



Board Agenda Item 43

DATE: March 28, 2023

TO: Board of Supervisors

SUBMITTED BY: Kirk Haynes, Chief Probation Officer

SUBJECT: Retroactive Agreement with the City of Fresno to participate on the Public Safety Realignment Adult Compliance Team

RECOMMENDED ACTION(S):

Approve and authorize the Chairman to execute a retroactive Agreement with the City of Fresno to assign five sworn Police Officers, one sworn Police Sergeant, and one Crime Analyst to the Public Safety Realignment Act Adult Compliance Team, effective July 1, 2022 through June 30, 2023 (\$1,660,661).

There is no Net County Cost associated with the recommended action, which will approve a retroactive agreement with the City of Fresno to continue to provide five sworn Police Officers, one sworn Police Sergeant, and one Crime Analyst to participate as members of the Public Safety Realignment Act (Assembly Bill 109) Adult Compliance Team (ACT), as authorized by the approved Community Corrections Partnership (CCP) Plan. Although the recommended agreement is with the City of Fresno, which is in District Three, this item is countywide.

ALTERNATIVE ACTION(S):

If the recommended action is not approved, the ACT would not include five sworn Police Officers, one sworn Police Sergeant, and one Crime Analyst from the City of Fresno.

RETROACTIVE AGREEMENT:

The agreement before your Board is retroactive due to the length of time required to prepare the agreement and have it reviewed and approved by the City of Fresno. The recommended agreement was signed by the City of Fresno in November 2022 and is being brought to your Board on the first available Board date within the agenda processing deadlines. The agreement sent to the City of Fresno, which the City Council approved, mistakenly had an unsigned copy of the Operating Agreement as Exhibit A. Department staff worked with City of Fresno staff to remedy this administrative oversight, so that the City now has the agreement with the fully signed Operating Agreement attachment as part of its official record.

FISCAL IMPACT:

There is no Net County Cost associated with the recommended action. The cost of \$1,660,661 for the recommended agreement is funded with Assembly Bill 109 funds (\$1,650,115) and Senate Bill 129 funds (\$10,546) received from the State of California. Sufficient appropriations and estimated revenues for these services are included in Probation's FY 2022-23 Adopted Budget for Org 3430. There are no pending invoices for this agreement.

DISCUSSION:

Assembly Bill 109 was signed into law on April 5, 2011 and went into effect October 1, 2011. Assembly Bill 109 transferred responsibility for housing/supervising of specified inmates and parolees from the California Department of Correction to counties. In accordance with Assembly Bill 109/Assembly Bill 117, the County created a CCP Executive Committee, and developed an implementation plan that will enable the County to meet the goals of the Public Safety Realignment Act. The CCP Executive Committee (voting members) in Fresno County consists of seven members: The Chief Probation Officer (chair), the Presiding Judge of the Superior Court or designee, the District Attorney, the Sheriff, the Public Defender, the Director of Behavioral Health, and the City of Kingsburg's Chief of Police. This implementation plan was approved by the CCP August 19, 2011 and approved by the Board on September 13, 2011. The CCP Executive Committee and the Board have approved eight updates to the CCP Plan since it was initially approved. The ACT was included in the original CCP Plan, and updates have included expansions of the ACT.

The ACT is currently comprised of sworn officers from the Fresno County Sheriff's Department; the Fresno Police Department, which also includes a Crime Analyst; the Clovis Police Department, which includes a Crime Specialist; the Selma Police Department; the Reedley Police Department; the Kerman Police Department; the Kingsburg Police Department; the Sanger Police Department; the Fresno County Probation Department; and two Investigators from the Fresno County District Attorney's Office. The purpose of the ACT is to add an additional layer of offender supervision and public safety, by working as a cooperative unit capable of addressing the public safety concerns and issues facing local law enforcement in Fresno County. The ACT team enforces conditions of probation, conducts compliance and non-compliance searches of Assembly Bill 109 probationers who are under the supervision of the Fresno County Probation Department, and provides immediate response to crisis situations. In addition, ACT can provide surveillance and warrant sweeps in conjunction with other law enforcement agencies.

In accordance with the approved CCP Plan, the ACT has included a police officer from the City of Fresno since 2011. On January 4, 2022, the Board approved the most recent Agreement. The recommended action will approve an agreement with the City of Fresno to continue to provide one sworn Police Sergeant, five sworn Officers, and one Crime Analyst to the ACT. The recommended agreement identifies responsibilities and obligations of the City of Fresno and the County in operation of the ACT and allows for reimbursement of these costs with Assembly Bill 109 funds.

On March 22, 2022, your Board approved revenue Agreement No. 22-110 with the Superior Court of California for the Pretrial Services Expansion Program. As a part of this program, the recommended agreement includes funding to reimburse the City of Fresno for overtime and/or stand-by costs related to the Pretrial After-Hours program. The Pretrial After-Hours program will allow ACT to respond to after-hours Global Positioning System violations, questions, and technical problems, Monday through Friday from 5:00pm to 8:00am, and on weekends and holidays, which will further increase the safety of the community. All costs associated with the Pretrial Services Expansion Program will be covered with Senate Bill 129 funds.

The recommended agreement differs from the County's model contract in that it contains a mutual hold harmless clause. This has the effect of making each party responsible for losses arising from their own negligent or wrongful performance, or failure to perform. This is typical in agreements between public entities. The mutual hold harmless clause has been reviewed by Risk Management and department staff and deemed to be acceptable for this recommended agreement between public entities.

On November 29, 2022, the Board authorized and ratified the execution of the current Operating Agreement, which is included in the ACT agreements as Exhibit A. The Operating Agreement identifies the responsibilities and obligations of the signing parties in operation of the ACT, and is intended to be a binding agreement, with indemnification provisions to protect all signing parties.

REFERENCE MATERIAL:

BAI #44, November 29, 2022
BAI #13, March 22, 2022
BAI #22, January 4, 2022
BAI #8, September 13, 2011

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Agreement with the City of Fresno

CAO ANALYST:

Samantha Buck