

A G R E E M E N T

THIS AGREEMENT ("Agreement") is made and entered into this 14th day of November 2017, by and between the COUNTY OF FRESNO, a political subdivision of the State of California, hereinafter referred to as "COUNTY," and the CITY OF SELMA, a municipal corporation, hereinafter referred to as "CONTRACTOR."

W I T N E S S E T H:

WHEREAS, the State of California, under Assembly Bill 109, the Public Safety Realignment Act (AB 109), has realigned responsibilities for probation, post release community supervision (PRCS) and mandatory supervised release of offenders; and

WHEREAS, the Public Safety Realignment Act AB 109 Implementation Plan of 2011, including its updates, hereinafter collectively referred to as the "AB 109 PLAN," was developed by the Fresno County Community Corrections Partnership (CCP) and approved by the Fresno County Board of Supervisors; and

WHEREAS, the AB 109 PLAN includes formation of the Adult Compliance Team (ACT) to create a cooperative unit capable of addressing public safety concerns and issues facing local law enforcement in Fresno County; and

WHEREAS, the ACT is comprised of representatives of the Fresno County Sheriff's Department, the Fresno County District Attorney's Office, the Fresno County Probation Department, and officers of the Fresno, Clovis, Kerman, Kingsburg, and Reedley Police Departments; and

WHEREAS, the State of California has provided funding to COUNTY for the purpose of implementing AB 109 services.

NOW, THEREFORE, in respect of the mutual promises contained herein, the Parties hereto agree as follows:

1. **OBLIGATIONS OF THE COUNTY**

COUNTY shall compensate and remit to CONTRACTOR, as provided herein an amount equal to the cost of one (1) City of Selma Police Officer ("Police Officer") for

1 assignment to the ACT, not to exceed, in aggregate, the maximum amount payable under this
2 Agreement of \$160,448.

3 2. OBLIGATIONS OF THE CONTRACTOR

4 CONTRACTOR shall assign one (1) Police Officer to be responsible for
5 fulfilling the responsibilities of an ACT member, as set forth in the AB 109 PLAN, including by way
6 of example, pages 15 and 16 of the 2011 version thereof, and in accordance with the ACT
7 Operational Guidelines and Procedures, both attached hereto as Exhibits "A" and "B",
8 respectively, and incorporated herein by reference. In the event that the AB 109 PLAN is revised
9 by the CCP, and approved by the Fresno County Board of Supervisors, the responsibilities of the
10 Police Officer under this Agreement may be modified accordingly.

11 3. TERM

12 This Agreement shall become effective July 1, 2017 and shall terminate on
13 June 30, 2018.

14 4. TERMINATION

15 A. Non-Allocation of Funds - The terms of this Agreement, and the services to
16 be provided thereunder, are contingent on the approval of funds by the appropriating government
17 agency. Should sufficient funds not be allocated, the services provided may be modified, or this
18 Agreement terminated by COUNTY, at any time, by giving the CONTRACTOR not less than thirty
19 (30) days advance written notice.

20 B. Breach of Contract - The COUNTY may immediately suspend or terminate
21 this Agreement in whole or in part, where in the determination of the COUNTY there is:

- 22 1) An illegal or improper use of funds;
23 2) A failure to comply with any term of this Agreement;
24 3) A substantially incorrect or incomplete report submitted to the
25 COUNTY;
26 4) Improperly performed service.

27 In no event shall any payment by the COUNTY constitute a waiver by the COUNTY
28 of any breach of this Agreement or any default, which may then exist on the part of the

1 CONTRACTOR. Neither shall such payment impair or prejudice any remedy available to the
2 COUNTY with respect to the breach or default. The COUNTY shall have the right to demand of
3 the CONTRACTOR the repayment to the COUNTY of any funds disbursed to the CONTRACTOR
4 under this Agreement, which in the judgment of the COUNTY were not expended in accordance
5 with the terms of this Agreement. The CONTRACTOR shall promptly refund any such funds upon
6 demand.

7 C. With or Without Cause – Under circumstances other than those set forth
8 above, this Agreement may be terminated by COUNTY upon the giving of not less than thirty (30)
9 days advance written notice of an intention to terminate to CONTRACTOR.

10 This Agreement may be terminated by CONTRACTOR upon the giving of not
11 less than sixty (60) days advance written notice of an intention to terminate to COUNTY.

12 5. COMPENSATION/INVOICING

13 COUNTY agrees to pay CONTRACTOR and CONTRACTOR agrees to
14 receive compensation as follows:

15 CONTRACTOR shall submit quarterly invoices for actual expenditures to the
16 County of Fresno Probation Department at: ProbationInvoices@co.fresno.ca.us. Invoices must
17 be submitted on or after the dates of October 1, 2017 and January 1, April 1, and July 1, 2018,
18 respectively, and include a breakdown of expenses identified in the final approved budget of the
19 CCP in the County of Fresno for use in executing the mission of ACT. COUNTY shall make
20 payment within 45 days of receipt of an approved invoice.

21 Upon any termination of this Agreement, CONTRACTOR shall be
22 compensated for costs incurred under this Agreement, up to and including the date of
23 termination.

24 In no event shall compensation for services performed under this Agreement
25 be in excess of \$160,448.

26 6. INDEPENDENT CONTRACTOR

27 In performance of the work, duties and obligations assumed by
28 CONTRACTOR under this Agreement, it is mutually understood and agreed that CONTRACTOR,

1 including any and all of the CONTRACTOR'S officers, agents, and employees will at all times be
2 acting and performing as an independent contractor, and shall act in an independent capacity and
3 not as an officer, agent, servant, employee, joint venture, partner, or associate of the COUNTY.
4 Furthermore, COUNTY shall have no right to control or supervise or direct the manner or method
5 by which CONTRACTOR shall perform its work and function. However, COUNTY shall retain
6 the right to administer this Agreement so as to verify that CONTRACTOR is performing its
7 obligations in accordance with the terms and conditions thereof.

8 CONTRACTOR and COUNTY shall comply with all applicable provisions of
9 law and the rules and regulations, if any, of governmental authorities having jurisdiction over
10 matters the subject thereof.

11 Because of its status as an independent contractor, CONTRACTOR shall have
12 absolutely no right to employment rights and benefits available to COUNTY employees.
13 CONTRACTOR shall be solely liable and responsible for providing to, or on behalf of, its
14 employees all legally-required employee benefits. In addition, CONTRACTOR shall be solely
15 responsible and save COUNTY harmless from all matters relating to payment of
16 CONTRACTOR'S employees, including compliance with Social Security withholding and all other
17 regulations governing such matters. It acknowledged that during the term of this Agreement,
18 CONTRACTOR may be providing service to others unrelated to the COUNTY or to this
19 Agreement.

20 7. MODIFICATION

21 Any matters of this Agreement may be modified from time to time by the written
22 consent of all the parties without, in any way, affecting the remainder.

23 8. NON-ASSIGNMENT

24 Neither party shall assign, transfer or sub-contract this Agreement nor their
25 rights or duties under this Agreement without the prior written consent of the other party.

26 9. HOLD HARMLESS

27 CONTRACTOR agrees to indemnify, save, hold harmless, and at COUNTY'S
28 request, defend the COUNTY, its officers, agents, and employees from any and all costs and

1 expenses, damages, liabilities, claims, and losses, including attorney's fees and costs, occurring,
2 resulting, or arising from the negligent or wrongful performance, or failure to perform, by
3 CONTRACTOR, or its officers, agents, or employees of obligations agreed to be performed under
4 this Agreement.

5 COUNTY agrees to indemnify, save, hold harmless, and at CONTRACTOR'S
6 request, defend the CONTRACTOR, its officers, agents, and employees from any and all costs
7 and expenses, damages, liabilities, claims, and losses, including attorney's fees and costs,
8 occurring, resulting, or arising from the negligent or wrongful performance, or failure to perform, by
9 COUNTY, or its officers, agents, or employees of obligations agreed to be performed under this
10 Agreement.

11 10. INSURANCE

12 Without limiting the COUNTY'S right to obtain indemnification from
13 CONTRACTOR or any third parties, CONTRACTOR, at its sole expense, shall maintain in full
14 force and effect, the following insurance policies or a program of self-insurance, including but not
15 limited to, an insurance pooling arrangement or Joint Powers Agreement (JPA) throughout the
16 term of the Agreement:

17 A. Commercial General Liability

18 Commercial General Liability Insurance with limits of not less than One
19 Million Dollars (\$1,000,000) per occurrence and an annual aggregate of Two Million Dollars
20 (\$2,000,000). This policy shall be issued on a per occurrence basis. COUNTY may require
21 specific coverages including completed operations, products liability, contractual liability,
22 Explosion-Collapse-Underground, fire legal liability or any other liability insurance deemed
23 necessary because of the nature of this contact.

24 B. Automobile Liability

25 Comprehensive Automobile Liability Insurance with limits for bodily injury of
26 not less than Two Hundred Fifty Thousand Dollars (\$250,000.00) per person, Five Hundred
27 Thousand Dollars (\$500,000.00) per accident and for property damages of not less than Fifty
28 Thousand Dollars (\$50,000.00), or such coverage with a combined single limit of Five Hundred

1 Thousand Dollars (\$500,000.00). Coverage shall include owned and non-owned vehicles used in
2 connection with this Agreement.

3 C. Professional Liability

4 If CONTRACTOR employs licensed professional staff, (e.g., Ph.D., R.N.,
5 L.C.S.W., M.F.C.C.) in providing services, Professional Liability Insurance with limits of not less
6 that One Million Dollars (\$1,000,000.00) per occurrence, Three Million Dollars (\$3,000,000.00)
7 annual aggregate.

8 D. Worker's Compensation

9 A policy of Worker's Compensation insurance as may be required by the
10 California Labor Code.

11 CONTRACTOR shall obtain endorsements to the Commercial General Liability
12 insurance naming the County of Fresno, its officers, agents, and employees, individually and
13 collectively, as additional insured, but only insofar as the operations under this Agreement are
14 concerned. Such coverage for additional insured shall apply as primary insurance and any other
15 insurance, or self-insurance, maintained by COUNTY, its officers, agents and employees shall be
16 excess only and not contributing with insurance provided under CONTRACTOR's policies herein.
17 This insurance shall not be cancelled or changed without a minimum of thirty (30) days advance
18 written notice given to COUNTY.

19 Within thirty (30) days from the date CONTRACTOR executes this Agreement,
20 CONTRACTOR shall provide certificates of insurance and endorsement as stated above for all of
21 the foregoing policies, as required herein, to the County of Fresno, (Greg Reinke, Probation
22 Administration Division Director, 3333 E. American Avenue, Fresno, CA 93725), stating that such
23 insurance coverage have been obtained and are in full force; that the County of Fresno, its
24 officers, agents and employees will not be responsible for any premiums on the policies; that such
25 Commercial General Liability insurance names the County of Fresno, its officers, agents and
26 employees, individually and collectively, as additional insured, but only insofar as the operations
27 under Agreement are concerned; that such coverage for additional insured shall apply as primary
28 insurance and any other insurance, or self-insurance, maintained by COUNTY, its officers, agents

1 and employees, shall be excess only and not contributing with insurance provided under
2 CONTRACTOR's policies herein; and that this insurance shall not be cancelled or changes
3 without a minimum of thirty (30) days advance, written notice given to COUNTY.

4 In the event CONTRACTOR fails to keep in effect at all times insurance
5 coverage as herein provided, the COUNTY may, in addition to other remedies it may have,
6 suspended or terminate this Agreement upon the occurrence of such event.

7 11. AUDITS AND INSPECTIONS

8 The CONTRACTOR shall at any time during business hours, and as often as
9 the COUNTY may deem necessary, make available to the COUNTY for examination all of its
10 records and data with respect to the matters covered by this Agreement. The CONTRACTOR
11 shall, upon request by the COUNTY, permit the COUNTY to audit and inspect all of such records
12 and data necessary to ensure CONTRACTOR'S compliance with the terms of this Agreement.

13 If this Agreement exceeds ten thousand dollars (\$10,000.00), CONTRACTOR
14 shall be subject to the examination and audit of the Auditor General for a period of three (3) years
15 after final payment under contract (Government Code Section 8546.7).

16 12. NOTICES

17 The persons and their addresses having authority to give and receive notices
18 under this Agreement include the following:

19 COUNTY

CONTRACTOR

20 COUNTY OF FRESNO
21 Phillip Kader, Interim Chief
22 Probation Officer
3333 E. American Avenue, Suite B
Fresno, CA 93725

CITY OF SELMA
Greg Garner, Chief of Police
1935 E. Front Street
Selma, CA 93662

23 Any and all notices between the COUNTY and the CONTRACTOR provided
24 for or permitted under this Agreement or by law shall be in writing and shall be deemed duly
25 served when personally delivered to one of the parties, or in lieu of such personal services, when
26 deposited in the United States Mail, postage prepaid, addressed to such party.

27 13. GOVERNING LAW

28 The rights and obligations of the parties and all interpretation and performance

1 of this Agreement shall be governed in all respects by the laws of the State of California. Venue
2 for any action arising out of or related to this Agreement shall only be in Fresno County, California.

3 14. CUMULATIVE REMEDIES

4 No remedy or election hereunder shall be deemed exclusive but shall,
5 wherever possible, be cumulative with all other remedies at law or in equity.

6 15. SEVERABILITY

7 In the event any provisions of this Agreement are held by a court of
8 competent jurisdiction to be invalid, void, or unenforceable, the remaining provisions of this
9 Agreement will nevertheless continue in force and effect without being impaired or invalidated
10 in any way.

11 16. WAIVER

12 The waiver by either party of a breach by the other of any provision of this
13 Agreement shall not constitute a continuing waiver or a waiver of any subsequent breach of
14 either the same or a different provision of this Agreement. No waiver of a party's breach of any
15 provision of this Agreement shall be effective unless the waiver is in writing and signed by the
16 party against whom the waiver is sought to be enforced. Waiver of any one provision herein
17 shall not be deemed to be a waiver of any other provision herein.

18 17. INTERPRETATION

19 The parties acknowledge that this Agreement in its final form is the result of
20 the combined efforts of the parties and that, should any provision of this Agreement be found to
21 be ambiguous in any way, such ambiguity shall not be resolved by construing this Agreement in
22 favor of or against either party, but rather by construing the terms in accordance with their
23 generally accepted meaning.

24 18. NO THIRD PARTY BENEFICIARIES

25 Nothing set forth in this Agreement shall create any legal rights in any
26 person not a party to this Agreement.

27 19. EXHIBITS

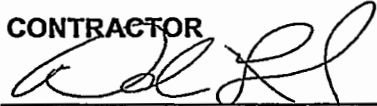
1 Each exhibit and attachment referenced in this Agreement is, by reference,
2 incorporated into and made a part of this Agreement.

3 20. ENTIRE AGREEMENT

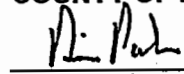
4 This Agreement constitutes the entire agreement between the CONTRACTOR and
5 COUNTY with respect to the subject matter hereof and supersedes all previous negotiations,
6 proposals, commitments, writings, advertisements, publications, and understandings of any nature
7 whatsoever unless expressly included in this Agreement.

1 IN WITNESS WHEREOF, the parties hereto have executed this Agreement as
2 of the day and year first hereinabove written.

3 CONTRACTOR

4 
5 David Elias, City Manager, City of Selma

COUNTY OF FRESNO

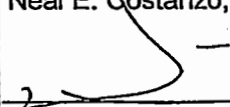
6 
7 Brian Pacheco
8 Chairman, Board of Supervisors

9 DATE: October 2, 2017

10 DATE: November 14, 2017

11 APPROVED AS TO FORM:

12 Neal E. Costanzo, City of Selma Attorney

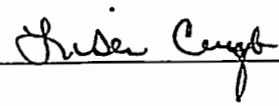
13 
14 City Attorney
15 (1)

16 FOR ACCOUNTING USE ONLY:

17 FUND: 0001
18 ORG: 34309999
19 SUBCLASS: 10000
20 ACCOUNT: 7295

21 ATTEST:

22 Bernice E. Seidel, Clerk
23 Board of Supervisors

24 By: 
25 Deputy

26 Deputy

The Public Safety Realignment Act

AB 109

Implementation Plan 2011

County of Fresno



Executive Committee of the Community Corrections Partnership

Linda Penner, Chief Probation Officer, County of Fresno (Chair)

Hon. Gary Hoff, Presiding Judge, Fresno County Superior Court

Sheriff Margaret Muns, County of Fresno

Elizabeth Egan, District Attorney, County of Fresno

Kenneth Taniguchi, Public Defender, County of Fresno

Jerry Dyer, Chief, Fresno Police Department

Donna Taylor, Director, Behavioral Health, County of Fresno



The following statement was developed and approved by the Executive Committee of the Fresno County Community Corrections Partnership (CCP) on August 19, 2011. On that date, AB 109 the Public Safety Realignment Act Implementation Plan was finalized and approved by the Executive Committee for submission to the Fresno County Board of Supervisors:

"Although AB 109 delineates a funding formula for implementation of this legislation, it appears that this initial funding is inadequate to accomplish the specified objectives of realignment or to establish the framework necessary to implement the Community Corrections Partnership within the aggressive time line set by the State of California.

The Fresno County CCP is concerned that the state of California significantly underestimated the population to be realigned to Fresno County. The funding is disproportionate to the task required which inhibits the CCP from fully providing the safest possible realignment for our community.

In order to provide maximum safety within our community, this plan will ensure offenders are held accountable by placing an emphasis on incarceration and supervision, while at the same time providing services to offenders that will ensure the highest probability of succeeding."

AB 109
The Public Safety Realignment Act
Summary and Overview of Legislation

In an effort to address overcrowding in California's prisons and assist in alleviating the state's financial crisis, the Public Safety Realignment Act (Assembly Bill 109) was signed into law on April 5, 2011. AB 109 transfers responsibility for supervising specified lower level inmates and parolees from the California Department of Corrections and Rehabilitation to counties. Implementation of the Public Safety Realignment Act is scheduled for October 1, 2011.

Additionally, Section 1230 of the California Penal Code is amended 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, 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, victim restitution programs, counseling programs, community service programs, educational programs, and work training programs."

Key Provisions in AB 109

Redefining Felonies: Revises the definition of a felony to include certain crimes that are now punishable in jail for 16 months, 2 years, or 3 years instead of state prison. Some offenses, including serious, violent and some sex-offenses, are excluded and sentences can continue to be served in state prison.

Local Post Release Community Supervision: Offenders released from state prison on or after October 1, 2011 after serving 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.

Revocations Heard & Served Locally: Post release community supervision and parole revocations will be served in local jails (by law maximum revocation sentence is up to 180 days), with the exception of paroled 'lifers' who have a revocation term of greater than 30 days. The Courts will hear revocations of post release community supervision while the Board of Parole Hearings will conduct parole violation hearings in jail.

Changes to Custody Credits: Jail inmates will be able to earn four days of credit for every two days served. Time spent on home detention (i.e., electronic monitoring) is credited as time spent in jail custody.

Alternative Custody: Penal Code Section 1203.018 authorizes electronic monitoring for inmates being held in the county jail in lieu of bail. Eligible inmates must first be held in custody for 60 days post-arraignment, or 30 days for those charged with misdemeanor offenses.

Community-Based Punishment: Authorizes counties to use a range of community based punishment and intermediate sanctions other than jail incarceration alone or traditional routine probation supervision.

Background and Information

This historic legislation sets into motion a number of fundamental changes related to the incarceration, supervision and treatment of a designated group of offenders and provides Fresno County with the ability and limited funding to provide correctional services. AB 109 offers support for community corrections and its multiple goals of offender accountability, surveillance and supervision as well as fiscal accountability.

AB 109 reduces the number of offenders incarcerated in the state prison and releases offenders convicted of specified felonies (low risk sexual offenders defined by Static 99, non-violent offenders and non-serious offenders) to counties of commitment. It also changes the California Penal Code and sentencing practices to keep these offenders of specified felonies from being committed to state prison.

Community Corrections as detailed in the Realignment Act are non-prison sanctions imposed by a court that move offenders through a system of services that are evidence based and available to those who will most likely benefit from them thereby redeeming both offenders and economies. The magnitude and scope of the legislation has required a paradigm shift for the criminal justice system in Fresno County. The justice partners in conjunction with the Community Corrections Partnership stand ready and competent to provide for public safety services mindful of the realignment focus on evidence based practices and solutions for alternatives to incarceration and reentry joined with public safety services.

In October 2011 through October of 2013, Fresno County will receive 1598 returning offenders from the California Department of Corrections and Rehabilitation for post release supervision services. In addition, with the implementation of sentencing reforms, those offenders convicted of specified felonies will be punishable in a county jail or other local sentencing option for more than one year. Both of these actions will have considerable impact on the community and the justice system in Fresno County.

To address these anticipated needs, a number of proposals are recommended that will build ground up a system of fiscally responsible, data driven, evidence based rigorous reforms to current operations that will be inclusive, comprehensive and transparent. The proposed strategies consider the expected multidimensional needs of the new realignment population and the solutions necessary to achieve the balance between public safety and the spirit of the legislation. The goals of increased public safety through reduced victimization can be met at the local level providing there is understanding that is informed and based on the already established and verified body of knowledge of evidence based practice, principles and programs.

SB 678 California Community Corrections Performance Act

The National Institute of Corrections (NIC) recommends that correctional systems establish local values, principals and process based on evidenced based research. It is anticipated that the CCP will utilize all evidenced based and logic models as it moves forward in the development and implementation of services.

Evidenced based programs are found in the SB 678 California Community Corrections Partnership Act. In 2009 the State of California enacted SB 678 which provided a formula based system for sharing state savings with probation departments for improved supervision of felony probationers and reduced prison admissions. Fresno County Probation received \$1,270,000 to develop and enact evidence based programming (EBP) for adult offenders. This award continues through September 30, 2012. The funding allowed for the immediate development of EBP in conjunction with supervision practices that were likely to improve the probation performance of offenders and reduce the likelihood that the probationers would commit new crimes and other violations resulting in a prison commitment. Several practices have been identified and are in the process of being integrated and implemented as well as evaluation programs being put in place to determine effectiveness.

Evidence Based Practices: Fresno County Probation

Risk-Needs Assessment

The Static Risk Offender Needs Guide (STRONG) is a 4th generation, state-of-the-art, evidence-based risk and assessment and automated supervision planning system for adult offenders. It's most salient benefit to corrections agencies is its ability to help personnel predict recidivism by type of crime (violence, property or drug offenses, etc.). This allows probation supervisors to tailor the most effective decisions and courses for corrections by individual offender.

The resource is delivered through a Web-based interface and enables clients to manage intake, assessment administration, case plan management and outcome reporting from a single software application. Core components of the program are aimed at providing a precise and objective assessment to gauge the individual's risk level for future criminal acts and a prescriptive component that guides corrections personnel in tailoring supervision, treatment and services for optimal rehabilitative results. The tool ensures that treatment and public resources are devoted to the highest risk offenders and an objective, consistent and simple method of risk prediction and necessary levels of supervision.

Part 1: Static Risk Assessment The program begins with a 26-question assessment of "static" factors and scores that determine future risks in three areas: 1) felony, 2) non-violent felony, and 3) violent felony. These risk scores lead to classification of offenders into one of five levels:

- High Risk Violent
- High Risk Property
- High Risk Drug
- Moderate Risk
- Low Risk

Part 2: Offender Needs Guide

Each high-risk offender receives an Offender Needs (Criminogenic) Assessment reached via a 70-question survey covering social achievements, support systems, cognition and personality traits. Questioning covers education, employment, residential stability, marriage/family, friends, aggression, coping skills and substance abuse, as well as criminal history.

Part 3: Offender Supervision Plan

STRONG offers the ability to auto-populate the Offender Needs Guide data into an Offender Supervision Plan which recommends specific interventions targeting the "dynamic risk" factors related to criminal behavior. Targeting the greatest individual risk factors of an offender and identifying specific interventions to treat them allow agencies to actively facilitate the kind of positive change that can ultimately keep the offender out of the criminal justice system and help them become productive members of society.

Adult Day Reporting Center

Adult Day Reporting Centers (ADRC), are on-site cognitive restructuring programs designed as Evidence Based Practices and designed to change an offender's adverse thinking patterns,

provide education and job training to enable long-term employment, and hold offenders accountable during the day.

The goals of the Adult Day Reporting Center are to reduce offender rearrests and recidivism, assist offenders in successful reentry by providing needed services, and increase public safety by holding offenders accountable. These goals will be achieved by providing skill-based learning opportunities, educational and vocational training and intensive community supervision.

Participants in the Adult Day Reporting Center:

- Enhance their coping skills through group and peer counseling
- Locate and maintain stable housing
- Improve educational and vocational skills
- Find and retain meaningful work
- Structure their activities within the community
- Receive intensive community supervision by their probation officers

In Fresno County, the ADRC as designed and in the process of moving to full implementation has identified supervision, treatment and training for offenders who are identified through assessment for services. Up to 50 realignment offenders will eventually be enrolled in the ADRC. The current facility is co-located with the Adult Drug Suppression function in Fresno. Offenders go through a four-phase program from one day to seven days per week and are typically seen on aftercare approximately six months into the program. At the present time California State University, Department of Criminology, has submitted an application to fund a comprehensive process and outcome evaluation of the Adult Day Reporting Center program.

Thinking for a Change (T4C) Adults

Validated as evidence based program, *Thinking for a Change* (T4C) cognitive behavioral therapy has proven to be an effective program for juveniles and through endowed grant funding, extended for adult offending populations. Cognitive-Behavioral Therapy (CBT) in the T4C model is an empirically supported treatment that focuses on patterns of thinking that are maladaptive and the beliefs that underlie such thinking. Since 1997, *Thinking for a Change* (T4C) has trained thousands of correctional staff to facilitate offender groups in this evidence-based cognitive behavior program. The *Thinking for a Change* curriculum uses as its core a problem solving component, with both cognitive restructuring and social skills interventions. It was developed to be appropriate for a wide-range of offender groups, and has been implemented in all phases of the juvenile and adult criminal justice systems with considerable reductions in recidivism.

In Fresno, probation officers have been trained and are being trained in the model and following assessment of offenders those moved to the model meet with probation staff twice weekly in groups of ten to study and participate in therapy. The Fresno model is part of the evaluation that California State University has proposed completing on the DRC.

Offender Link Telephone Reporting

Validated as a promising practice, Offender Link identifies low risk offenders in bank caseloads who can maintain contact via telephone reporting. This allows probation officers to focus

attention on medium to high risk offenders through the use of phone and web based services that simplify client supervision with automated voice authenticated check-ins, interviews and message delivery. Probationers receive notifications and court reminders, drug test notifications and specific instructions on conditions of probation

Motivational Interviewing

Motivational Interviewing (MI) is a client-centered approach for eliciting behavioral change through helping offenders explore and resolve ambivalence. It is an evidence based practice that has been shown to effectively change behavior. It is a positive and focused goal based approach that attempts to increase the offenders awareness of the potential problems caused, consequences experienced, and risks faced as a result of the behavior in question. With offenders, the belief that change is possible is an important motivator to succeed in making the change. They're held responsible for choosing and carry out actions to change. In Fresno County probation officers and probation technicians that have direct client contact are being trained in the model that will be utilized as an EBP with the realignment population.

Proposed Implementation Plan: Roles and Responsibilities

Fresno County Sheriff's Office: Jail Division

The Fresno County Sheriff's Office is currently responsible for three jails in downtown Fresno near the main Fresno County Criminal Courthouse. Operationally the jail has 3478 beds available in the three jails but due to budget constraints and reductions, the bed count is now maintained at 1923 beds. There is no ability for the jail to absorb additional AB 109 populations at its present funding level and the Sheriff remains under a federal consent decree for overcrowding that requires release of inmates whenever a designated bed for the inmate's classification is not available.

With the advent of AB 109 funding it is anticipated that the Fresno County Sheriff would reopen a floor in the North Annex Jail that has 432 beds. In addition due to security concerns and classification issues, a small number of classified security beds may be opened in the South Annex Jail. For the operational dates of October 2011 through June of 2012, the Sheriff's Office will open one floor with 432 beds. Contingent upon funding, a second floor with 432 beds would be opened in April 2012 through the end of the first fiscal year.

Based on inmate classification criteria and the physical construction configuration of the North Annex Jail, the 432 beds being considered for use are all Minimum Security housing beds. This physical configuration facilitates programming for some inmates while limiting such for others. The Jail system cannot be operated by segregating AB 109 inmates from other inmates. Jail Objective Classification that includes such criteria as gender, crime, criminal sophistication, gang affiliation etc., determines the use of housing not the specific funding source. However, the addition of jail beds into the system will allow for a significantly larger inmate population, consistent with classification issues to be housed in the reopened floors of the North Annex Jail. This will include long term commitments under the mandates of sentencing reform and "flash incarceration" strategies.

Additional inmates include (1) those convicted of a felony now sentenced to 16 months, two years or 3 years in county jail in lieu of state prison; (2) the additional number of offenders who are pretrial; (3) violators of post release supervision up to 180 days; (4) violators of state parole up to 180 days; and (5) post release community supervisees sanctioned with "flash Incarceration" of up to 10 days.

AB 109 changes how credits for good time and work time are calculated. This means that inmates will be required to serve 50% of their sentence in custody, minus any credits for time served prior to their sentence as determined by the Court, instead of two-thirds of their sentence, which is the current law. This change may help mitigate, to some degree, the impact of longer sentences being served in the county jails. Further, all post release community supervision revocations and almost all parole revocations will be served locally consistent with the Federal Consent Decree. AB 109 encourages the use of flash incarceration up to 10 days in county jail for post release community offenders who violate their community supervision terms.

The Fresno County Sheriff's Office is fully committed to providing proper services for inmates serving time in jail for a under the auspices of the legislation and will work with the CCP and all attendant interagency and community provider committees that are

developed to insure that the appropriate service level is met despite limited funding constraints. Expansion of in-custody programming is necessary to maintain safety and offer productive use of free time while incarcerated. Enhancements to jail programming such as substance abuse services and mental health services are considered vital as part of a comprehensive county effort under the legislation. Evidence based assessment will become part of the service delivery system.

The use/expansion of the community/agency resources including education and vocational services will be explored by the Community Corrections Partnership. In addition, evidence based practices in custodial facilities would include gender responsive strategies for the female offending population. It is anticipated that due to the nature of female criminality that the proportion of female offenders in the realignment population will increase and that services should be explored that reflect gender paths to criminality and gender responsivity in the justice system provision of services.

Proposed Implementation Plan: Roles and Responsibilities

The Fresno County Probation Department: Post Release Supervision

The Fresno County Probation Department has been designated by the Fresno County Board of Supervisors as the Supervising County Agency for the Post Release Community Supervision program pursuant to AB 109. The department is now in the position and has the authority to begin receiving information on the inmates that will be released from CDCR to Fresno County and to make the appropriate plans through the CCP for offender supervision once returned to the county. The operational date is October 1, 2011.

As the administrator for the post release offenders, a full range of options for community supervision has been designed by the probation department under an intensive supervision model. Available under proposed community release strategies are home detention with electronic monitoring and GPS, the Adult Day Reporting Center, urinalysis testing, cognitive behavioral interventions, adult offender work program, referrals to a community network of substance abuse and mental health services and residential treatment programs, referral for educational and training programs and "flash incarceration" as necessitated for violation of supervision conditions.

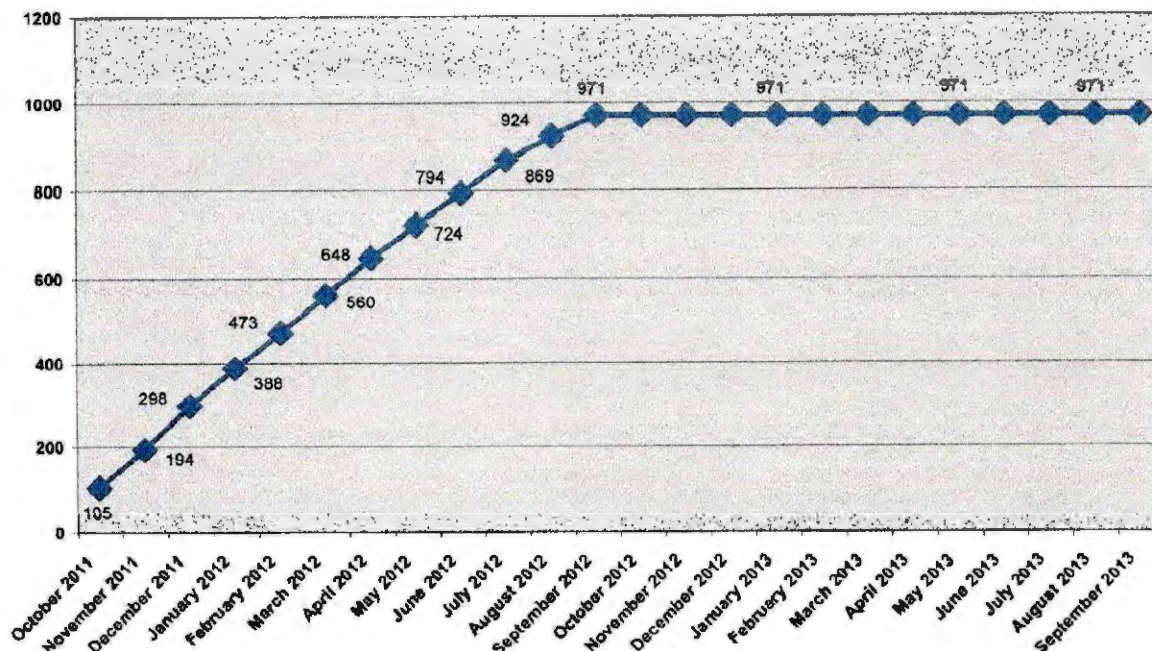
As designated in AB 109 legislation, a post-release supervision cannot exceed a period of three years, however, offenders may be discharged earlier following a period of successful community supervision; any revocations will be served in the county jail for up to 180 days in length. As discussed in the realignment legislation, probation is to supervise under appropriate terms and conditions of probation, consistent with evidence

based practices, treatment services and a series of progressive incentives and sanctions.

Post Release Supervision Model

A supervision ratio for this population has been set at one deputy probation officer per 50 offenders. The officers and support staff will be located at a site that will facilitate program as well as safety and security. The officers will have full access to the Adult Day Reporting Center. The probation department will transition monthly into a specialized supervision unit with the responsibility of intensive supervision based on the numbers being released from CDCR. It is estimated that an average of two probation officers will be hired each month through June of 2012 in the initial phase. During the initial phase of realignment for post release community supervision, approximately 794 post release supervision offenders will be received in the county from state prison. It is estimated that this population will grow through 2013 to a total of 1598 offenders having been released to the county of Fresno.

Estimated Postrelease Community Supervision Average Daily Population



Supervision of the post-release population from CDCR by the Fresno County Probation Department is based on the AB 109 legislation that provides for community supervision not to exceed three years and discharge in a minimum of six months if they are successful under the terms of community supervision. Offenders in this population can be revoked for up to 180 days; requiring participation of the Courts, the District Attorney and Defense Council, and any time served must be in the county jail.

In keeping with the legislation, the probation department may impose appropriate sanctions as deemed necessary by the supervising probation officer as approved by the Superior Court. An expanded continuum of sanctions process is being developed by the probation department and a matrix of graduated revocations is also under construction consistent with evidence based practices demonstrated to reduce recidivism. This can and will include resource and referral, treatment, day report center

and up to ten days custodial time "flash incarceration" for violating specific terms and conditions of release.

Adult Day Reporting Center

The Fresno County Probation Department plans to expand the Adult Day Reporting Center (ADRC) to provide probation services to offenders in the medium-high risk offender category. The Probation Department anticipates that providing additional rehabilitative services to this target group will prove to be the most efficient and cost effective use of resources for the realignment population. The ADRC will be a one-stop center for offender accountability and evidence-based supervision and services. It will provide supportive supervision and treatment services for eligible offenders as identified through assessment.

Once an offender is determined to be eligible through an objective assessment instrument, the probation department will refer the offender to the ADRC, where he/she will be closely monitored and report regularly for drug and alcohol screening and receive intensive case management, substance abuse treatment, life skills, pro-social skill development, career guidance, and job training. The services provided at the ADRC will be designed to break the offender's entrenched criminal behavior through onsite services. The Probation Department fully anticipates that by addressing the gap in service delivery for this offender population, through evidence-based practices at the ADRC, it will be able to significantly reduce levels of recidivism within this population.

Through the auspices of SB 678, the probation department has participated in training and implementation of evidence based practices that influence supervision practices and that have proved effective nationally in reducing recidivism with improved outcomes for offenders. The department has invested significant resources and manpower in the selection and implementation of the STRONG Assessment tool. The data interface for the department has been completed, beta testing is about to begin and the assessment tool will be ready by October 2011. It is the departments plan to use STRONG the

validated risk-needs tool, throughout service provision beginning in the pretrial service arena.

Adult Compliance Team (ACT)

Intensive supervision based on offender assessment enjoined with evidence based practices forms the cornerstone of the supervision model. This intensive approach is seen in the formation of an interagency safety alliance with Fresno city and county justice partners that creates an additional level of offender accountability and public safety, the Adult Compliance Team (ACT). The "strike team" concept is used to describe officers dedicated to particular enforcement and safety purposes with an immediate capacity to take action.

At implementation, the Adult Compliance Team will consist of sworn officers from the Fresno County Probation Department, the Fresno County Sheriff's Department, the Fresno Police Department, the Clovis Police Department and an investigator from the Fresno County District Attorney's Office. Contingent upon future funding, the team will attempt to add officers from various law enforcement agencies in the county of Fresno.

The purpose of the inter-agency compliance team is to add an additional layer of offender supervision and public safety. This team however is multi-purposed: to enforce conditions of probation; to note trends in the realignment population and to be able to efficiently respond to issues; to provide information and direction for all law enforcement agencies in the county of Fresno and to be the point of contact for dissemination of offender information; to respond rapidly with knowledge and information about the offenders in such case as such emergency situations may arise stemming from this population; and to mitigate the need for custodial services through appropriate early interventions. In addition, the team can provide surveillance and warrant sweeps in conjunction with other law enforcement agencies.

ACT assigned officers will complete all training in relation to evidence based practices including cognitive behavioral therapy and Motivational Interviewing conforming to evidence based decision making capabilities with the development of a matrix of graduated recidivism sanctions.

Fresno County Probation Department: Pre-Trial Services

Supervised Honor Release

Effective October 1, 2011 definition of a felony is amended to include certain crimes that are now punishable in jail for 16 months, 2 years, or 3 years instead of state prison. Some offenses, including serious, violent and some sex-offenses, are excluded and sentences can continue to be served in state prison. This offender population will now serve time locally and is expected to greatly impact the operation of the Fresno County Jail and the provision of services. In addition to the amended legislation, alternative custody is considered for inmates being held in the county jail in lieu of bail. The amended legislation also discussed the use of a range of community based punishment and intermediate sanctions other than jail incarceration alone or traditional routine probation supervision.

After a person is arrested and placed in custody, there is an opportunity for the justice system, commensurate with public safety, to determine if conditional release is appropriate. Pretrial service programs interview defendants to gather information: references to verify the community ties and substance abuse or mental health information; investigations into prior criminal history; prior record of appearance in court, and current status with the criminal justice system as to probation and parole histories. Compiling all this information, pretrial services staff then make an assessment of the risks of danger to the community posed by each defendant and use appropriate validated risk/needs assessment tools for information and decision making. Pretrial service officers submit a report risk assessment and a recommendation regarding release to judicial officers. Research has demonstrated that the pretrial release

decision, controlling for all other factors, has the largest impact on the outcome of a case and custodial services. Defendants who are detained are more likely to be sentenced to incarceration, thereby impacting local custodial facilities.

The Fresno County Probation Department operated the SHARP prerelease program from 2007 through 2010 to reduce jail overcrowding while providing services to pretrial offenders. The program was discontinued due to funding. Identified as an evidence based practice, a pretrial services program could greatly enhance the capabilities of the justice system in Fresno to provide for public safety while providing delivering appropriate correctional interventions and referral to a population that has been shown in numerous national studies to benefit from the services. Two deputy probation officers will be assigned to the initial development of a service and accountability based program to supervise pretrial releases. This would include the use of electronic monitoring/GPS and drug testing and could include post-disposition (bridge) and reentry services as well.

Also critical for the pretrial program is the integration of the STRONG risk needs assessment with jail systems. As the probation department strives to develop and implement evidence based practices in pretrial services, the need for appropriate risk needs assessment is required. Through the use of STRONG, the risk needs assessment could be completed at the jail by probation technicians. Following assessment, they could prepare packets with significant information on offenders that support public and victim safety should the offender be considered for supervised release.

In consideration of pre-and post-disposition services, CCP providers and users would benefit from an automated real time treatment and referral system that would save time and money. Utilizing purchased and interfaced software between agencies, the system (PRIME) allows referrals to an 'open seat/open bed' in individual and group settings with treatment providers and within seconds of the referral, availability is known.

Lastly, an evidence based practice that is shown to be effective in pretrial services according is a "reminder service". The problem of failure to appear (FTA) can be extraordinarily costly, both in terms of the financial cost to local justice systems and the integrity of the judicial process. Each court date missed has a ripple effect throughout the justice system, leading to inefficient use of time and resources that are often already overtaxed. Missed court appearances frequently result in arrest warrants that require justice system resources for processing and serving. Defendants arrested on warrants for FTA often spend more time in local jails when compared to other jail admissions. Missed court appearances impact victims and witnesses that share a stake in the court hearings. Reminding defendants of their court appearances with court date notifications is a pretrial release intervention designed to reduce failure to appear and associated costs. Systems of reminders such as live, automated and mail have been shown to be effective and the pretrial services staff should consider the use of such a system.

As with any effective and comprehensive pretrial services program, the relationship with the criminal court, the probation department, district attorney, public defender and the sheriff's department must be open and collaborative. All agencies will work together to insure that services are supportive of public safety as well as the offender.

Proposed Implementation Plan: Roles and Responsibilities

Treatment and Services Coalition (TASC)

Central to AB 109 legislative intent and critical to the success of the realignment population is the development and implementation of treatment services that address criminogenic needs. Best practices include a combination of surveillance and treatment for probationers, rather than one or the other alone based on the use of evidence-based practices risk and needs assessment tools. It is known and expected that a significant number of the realignment population have long standing unaddressed substance abuse problems and/or mental health issues that will need to be considered as the CCP plan goes forward. Treatment as part of the offenders' adjustment on probation has long been seen as the avenue to successful completion of probation and a crime free reintegration into the community. Since the majority of offenders and incarcerated populations have serious substance abuse problems, many contemporaneously with mental health issues, treatment and appropriate services must be developed and should be considered a critical risk reduction strategy. It is the recommendation that a Treatment and Services Coalition (TASC) committee be formed to address the outstanding service needs and service gaps that may be identified for this population.

Roles and Responsibilities Program Research and Evaluation
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An objective and evidence-based study to assess the validity and effectiveness of the justice systems response to and the outcomes for the realignment population is critical to determine if the challenges of crime and justice at the county level, including reduced victimization and recidivism have been appropriately met.

The program evaluation should commence immediately and include a process evaluation to assess the implementation of the strategies and services created and directed to the realignment population. In addition, an outcome evaluation that would measure the impact of the strategies and services created for the offending population in reducing recidivism among the identified population using quantitative research analysis should also be completed.

Qualitative and quantitative data on evidence-based programs are important in corrections. Without effective evidence-based supervision, programs, and services, the system exists without empirical evidence of program effectiveness and compromises its ability to assist those on probation with changing their criminal behavior.

Quality assurance through systematic observation and evaluation of various components of the Fresno County system is a necessity as well. This is in order to assure and maximize the probability that the minimum standards set by the CCP are maintained throughout the system.

The Public Safety Realignment Act
AB 109
Update to 2011 Implementation Plan
2013

County of Fresno



Executive Committee of the Community Corrections Partnership

Linda Penner, Chief Probation Officer, County of Fresno (Chair)

Sheran Morton, Court Executive Officer, Fresno County Superior Court

Sheriff Margaret Mims, County of Fresno

Elizabeth Egan, District Attorney, County of Fresno

Kenneth Taniguchi, Public Defender, County of Fresno

Jerry Dyer, Chief, Fresno Police Department

Donna Taylor, Director, Behavioral Health, County of Fresno



AB 109
The Public Safety Realignment Act
Update to the 2011 Implementation Plan
County of Fresno
2013

Background

On August 19, 2011, the Fresno County Community Corrections Partnership (CCP) Executive Committee approved the Public Safety Realignment Act, Assembly Bill (AB) 109 Implementation Plan for 2011. On September 13, 2011 the CCP moved the Implementation Plan and associated Budget and Salary Resolutions to the Fresno County Board of Supervisors for approval of the plan pursuant to Assembly Bill (AB) 117. On that date, the Implementation Plan and the associated budget and resolutions were approved. The Plan has been operational since that time.

Changes are set to occur in the operation of associated programs in the County of Fresno under the auspices of AB 109. The intended development and implementation of new programs requires an amended and updated plan for Fresno County that has been developed and set for approval by the Community Corrections Partnership (CCP) on March 15, 2013.

In the original legislation under AB 109 in 2011, Section 1230 of the California Penal Code was amended 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, 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.

Consistent with the legislation and local needs and resources, the plan is now undergoing modifications and includes proposals that increase and maximize the effective investment of criminal justice resources in evidence-based correctional sanctions and programs for public safety.

In keeping with the legislation as to reporting changes in county CCP operational plans and services, this proposal delineates proposed changes and modifications to the original 2011 plan for the County of Fresno

Legislative Mandate History

The Fresno County Implementation Plan of 2011 follows the legislative mandates and intents as specified in the legislation and identified below. The programs, services and activities have been built both upon the guiding principles stated in the legislation that controls realignment as well as the needs identified through the operation of the program locally

The Public Safety Realignment Act (Assembly Bill 109) was signed into law on April 5, 2011 in the State of California

Several mandated changes took place upon the implementation of the law on October 1, 2011:

(1) AB 109 transferred responsibility for supervising specified lower level inmates and parolees from the California Department of Corrections and Rehabilitation to counties. This population, the Post Release Community Supervision (PRCS) offenders became eligible for county supervision for a period not to exceed 3 years, provided by the county agency designated by that county's Board of Supervisors. In Fresno County, the Fresno County Probation Department has the designated responsibility for PRCS supervision.

(2) The definition of some felony crimes was revised to include certain crimes that became punishable in jail for 16 months, 2 years, or 3 years instead of state prison, although some offenses, including serious, violent and some sex-offenses, are excluded and sentences can continue to be served in state prison

(3) Post Release Community Supervision (PRCS) and state parole revocations are now served in local jails (by law maximum revocation sentence is up to 180 days), with the exception of paroled 'lifers' who have a revocation term of greater than 30 days. The Superior Courts through the implementation of the legislation now hear revocations of Post Release Community Supervision (PRCS), offenders with the Board of Parole Hearings conducting parole violation hearings through July 1, 2013 at which time the Superior Courts will assume responsibility for state parole revocations

(4) Changes to custody credits have occurred in which jail inmates are now able to earn four days of credit for every two days served. Time spent on home detention (i.e., electronic monitoring) is credited as time spent in jail custody.

(5) Penal Code Section 1203.018 now authorizes electronic monitoring for inmates being held in the county jail in lieu of bail. Eligible inmates must first be held in custody for 60 days post-arraignment, 30 days for those charged with misdemeanor offenses or the inmate is appropriate for the program based on a determination by the correctional administrator that the inmate's participation would be consistent with the public safety interests of the community.

(6) Under the authority of the legislation, community based punishment was authorized that allows counties to use a range of community based punishment and intermediate sanctions other than jail incarceration alone or traditional routine probation supervision for the identified populations.

Changes to 2011 Implementation Plan

Programs that were approved and funded in the original Implementation Plan of 2011 are ongoing. Due to the additions and changes that have occurred in the operation of AB 109 programming, the updated plan is required for the Community Corrections Partnership (CCP) as well as the attendant budget and salary resolutions that will be reviewed by the Fresno County Board of Supervisors following the approval.

Given the influence in the legislation to utilize evidence based practices and programs through a range of community based services and sanctions, and based on a determination of needs as ascertained through the operation of the AB 109 Programs locally, there are several noteworthy additions and modifications to the approved plan. Changes and additions to the original 2011 plan have been made in the Fresno County Sheriffs' Office, Fresno County Probation Department, the Fresno County Department of Behavioral Health and the Fresno County Department of Public Health.

These changes, additions and modifications are:

- **Jail Transition Unit**
- **Jail Medical Services**
- **Probation Supervision and Referral Services**
- **Behavioral Health Contracts**
- **Adult Compliance Team**
- **Pending RFP's for services**

On January 22, 2013, the CCP solicited and accepted proposals from interested parties for the addition and expansion of services based on identified needs and priorities of the CCP. On February 27, 2013 additional programs for which proposals had been submitted were selected and will further modify the operation of local AB 109 service provision.

Fresno County Sheriff's Office

With the advent of AB 109 funding it was anticipated that the Fresno County jail would reopen 432 beds in the North Annex Jail which occurred on October 1, 2011. An additional floor of the North Annex Jail with 432 beds opened on September 1, 2012.

With the support of CCP funding, this has allowed for the accountability necessary for the foundation of the public safety services provided through realignment

Fresno County Jail Operations: New Program TJCU

In November of 2012, the Fresno County Sheriff's Office and the Fresno County Probation Department were selected to be part of the national Transition from Jail to Community Initiative (TJC). Through the award the agencies have begun a process to reverse the trend of criminal recidivism in adult correctional populations. Through the provision of evidence based planning, the jail committed to develop jail services and programs that connect to a continuum of community services designed to enhance successful integration. The TJC project has been instrumental in assisting in the development of a transition pod proposed and approved under the auspices of AB 109 funding on February 27, 2013. Through the collective operation of the probation and sheriff's departments, the Transition from Jail to Community Unit (TJCU) will be opened in the North Annex Jail housing up to 72 sentenced prisoners and identified through assessments with commitment times of one year or more. The ACTS Jail Assessment model will provide both proxy scoring and criminogenic risk needs score for programming. Evidence based transition services will be developed including education, substance abuse, and community services. The jail will attempt to develop class and program space and will work with the Community and Custody Resources Subcommittee of the CCP to encourage community engagement in the process of building a reentry unit as well as faith based programming. Staff will be cross-trained in cognitive behavioral programming provided by probation including Motivational interviewing and Thinking for a Change. The probation staff will additionally case manage unit offenders and work on the progressive reentry issues including community transition through program phases.

Fresno County Department of Public Health

Jail Medical Services

Following approval of the Implementation Plan in 2011 and on September 13, 2011 the Department of Public Health requested and received an allocation for medical services. This was later increased due to a higher level of AB 109 inmates in the jail with an additional reserve amount put aside to address future costs. Medical services are mandated by Title 15, Division I of the California Code of regulations. On February 27, 2013 the CCP authorized additional funding for Jail Medical services due to continuing increased costs in the jail.

Although not specifically identified in the original Implementation Plan of 2011, the provision of medical and mental health services is in keeping with the full course treatment aspect of realignment and state mandates for jail medical services.

Post Release Community Supervision offenders in the first year of operation totaled 1,581 individuals who were released to the Fresno County Probation Department for services. Trends noted in the first year of operation and continuing to date are the appreciably higher number of offenders received versus the number projected to be released. Another trend in the offending population is the use of alcohol and drugs with multiple problems related to this substance use, including family conflict, employment, anti-social behavior and new offenses. The need for mental health services was immediately apparent in the PRCS population. Some required inpatient level of care.

The probation department opened the AB 109 'one-stop' offender services office on Winery Avenue in Fresno California. At that location, AB 109 offenders can meet with their probation officers, be referred to the Adult Day Reporting Center on campus, drug test and be referred to needed services there including Workforce Connection.

To address trends in the offending population since the development of the 2011 Implementation Plan the Probation Department has partnered with both the Department of Behavioral Health for Turning Point of Central California, Inc. (Turning Point) treatment services for PRCS offenders and the Fresno County Sheriff's Office for offender services that will occur both in and out of custody.

Additional Service Provision

Co-located at that location are the mental health and substance abuse services of Turning Point of Central California through a contract implemented in 2012 with the Department of Behavioral Health. Turning Point provides both mental health and substance use disorder services at their First Street Center. Turning Point provides a full array of services to include, outpatient mental health and substance use disorder treatment, full services partnership services for severely mental ill clients, residential detoxification and treatment, and sober living housing. The contract with Turning Point was expanded due to the increased need for additional residential beds for offenders.

Fresno County Department of Behavioral Health

The Implementation Plan of 2011 stated that, "Central to AB 109 legislative intent and critical to the success of the realignment population is the development and implementation of treatment services that address criminogenic needs...It is known and expected that a significant number of the realignment population have long standing unaddressed substance abuse problems and/or mental health issues that will need to be considered as the CCP plan goes forward...Since the majority of offenders and incarcerated populations have serious substance abuse problems, many contemporaneously with mental health issues, treatment and appropriate services must be developed and should be considered a critical risk reduction strategy."

Fresno County Department of Behavioral Health (DBH) was tasked with providing mental health and substance use disorder services for the PRCS population. DBH determined these services would be provided by a community based provider. After going through the county's competitive based process a contract was awarded to Turning Point of Central California.

Turning Point provides both mental health and substance use disorder services at their First Street Center as well as assessments and limited outpatient services at probation's Winery Avenue site. Turning Point provides a full array of services to include, outpatient mental health and substance use disorder treatment, full services partnership services for severely mental ill clients, residential treatment, sober living housing. The contract was expanded on September 11, 2012 due to the increased need for residential and treatment beds for offenders.

Multi-Agency Adult Compliance Team

The Fresno County Adult Compliance Team (ACT) became operational in November of 2011 and presently consists of two Fresno County Probation Officers, one Fresno City Police Officer, one Clovis City Police Officer, one Fresno County District Attorney Investigator and one Fresno County Sheriff's Sergeant. This team is multi-purposed: to enforce conditions of supervision; to note trends in the realignment population and to be able to efficiently respond to issues; to provide information and direction for all law enforcement agencies in the County of Fresno and to be the point of contact for dissemination of offender information; to respond rapidly with knowledge and information about the offenders in such case as emergency situations may arise stemming from this population as well as the need to mitigate the need for custodial services.

In the Implementation Plan of 2011, there was no provision made for overtime and training costs. On February 27, 2013 the CCP did approve the addition of these costs to the plan.

Pending Contracts

At the Community Corrections Partnership meeting on February 27, 2013 the CCP approved funding for two additional contracts for offender services in keeping with the intent of the AB 109 legislation that would create, expand and implement community and agency resources for the offending populations

Counseling Services

The first allocation was for in custody, out of custody and pretrial counseling services. The purpose of the contract is to provide services designed to reduce recidivism by targeting behaviors that lead to or continue criminal behavior through the provision of counseling services to identified offenders in the AB 109 population. The contractee would be expected to provide services at the jail and through case managed supervision, at various locations in the county for both PRCS offenders and AB 109 offenders released from the jail. The program would be developed around the identified and assessed needs of the offender and with the direction of a probation officer or case manager in the jail.

Homeless Offender Services

The needs of the homeless offender are broad and encompass many areas. Collective priorities in our community and literature on evidence based practices support the need for homeless offenders that do not qualify for mental health and substance abuse consideration. The purpose of the contract would be to provide services for unmet needs for those being released from prison (PRCS) the transition pod at the jail including transitional residential housing, those who become homeless while under the supervision of the probation department and those offenders who could qualify for pre-trial release with a requisite residence requirement. In addition services designed to divert offenders from the cycle of incarceration and homelessness through supportive and evidence based programming in conjunction with transitional housing with homeless participants would be a requisite part of the program.

Employment Assistance

In addition to the above newly approved Request for Proposals, the Community Corrections Partnership has authorized a shift in dedicated monies to an expansion of services for job training and assistance for the AB 109 population. A contract to address and expand job training would allow for on-site assistance at the 'one-stop' center for offenders to coincide with other needed services. The purpose of the contract would be to provide employment services for offenders that have little to no work experience, have difficulty keeping a job, assist with workplace technology and counseling services including substance abuse education and social work services that focus on job retention.

Discussion of Program Operations Since 2011

Pretrial Services Program

The Fresno County Probation Pre Trial Services program became operational in September, 2012. At the present time, over 300 offenders have been referred for services based on the Pre Trial Virginia Model of Assessment (VMI) with supervision services that include GPS monitoring and tracking. Assessment services (STRONG) are also being completed on AB 109 supervised offenders as identified in the Implementation Plan.

Automated Voice Calling (AVC)

The evidence based practice shown to be effective in court processing of offenders is the automated telephonic 'reminder' service, as discussed in the original implementation plan, became operational in July 2012. Automated calls to defendant's homes providing a court hearing notice as provided by In Touch have attempted over 44, 000 automated voice contacts (AVC) to defendants in Fresno County Courts.

Sub-Committees to the Community Corrections Partnership

In the Implementation Plan of 2011, one treatment oriented subcommittee was identified for support of the AB 109 plan. Since that time, subcommittees have been formed that focus on the specialized community and offender issues of AB 109 as well as provide collaboration, information and assistance to the CCP.

These standing committees are: Fiscal Review and Audit; Community and Custody Resources; Victim/Mandates; Incarceration and Capacity; Technology; Courts; Research and Evaluation; and the Adult Compliance Team Review Committee. The committee members are present at each CCP meeting and report out on work that has been accomplished in the interim between CCP meetings or on specialized tasks at the direction of the CCP.

Data Collection

The firm of Owen Research and Evaluation (ORE) was hired by the CCP through contractual agreement to provide the CCP evaluative services as required and approved in the AB 109 Implementation Plan for Fresno County. The overall focus of activity has been to create an objective and evidence based evaluation and quality assurance plan for the county. ORE continues the process and is in the development of an analytic report to compare descriptive data to outcomes which will be completed once the filing data for the county is finalized.

Additional objectives are to assess the effectiveness of the county's implementation plan and the impact on public safety of released offenders from state prison to the supervision and custody of Fresno County; to review the programs as selected and implemented for the most efficient and effective outcomes and to provide information to the CCP that will assist in informed decision making.

Status of Implementation Plan Programs: 2013

A review of the 2011 Implementation Plan for Fresno County at the present time reveals that programs slated for implementation have been realized and the overall tenure and direction of the CCP has been accomplished. One service for client referral in 'real time' for treatment providers as discussed in the implementation plan was not implemented due to technology issues.

Under the guise of both accountability and evidence based practices and principles consistent with public safety, programs identified for initial implementations have been enacted

Since inception, the direction and goal of the Fresno County Community Corrections Partnership as established under AB 109, has been the successful implementation of the legislation with the consideration of the unique local issues that may impact offender achievements and public safety. A balanced approach has been struck that affords offender accountability with the development of community corrections fitting the needs and identified correctional issues of this county.

The new modifications and additions to the Fresno County AB 109 operational plan serve the needs of the county. The Community Corrections Partnership of Fresno County is committed to philosophical and operational programs necessary to reduce the crime and recidivism while promoting a reduction in criminal victimization and increased public safety.

The Public Safety Realignment Act

AB 109

Implementation Plan 2014 – 2nd Update

County of Fresno



Executive Committee of the Community Corrections Partnership

Rick Chavez, Chief Probation Officer, (Chair) County of Fresno

Sheran Morton, [Court Executive Officer](#), Fresno County Superior Court

Sheriff Margaret Mims, County of Fresno

Elizabeth Egan, District Attorney, County of Fresno

Elizabeth Diaz, Public Defender, County of Fresno

Jerry Dyer, Chief of Police, City of Fresno

Dawan Utecht, Director, Behavioral Health, County of Fresno



AB 109
The Public Safety Realignment Act
Second Update to the 2011 Implementation Plan
County of Fresno
October 2013

Background

In the original legislation under AB 109 in 2011, Section 1230.1 of the California Penal Code was amended 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, Presiding Judge or his designee, and one department representative listed in either subparagraph (G) (H) or (J) of paragraph (2) of subdivision (b) of Section 1230 as designated by the County Board of Supervisors for related to the development and presentation of the plan. (c) The plan shall be deemed accepted by the County Board of Supervisors unless the Board rejects the plan by four – fifths of the Board, 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 maximum the effective investment of criminal justice resources in evidenced-based correctional sanctions and program including, but not limited to day reporting centers, drug courts, residential multiservice centers, mental health treatment programs, electronic and GPS Monitoring Programs, victim restitutions programs, counseling Programs, community service programs, educational programs and work training programs."

On August 19, 2011, the Fresno County Community Corrections Partnership (CCP) Executive Committee approved the Public Safety Realignment Act, Assembly Bill (AB) 109 Implementation Plan for 2011. On September 13, 2011 the CCP moved the Implementation Plan and associated Budget and Salary Resolutions to the Fresno County Board of Supervisors for approval of the plan pursuant to Assembly Bill (AB) 117. On that date, the Implementation Plan and the associated budget and resolutions were approved. The Plan has been operational since that time.

Again on March 15, 2013, the Community Corrections Partnership approved an update to its existing plan and April 23, 2013, the Plan Update and associated Budget and Salary Resolutions were moved to the Fresno County Board of Supervisors which were approved. In a budget workshop on October 1, 2013 the CCP accepted proposals for modifications to the Plan and on October 15, 2013, the CCP approved funding for the proposals consistent with the original intent of the legislation and the Fresno County Plan.

The plan continues to undergo modifications to increase and maximize the effective investment of criminal justice resources in evidence-based correctional sanctions and programs for public safety. In keeping with the legislation as to reporting changes in county CCP operational plans and services, this second update to the original plan delineates changes and modifications to the original 2011 plan for the County of Fresno as approved by the CCP on October 15, 2013.

Changes to 2011 Original Implementation Plan

Programs that were approved and funded in the original Implementation Plan of 2011 are ongoing. Due to the additions and changes that have occurred in the operation of AB 109 programming, a second update to the plan is required for the Community Corrections Partnership (CCP) as well as the attendant budget and salary resolutions that will be reviewed by the Fresno County Board of Supervisors following CCP approval.

Based on a determination of needs as ascertained through the operation of the AB 109 programs locally, and on the presentations made to the Community Corrections Partnership, there are several noteworthy additions and modifications to the 2011 approved plan.

Fresno County Probation Department

Data Collection and Evaluation Positions

After 18 months of Realignment in Criminal Justice in California, the need to collect local data at the County level that is consistent, timely and useful data across multiple agencies, systems and contractors has become critical. With the advent of data based decision making and requirements at the state and local level, processes have changed significantly in the area of data and information collection. In addition, the introduction of proposed expansion of research efforts on multi-levels including the PEW-supported Results First Initiative, the Public Policy Institute of California (PPIC) and the Urban Institute, require new methods of data management. It has become apparent that there is a gap in developing high quality data sets for the County and its multiple agencies requiring the data for use in a number of efforts. While the County has contracted for research and data analysis with an outside agency, the need for ongoing institutional management of many levels of data and coordination of data efforts between the agencies is a critical need. Two data positions were needed to meet the growing and continuous needs of public safety realignment: a data manager and a data collector. Two Fresno County approved corresponding positions have been identified; an Information Technology Analyst and a Program Technician.

Data continues to be needed from the following agencies: Adult Probation, APS data base; District Attorney's Office, STAR data processing system; Superior Court, V2 system; County Jail, Offender Track; County Behavioral Health and Private Provider case files. The end product of these systems coordinating with each other would be

excel data sheets that allow merging based on unique identifiers for the use of all data reporting requests and agency needs.

The data manager will be responsible for collaborating with research partners and justice agencies to identify and develop data set requirements, contents and schedules. The data manager would work with both County and contract provider partners to obtain requested data. These county partners include Probation, Sheriff's Office (Jail IT), and the DA's Office, Behavioral Health, the Superior Court and others. Contract providers would include any agency or entity that provides services to the realignment effort. Other critical data manager duties would include: locating missing data, reconciling conflicting data and merging data sets. This person would also work directly with the CCP Research and Evaluation Subcommittee.

Qualifications should include knowledge of realignment and criminal justice and knowledge and extensive experience in diverse data sets with computer, software and statistical skills. The Data Collector position will provide data entry support to overall realignment data efforts. In addition funding was increased for IT consultant services as needed.

Fresno County Sheriff's Office

Jail Records Positions

With the implementation of AB 109 locally, there was a significant increase in long-term commitments and with them, an influx of legal and judicial documents. The Jail is now the custodian of records for all AB 109 commitments. Processing the commitment packets that are forwarded by the court requires consistency and specialized training. Staff are required to calculate and enter a variety of sentencing adjustments pursuant to Penal Code Sections 4019 and 4019.2. Jail Records is also required to compile PC 969b prior conviction reports for the courts. In order to do so, staff must perform a substantial amount of specialized research on each commitment packet file. All of the additional AB109 paperwork and tasks related to processing additional paperwork significantly overtaxed limited resources

The Community Corrections Partnership approved funding for 4 Program Technician positions. The positions are subject to Fresno County Personnel's review of the classifications to be used to address jail records needs that are based on increased workload from AB 109 offenders. The appropriation from the CCP was \$164,000 for the remaining fiscal year and; \$328,000 for a full fiscal years funding.

At the Community Corrections Partnership meeting on October 15, 2013 the CCP approved funding for two additional contracts for offender services in keeping with the intent of the AB 109 legislation that would create, expand and implement community and agency resources for the offending populations.

Domestic Violence Services

The first allocation was for in custody, out of custody and pretrial counseling services for identified offenders. The purpose of a contract would be to provide holistic counseling services designed to reduce targeting individual behavior of offenders and services to family members that would reduce rec increase offenders' chances of success in the community as well as improve family functionality. The contractee would be expected to provide services at the jail and through case managed supervision, at various locations in the county for both PRCS offenders and AB 109 offenders released from the jail. The program would be developed around the identified and assessed needs of offenders and with the direction of a probation officer or case manager in the jail. The Community Corrections Partnership has allocated approximately \$400,000 for this RFP.

Employment Assistance

After stable housing, one of the most important components of successful community corrections is employment which was originally described in the AB 109 Implementation Plan of 2011. Research supports that finding employment is a critical step for offenders to reduce recidivism and that employment training is a critical element of rehabilitation.

The purpose of the contract would be to provide employability services for offenders that have little to no work experience, have difficulty keeping a job, assist with workplace technology, employability and job placement services. Ancillary services as to coaching, counseling services including substance abuse education and social work services that focus on pro-social development to increase job retention would also be part of the contract. The Community Corrections Partnership has allocated approximately \$400,000 for this RFP.

Discussion of Program Operations since 2011 Data Collection

The firm of Owen Research and Evaluation (ORE) was hired by the CCP through contractual agreement to provide the CCP evaluative services as required and approved in the AB 109 Implementation Plan for Fresno County. The overall focus of activity has been to create an objective and evidence based evaluation and quality assurance plan for the county. In addition, the introduction of proposed expansion of research efforts on multi-levels including the PEW –supported Results First Initiative, the Public Policy Institute of California (PPIC) and the Urban Institute have required new methods of data management. The First Year Interim Report on AB 109 was released to the CCP in October of 2013 and is available on the Fresno County Probation website.

Attachment "A"

The Public Safety Realignment Act

AB 109

Implementation Plan 2014 – 3rd Update

County of Fresno



Executive Committee of the Community Corrections Partnership

Rick Chavez, Chief Probation Officer, (Chair) County of Fresno

Sheran Morton, Fresno County Superior Court

Sheriff Margaret Mims, County of Fresno

Elizabeth Egan, District Attorney, County of Fresno

Elizabeth Diaz, Public Defender, County of Fresno

Jerry Dyer, Chief of Police, City of Fresno

Dawan Utecht, Director, Behavioral Health, County of Fresno



AB 109
The Public Safety Realignment Act
Third Update to the 2011 Implementation Plan
County of Fresno
November 2014

Background

In the original legislation under AB 109 in 2011, Section 1230.1 of the California Penal Code was amended 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. 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, Presiding Judge or their designee, and one department representative listed in either subparagraph (G) (H) or (J) of paragraph (2) of subdivision (b) of Section 1230 as designated by the County Board of Supervisors for development and presentation of the plan. The plan shall be deemed accepted by the County Board of Supervisors unless the Board rejects the plan by four – fifths of the Board, in which case the plan goes back to the Community Corrections Partnership for further consideration. Consistent with local needs and resources the plan may include recommendations to maximize the effective investment of criminal justice resources in evidenced-based correctional sanctions and programs including, but not limited to: Day Reporting Centers, drug courts, residential multiservice centers, mental health treatment programs, electronic and Global Positioning System (GPS) monitoring programs, victim restitution programs, counseling programs, community service programs, educational programs and work training programs.

On August 19, 2011, the Fresno County Community Corrections Partnership (CCP) Executive Committee approved the Public Safety Realignment Act, Assembly Bill (AB) 109 Implementation Plan for 2011. On September 13, 2011 the CCP moved the Implementation Plan and associated Budget and Salary Resolutions to the Fresno County Board of Supervisors for approval of the plan pursuant to Assembly Bill (AB) 117. On that date, the Implementation Plan and the associated budget and resolutions were approved. The Plan has been operational since that time.

Modifications to 2011 Plan

Due to the need for modifications of the original plan, in March, 2013 the first amended plan was approved by the CCP and the updated plan and associated budget and salary resolutions moved to the Board of Supervisors and were approved in April 2013. In October 2013 the second amended plan was approved by the CCP and moved to the Board of Supervisors with the associated budget and salary resolutions approved in January 2014.

The plan continues to undergo modifications to increase and maximize the effective investment of criminal justice resources in evidence-based correctional sanctions and programs for public safety. In keeping with the legislation as to reporting changes in county CCP operational plans and services, this third update to the original plan delineates changes and modifications to the original 2011 plan for the County of Fresno with funding allocations by the CCP on October 1, 2014.

Program Changes to 2011 Original Implementation Plan

Programs that were approved and funded in the original Implementation Plan of 2011 are ongoing and or expanded. Due to the additions and changes that have occurred in the operation of AB 109 programming, a third update to the plan is required for the Community Corrections Partnership (CCP) as well as the attendant budget and salary resolutions that will be reviewed by the Fresno County Board of Supervisors following CCP approval.

Based on a determination of needs as ascertained through the operation of the AB 109 programs locally, and on the presentations made to the Community Corrections Partnership, there are several noteworthy additions and modifications to the 2011 approved plan.

Fresno County Sheriff's Office

IT Support Position

Due to increasing workload for various research activities associated with the operation of the AB 109 program, the Sheriff's Office requested an IT support position which was approved to provide custom application development to integrate jail program services data and customize report programming. The Community Corrections Partnership has allocated \$98,011 for this position.

Pending Additional Actions/Requests for Proposals (RFPs)

The Community Corrections Partnership approved funding to move forward with Requests for Proposals for additional contracts for offender services in keeping with the intent of the AB 109 legislation. These allocations create, expand and implement community and agency resources for the identified populations.

Domestic Violence Services

The purpose of the contract would be to provide both batterers intervention treatment and holistic counseling services for offenders and family members that would reduce recidivism and increase offenders' chances of success in the community as well as improve family functionality. The services could include parenting and anger management classes as well as individual counseling. The contractee would be

expected to provide services through case managed supervision, at various locations in the county for both Post Release Community Supervision (PRCS) and AB 109 offenders released from the jail. The program would be developed around the identified and assessed needs of offenders and with the direction of either a probation officer or case manager in the jail. The Community Corrections Partnership has allocated approximately \$203,725 for this RFP. Funding for these services was also approved as part of the CCP plan – 2nd update. However, implementation required further refinement of the services, which has been identified and will be included in the proposal.

Adult Compliance Team (ACT)

Two additional law enforcement officers were funded to be added to the team to include law enforcement agencies from county locations not presently participating on the Adult Compliance Team. The cost approved for the addition of the two law enforcement officers is \$283,000 per year.

In addition, funding was expanded to provide additional training for officer safety, team tactics, and training on current criminal behavioral trends. Funding was increased for training by \$15,000 per year.

Re-entry Services

The Community Corrections Partnership allocated funding for the development of behavioral modification programs and behavioral cognitive therapies to address criminal thinking and de-institutionalizing habits and mindsets of offenders to be delivered in both case managed services in the community and at the jail for realigned populations. This program will provide an array of workforce development services geared to increase skills acquisition and improve the chances of successful employment outcomes. In addition, the program will target employers that have been locally determined as high-growth and high-demand in order to create opportunities for self-sufficiency and career advancement for the “hardest to employ” population. The CCP allocated \$276,944 for an RFP for services. Funding for employment services was also approved as part of the CCP plan – 2nd update. However, implementation required further refinement of the services, which has been identified and will be included in the proposal.

Status of Implementation Plan Programs; November 2014

A review of the 2011 Implementation Plan for Fresno County at the present time reveals that programs slated for implementation have been or are being implemented and the overall tenure and direction of the CCP has been accomplished. Under the guise of both accountability and evidence-based practices and principles consistent with public safety, programs identified for initial implementations have been enacted.

Since inception, the direction and goal of the Fresno County Community Corrections Partnership as established under AB 109, has been the successful implementation of

the legislation with the consideration of the unique local issues that may impact offender achievements and public safety. A balanced approach has been struck that affords offender accountability with the development of community corrections fitting the needs and identified correctional issues of this county.

The new modifications and additions to the Fresno County AB 109 operational plan serve the needs of the county. The Community Corrections Partnership of Fresno County is committed to philosophical and operational programs necessary to reduce the crime and recidivism while promoting a reduction in criminal victimization and increased public safety.

The Public Safety Realignment Act

AB 109

Implementation Plan 2015 – 4th Update

County of Fresno



Executive Committee of the Community Corrections Partnership

Rick Chavez, Chief Probation Officer, (Chair) County of Fresno

Sheran Morton, Fresno County Superior Court

Sheriff Margaret Mims, County of Fresno

Lisa A. Smittcamp, District Attorney, County of Fresno

Elizabeth Diaz, Public Defender, County of Fresno

Jerry Dyer, Chief of Police, City of Fresno

Dawan Utecht, Director, Behavioral Health, County of Fresno



AB 109
The Public Safety Realignment Act
Fourth Update to the 2011 Implementation Plan
County of Fresno
November 2015

Background

In the original legislation under AB 109 in 2011, Section 1230.1 of the California Penal Code was amended 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, Presiding Judge or their designee, and one department representative listed in either subparagraph (G) (H) or (J) of paragraph (2) of subdivision (b) of Section 1230 as designated by the County Board of Supervisors for related to the development and presentation of the plan. (c) The plan shall be deemed accepted by the County Board of Supervisors unless the Board rejects the plan by four – fifths of the Board, 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 evidenced-based correctional sanctions and program including, but not limited to: day report centers, drug courts, residential multiservice centers, mental health treatment programs, electronic and GPS monitoring programs, victim restitutions programs, counseling programs, community service programs, educational programs and work training programs.

On August 19, 2011, the Fresno County Community Corrections Partnership (CCP) Executive Committee approved the Public Safety Realignment Act, Assembly Bill (AB) 109 Implementation Plan for 2011. On September 13, 2011 the CCP placed the Implementation Plan and associated Budget and Salary Resolutions on the Fresno County Board of Supervisors agenda for approval pursuant to Assembly Bill (AB) 117. On that date, the Implementation Plan and the associated budget and resolutions were approved. The Plan has been operational since that time.

Modifications to 2011 Plan

Due to the need for modifications of the original plan, in March 2013 the first amended plan was approved by the CCP and the updated plan and associated budget and salary resolutions were placed on the Board of Supervisors agenda and approved in April 2013. In October 2013 the second amended plan was approved by the CCP and placed on the Board of Supervisors agenda with the associated budget and salary resolutions and approved in January 2014. The third amendment and associated budget and salary resolutions was approved by the CCP on November 14, 2014 and by the Board of Supervisors on December 2, 2014.

Modifications to the plan will continue to be needed to increase and maximize the effective investment of criminal justice resources in evidence-based correctional sanctions and programs for public safety. In keeping with the legislation as to reporting changes in county CCP operational plans and services, this fourth update to the original plan delineates a modification to the original 2011 plan for the County of Fresno with funding allocations by the CCP on November 6, 2015.

Program Changes to 2011 Original Implementation Plan

Programs that were approved and funded in the original Implementation Plan of 2011 are ongoing and or expanded. Due to a modification that has occurred in the operation of AB 109 programming, a fourth update to the plan is required for the Community Corrections Partnership (CCP) as well as the attendant budget and salary resolutions that will be reviewed by the Fresno County Board of Supervisors following CCP approval.

Based on a determination of needs as ascertained through the supervision of AB 109 offenders, the following modification is made to the 2011 approved plan.

Fresno County Probation Department

Post Release Supervision Model

The initial Implementation Plan set a supervision ratio of one deputy probation officer per 50 offenders. This plan update increases the supervision ratio of one deputy probation officer to 35 offenders for designated specialized caseloads including domestic violence, sex offender and mental health. Based on experience with these three designated caseloads, they require enhanced supervision levels above the general AB 109 caseloads. The general caseloads will remain at a supervision ratio of one deputy probation officer to 50 offenders.

Status of Implementation Plan Programs: November 2015

A review of the 2011 Implementation Plan for Fresno County at the present time reveals that programs slated for implementation have been or are being implemented and the overall tenure and direction of the CCP has been accomplished. Programs identified for initial implementation have been enacted in accordance with evidence based practices and principles consistent with public safety.

Since inception, the direction and goal of the Fresno County Community Corrections Partnership as established under AB 109, has been the successful implementation of the legislation with the consideration of the unique local issues that may impact offender achievements and public safety. A balanced approach has been struck that affords offender accountability with the development of community corrections fitting the needs

and identified correctional issues of this county. The new modification to the Fresno County AB 109 operational plan serves the needs of the County.

The Public Safety Realignment Act

AB 109

Implementation Plan 2015 – 5th Update

County of Fresno



Executive Committee of the Community Corrections Partnership

Rick Chavez, Chief Probation Officer, (Chair) County of Fresno

Sheran Morton, Fresno County Superior Court

Sheriff Margaret Mims, County of Fresno

Lisa A. Smittcamp, District Attorney, County of Fresno

Elizabeth Diaz, Public Defender, County of Fresno

Jerry Dyer, Chief of Police, City of Fresno

Dawan Utecht, Director, Behavioral Health, County of Fresno



AB 109
The Public Safety Realignment Act
Fifth Update to the 2011 Implementation Plan
County of Fresno
September 2017

Background

In the original legislation under AB 109 in 2011, Section 1230.1 of the California Penal Code was amended 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, Presiding Judge or their designee, and one department representative listed in either subparagraph (G) (H) or (J) of paragraph (2) of subdivision (b) of Section 1230 as designated by the County Board of Supervisors for related to the development and presentation of the plan. (c) The plan shall be deemed accepted by the County Board of Supervisors unless the Board rejects the plan by four – fifths of the Board, 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 evidenced-based correctional sanctions and program including, but not limited to: day report centers, drug courts, residential multiservice centers, mental health treatment programs, electronic and GPS monitoring programs, victim restitutions programs, counseling programs, community service programs, educational programs and work training programs.

On August 19, 2011, the Fresno County Community Corrections Partnership (CCP) Executive Committee approved the Public Safety Realignment Act, Assembly Bill (AB) 109 Implementation Plan for 2011. On September 13, 2011, the CCP placed the Implementation Plan and associated Budget and Salary Resolutions on the Fresno County Board of Supervisors agenda for approval pursuant to Assembly Bill (AB) 117. On that date, the Implementation Plan and the associated budget and resolutions were approved. The Plan has been operational since that time.

Modifications to 2011 Plan

Due to the need for modifications of the original plan, in March 2013, the first amended plan was approved by the CCP and the updated plan and associated budget and salary resolutions were placed on the Board of Supervisors agenda and approved in April 2013. In October 2013, the second amended plan was approved by the CCP, placed on the Board of Supervisors agenda with the associated budget and salary resolutions, and approved in January 2014. The third amendment and associated budget and salary resolutions was approved by the CCP on November 14, 2014 and by the Board of Supervisors on December 2, 2014. The fourth amendment and the associated

budget and salary resolution were approved by the CCP on November 6, 2015 and by the Board of Supervisors on January 12, 2016.

Modifications to the plan will continue to be needed to increase and maximize the effective investment of criminal justice resources in evidence-based correctional sanctions and programs for public safety. In keeping with the legislation as to reporting changes in county CCP operational plans and services, this fifth update to the original plan increases positions to expand services and supplies.

Program Changes to 2011 Original Implementation Plan

Programs that were approved and funded in the original Implementation Plan of 2011 are ongoing and or expanded. Due to a modification that has occurred in the operation of AB 109 programming, a fifth update to the plan is required for the Community Corrections Partnership (CCP) as well as the attendant budget and salary resolutions that will be reviewed by the Fresno County Board of Supervisors following CCP approval.

Based on a determination of needs as ascertained through the supervision of AB 109 offenders, the following modification is made to the 2011 approved plan.

Fresno County Sheriff-Coroner's Office

Jail Response Patrol

Since the implementation of AB 109 the responsibility of holding inmates that normally would have moved on to the California Department of Corrections and Rehabilitation (CDCR) has become that of the Fresno County Sheriff-Coroner's Office. The population of those in jail that fall into this category has recently been over 800 inmates (840 on 7/7/17). This is 29% of the jail population. As a result, a more hardened criminal element is now being housed in the Fresno County Jail. There have been increased violence and calls for service for crime reports and investigations. These calls have resulted in misdemeanor and felony cases, which have included Three Strike cases. Several incidents in the downtown area have also required Deputy Sheriff response. Shootings and disturbances in Courthouse Park and the vicinity are occurring more often. When there is a need for a Deputy Sheriff to respond to these calls in the jail and Courthouse Park, that Deputy is pulled from the current complement of field patrol units. The nature of a call to the jail many times results in having numerous interviews, which removes that Deputy's availability to answer and fill other calls for service many times taking that Deputy out of the field for an entire shift.

The plan is to field a patrol shift whose responsibility will be to respond and investigate calls for service in the area of County responsibility in and around Courthouse Park including the jail.

The total full time equivalent is five (5) Deputy Sheriffs who will fill this patrol area 24/7 365 days a year.

Fresno County District Attorney-Public Administrator and Public Defender
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Defender Misdemeanor Offender Accountability and Rehabilitation Program

Establishes a Misdemeanor Offender Accountability and Rehabilitation Program. In Fresno County, a majority of the criminal cases filed are misdemeanor cases. In 2016, 22,974 misdemeanor cases were filed, compared to 7,308 felony cases. Subsequent to Propositions (Prop) 47, which reclassified many nonviolent offenses from felonies to misdemeanors, and Prop 64 (Adult Use of Marijuana Act), a higher number of AB 109 offenders are now in the Misdemeanor Courts. Additional staff will allow both the District Attorney-Public Administrator and Public Defender to properly handle the cases and access the needs of the offenders. Additional staff will allow both Departments to spend more time on each case and with each offender. The Attorneys who deal with these offenders firsthand in court will be able to access what issues they may have and assist the Court to get them into appropriate services.

Public Defender

Social Worker Unit

To remain consistent with the goal of reducing crime and recidivism, the Public Defender is adding two full-time Social Workers to create a Social Worker Unit to provide complete and holistic client representation. The Social Worker Unit will support clients to effect change in their lives and environments in ways promoting self-responsibility and reducing recidivism.

Under the direction of a Defense Attorney, the Social Workers will conduct assessments and compile psychosocial histories to develop recommendations for appropriate pretrial release, detention, treatment options, conditions of probation or diversion and sentencing and post-sentencing options, if adjudicated. The collaboration between the Defense Attorney and Social Workers will help to better identify and assess the cultural, mental health, employment, educational, and social needs of the clients charged with criminal offenses. Because clients often are in need of health benefits, employment, housing, family counseling, drug and alcohol treatment and/or alternative placement, the Social Workers will provide valuable skills in helping clients access these services.

This Unit will work closely with the AB 109 population, arranging appropriate treatment and ensuring compliance with Pretrial obligations at all stages of the criminal proceeding, thereby reducing incarceration while the client's case is pending before the Courts. The Unit will also provide support for the Defense Attorneys to focus on the legal aspects while ensuring clients' social services needs are met. In addition, the Unit will support clients by contacting them directly to ensure they appear at court-ordered hearings; they will reinforce and provide the clients support to complete their court-ordered treatment programs thereby increasing the likelihood of successful completion of programs rather than serving jail time. The Social Workers in this Unit will also

support clients in finding housing/employment/education/training to successfully complete all probation and court-ordered terms/conditions.

Fresno Police Department

Multi-Agency Gang Enforcement Consortium (MAGEC) Expansion

As of May 30, 2017, there were 2,634 people on AB 109 or Mandatory Supervision and of that population, 80%, or 2,017 live in the City of Fresno according to Adult Compliance Team (ACT) Personnel. Approximately 1,685, 80% of the 2,017 people on AB 109 or Mandatory Supervision are gang members or have close gang ties according to the Probation Department. The approved expansion will add four full-time ACT Police Officers and one Crime Analyst to MAGEC. This will allow review of every 3455 (a) (Post Release Community Supervision) arrest that occurs in the City of Fresno and allow immediate follow-up on AB 109 cases. New Police Officers will be trained on cell phone forensics and social media analysis. In addition, gang related cases will be filed with the MAGEC, District Attorney-Public Administrator, and United States Attorney (USA) to maximize sentencing.

Pending Additional Actions/Requests for Proposals (RFP's)

The Community Corrections Partnership approved services including a parenting program and a job training / apprenticeship program for offenders. These programs expand community and agency resources for the AB 109 population. The selection of the contractor to provide these services will be in accordance with Fresno County Purchasing Guidelines.

Status of Implementation Plan Programs: November, 2013

A review of the 2011 Implementation Plan for Fresno County at the present time reveals that programs slated for implementation have been realized and the overall tenure and direction of the CCP has been accomplished. Under the guise of both accountability and evidence based practices and principles consistent with public safety, programs identified for initial implementations have been enacted.

Since inception, the direction and goal of the Fresno County Community Corrections Partnership as established under AB 109, has been the successful implementation of the legislation with the consideration of the unique local issues that may impact offender achievements and public safety. A balanced approach has been struck that affords offender accountability with the development of community corrections fitting the needs and identified correctional issues of this county.

The new modifications and additions to the Fresno County AB 109 operational plan serve the needs of the county. The Community Corrections Partnership of Fresno County is committed to philosophical and operational programs necessary to reduce the crime and recidivism while promoting a reduction in criminal victimization and increased public safety.

AB 109
The Criminal Justice Realignment Act
Adult Compliance Team (ACT)
September 2017

OPERATING AGREEMENT
Fresno County Probation Department
Fresno County Sheriff's Department
Fresno County District Attorney's Office
Fresno Police Department
Clovis Police Department
Selma Police Department
Reedley Police Department
Kerman Police Department
Kingsburg Police Department

I. PURPOSE

This document establishes the purpose of the Adult Compliance Team (ACT) as a joint and cooperative effort. Additionally, it formalizes relationships between participating agencies for policy and planning in order to create a cooperative unit capable of addressing the public safety concerns and issues facing local law enforcement in Fresno County regarding probation, post release community supervision (PRCS), and mandatory supervised release that may occur due to the passage of the Criminal Justice Realignment Act (AB 109) effective October 1, 2011.

II. MISSION

The mission of ACT is to provide an additional layer of offender supervision to ensure offender accountability, surveillance, and supervision through mobile, intensive and evidence based practices leading to enhanced public safety and offender compliance.

III. GOALS

- A. To reduce the occurrence of new criminal acts by targeting offenders on probation, post release community supervision, and mandatory supervised release with intensive surveillance by peace officers dedicated to enforcement of conditions of release.
- B. To identify supervised offenders who are not meeting their conditions of release in order to ensure compliance.
- C. To mitigate the need for custodial sanctions through appropriate early interventions.
- D. To document trends in the realignment population and respond efficiently to emerging trends that adversely affect public safety.
- E. To gather, collect, and provide information and direction regarding the post release community supervision (PRCS) and realignment populations for all law enforcement agencies in the County of Fresno and act as the point of contact for dissemination of offender information to law enforcement.
- F. To respond rapidly to emergency situations with knowledge and information about the offenders.
- G. To provide other public safety responses including searches as authorized by the terms of release and warrant services, as needed.

IV. GENERAL OPERATIONAL STRATEGIES

Intensive supervision based on offender assessment, enjoined with evidence based practices, forms the cornerstone of the Fresno County AB 109 supervision model. This intensive approach is seen in the formation of ACT; an interagency public safety alliance with local law enforcement agencies and county justice partners that provides an additional level of offender accountability and public safety. The "strike team" concept is used to describe peace officers under ACT, dedicated to particular enforcement and public safety purposes, with an immediate capacity to take action with offenders under probation supervision, post release community supervision (PCRS), and mandatory supervised release by the Fresno County Probation Department.

To this end, the participating agencies developed these operational guidelines and procedures concerning the formation of the Adult Compliance Team. The participating agencies agree jointly and separately to abide by these terms and provisions set forth throughout the formation of the joint operation.

V. ORGANIZATIONAL STRUCTURE

The Adult Compliance Team will be co-located at the Fresno County Probation Department. The Probation Department is the commanding agency of ACT and will maintain responsibility for the administrative direction, objective, and mission of the Adult Compliance Team.

The team will consist of sworn officers from the following agencies: two (2) deputy probation officers from the Fresno County Probation Department; one (1) sergeant from the Fresno County Sheriff's Department; two (2) deputies from the Fresno County Sheriff's Department; two (2) senior district attorney investigators from the Fresno County District Attorney's Office; one (1) sergeant from the Fresno Police Department; three (3) police officers from the Fresno Police Department; two (2) police officers from the Clovis Police Department; one (1) police officer from the Selma Police Department; one (1) police officer from the Reedley Police Department; one (1) police officer from the Kerman Police Department; and one (1) police officer from the Kingsburg Police Department. Dependent upon future funding, the size of ACT may fluctuate according to the number of officers and agencies.

A. Policy and Direction

Under the policy and planning direction of the Community Corrections Partnership (CCP), ACT will utilize an Advisory Sub-Committee of CCP.

B. ACT Advisory Sub-Committee of the CCP

Each law enforcement agency that assigns personnel to ACT may designate a member to the ACT Advisory Sub-Committee of the CCP. All law enforcement agencies operating within the county with an interest in ACT are welcome to attend the meetings of the ACT Advisory Sub-committee.

Appointments to and removal from the ACT Advisory Sub-Committee and appointment of a Sub-Committee Chairperson will be made by the CCP Executive Committee.

C. Operations Commander

The Probation Services Manager is the Operations Commander and has overall responsibility for the operation of ACT. The Operations Commander implements direction to the team under the administrative direction of the Fresno County Probation Department's Realignment Division Director. The Operations Commander will liaison with individual members of the ACT Advisory Sub-Committee, and will attend meetings of the CCP as required.

D. Field Supervisor

The assigned Field Supervisor(s) will be the day-to-day operations supervisor(s) and responsible for overall coordination of tactical field operations. When ACT works as separate elements and both supervisors are working, each supervisor will be responsible for their assigned element. When only one supervisor is on duty, that supervisor will be responsible for the supervision of both elements.

E. Probation Department

All probation conditions and release compliance remains the responsibility of the AB 109 probation officer assigned to a specific offender. These conditions are predetermined before release from custody to probation, post release community supervision or mandatory supervised release. The offenders will be under the supervision of their assigned probation officer or ACT probation officer.

VI. OPERATIONS

A. Supervision and Field Responsibility

The use of surveillance, supervision, and field contacts will be established in conjunction with Fresno County Probation Department policies and as established by the CCP Executive Committee, ACT Advisory Sub-Committee, and policies and procedures of general law enforcement accepted practices as established by statute and case law.

B. Records and Reports

All reports created by ACT related to contacts with those offenders under probation supervision, post release community supervision, and mandatory supervised release will be entered into the Probation Records Information Management System (PRIMS). All agencies participating on the ACT will have full access to Sharenet and the information in PRIMs. Information sharing with other law enforcement agencies regarding offenders under probation supervision, post release community supervision, and mandatory supervised release allowing for appropriate law enforcement response is a priority for ACT.

Any additional crime, arrest, or incident report will be documented by the primary investigative officer through the use of their own departmental report writing system.

VII. ADMINISTRATION

A. Financial Administration

Financial administration of ACT funds allocated by the CCP Executive Committee will be the responsibility of the Fresno County Probation Department Business Office through the duration of the program. In addition, the allocation and management of funds are guided by Fresno County Fiscal Policy and under the review quarterly of the CCP Finance and Audit Sub-committee for presentation to the CCP.

B. Vehicles

As provided for in the approved Fiscal Year 2017-2018 CCP budget, vehicles will be provided for probation staff and for participating law enforcement officers as specified in the final approved budget of the CCP and Fresno County, for use in executing the mission of ACT.

C. Communications

Each participating law enforcement agency will provide communications equipment for its own personnel through the duration of the OA. Each agency is responsible for its interagency communication operability. The policies and procedures of each agency will govern communication by its own personnel. The Fresno County Sheriff's Dispatch will be the primary contact for operations of ACT.

D. Firearms

Each participating agency will provide all necessary firearms for its own personnel through the duration of the OA. The policies and procedures of each agency will govern the use of firearms by its own personnel.

E. Equipment and Property

Any property, equipment or other items acquired with funds allocated by the CCP Executive Committee shall be the property of ACT through the duration of the OA. Upon termination of this OA or any revision, the property of ACT shall be distributed as determined by the CCP Executive Committee.

F. Training

ACT Officers will complete training as assigned and approved by the ACT Advisory Sub-Committee chairperson or their designee. Training for the team will be outlined during the fiscal year to reflect the needs of the team. The Probation Division Director may also assign training to the ACT members as it pertains to the Evidence Based Practices outlined by the AB 109 program.

G. Personnel Management

The selection of ACT members will be made by each participating agency. If any of the ACT policies and procedures conflict with any of the participating agencies' policies and procedures, notice of said conflict shall be immediately given to a supervisor. The supervisor will take whatever action necessary to reconcile the conflict.

Each participating agency retains full responsibility for the professional and personal conduct of its own personnel assigned to ACT. Each participating agency will follow their agency directives/MOU for working modified schedules.

VIII. MULTI-AGENCY ADMINISTRATIVE CONCERNS

All ACT personnel will conform to their own agencies' policies and procedures as well as policies and procedures that may be required by participation in ACT.

There are a number of categories of administrative issues or situations pertaining to individual team members which will or may arise. Those include but are not limited to:

- a) Citizen Complaints
- b) Employee Evaluations
- c) On-Duty Motor Vehicle Accidents
- d) Injuries Sustained on Duty
- e) Officer-Involved Shooting
- f) Discharge of Firearm
- g) Vehicle Pursuits
- h) Use of Force

Each participating team member's agency has in place an administrative process for addressing the situations listed above. Should these situations occur, ACT will immediately notify the involved officer's agency. It will remain the responsibility of the involved officer's agency to address those situations pursuant to their own administrative process. All agencies involved in a critical incident will have the opportunity to observe other agency interviews with their own employees.

IX. DURATION

The term of this OA will be from September 15, 2017 through June 30, 2018. Participation in ACT by any participating agency may continue as funding provides or until said agency terminates participation in ACT. An agency shall terminate participation in the following manner: delivery of written notice to the Chairperson of the CCP Executive Committee and to all other participation agencies, with termination to be effective 60 days after delivery.

X. TERM OF AGREEMENT

As to each participating agency, this OA will be in force from the date that agency signs the agreement. Termination of the OA has been provided for above.

XI. AMENDMENT

Any member of the ACT Advisory Sub-Committee may propose an amendment to this OA by submitting it at any regular meeting of the ACT Advisory Sub-Committee. The proposed amendment would be submitted to the Executive Committee of the Community Corrections partnership for their consideration and approval.

XII. LIABILITY

Each participating agency will be solely responsible for any and all damages, including attorney's fees, results from acts or omissions of its own employees including ACT assigned employee. Each participating agency shall indemnify and hold harmless each other participating agency for said acts or omissions. The provisions contained herein include any violation of applicable law, ordinance, regulation or rule, including where the claim, loss, damage, charge or expense was caused by deliberate, willful or criminal acts of any agency, or any of its agents, officers or employees in its or their performance thereunder.

It is the intent of the parties hereto that, where negligence is determined to have been contributory, principles of comparative negligence will be followed and each party shall bear the proportionate cost of any loss, damage, expense, and liability attributable to that party's negligence.

The participating agencies will establish procedures to notify the other agencies where appropriate of any claims, administrative actions or legal actions with respect to any of the matter described in this indemnification provision. The agencies shall cooperate in the defense of such actions brought by others with respect to the matters covered in this agreement. Nothing set forth in this OA shall establish a standard of care for, or create any legal rights in, any person not a party to this OA.

XIII. NON-WAIVER

Waiver of any breach or default hereunder will not constitute a continuing waiver or a waiver of any subsequent breach, of either the same or another provision of this OA.

XIV. SEVERABILITY

If any term, covenant, or condition of this OA is held by a court of competent jurisdiction to be invalid, the remainder of this OA will remain in full force and effect.

XV. AMBIGUITY

The participating agencies have each carefully reviewed this OA and have agreed to each term of this OA. No ambiguity shall be presumed to be construed against any other party.

XVI. GOVERNING LAW

The interpretation and enforcement of this OA will be governed by the laws of the State of California, and where applicable, by federal law. The participating agencies agree to submit any disputes arising under this OA to a court of competent jurisdiction located in Fresno, California.

XVII. INTEGRATION

The OA embodies the entire agreement of the participating agencies in relation to the formation and operation of ACT, except for "Program Costs." Except for that, there is no other agreement or understanding, verbal or otherwise, existing among the participating agencies.