



# County of Fresno

Hall of Records, Rm. 301  
2281 Tulare Street  
Fresno, California  
93721-2198

## Legislation Text

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**File #:** 16-1174, **Version:** 1

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**DATE:** September 27, 2016

**TO:** Board of Supervisors

**SUBMITTED BY:** Margaret Mims, Sheriff-Coroner  
Lisa A. Smittcamp, District Attorney - Public Administrator  
Elizabeth Diaz, Public Defender

**SUBJECT:** Salary and Budget Resolutions Associated with Assembly Bill 109 Community Corrections Partnership Plan

### RECOMMENDED ACTION(S):

1. **Adopt Budget Resolution increasing the FY 2016-17 appropriations and estimated revenues in Public Defender's Org 2880 in the amount of \$40,639 (4/5 vote);**
2. **Adopt Budget Resolution increasing the FY 2016-17 appropriations and estimated revenues in District Attorney Org 2860 in the amount of \$144,816 (4/5 vote);**
3. **Adopt Budget Resolution increasing the FY 2016-17 appropriations and estimated revenues in Sheriff-Coroner's Org 3111 in the amount of \$392,985 (4/5 vote);**
4. **Adopt Budget Resolution increasing the FY 2016-17 appropriations in the Local Community Corrections Org 3436 in the amount of \$578,440 (4/5 vote); and**
5. **Approve Amendment to the Salary Resolution adding positions to the Public Defender's Org 2880, District Attorney's Org 2860 and Sheriff-Coroner's Org 3111 effective October 10, 2016 as reflected in Appendix C.**

There is no Net County Cost associated with the recommended actions, which support the ongoing efforts of the County's Community Corrections Partnership (CCP) Committee's implementation of the AB 109 Public Safety Realignment Plan. The recommended actions add positions and associated funding to the Public Defender, District Attorney-Public Administrator, and the Sheriff-Coroner's Office, which will allow the Departments to better address the impact of AB 109, and will set up appropriations in Local Community Corrections (AB 109) Special Revenue Fund (SRF) Org 3436 to fund Operating Transfer Outs to the Public Defender, District Attorney-Public Administrator and Sheriff-Coroner's Orgs for the estimated expenditures. The CCP Executive Committee approved the additional positions and associated costs at their July 14, 2016 meeting.

### ALTERNATIVE ACTION(S):

If the recommended actions are not approved, it would impact the ability to adequately supervise and provide services to the AB 109 population.

### FISCAL IMPACT:

There is no Net County Cost associated with the recommended actions; the positions and associated costs are fully offset with AB 109 funds. Approval of recommended Actions No. 1 through 3 will increase the FY 2016-17 appropriations (salaries and benefits, services and supplies, and equipment) and estimated revenues as follows:

- \$40,639 for the Public Defender's Org 2880 to add one Paralegal I/II/III position and associated

services and supplies through an Operating Transfer In from the Local Community Corrections Org 3436.

- \$144,816 for the District Attorney's Org 2860 to add one Senior District Attorney Investigator position and associated services and supplies through an Operating Transfer In from the Local Community Corrections Org 3436.
- \$392,985 for the Sheriff-Coroner's Org 3111 to add two Deputy Sheriff I/II/III positions, associated services and supplies, and two law enforcement vehicles through an Operating Transfer In from the Local Community Corrections Org 3436.

Approval of recommended action No. 4 will increase the FY 2016-17 appropriations by \$578,440 in the Local Community Corrections (AB 109) Special Revenue Fund Org 3436 using available fund balance to fund an Operating Transfer Out to the Public Defender's Org 2880 (\$40,639), to the District Attorney Org 2860 (\$144,816), and to the Sheriff-Coroner's Org 3111 (\$392,985).

#### DISCUSSION:

The Public Safety Realignment Act (AB 109) was signed into law on April 5, 2011. AB 109 transferred responsibility for housing/supervising specified inmates and parolees from the California Department of Corrections (CDCR) to counties. The Public Safety Realignment Act went into effect on October 1, 2011.

In accordance with AB 109/AB 117, the County created the Community Corrections Partnership Committee and developed a plan to enable the County to meet the goals of public safety realignment. The plan was presented and approved by your Board on September 13, 2011. The Fresno County CCP Executive Committee (voting members) consists of seven members, the Chief Probation officer (Chair); the Superior Court Executive Officer; the District Attorney-Public Administrator; the Sheriff-Coroner; the Public Defender; the Director of Behavioral Health and the City of Fresno's Chief of Police. Since the original plan was adopted, there have been four updates brought to and approved by your Board, most recently on January 12, 2016. Since the recommended positions are for expansion of existing services/programs, no update to the plan is necessary.

On July 14, 2016 the CCP approved to fund additional positions for the Public Defender's Department, District Attorney-Public Administrator's Office and Sheriff-Coroner's Office. The recommended actions are addressed below:

#### Public Defender Position Request

On November 4, 2014, California voters approved Proposition (Prop) 47: The Safe Neighborhoods and Schools Act. Pursuant to eligibility guidelines, Prop 47 reclassified certain offenses from felonies to misdemeanors and had an immediate impact on the criminal justice system creating a new workload and long-term prosecution/defense obligations. The goal of AB 109, transferring responsibility of inmates from the State to the local level, has been and will continue to be impacted by the Prop 47 population. The impact comes with the reclassification of certain felony offenses to misdemeanors, thus eliminating or reducing the need for local incarceration. With funding of the recommended position, the Department will process cases efficiently through the court system and help to address the impact of Prop 47 on the AB 109 population.

The Public Defender's current Prop 47 team includes the following positions: one Defense Attorney IV, one Paralegal II, and one Legal Assistant I. The recommended action before your Board is for an additional Paralegal I/II/III position that was approved by the CCP Executive Committee on July 14, 2016.

As of May 31, 2016, the Public Defender has processed over 3,000 cases in the Prop 47 court with an additional 2,400 cases handled outside of this Court. Department records from January 1, 2004 to November 4, 2014 indicate an additional 49,000 cases that are potentially eligible under Prop 47. The additional

Paralegal I/II/III position is recommended to process Prop 47 eligible cases by the November 4, 2017 deadline. All petitions and applications must be filed by this date in accordance with PC §1170.18(j).

### Adult Compliance Team Requests

The Adult Compliance Team's (ACT) purpose is to add an additional layer of offender supervision and public safety. This team also enforces conditions of probation, notes trends in the realignment population, and disseminates information and direction on this population to law enforcement agencies in Fresno County. In addition, the team mitigates the need for custodial services through appropriate early interventions, and provides surveillance and warrant sweeps in conjunction with other law enforcement agencies.

Two ongoing problems in the criminal justice population are approximately 4,600 un-served warrants, and the ability to service offenders similar to the realignment population. In order to hold these two populations accountable, and allow for efficient responses to address the similar issues associated with these populations; on July 14, 2016 the CCP Executive Committee approved additional ACT positions and associated costs for existing participating agencies and approved expanding ACT to include two additional Cities. Agreements with the two expansion Cities in Fresno County are anticipated to be coming before your Board shortly in addition to amendments with the Cities of Fresno and Clovis to reflect the additional positions.

Below is the current and recommended composition of ACT:

<b>Agency Positions</b>	<b>Current # of Positions</b>	<b>Recommended # of</b>
Fresno County District Attorney position)	1 DA Investigator	2 DA Investigators (add one
Fresno County Sheriff-Coroner positions)	1 Deputy Sergeant	3 (1 Sgt & 2 Deputy Sheriffs) (add two
Fresno County Probation	2 Probation Officers	2 Probation Officers
Fresno Police Department positions)	1 Police Officer	4 (1 Sgt & 3 Police Officers) (add 3
Clovis Police Department position)	1 Police Officer	2 Police Officers (add 1
Kerman Police Department member)	0	1 Police Officer (new
Reedley Police Department	1 Police Officer	1 Police Officer
Selma Police Department	1 Police Officer	1 Police Officer
Kingsburg Police Department member)	0	1 Police Officer (new
<b>TOTAL recommended</b>	<b>8 current</b>	<b>17</b>

### District Attorney-Public Administrator

The District Attorney's Office currently has a Senior District Attorney Investigator position on the ACT. The recommended action before your Board will add another Senior District Attorney Investigator position and associated services and supplies.

### Sheriff-Coroner's Office

The Sheriff-Coroner's Office currently has a Sheriff Sergeant position on the ACT. The recommended action before your Board will add two Deputy Sheriff position(s) along with associated services and supplies and two

vehicles.

REFERENCE MATERIAL:

BAI# 6, January 12, 2016

BAI# 37, April 21, 2015

BAI #8, September 13, 2011

ATTACHMENTS INCLUDED AND/OR ON FILE:

Salary Resolution (Orgs 2880, 2860 and 3111)

On file with Clerk - Resolutions (Orgs 2880, 2860, 3111 and 3436)

CAO ANALYST:

Jeannie Z. Figueroa