sex offender group. Upon full implementation of AB 109 in Contra Costa County it is estimated that the annual average daily population of AB 109 offenders will be approximately 450. These offenders will require a range of supervision, sanctions, and service resources. These offenders become a local responsibility on October 1, 2011 when AB 109 is implemented.

- Local Post-Release Community Supervision: Offenders released from state prison on or after October 1, 2011 after a sentence for an eligible offense shall be subject to, for a period not to exceed 3 years, post-release community supervision provided by a county agency designated by that county's Board of Supervisors. The Probation Department is the designated community supervision agency in Contra Costa County.
- Revocations Heard and Served Locally: Post-Release Community Supervision and parole revocations will be served in local jails (by law the maximum revocation sentence is up to 180 days). The Courts will hear revocations of Post-Release Community

Supervision offenders. The Board of Parole Hearings will conduct parole violation hearings until July of 2013 when this responsibility shifts to local courts.

- Changes to Custody Credits: Most jail inmates will now earn custody credits that equal the amount of custody days served (day for day credit).
- Alternative Custody: Penal Code Section 1203.018 authorizes electronic monitoring for inmates being held in the county jail in lieu of bail. Eligible felony inmates must first be held in custody for 60 days post-arraignment, or 30 days for those charged with misdemeanor offenses. Any program implemented under this penal code section will be in collaboration with the District Attorney's Office and the Superior Court of Contra Costa County.
- Community-Based Accountability: Emphasizes the use of a range of community-based consequences other than jail incarceration.
- Evidence-Based Practices: Emphasizes the use of supervision policies, procedures, programs, and practices demonstrated by scientific research to reduce recidivism among individuals under probation, parole, or post-release supervision.

Local Planning and Oversight

COMMUNITY CORRECTIONS PARTNERSHIP

In the last two years, there have been statewide efforts to expand the use of evidence-based practices in sentencing and probation practices, and to reduce the state prison population. SB 678 (2009) established a Community Corrections Partnership (CCP) in each county, chaired by the Chief of Adult Probation, charged with advising on the implementation of SB 678 funded initiatives. AB 109 (2011) established an Executive Committee of the CCP charged with the development of a 2011 Realignment Plan that will recommend a countywide programming plan for the realigned population, for consideration and adoption by the Board of Supervisors.

The CCP Executive Committee will advise on the progress of the Implementation Plan. Chaired by the Chief Probation Officer, the CCP Executive Committee will oversee the realignment process and advise the Board of Supervisors in determining funding and programming for the various components of the plan. Voting members of the Executive Committee include: a Judge (appointed by the Presiding Judge); Chief Probation Officer; County Sheriff-Coroner; District Attorney; Chief of Police; Public Defender; and Direct of County Social Services/Mental/Public Health (as determined by the Board of Supervisors).

Budget

Contra Costa County's share of the block grant dollars is \$4,572,950 million over FY2011-2012 beginning October 2011. The planning process has revealed that this amount is inadequate to comprehensively provide for the needs of the AB 109 offender population. The

protection of the community and case management of the clients rely on effective and swift responses to the needs of the clients while being mindful of the needs of the victims and our neighborhoods. Realignment also recognizes that delivery of evidence-based services and sanctions is most effective at reducing recidivism and improving public safety. However, there is a significant gap between this proposal and budget, and the best opportunities to provide a meaningful and comprehensive approach to Realignment. Facing these constraints, the partners have developed a budget based on the State’s distribution pursuant to the established allocation. There is also an added projected annual budget that suggests the actual costs for a full fiscal year as noted below. These figures will exceed the expected annual budget for the next fiscal year. There is significant concern that adjustments to the FY2011-2012 Budget will adversely affect this plan. Among the Community Corrections Partnership, the funding will be divided as follows:

Table 2. Contra Costa County AB 109 Spending Plan: One-Time Costs, FY2011-2012, and Projected Annual Budget.

Agency	One-Time Costs	Percent of Total One-Time Costs	FY2011-2012 (9-Month) Budget	Percent of Total FY2011-2012 Budget	Projected Annual Budget	Percent of Projected Annual Budget
Sheriff’s Office	\$252,500	78.3%	\$2,489,750	54.4%	\$5,224,717	64.3%
Probation Department	\$ 70,175	21.7%	\$1,025,596	22.4%	\$1,482,783	18.2%
Health Services	\$0	0%	\$ 895,109	19.6%	\$1,169,626	14.4%
Office of the Public Defender	\$0	0%	\$ 94,995	2.1%	\$ 160,788	2.0%
District Attorney Office	\$0	0%	\$ 67,500	1.5%	\$ 90,000	1.1%
Total	\$322,675	100%	\$4,572,950	100%	\$8,127,914	100.0%

(Detailed budgets for each Agency have been presented to the Board in a separate transmittal.)

Proposed Implementation Strategies

AB 109 offenders will come from one of two sources: (1) Individuals released from state prison that would have normally been placed on parole and (2) offenders who will no longer be eligible to be incarcerated in state prison, but who may do time in county jail. These offenders may also have their jail sentences followed by a period of probation supervision. Even with the fiscal challenges noted above, the Contra Costa County criminal justice stakeholders will address the needs of criminal offenders returning to the community from state prison and those diverted away from state prison. The proposal stresses the use of enhanced resources that include but are not limited to the Sheriff’s Office, Probation, Health Services, District Attorney, Public Defender, Superior Court, and community partners.

SHERIFF'S OFFICE

The Sheriff's Office expects impacts to its facilities and programs to be greater than projected by the State of California. During the fiscal year 2010-2011, the Sheriff's Office had 1,276 inmates transfer to the State to serve parole violations. In addition, the Sheriff's Office sent 505 inmates to the State for new prison commitments.

The State has projected that the terms of confinement for parole violations will go from an average of four months to an average term of 30 days. All parole violations that would have been served back in prison will now be served in local custody (with the exception of those offenders on parole for "life" terms). Furthermore, the Board of Parole Hearings maintains jurisdiction over the pre-October 1, 2011 parolees until 2013. Thus, the impacts of local control of the offenders and their related consequences and opportunities will not fully be realized until after July 1, 2013.

The Sheriff's Office will assume the term of confinement for offenders at 90 days. With this assumption the Sheriff's Office will see an impact of 106 inmates per month for the first three months, or 318 inmates. In addition, the impacts of local sentencing and local violations are assumed at 12 per month (the three year ramp up average expected by the State). After 90 days, the Sheriff's Office expects an inmate population increase of 354 inmates.

The Sheriff's Office manages the three county jail facilities – Martinez Detention Facility, Marsh Creek Detention Facility, and the West County Detention Facility. In anticipation of the increase in the inmate population, the Sheriff's Office will open a new housing unit within the Marsh Creek Detention Facility. This unit will have a 60 bed capacity and will be used to house AB 109 (non-serious, non-violent, and non-sex) offenders locally. Additionally, the Sheriff's Office anticipates an increase the population of the West County Detention Facility by an estimated 200 inmates.

In collaboration with the Community Corrections Partnership and prior jail operational practices there are many service opportunities for those incarcerated locally. The Sheriff's Office, various County Departments (Office of Education, Probation, Health and Human Services), and several community-based organizations have provided opportunities for offenders in custody. These services are transitional in focus and help provide for successful re-entry. These include but are not limited to:

- GED preparation and testing
- High school diploma completion
- English as a Second Language training
- Computer application and design
- Parenting classes
- Re-entry / transitional services
- Woodshop / woodworking skills
- Engraving/sign/vehicle detailing shop
- Landscaping
- Library services

- Legal Research Services
- Proud Father Classes
- Alcoholics' and Narcotics' Anonymous classes
- Domestic Violence Prevention classes
- Veteran Affairs
- SSA/SSI Homeless Outreach Collaborative
- U.C. Davis Immigration Law Center

The Sheriff's Office will also enhance its electronic monitoring (EM) program currently provided through its Custody Alternative Facility (CAF) program. The Sheriff's Office will hire additional staff to monitor AB 109 offenders. It is expected that the number of monitored EM inmates will increase by about 100 (a 50% increase in inmate counts). Offenders in EM pay \$0-41.50 per day for supervision. Fees are waived or reduced for inmates unable to pay.

Electronically monitored offenders meet with program staff weekly to review their required scheduled appointments, review the geographic areas that are "off limits" to them, and submit samples for urinalysis. Monitored offenders may be outfitted with a standard GPS monitor that allows the tracking of whereabouts (location and time) or an enhanced SCRAM unit, which is a trans-dermal blood alcohol monitor that is typically used with 2nd and 3rd time DUI offenders, and includes RF (house arrest) monitoring.

After offenders have been convicted and remain in custody to serve their sentence, they can apply for County Parole after the sentencing judge has approved County Parole as an option. The cost and program implementation are similar to the EM program if placed into County Parole by the County Parole Board.

A small number of AB 109 offenders may be given county parole. This option is reserved for inmates that are serving custody time in County Jail. After approval from the sentencing Judge for this option, the case will be forwarded to the County Parole Board which consists of the Deputy Probation Officer, a Sheriff's Office Manager, and a member of the public approved for appointment by the Presiding Judge.

If a sentence is less than 30 days, inmates will be assigned Work Alternative where offenders pay \$16/day for supervision, and work off their sentences while they are out of custody.

PROBATION

The Probation Department estimates there will be 250 prison released offenders during the first year of the Realignment and is projected to grow to 350 during the second year of the Realignment. The Department will be responsible for administering programs directed to the post-release community supervision population. The Department will provide or refer probationers to a full range of community supervision services including:

- Pre-release "reach-in" services (assessments and supervision planning pending release from county jail)

- Case management
- Intensive community supervision (with routine home visits)
- Cognitive behavioral interventions (both pre-release and after released from jail)
- Restorative justice programs (both pre-release and after release from jail),
- Urinalysis testing
- Residential substance abuse treatment
- Outpatient behavioral health treatment
- Community service
- Family strengthening strategies
- Referral to education vocational training/employment services and housing resources
- Imposition of up to 10 days jail (“flash incarceration”) as a sanction for violating supervision conditions

Post-release community supervision will not exceed three years, and individuals may be discharged following as little as 6 months of successful community supervision. Probationers may be revoked for up to 180 days; all revocations will be served in the local jail. Post-release community supervision will be consistent with evidence-based practices demonstrated to reduce recidivism. The Department may impose appropriate terms and conditions, appropriate incentives, treatment and services, and graduated sanctions.

Probation has and continues to invest heavily in establishing evidence-based supervision and intervention practices proven effective in reducing recidivism and improving outcomes. Central to evidence-based practice are the concepts of risk, need and responsivity (the practice of assessing and identifying criminogenic risk factors contributing to ongoing criminal behavior, which can be changed through application of culturally, developmentally, and gender appropriate interventions, teaching new skills and building on offender strengths to mitigate criminality). The Department uses the National Council on Crime and Delinquency’s (NCCD) Criminal Assessment & Intervention System (CAIS) to guide the level of supervision provided to each probationer.

Probation will create a specialized unit that will provide intensive probation supervision to the AB 109 population. Each probationer will be administered the CAIS and will have an individualized treatment plan. Probation anticipates gradually deploying seven (7) deputy probation officers (DPOs) to provide services to the AB 109 population. The Department anticipates having DPOs based in West County, Central County, and East County to ensure contact is community based. The number of DPOs assigned to the unit will increase as appropriate.

A system of rewards and responses is being developed for use with the post-release community supervision population, and ultimately will drive intervention decisions with all offenders under supervision. The use of rewards and response decisions will guide the DPO regarding the type of intermediate sanction to impose in responding to violations. Successfully implementing AB 109 will require developing an effective violation hearing process combined with consistent imposition of graduated sanctions in response to violations of supervision conditions.

As AB 109 probationers are initially likely to be high-risk as evidenced by their Correctional Assessment and Intervention System (CAIS) scores. The Department will require DPOs to provide intensive probation supervision at a ratio of clients to DPO of 50:1.

Collaborative case planning is the focal point of this active engagement approach involving the offender, his/her family, the DPO, law enforcement and multiple service providers (such as housing, employment, vocational training, education, physical health, behavioral health, and pro-social activities). Individual factors such as strengths, risk factors, needs, learning style, culture, language, and ethnicity are integral to determination of appropriate interventions and services. The individualized treatment plan will determine the level of supervision and identify the types of evidence-based treatment and services the probationer needs to successfully avoid re-offending and increase pro-social functioning and self-sufficiency.

HEALTH SERVICES

Some AB109 offenders will have substance abuse problems, mental health problems, and/or will be homeless. These conditions will require intervention to facilitate the offender's re-integration into the community and prevent recidivism. Health Services will provide services to AB109 offenders through its Behavioral Health Division, which includes homeless, mental health, and alcohol and other drug services.

Health Services estimates that during the first nine months of AB109's implementation in Contra Costa County, approximately 50 offenders will require mental health services. With its share of the funding Health Services will fund a registered nurse (0.5 FTE), a licensed clinical specialist (1.0 FTE), a portion of a psychiatrist's time (0.25 FTE), and a clerk (0.5 FTE) within the mental health outpatient clinics. These staff members will provide mental health treatment and medication management services to AB109 offenders with mental health needs. Additionally, Health Services will provide psychotropic medication and laboratory services to the offenders.

Health Services will also fund an SSI Coordinator (.5 FTE), fund shelter beds (8 beds per night, per year), and transitional housing (2 spaces per night, per year) within the Behavioral Health Homeless Program. Health Services estimates that seventy (70) offenders will be provided housing services during the first nine months and estimates that eighty-five (85) offenders will be provided housing services during the second year.

The total number of AB 109 offenders requiring drug treatment services in Residential Drug Facility is unknown at this time. A total of 46, 90-day episodes in residential alcohol and other drug treatment will be made available for clients requiring alcohol and other drug treatment through Behavioral Health Alcohol and Drug Services.

During the first 9-months of AB 109 Implementation in Contra Costa County approximately \$396,000 (or 9% of the total allocation) will be paid to community-based organizations providing housing, residential alcohol and drug treatment services within Contra Costa County.

DISTRICT ATTORNEY OFFICE

Realignment will significantly impact the workload of the Contra Costa County District Attorney Office (DAO) and the sentencing options available to resolve cases. First, the DAO will be responsible for reviewing, charging, and prosecuting violations of post-release community supervision.

Second, DAO prosecutors will need to make more court appearances and engage with cases for longer periods. The number of appearances per case will likely increase before sentencing as getting agreement on appropriate sentences may be protracted.

Third, the DAO must develop expertise in alternative sentences and work closely with criminal justice partners to ensure effective sentencing without reliance on incarceration. As prison will not be available as a sentence option for many offenses, relying on jail sentences will overburden the jail system. DAO will need to develop creative and effective sentencing options based on the offender's risks and needs.

To address these challenges, DAO will add a Criminal Justice System Victim Advocate who will assist victims of crime as part of the Public Safety Realignment. In compliance with Marsy's Law, the Victim Advocate will: (1) assist the victim to obtain a criminal protective order; (2) contact the victim to gather input for setting bail and release conditions during the case; (3) be a liaison with the prosecutor for the duration of the case and disposition; (4) keep the victim informed of court dates, and sentencing hearings; (5) provide court support during court proceedings; (6) provide information concerning the disposition of the case including assisting the victim to register with the Contra Costa County Sheriff's Office's VINE program; (7) assist the victim with gathering information concerning restitution determination, obtaining a restitution order, assisting Probation with restitution information, and collection of restitution order and restitution fines; (8) assist the victim with understanding the process of incarceration in the county jail to serve prison sentences, release of inmates to community-based programs, and alternative post sentencing options; and (9) work with the victim, the prosecutor, and supervising probation officer to assure victim's safety concerns are heard and addressed.

OFFICE OF THE PUBLIC DEFENDER

The Office of the Public Defender also anticipates a significant impact on its practice due to the new AB 109 sentencing scheme. To assist in the provision of evidence-based rehabilitation in Contra Costa County, the Office will provide (1) pre-sentence needs assessments for AB 109 offenders and (2) Clean Slate services.

Many public defender clients will fall into the category of AB 109 offenders. These clients will now be eligible for sentences that can include a period of probation supervision following a period of incarceration. With the addition of a licensed social worker to the staff, the Office of the Public Defender will prepare needs-assessments for these clients that will facilitate appropriate case resolutions that address the specific reentry needs of the individual client. Identifying these needs at the pre-disposition stage will increase the chances that the individual

will succeed on probation and avoid re-offending. This information will be provided to Probation as appropriate to assist with post-release planning.

A related component of successful reentry for AB 109 offenders is Clean Slate assistance. Clean Slate is recognized as an important and effective step in removing barriers to employment for former offenders who have completed their probation terms and are seeking to reenter society. Under the new sentencing scheme, it is anticipated that more clients will be eligible for clean slate expungements pursuant to Penal Code section 1203.4. Beginning February 1, 2012 the Office will help AB 109 offenders prepare and file the appropriate paperwork in court to have their records cleared. This assistance is expected to facilitate former offenders' efforts to find employment and housing, reduce recidivism, and improve public safety.

SUPERIOR COURT

Under AB 117, a budget trailer bill accompanying the 2011 Budget Act, the Superior Court's role in criminal realignment previously outlined under AB 109 has been substantially narrowed to handle only the final revocation process for offenders who violate their terms or conditions or post-release community supervision or parole. The Court will assume responsibility for post-release community supervision revocation hearings beginning October 1, 2011. AB 117 also delays the Court's role in revocation proceedings for persons under state parole supervision and serious violent parole violations until July 1, 2013.

COMMUNITY CORRECTIONS PARTNERSHIP COLLABORATIVE OFFENDER ORIENTATION MEETINGS

Staff members from each of the CCP agencies will participate in required orientations for AB 109 offenders as they return to the community from state prisons or county jail. These presentations will allow CCP agencies and community-based organizations to share information on the array of housing, mental health, substance use prevention, employment development, transportation, and other services available within Contra Costa County to offenders. The orientations will also provide an opportunity for District Attorney, Probation, Public Defender, Sheriff's Office, and local police, to share the possible consequences for law violations.

PERIODIC COMMUNITY CORRECTIONS PARTNERSHIP MEETINGS

The Contra Costa County CCP will meet monthly throughout the first nine months of the AB 109 Implementation to make adjustments to this Implementation Plan and allocation of funding based upon unfolding circumstances and conditions. The Committee is particularly concerned about the accuracy of initial estimates regarding client populations, the accuracy of the initial costs estimates, management information system development, receptiveness to offered services, over-all outcomes, and quality of life for AB 109 offenders.

Proposed Outcomes

Contra Costa County justice stakeholders – the community, Sheriff’s Office, Probation, the Superior Court, the Public Defender, District Attorney’s Office, and Health Services – are committed to reducing recidivism and increasing public safety. This Realignment Plan seeks to further these goals by:

- Managing the additional responsibilities resulting from AB 109.
- Implementing a system that protects public safety and utilizes best practices in recidivism reduction.
- Developing a system that uses alternatives to pre-trial and post-conviction incarceration where appropriate.

To gauge effectiveness, the Community Corrections Partnership will gather outcome data likely to include:

- Feedback from CCP partners on the effectiveness of the Realignment Plan
 - Strengths of the local realignment
 - Challenges to the local realignment
 - Recommendations to enhance local realignment
- Recidivism outcomes for AB 109 clients
 - Number of arrests for technical violations
 - Number of arrests for new law violations
 - Number of convictions for technical violations
 - Number of convictions for new law violations
 - Number of flash incarcerations
 - Number of days detained in jail for flash incarcerations
 - Number of county jail sentences for new law violations
 - Number of days sentenced in county jail for new law violations
 - Number of probation revocations
 - Number of clients completing probation
 - Number of clients sentenced to state prison
- Quality of life outcomes for AB 109 clients
 - Number and percent of clients maintaining sobriety as evidenced by urinalysis test results
 - Number and percent of clients with appropriate housing
 - Number and percent of clients working (full-time)
 - Number and percent of clients working (part-time)
 - Number and percent of clients enrolled in MediCal
 - Number and percent of clients completing Clean Slate

To: Board of Supervisors
**From: Community Corrections Partnership
 Exec Cte**
Date: October 4, 2011



**Contra
 Costa
 County**

Subject: AB 109 CRIMINAL JUSTICE REALIGNMENT IMPLEMENTATION PLAN RECOMMENDATIONS

RECOMMENDATION(S):

1. APPROVE the following allocations of State Public Safety Realignment funds for fiscal year 2011/12 and as detailed in Attachment 1, "Community Corrections Partnership Recommended 2011/12 Realignment Budget":

**Percent of
 Total
 FY2011-2012
 (9-Month)
 Budget**

Agency	FY2011-2012
--------	-------------

RECOMMENDATION(S): (CONT'D)

(9-Month) Budget

Sheriff's Office	\$ 2,489,750	54.4%
Probation Department	\$ 1,025,596	22.4%
Health Services	\$ 895,109	19.6%
Office of the Public Defender	\$ 94,995	2.1%
District Attorney Office	<u>\$ 67,500</u>	<u>1.5%</u>
Total	\$4,572,950	100%

- APPROVE
 OTHER
 RECOMMENDATION OF CNTY ADMINISTRATOR
 RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **10/04/2011**
 APPROVED AS RECOMMENDED
 OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYES _____ NOES _____
 ABSENT _____ ABSTAIN _____
 RECUSE _____

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: October 4, 2011

David J. Twa, County Administrator and Clerk of the Board of Supervisors

By: , Deputy

**Contact: JULIE ENEA (925)
 335-1077**

cc:

2. ADOPT Position Adjustment Resolution Nos. 21002 through 21009 authorizing the following new positions as summarized below and detailed in Attachment 1, "Community Corrections Partnership Recommended 2011/12 Realignment Budget":

Dept	Class	FTE	Total FTE
Sheriff			20.00
	Deputy Sheriff 40-hour	15.00	
	Sergeant	1.00	
	Sheriff Specialist	3.00	
	Clerk-Senior Level	1.00	
Probation			9.25
	Probation Field Svcs Dir	0.25	
	Probation Supervisor 1	1.00	
	Deputy Probation Officer III	7.00	

Clerk-Experienced Level	1.00	
Health Services		2.00
Registered Nurse-Exp Level	0.50	
Mental Hlth Clinical Spec	1.00	
Clerk-Experienced Level	0.50	
SSI Coordinator (.5 FTE)	Contract	
Psychiatrist (.25 FTE)	Contract	
District Attorney		1.00
Victim/Witness Program Spec	1.00	
Deputy District Attorney-FT	Temp	
Public Defender		2.50
Paralegal	1.00	
Social Worker	1.00	
Deputy Public Defender III	0.50	
TOTAL		34.75

3. ACKNOWLEDGE that this budget and staffing plan is for the nine-month period of October 1, 2011 through June 30, 2012 and any ongoing commitment of staffing and appropriations for criminal justice realignment will be contingent on continued appropriation of state funds.

4. RECOGNIZE that more than two million additional dollars would be required to sustain the recommended plan on an annualized basis and that, barring additional state funds, the plan and services will need to be adjusted to conform with the maximum state allocation or the Board will need to supplement the state allocation.

FISCAL IMPACT:

Approval of today's recommendations should not impact the County General Fund as there are no additional General Funds requested. However, the actual impact to the County and the County General Fund is difficult to predict at this point in time. The CCP and the CAO will monitor the plan implementation monthly and return to the Board if mid-year reallocation becomes necessary.

In order for the departments affected by AB 109 to implement the County's Plan, it will be necessary to process several budget amendments to transfer funds from the County's Local Revenue Fund 2011 (a fund mandated by AB 118) to the departments' operating budgets. The revenue in the County's Local Revenue Fund 2011 comes from revenue in the state's Local Revenue Fund 2011, in which is deposited state revenue derived from Vehicle License Fees (VLF) and a portion of the state's Sales and Use Tax (SUT). It is anticipated that the County will begin to receive this state revenue beginning on October 1, 2011 in either monthly or quarterly disbursements based on actual state VLF and SUT receipts.

The Fiscal Year (FY) 2011/12 state budget has allocated \$4,572,950 in AB 118 funds to Contra Costa County for the 2011 Public Safety Realignment Act (AB 109); \$163,919 in AB 118 funds for the District Attorney and Public Defender for parole revocation hearings; \$322,675 in SB 87 one-time start-up funding; and \$200,000 in SB 87 one-time CCP Committee planning funds for Contra Costa County to implement AB 109 Realignment programs and services. These funds are guaranteed for a nine-month period only. The state has not been able to muster support for the state constitutional amendment needed to ensure the 2011 Realignment funding is ongoing past FY 2011/12. The funding source for the FY 2011 Realignment programs and services is Vehicle License Fees (VLF) in the statewide amount of \$453.4M (\$300M freed up by an additional \$12 Vehicle Registration Fee and VLF that was previously dedicated to cities and Orange County for general purpose use) and \$5.1B statewide from 1.0625% of the state's sales and use tax (SUT) that would have ordinarily gone to the state general fund; both of these funding sources are not stable or secure and both are based on the health of the economy. The state has projected that the funding for the 2011 realigned programs will grow for the next two fiscal years (2012/13 and 2013/14) as the realigned population grows and then will taper off as the new population stabilizes in FY 2014/15, should the realigned programs be successful in reducing recidivism. In order for the funding amounts to grow statewide, the state would have to dedicate more of its SUT to the 2011 realigned programs, i.e., the 1.0625% would need to be increased.

Each affected department receiving AB 109/AB 118 funds will be required to use project and activity codes to track the expenditures of FY 2011/12 realignment funds. At the end of the fiscal year, any unspent AB 109/AB 118 funds will be designated in accounts in the department's operating funds for future use on 2011 realigned programs and services.

BACKGROUND:

In order to address changes to the custody and supervision of low-level offenders returning to County responsibility on October 1, 2011 as a result of AB 109/AB 117, the Community Corrections Partnership (CCP) Executive Committee has approved the Contra Costa County Public Safety Realignment Implementation Plan 2011 (Plan), submitted to the Board of Supervisors today in a separate item. Staff from various County departments have worked together to identify the administrative requirements to implement the Plan. These requirements are enumerated in the recommendations above and detailed in Attachment 1.

Additional staff will be needed to implement and carry out the additional County duties and responsibilities pursuant to AB 109/AB 117, as delineated in the County's Plan. Staffing requests are summarized in Attachment 1 and detailed in the attached Position Adjustment Resolutions.

CONSEQUENCE OF NEGATIVE ACTION:

The Board of Supervisors may choose to request additional information from staff, may choose to direct funds other than have been recommended, may delay approval of today's recommendation, or may choose not to approve any or some of the recommendations. If today's recommendations are not approved, it could delay the County's ability to address the requirements regarding this new population effective October 1, 2011.

CHILDREN'S IMPACT STATEMENT:

None.

**Contra Costa County
Community Corrections Partnership
2011/12 CRIMINAL JUSTICE REALIGNMENT PLAN**

Program/Function	Annual			OTHER REALIGNMENT		CCP PLAN						
	Class Code	Unit Cost	Qty	Effective Date	Parole Revocation	One-Time Funds	Recommended Allocation	Estimated FY 2011/12 Cost	Estimated Annual Ongoing Cost			
SHERIFF												
Staffing												
Sergeant				Custody Alternative	6XTA	220,000	1.00	10/1/2011		165,000	165,000	220,000
Deputy Sheriff - 40 hour				Custody Alternative	6XWA	180,000	1.00	10/1/2011		135,000	135,000	180,000
Deputy Sheriff - 40 hour				Custody Alternative	6XWA	180,000	2.00	1/1/2012		180,000	180,000	360,000
Deputy Sheriff - 40 hour				Custody	6XWA	180,000	5.00	10/1/2011		675,000	675,000	900,000
Deputy Sheriff - 40 hour				Custody	6XWA	180,000	6.00	1/1/2012		540,000	540,000	1,080,000
Deputy Sheriff - 40 hour				Behavioral Health Court	6XWA	180,000	1.00	10/1/2011		135,000	135,000	180,000
Sheriff Specialist				Custody Alternative	64VE	105,000	3.00	1/1/2012		157,500	157,500	315,000
Clerk-Senior Level				Custody Alternative	JXWC	95,000	1.00	1/1/2012		47,500	47,500	95,000
Vendor Equipment Installer				Custody	Contractor	76,000		1/1/2012		38,000	38,000	76,000
Overtime				Custody		90,000		10/1/2011		67,500	67,500	90,000
Operating Costs												
Food/Clothing/Household Expense				Custody				10/1/2011		117,750	330,395	440,527
Monitoring services (purchase option)				Custody Alternative				10/1/2011		82,125	82,125	109,500
Information Technology support				Custody Alternative				10/1/2011		30,000	40,000	40,000
Vehicle purchase				Custody Alternative			2	10/1/2011		40,000	66,875	89,166
Electronic Monitoring anklets				Custody Alternative			100	10/1/2011		202,500	202,500	202,500
Other Services and Supplies				Behavioral Health Court				10/1/2011		52,500	52,500	70,000
Revenue												
Our Holds Only (OHO) reimbursement for holding State parolees								10/1/2011		-	(582,768)	(777,024)
EM Participant Fees										?	?	?
Subtotal Sheriff			20.00			252,500				2,489,750	3,537,663	5,224,717
PROBATION												
Staffing												
Probation Field Services Director				Post-release Community Supervision	7KFF	215,580	0.25	10/1/2011		40,421	40,421	53,895
Probation Supervisor I				Post-release Community Supervision	7AHA	177,000	1.00	10/1/2011		132,750	132,750	177,000
Deputy Probation Officer III				Post-release Community Supervision	7ATA	143,000	2.00	10/1/2011		214,500	214,500	286,000
Deputy Probation Officer III				Post-release Community Supervision	7ATA	143,000	2.00	1/1/2012		143,000	143,000	286,000
Deputy Probation Officer III				Post-release Community Supervision	7ATA	143,000	2.00	3/1/2012		95,333	95,333	286,000
Deputy Probation Officer III				Post-release Community Supervision	7ATA	143,000	1.00	4/1/2012		35,750	35,750	143,000
Clerk-Experienced Level				Post-release Community Supervision	JWXB	78,000	1.00	10/1/2011		58,500	58,500	78,000
Overtime				Post-release Community Supervision						55,596	55,596	70,000
Operating Costs												
Training/Travel				Post-release Community Supervision						30,000	30,000	40,000
Information Tech support				Post-release Community Supervision						13,141	20,000	26,667
Vehicle operating				Post-release Community Supervision			5			22,000	22,000	29,333
Vehicle purchase				Post-release Community Supervision		34,400	5			172,000	172,000	
Radio, handheld				Post-release Community Supervision		6,000	8		X	48,000	48,000	
Computer, Desktop				Post-release Community Supervision		800	9		X	7,200	7,200	
Computer, Laptop with ethernet				Post-release Community Supervision		2,250	7			15,750	15,750	
Handcuffs				Post-release Community Supervision		34	7		X	238	238	
Vest				Post-release Community Supervision		732	7			5,124	5,124	
Badge				Post-release Community Supervision		100	7			700	700	
Cell phone				Post-release Community Supervision		85	8			601	601	
Cell phone subscription, monthly				Post-release Community Supervision		35	8			2,520	2,520	3,360
Ethernet subscription, monthly				Post-release Community Supervision		42	7			2,646	2,646	3,528
Subtotal Probation			9.25			70,175				1,025,596	1,102,630	1,482,783
HEALTH SERVICES												
Staffing												
SSI Coordinator (.5FTE)				Custody/Health Treatment	Contractor	147,741		10/1/2011		55,403	55,403	73,871
Registered Nurse-Exp Level				Mental Health Treatment	VWXD	155,544	0.50	10/1/2011		58,329	58,329	77,772
Mental Health Clinical Specialist (License)				Mental Health Treatment	VQSB	114,697	1.00	10/1/2011		86,023	86,023	114,697
Psychiatrist (.25 FTE)				Mental Health Treatment	Contractor	291,200		10/1/2011		54,600	54,600	72,800
Clerk-Experienced Level				Mental Health Treatment	JWXB	58,218	0.50	10/1/2011		21,832	21,832	29,109
Operating Costs												
Shelter bed nights (8 beds)				Temporary Housing	CBO	34	2920	10/1/2011		73,893	73,893	98,524
Transitional housing bed nights (2 beds)				Temporary Housing	CBO	97	730	10/1/2011		70,609	70,609	70,609
Residential Drug Facility, 90-day episodes				Substance Abuse Treatment	CBO	4,159	65	10/1/2011		202,751	202,751	270,335
Pharmacy/Laboratory				Mental Health Treatment				10/1/2011		270,000	270,000	360,000
Occupancy				Mental Health Treatment				10/1/2011		750	750	750
Phones				Mental Health Treatment				10/1/2011		720	720	960
Travel/Mileage				Mental Health Treatment				10/1/2011		200	200	200
Subtotal Health Services			2.00			-				895,109	895,109	1,169,626
DISTRICT ATTORNEY												
Staffing												
Victim/Witness Assistance Prog Spec				Victim Advocacy	65SA	90,000	1.00	10/1/2011		67,500	67,500	90,000
Deputy District Attorney-FT (Temporary)				Parole Revocation Hearings	2KWD			10/1/2011		81,960		
Subtotal District Attorney			1.00			81,960				67,500	67,500	90,000
PUBLIC DEFENDER												
Staffing												
Paralegal				Clean Slate Program	2Y7A	76,788	1.00	2/1/2011		31,995	31,995	76,788
Social Worker				Sentencing/Case Resolution	XOVC	84,000	1.00	10/1/2011		63,000	63,000	84,000
Deputy Public Defender III				Parole Revocation Hearings	25VA	154,000	0.50	10/1/2011		81,960		
Subtotal Public Defender			2.50			81,960				94,995	94,995	160,788
GRAND TOTAL			34.75			163,919	322,675			4,572,950	5,697,897	8,127,914
STATE FY 2011/12 ALLOCATION						163,919	322,675			4,572,950	4,572,950	6,097,267
DIFFERENCE						-	-			0	(1,124,947)	(2,030,647)

POSITION ADJUSTMENT REQUEST

NO. 21002
DATE 9/27/11

Department Probation Department No./
Budget Unit No. 0308 Org No. 3000 Agency No. 30
Action Requested: Add 7 Deputy Probation Officer and 1 Probation Supervisor positions

Proposed Effective Date: 10/1/2011

Classification Questionnaire attached: Yes No / Cost is within Department's budget: Yes No

Total One-Time Costs (non-salary) associated with request: \$0.00

Estimated total cost adjustment (salary / benefits / one time):

Total annual cost \$1,178,000.00 Net County Cost \$0.00

Total this FY \$621,333.00 N.C.C. this FY \$0.00

SOURCE OF FUNDING TO OFFSET ADJUSTMENT Funds received as a result of AB109

Department must initiate necessary adjustment and submit to CAO.
Use additional sheet for further explanations or comments.

TB for PK

(for) Department Head

REVIEWED BY CAO AND RELEASED TO HUMAN RESOURCES DEPARTMENT

/s/ Julie Enea

9/26/2011

Deputy County Administrator

Date

HUMAN RESOURCES DEPARTMENT RECOMMENDATIONS

DATE _____

Amend Resolution 71/17 establishing positions and resolutions allocating classes to the Basic / Exempt salary schedule.

Effective: Day following Board Action.

_____(Date)

(for) Director of Human Resources

Date

COUNTY ADMINISTRATOR RECOMMENDATION:

DATE

9/28/2011

Approve Recommendation of Director of Human Resources

Disapprove Recommendation of Director of Human Resources

Other: _____

/s/ Julie Enea

(for) County Administrator

BOARD OF SUPERVISORS ACTION:

Adjustment is APPROVED DISAPPROVED

David J. Twa, Clerk of the Board of Supervisors
and County Administrator

DATE _____

BY _____

APPROVAL OF THIS ADJUSTMENT CONSTITUTES A PERSONNEL / SALARY RESOLUTION AMENDMENT

POSITION ADJUSTMENT ACTION TO BE COMPLETED BY HUMAN RESOURCES DEPARTMENT FOLLOWING BOARD ACTION

Adjust class(es) / position(s) as follows:

POSITION ADJUSTMENT REQUEST

NO. 21008
DATE 9/27/2011

Department HEALTH SERVICES - Mental Health Department No./
Budget Unit No. 0467 Org No. 5721 Agency No. A18

Action Requested: Add one 20/40 Registered Nurse position (VWXD - represented) at salary level L3H 0400 ; Add one full-time Mental Health Clinical Specialist position (VQSB - represented) at salary level QT2 1384; Add one 20/40 Clerk - Experienced Level position (JWXB - represented) at salary level 3RH 0750.

Proposed Effective Date: 10/1/2011

Classification Questionnaire attached: Yes No / Cost is within Department's budget: Yes No

Total One-Time Costs (non-salary) associated with request: \$0.00

Estimated total cost adjustment (salary / benefits / one time):

Total annual cost \$221,578.00 Net County Cost \$0.00
Total this FY \$166,184.00 N.C.C. this FY \$0.00

SOURCE OF FUNDING TO OFFSET ADJUSTMENT AB 109

Department must initiate necessary adjustment and submit to CAO.
Use additional sheet for further explanations or comments.

Terrina C. Manor

(for) Department Head

REVIEWED BY CAO AND RELEASED TO HUMAN RESOURCES DEPARTMENT

Dorothy Sansoe

9/27/11

Deputy County Administrator

Date

HUMAN RESOURCES DEPARTMENT RECOMMENDATIONS

DATE _____

Add one 20/40 Registered Nurse Experienced Level (VWXD) (represented) position at salary level L3H 0400 (\$7,091-\$7,903); one full-time Mental Health Clinical Specialist (VQSB) (represented) position at salary level QT2 1384 (\$4,333-\$6,433); one 20/40 Clerk- Experienced Level (JWXB) (represented) position at salary level 3RH 0750 (\$2,682-\$3,327)

Amend Resolution 71/17 establishing positions and resolutions allocating classes to the Basic / Exempt salary schedule.

Effective: Day following Board Action.
 _____(Date)

(for) Director of Human Resources

Date

COUNTY ADMINISTRATOR RECOMMENDATION:

DATE 9/30/2011

Approve Recommendation of Director of Human Resources
 Disapprove Recommendation of Director of Human Resources
 Other: _____

/s/ Julie Enea for Dorothy Sansoe

(for) County Administrator

BOARD OF SUPERVISORS ACTION:

Adjustment is APPROVED DISAPPROVED

David J. Twa, Clerk of the Board of Supervisors
and County Administrator

DATE _____

BY _____

APPROVAL OF THIS ADJUSTMENT CONSTITUTES A PERSONNEL / SALARY RESOLUTION AMENDMENT

POSITION ADJUSTMENT ACTION TO BE COMPLETED BY HUMAN RESOURCES DEPARTMENT FOLLOWING BOARD ACTION

Adjust class(es) / position(s) as follows:

POSITION ADJUSTMENT REQUEST

NO. 21004
DATE 9/20/2011

Department Office of the Sheriff Department No./
Budget Unit No. 0300 Org No. 2577 Agency No. 25
Action Requested: Add one (1) Sergeant, one (1) Senior Clerk, three (3) Deputy Sheriff's, and three (3) Sheriff's Specialist positions to the Custody Services Bureau, Custody Alternative Facility.

Proposed Effective Date: 10/1/11

Classification Questionnaire attached: Yes No / Cost is within Department's budget: Yes No

Total One-Time Costs (non-salary) associated with request: _____

Estimated total cost adjustment (salary / benefits / one time):

Total annual cost \$707,650.00 Net County Cost \$0.00
Total this FY \$530,737.00 N.C.C. this FY \$0.00

SOURCE OF FUNDING TO OFFSET ADJUSTMENT See AB109 information

Department must initiate necessary adjustment and submit to CAO.
Use additional sheet for further explanations or comments.

Mary Jane Robb

(for) Department Head

REVIEWED BY CAO AND RELEASED TO HUMAN RESOURCES DEPARTMENT

/s/ Julie Enea

9/26/2011

Deputy County Administrator

Date

HUMAN RESOURCES DEPARTMENT RECOMMENDATIONS

DATE _____

Amend Resolution 71/17 establishing positions and resolutions allocating classes to the Basic / Exempt salary schedule.

Effective: Day following Board Action.
 _____(Date)

(for) Director of Human Resources

Date

COUNTY ADMINISTRATOR RECOMMENDATION:

DATE

9/28/2011

- Approve Recommendation of Director of Human Resources
- Disapprove Recommendation of Director of Human Resources
- Other: _____

/s/ Julie Enea

(for) County Administrator

BOARD OF SUPERVISORS ACTION:

Adjustment is APPROVED DISAPPROVED

David J. Twa, Clerk of the Board of Supervisors
and County Administrator

DATE _____

BY _____

APPROVAL OF THIS ADJUSTMENT CONSTITUTES A PERSONNEL / SALARY RESOLUTION AMENDMENT

POSITION ADJUSTMENT ACTION TO BE COMPLETED BY HUMAN RESOURCES DEPARTMENT FOLLOWING BOARD ACTION

Adjust class(es) / position(s) as follows:

POSITION ADJUSTMENT REQUEST

NO. 21005
DATE 9/20/2011

Department Office of the Sheriff Department No./
Budget Unit No. 0300 Org No. 2578 Agency No. 25
Action Requested: Add one (1) Deputy Sheriff position to the Custody Services Bureau, Martinez Detention Facility.

Proposed Effective Date: 10/1/11

Classification Questionnaire attached: Yes No / Cost is within Department's budget: Yes No

Total One-Time Costs (non-salary) associated with request: _____

Estimated total cost adjustment (salary / benefits / one time):

Total annual cost \$186,016.00 Net County Cost \$0.00
Total this FY \$139,512.00 N.C.C. this FY \$0.00

SOURCE OF FUNDING TO OFFSET ADJUSTMENT See AB109 information

Department must initiate necessary adjustment and submit to CAO.
Use additional sheet for further explanations or comments.

Mary Jane Robb

(for) Department Head

REVIEWED BY CAO AND RELEASED TO HUMAN RESOURCES DEPARTMENT

/s/ Julie Enea

9/26/2011

Deputy County Administrator

Date

HUMAN RESOURCES DEPARTMENT RECOMMENDATIONS

DATE _____

Amend Resolution 71/17 establishing positions and resolutions allocating classes to the Basic / Exempt salary schedule.

Effective: Day following Board Action.
 _____(Date)

(for) Director of Human Resources

Date

COUNTY ADMINISTRATOR RECOMMENDATION:

DATE

9/28/2011

- Approve Recommendation of Director of Human Resources
- Disapprove Recommendation of Director of Human Resources
- Other: _____

/s/ Julie Enea

(for) County Administrator

BOARD OF SUPERVISORS ACTION:

Adjustment is APPROVED DISAPPROVED

David J. Twa, Clerk of the Board of Supervisors
and County Administrator

DATE _____

BY _____

APPROVAL OF THIS ADJUSTMENT CONSTITUTES A PERSONNEL / SALARY RESOLUTION AMENDMENT

POSITION ADJUSTMENT ACTION TO BE COMPLETED BY HUMAN RESOURCES DEPARTMENT FOLLOWING BOARD ACTION
Adjust class(es) / position(s) as follows:

POSITION ADJUSTMENT REQUEST

NO. 21006
DATE 9/20/2011

Department Office of the Sheriff

Department No./
Budget Unit No. 0300 Org No. 2580 Agency No. 25

Action Requested: Add six (6) Deputy Sheriff positions to the Custody Services Bureau, West County Detention Facility.

Proposed Effective Date: 10/1/11

Classification Questionnaire attached: Yes No / Cost is within Department's budget: Yes No

Total One-Time Costs (non-salary) associated with request: _____

Estimated total cost adjustment (salary / benefits / one time):

Total annual cost \$1,116,100.00 Net County Cost \$0.00

Total this FY \$837,075.00 N.C.C. this FY \$0.00

SOURCE OF FUNDING TO OFFSET ADJUSTMENT See AB109 information

Department must initiate necessary adjustment and submit to CAO.
Use additional sheet for further explanations or comments.

Mary Jane Robb

(for) Department Head

REVIEWED BY CAO AND RELEASED TO HUMAN RESOURCES DEPARTMENT

/s/ Julie Enea

9/26/2011

Deputy County Administrator

Date

HUMAN RESOURCES DEPARTMENT RECOMMENDATIONS

DATE _____

Amend Resolution 71/17 establishing positions and resolutions allocating classes to the Basic / Exempt salary schedule.

Effective: Day following Board Action.

_____(Date)

(for) Director of Human Resources

Date

COUNTY ADMINISTRATOR RECOMMENDATION:

DATE

9/28/11

Approve Recommendation of Director of Human Resources

Disapprove Recommendation of Director of Human Resources

Other: _____

/s/ Julie Enea

(for) County Administrator

BOARD OF SUPERVISORS ACTION:

Adjustment is APPROVED DISAPPROVED

David J. Twa, Clerk of the Board of Supervisors
and County Administrator

DATE _____

BY _____

APPROVAL OF THIS ADJUSTMENT CONSTITUTES A PERSONNEL / SALARY RESOLUTION AMENDMENT

POSITION ADJUSTMENT ACTION TO BE COMPLETED BY HUMAN RESOURCES DEPARTMENT FOLLOWING BOARD ACTION

Adjust class(es) / position(s) as follows:

POSITION ADJUSTMENT REQUEST

NO. 21007
DATE 9/20/2011

Department Office of the Sheriff Department No./
Budget Unit No. 0300 Org No. 2585 Agency No. 25
Action Requested: Add five (5) Deputy Sheriff positions to the Custody Services Bureau, Marsh Creek Detention Facility.

Proposed Effective Date: 10/1/11

Classification Questionnaire attached: Yes No / Cost is within Department's budget: Yes No

Total One-Time Costs (non-salary) associated with request: _____

Estimated total cost adjustment (salary / benefits / one time):

Total annual cost \$930,083.00 Net County Cost \$0.00
Total this FY \$697,563.00 N.C.C. this FY \$0.00

SOURCE OF FUNDING TO OFFSET ADJUSTMENT See AB109 information

Department must initiate necessary adjustment and submit to CAO.
Use additional sheet for further explanations or comments.

Mary Jane Robb

(for) Department Head

REVIEWED BY CAO AND RELEASED TO HUMAN RESOURCES DEPARTMENT

/s/ Julie Enea

9/26/2011

Deputy County Administrator

Date

HUMAN RESOURCES DEPARTMENT RECOMMENDATIONS

DATE _____

Amend Resolution 71/17 establishing positions and resolutions allocating classes to the Basic / Exempt salary schedule.

Effective: Day following Board Action.
 _____(Date)

(for) Director of Human Resources

Date

COUNTY ADMINISTRATOR RECOMMENDATION:

DATE

9/28/2011

- Approve Recommendation of Director of Human Resources
- Disapprove Recommendation of Director of Human Resources
- Other: _____

/s/ Julie Enea

(for) County Administrator

BOARD OF SUPERVISORS ACTION:

Adjustment is APPROVED DISAPPROVED

David J. Twa, Clerk of the Board of Supervisors
and County Administrator

DATE _____

BY _____

APPROVAL OF THIS ADJUSTMENT CONSTITUTES A PERSONNEL / SALARY RESOLUTION AMENDMENT

POSITION ADJUSTMENT ACTION TO BE COMPLETED BY HUMAN RESOURCES DEPARTMENT FOLLOWING BOARD ACTION
Adjust class(es) / position(s) as follows:

POSITION ADJUSTMENT REQUEST

NO. 21003
DATE 9/23/2011

Department District Attorney Department No./
Budget Unit No. 0242 Org No. 2841 Agency No. 42
Action Requested: ADD one Victim/Witness Assistance Program Specialist position (65SA) (represented) at salary level QV5 1191 (\$3,474.61-\$4,223.41) in the District Attorney's office.

Proposed Effective Date: 10/1/2011

Classification Questionnaire attached: Yes No / Cost is within Department's budget: Yes No

Total One-Time Costs (non-salary) associated with request: \$0.00

Estimated total cost adjustment (salary / benefits / one time):

Total annual cost \$85,004.00

Net County Cost (\$0.00)

Total this FY \$35,302.00

N.C.C. this FY \$0.00

SOURCE OF FUNDING TO OFFSET ADJUSTMENT State funding for Public Safety Realignment.

Department must initiate necessary adjustment and submit to CAO.
Use additional sheet for further explanations or comments.

Mark A. Peterson

(for) Department Head

REVIEWED BY CAO AND RELEASED TO HUMAN RESOURCES DEPARTMENT

/s/ Julie Enea

9/26/2011

Deputy County Administrator

Date

HUMAN RESOURCES DEPARTMENT RECOMMENDATIONS

DATE _____

Amend Resolution 71/17 establishing positions and resolutions allocating classes to the Basic / Exempt salary schedule.

Effective: Day following Board Action.

_____(Date)

(for) Director of Human Resources

Date

COUNTY ADMINISTRATOR RECOMMENDATION:

DATE

9/28/2011

Approve Recommendation of Director of Human Resources

Disapprove Recommendation of Director of Human Resources

Other: _____

/s/ Julie Enea

(for) County Administrator

BOARD OF SUPERVISORS ACTION:

Adjustment is APPROVED DISAPPROVED

David J. Twa, Clerk of the Board of Supervisors
and County Administrator

DATE _____

BY _____

APPROVAL OF THIS ADJUSTMENT CONSTITUTES A PERSONNEL / SALARY RESOLUTION AMENDMENT

POSITION ADJUSTMENT ACTION TO BE COMPLETED BY HUMAN RESOURCES DEPARTMENT FOLLOWING BOARD ACTION

Adjust class(es) / position(s) as follows:

POSITION ADJUSTMENT REQUEST

NO. 21009
DATE 9/22/2011

Department Public Defender
Department No./ Budget Unit No. 0243 Org No. 2909 Agency No. 43
Action Requested: Add one Part-Time (25VB) Deputy Public Defender III; one Full Time (2Y7A) Paralegal and one Full Time (X0VC) Social Worker. These positions will be funded through the public safety realignment fund.

Proposed Effective Date: 10/2/2011

Classification Questionnaire attached: Yes [] No [x] / Cost is within Department's budget: Yes [] No [x]

Total One-Time Costs (non-salary) associated with request: \$0.00

Estimated total cost adjustment (salary / benefits / one time):

Total annual cost Net County Cost
Total this FY N.C.C. this FY

SOURCE OF FUNDING TO OFFSET ADJUSTMENT AB109

Department must initiate necessary adjustment and submit to CAO.
Use additional sheet for further explanations or comments.

Robin Lipetzky

(for) Department Head

REVIEWED BY CAO AND RELEASED TO HUMAN RESOURCES DEPARTMENT

/s/ Julie Enea

9/26/2011

Deputy County Administrator

Date

HUMAN RESOURCES DEPARTMENT RECOMMENDATIONS

DATE

Add one part-time Deputy Public Defender III (25VB) (represented) position at salary level JD5 2146 (\$8,945-\$10,872), one full-time Paralegal (2Y7A) (represented) position at salary level QV5 1169 (\$3,399-\$4,132), and one full-time Social Worker (XOVC) (represented) position at salary level 255 1434 (\$4,419-\$5,372)

Amend Resolution 71/17 establishing positions and resolutions allocating classes to the Basic / Exempt salary schedule.

Effective: [x] Day following Board Action.
[] (Date)

(for) Director of Human Resources

Date

COUNTY ADMINISTRATOR RECOMMENDATION:

DATE

9/28/2011

- [x] Approve Recommendation of Director of Human Resources
[] Disapprove Recommendation of Director of Human Resources
[] Other:

/s/ Julie Enea

(for) County Administrator

BOARD OF SUPERVISORS ACTION:

Adjustment is APPROVED [] DISAPPROVED []

David J. Twa, Clerk of the Board of Supervisors and County Administrator

DATE

BY

APPROVAL OF THIS ADJUSTMENT CONSTITUTES A PERSONNEL / SALARY RESOLUTION AMENDMENT

POSITION ADJUSTMENT ACTION TO BE COMPLETED BY HUMAN RESOURCES DEPARTMENT FOLLOWING BOARD ACTION

Adjust class(es) / position(s) as follows:

2012 PUBLIC PROTECTION COMMITTEE

CIVIL GRAND JURY REPORT NO. 1210 ENTITLED, “VOLUNTARY INMATE LABOR – A LOST OPPORTUNITY”

Referral:

On June 8, 2012, the County received 2011/12 Civil Grand Jury Report No. 1210 entitled, "Voluntary Inmate Labor - A Lost Opportunity", attached, which was filed on May 31, 2012. Penal Code section 933 provides for final grand jury reports at any time during the grand jury's term and requires the governing body of any agency whose operations are the subject of a report to comment on the grand jury's findings and recommendations to the presiding judge of the superior court within 90 days from the date the governing body receives the report, making the response deadline for Report No. 1210 on September 6, 2012.

Staff has recommended that the Board of Supervisors refer Report 1210 to the Public Protection Committee with instruction to return to the Board not later than August 21 with a draft response for Board consideration. The Sheriff, as an elected department head, is obligated to respond to the report within 60 days of receipt. The Sheriff's response, filed on June 26, 2012, is attached for information.

Background:

Since the early 1980s, work alternative or work-for-credit programs have been utilized in county jails to provide work experience, inmate rehabilitation, and community restitution for the societal costs of criminal activity. Specifically, Penal Code section 4024.2 provides for a work release program, which our County has operated since 1983. Inmates accepted into the program provide public service labor at no cost to the County while relieving housing costs associated with incarceration. Assigned inmates report to work sites, perform tasks that might not otherwise be funded, and satisfy court judgments.

The Penal Code provides examples of the types of labor that might be involved in a work release program:

- Manual labor to improve or maintain levees or public facilities, including, but not limited to, streets, parks, and schools.
- Manual labor in support of nonprofit organizations
- Graffiti cleanup for local governmental entities
- Weed and rubbish abatement
- House repairs or yard services for senior citizens and senior centers

In October 2011, the Legislature enacted the Public Safety Realignment Act, which transferred responsibility for supervising certain lower-level inmates and parolees from the California Department of Corrections and Rehabilitation (CDCR) to counties. Counties were charged with developing programs and strategies targeted at rehabilitating these lower-level offenders, keeping them from cycling back into the justice system, and restoring justice. The legislation established a local Community Corrections Partnership made up of county public safety officials and stakeholders to plan and guide the transition process. The Community Corrections Partnership (CCP) decided to create a community advisory board (CAB) to provide a formal avenue for community input to the CCP. Both the CCP and the CAB have been meeting monthly since June 2011 to implement public safety realignment in this county.

In addition to custody and probation supervision programs, the CCP and CAB have identified several areas beyond immediate shelter needs where services are needed to support the successful re-entry of offenders into the community. Key among those needed services is employment assistance. The need for increased employment opportunities for the ex-offender population is clear. The 2011 Safe Return Team survey of 101 ex-offenders recently released to Richmond found 78% were not employed, and Probation Department data from April 2012 showed that 83% of AB 109 clients are unemployed. Securing employment for formerly incarcerated individuals presents unique challenges, yet employment and a steady income are crucial in reducing recidivism. To this end, counties throughout the nation are developing partnerships in order to increase the employability of offenders when they are released from custody. Examples of inmate labor programs include grounds keeping, construction/repairs, animal care and training, recycling programs, farming, hydroponics, food preparation, printing and sign-making, welding, road kill removal, and assembling/building office furniture.

As the Grand Jury points out in its report, the County's utilization of voluntary inmate labor could be a "win" for the taxpayers, the inmates, and the County by providing at a nominal cost needed services that might otherwise not be funded, by improving the condition and appearance of public facilities, and by helping to develop work skills and basic work habits for inmates, which aligns with the County's new obligations under the Public Safety Realignment Act.

The Grand Jury summarized that the County has not pursued a Memorandum of Understanding with the union to permit the use of voluntary inmate labor to provide upkeep and refurbishment of County detention facilities. In fact, the County has been meeting with the union for many months in an attempt to forge an agreement on what jobs at local detention facilities may be performed by inmates. The County's objectives are to obtain needed services that will not otherwise be provided/funded and provide work opportunities for inmates. It is not the County's objective to displace working County employees.

**A REPORT BY
THE 2011-2012 CONTRA COSTA COUNTY GRAND JURY**

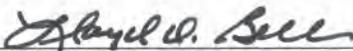
725 Court Street
Martinez, California 94553

Report 1210

**Voluntary Inmate Labor – A Lost
Opportunity
Cooperation and Common Sense**

APPROVED BY THE GRAND JURY:

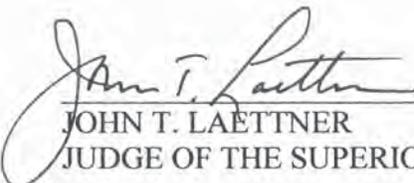
Date: May 24, 2012



LLOYD D. BELL
GRAND JURY FOREPERSON

ACCEPTED FOR FILING:

Date: 5/31/12



JOHN T. LAETTNER
JUDGE OF THE SUPERIOR COURT

Contact: Lloyd Bell
Foreperson
925-957-5638

Contra Costa County Grand Jury Report 1210

Voluntary Inmate Labor – A Lost Opportunity Cooperation and Common Sense

**TO: Contra Costa County Board of Supervisors
Contra Costa County Human Resources
Contra Costa County Sheriff**

SUMMARY

The Contra Costa County (County) jails are in poor shape and in need of essential upkeep such as painting and refurbishing. General maintenance is not getting done due to a shortage of manpower in the General Services Department (General Services) and the diminishing financial resources of County agencies. The Sheriff's Office has attempted to mitigate these issues by expanding the existing use of voluntary inmate labor in kitchens and laundry facilities to also include painting and grounds keeping. Union grievances have been filed, which have stopped the practice. Though precedents exist in other counties for such use of voluntary inmate labor, the County has not pursued a Memorandum of Understanding (MOU) to permit such use in this County.

The union and the County need to begin discussions that lead to the use of voluntary inmate labor to perform other routine maintenance tasks at confinement facilities during this economic downturn.

BACKGROUND

General Services supports the other County departments by performing repair and maintenance services. County departments "pay" for these services by allocating a portion of their budget to General Services, funding the General Services budget. Unfortunately, due to the economic downturn, County departmental budgets have been reduced. This has, in turn, reduced the amount departments allocate to General Services for routine maintenance of buildings and grounds. This allocation reduction has in turn forced General Services to downsize their staff, resulting in reduced manpower allocations to provide services to financially-strapped departments. Financially-strapped departments are forced to forego some repair and maintenance services due to reduced financial resources, and General Services having insufficient personnel with which to pursue its mission of providing services to the County. This situation has resulted in fundamental services such as painting and grounds maintenance falling behind, creating an unkempt appearance at the jails.

This deteriorating maintenance situation is particularly noticeable at the County detention

facilities which operate 24 hours per day, seven days per week. Currently at these facilities, inmates voluntarily provide their services in the kitchen and laundry facilities, learning new skills and saving the County money. However, there have been instances when the Sheriff's Office used voluntary inmate labor to paint or provide grounds maintenance. After union grievances were filed, the work effectively stopped.

There is precedent for the use of voluntary inmate labor to perform certain tasks in the jails. Use of volunteers in the kitchen and laundry facilities in Contra Costa County has been an established practice for some time. Further, at the medium security facility in Solano County, inmates volunteer their labor for mowing, painting, cleaning offices, gardening, and cleaning kennels at the animal shelter. Even at their high security facility, inmates work in the kitchen and laundry and perform minor clean-up around the exterior of the facility. This arrangement is made possible by an MOU between the bargaining unit and the Solano County Sheriff's Office outlining what their General Services employees will do and what their inmates will do.

A more expansive program is used at the East Mesa Detention Facility (EMDF) in San Diego. Laundry and food production for EMDF and other facilities is coordinated through the Inmate Industries Program. This program also provides opportunities for inmates to volunteer to learn print shop skills, janitorial services, construction trades and computer graphics skills.

The benefits of using inmates to perform voluntary maintenance at the jails include:

- A better maintained facility
- Basic work habits for the inmates
- Incentives for good behavior for the inmates

Although there have been frequent discussions on expanding the use of voluntary inmate labor between the County and the union representing General Service employees, there has been no resolution of this situation to date.

FINDINGS

1. Funding shortfalls are contributing to the deterioration of the detention facilities.
2. Voluntary inmate labor could be used for minor maintenance and repair activities.
3. Current practice validates expanding the use of voluntary inmate labor for routine duties.

RECOMMENDATION

1. The County should meet with the union representing General Service employees regarding expanding the use of voluntary inmate labor to perform minor maintenance and repairs at the detention facilities.

REQUIRED RESPONSES

Findings 1 through 3

Contra Costa County Board of Supervisors

Contra Costa County Human Resources

Contra Costa County Sheriff

Recommendation 1

Contra Costa County Board of Supervisors

Contra Costa County Human Resources

Contra Costa County Sheriff



cc: Julie ENEA

CONTRA COSTA COUNTY OFFICE OF THE SHERIFF
DAVID O. LIVINGSTON
SHERIFF - CORONER

June 26, 2012

The Honorable Diana Becton
Presiding Judge, Superior Court, State of California
County of Contra Costa Courthouse
725 Court Street
Martinez, CA 94553-0091

Dear Judge Becton:

Penal Code Section 933.0 requires the Office of the Sheriff to comment on Findings and Recommendations of the Grand Jury Reports; attached hereto you will find our response to Grand Jury Report Number 1210.

The Office of the Sheriff is committed to providing the highest quality of law enforcement available. I welcome the comments and support this independent study of government business by the Grand Jury.

Should there be any remaining issues not addressed by my response, please feel free to contact me personally.

Sincerely,

DAVID O. LIVINGSTON
Sheriff-Coroner

DOL:mw

Attachment

cc: Lloyd Bell, Foreperson, Contra Costa Civil Grand Jury
David Twa, County Administrator

Following is the Office of the Sheriff's response to Grand Jury Report No.1210 dated May 31, 2012, "Voluntary Inmate Labor- A lost Opportunity, Cooperation and Common Sense."

FINDINGS

Finding No. 1

Funding Shortfalls are contributing to the deterioration of the detention facilities.

Response: Agree

Finding No. 2

Voluntary inmate labor could be used for minor maintenance and repair activities.

Response: Agree

Finding No. 3

Current practice validates expanding the use of voluntary inmate labor for routine duties.

Response: Agree

RECOMMENDATION

Recommendation No. 1;

The County should meet with the union representing General Services employees regarding expanding the use of voluntary inmate labor to perform minor maintenance and repairs at the detention facilities.

Response:

The recommendation requires further analysis. The Office of the Sheriff would like to implement this recommendation in a very short time frame; however, County Human Resources and the County Administrator are responsible for such meetings. The Office of the Sheriff did meet with the Director of Human Resources and a Deputy County Administrator on Jun18, 2012 regarding this recommendation. We anticipate the County will initiate meetings with union representatives. We also support the Public Protection Committee of the County Board of Supervisors or the Internal Operations Committee of the Board of Supervisors giving a thorough and public analysis of this recommendation. The Office of the Sheriff will participate in any such meetings and supports the expansion of voluntary inmate labor use throughout the County.