



# County of Fresno

Hall of Records, Rm. 301  
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Fresno, California  
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## Legislation Text

File #: 17-1063, Version: 1

DATE: September 26, 2017

TO: Board of Supervisors

SUBMITTED BY: Rick Chavez, Chief Probation Officer  
Margaret Mims, Sheriff-Coroner  
Lisa A. Smittcamp, District Attorney-Public Administrator  
Elizabeth Diaz, Public Defender  
Robert W. Bash, Director of Internal Services/Chief Information Officer

SUBJECT: Update to Assembly Bill 109 Community Corrections Partnership Plan and Associated Salary and Budget Resolutions

### RECOMMENDED ACTION(S):

1. **Approve Update to the Community Corrections Partnership Plan as required by the Public Safety Realignment Act pursuant to Assembly Bill 109 (Chapter 15, Statutes of 2011)/Assembly Bill 117 (Chapter 39, Statutes of 2011);**
2. **Adopt Budget Resolution increasing FY 2017-18 appropriations and estimated revenues in the District Attorney-Public Administrator's Org 2860 in the amount of \$805,923 (4/5 vote);**
3. **Adopt Budget Resolution increasing FY 2017-18 appropriations and estimated revenues in the Public Defender's Org 2880 in the amount of \$654,093 (4/5 vote);**
4. **Adopt Budget Resolution increasing the FY 2017-18 appropriations and estimated revenues in the Sheriff-Coroner's Org 3111 in the amount \$765,310 (4/5 vote);**
5. **Adopt Budget Resolution increasing the FY 2017-18 appropriations and estimated revenues in the Probation Org 3430 in the amount \$968,984 (4/5 vote);**
6. **Adopt Budget Resolution increasing FY 2017-18 appropriations and estimated revenues in the Fleet Services-Equipment Org 8911 in the amount of \$81,000 (4/5 vote);**
7. **Adopt Budget Resolution increasing the FY 2017-18 appropriations in the Local Community Corrections Org 3436 in the amount of \$3,194,310 (4/5 vote); and**
8. **Approve Amendment to the Salary Resolution (Appendix "D"), adding/deleting positions to the District Attorney-Public Administrator's Org 2860, Public Defender's Org 2880, Sheriff-Coroner's Org 3111, and Probation Org 3430 effective October 9, 2017.**

There is no Net County Cost associated with the recommended actions. The Community Corrections Partnership (CCP) Plan, implementing the Public Safety Realignment Act Assembly Bill (AB) 109 was originally approved by the CCP on August 19, 2011 and by your Board on September 13, 2011. The CCP Plan has been updated four times since originally approved. Recommended Action No. 1 provides a fifth update to the Plan that was approved by the CCP on September 15, 2017. The Plan update includes adding positions to the District Attorney-Public Administrator and Public Defender Offices for establishment of a Misdemeanor Offender Accountability and Rehabilitation Program; adding positions to the Sheriff-Coroner's Office in order to respond to service calls in the jail and Courthouse Park; adding positions to the City of Fresno Police Department for expansion of the Multi-Agency Gang Enforcement Consortium (MAGEC); and adds two contracted AB 109 services including a job training/apprenticeship program and a parenting program. The Probation Department is also recommending the addition of an Administrative Assistant position and the deletion of a Program Technician position to offset the costs of the Administrative Assistant position. Recommended Actions No. 2 through 8 provide the necessary funding and an amendment to the salary

resolution to implement the recommended changes to the CCP Plan. All costs are offset with AB 109 funds.

In accordance with AB 117 the update to the plan associated with Recommended Action No. 1 is deemed accepted unless your Board votes via a 4/5 vote to reject it.

#### ALTERNATIVE ACTION(S):

If your Board rejects the updated plan, the components/programs included in the updated plan would not be implemented. The CCP would be required to approve an alternative update to the plan and return to your Board.

#### 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. 2 through 6 will increase the FY 2017-18 appropriations (salaries and benefits, services and supplies, and equipment) and estimated revenues as follows:

- \$805,923 for the District Attorney-Public Administrator Org 2860 to add (2) Deputy District Attorneys, (2) Senior DA Investigators, (1) Paralegal and (1) Legal Assistant positions and associated services and supplies, and (2) vehicles through an Operating Transfer In from the Local Community Corrections Org 3436.
- \$654,093 for the Public Defender Org 2880 to add (2) Deputy Public Defenders, (1) Senior Defense Investigator, (1) Defense Investigator, (1) Paralegal, and (1) Legal Assistant positions and associated services and supplies, and (1) vehicle through an Operating Transfer In from the Local Community Corrections Org 3436.
- \$765,310 for the Sheriff-Coroner Org 3111 to add (5) Deputy Sheriff positions, associated services and supplies, and (5) vehicles through an Operating Transfer In from the Local Community Corrections Org 3436.
- \$968,984 for the Probation Org 3430 to provide funding for the contract with the City of Fresno Police Department for the expansion of MAGEC through an Operating Transfer In from the Local Community Corrections Org 3436.
- \$81,000 for the Internal Service Department-Fleet Org 8911 to purchase (2) vehicles for the District Attorney-Public Administrator and (1) vehicle for the Public Defender through an Operating Transfer in from their respective Department.

Recommended Action No. 7 will increase appropriations in the Local Community Corrections Org 3436 in the amount of \$3,194,310 as an Operating Transfer Out to the District Attorney-Public Administrator Org 2860, Public Defender Org 2880, Sheriff-Coroner Org 3111, and Probation Org 3430 using available Fund Balance in the Local Community Corrections Org 3436.

The recommended salary resolution includes the addition of an Administrative Assistant and the deletion of a Program Technician within the Probation Department Org 3430. A Division Director was added to the Probation Department in 2011 due to the passage of AB 109. At that time, an Administrative Assistant was not requested to provide administrative support to the Division Director. The requested addition will provide the needed support. To fully offset the costs of the Administrative Assistant position, a vacant Program Technician position, funded with AB 109 funds, will be deleted. Sufficient appropriations and estimated revenues are available in the Probation's FY 2017-18 Adopted Budget Org 3430 for this requested position.

#### 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 and Rehabilitation (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 a Community Corrections Partnership Committee and developed a plan that will enable the County to meet the goals of public safety realignment. The CCP Executive Committee (voting members) in Fresno County 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. This implementation plan was approved by the CCP on August 29, 2011 and approved by your Board on September 13, 2011. The CCP Committee and your Board have approved four updates to the CCP Plan since it was initially approved.

Recommended Action No. 1 will approve a fifth update to the CCP Plan. The CCP Committee approved this update on September 15, 2017. The Update includes the following additions to the Plan:

#### District Attorney-Public Administrator/Public Defender

Establishes a Misdemeanor Offender Accountability and Rehabilitation Program in the Offices of the District Attorney-Public Administrator and Public Defender. 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 Proposition 47, which reclassified many nonviolent offenses from felonies to misdemeanors, a higher number of AB 109 offenders are now in the Misdemeanor Courts. Additional District Attorney-Public Administrator and Public Defender staff are needed in the Misdemeanor Courts to properly handle the increased caseload and access the needs of these offenders.

Before Proposition 47 these offenders were in the Felony Courts, which includes additional resources to address their needs. These resources include investigative help that is not available to the Misdemeanor Courts. Additionally, when an offender is placed on felony probation, they are assigned a Probation Officer to assess their needs and to monitor and supervise them. When an offender is placed on misdemeanor probation there is not enough staff to supervise and work with them. 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 assess their needs and assist the court in getting them into appropriate services.

The CCP Plan Update also includes the addition of a Social Worker Unit in the Public Defender's Office, which was approved by the CCP on May 15, 2017. The two Defense Social Worker positions and associated services and supplies for this Unit are included in the Public Defender's Org 2880 Adopted Budget for FY 2017 -18.

#### Sheriff-Coroner

Since the implementation of AB 109 the responsibility of holding inmates that normally would have moved on to the 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 as of July 7, 2017), which is 29% of the jail population. As a result, a more hardened criminal element is now being housed in the Fresno County Jail. There has been increased violence and calls for service for crime reports and investigations. These calls have resulted in misdemeanor and felony cases, including Three Strikes 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 calls in the jail and Courthouse Park, a Deputy is pulled from the current complement of field patrol units. The nature of a call to

the jail often results in numerous interviews, which removes that Deputy's availability to answer and fill other calls for service out in the field.

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 recommended total full-time equivalent of (5) Deputy Sheriff positions will fill this patrol area 24/7 365 days a year.

#### City of Fresno Police Department

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. This update will expand the MAGEC by adding four full-time Police Officers and one Crime Analyst. This will allow review of every Penal Code 3455 (a) (Post Release Community Supervision) arrest that occurs in the City of Fresno and allow immediate follow-up on AB 109 cases. The new Police Officers will be trained on cell phone forensics and social media analysis. In addition, gang related cases will be filed with MAGEC, District Attorney and the United States Attorney to maximize sentencing. The amendment to the City of Fresno's agreement will be forthcoming to your Board.

#### Additional CCP Plan Updates

The CCP approved additions to the CCP Plan including a parenting program and a job training/apprenticeship program for offenders. These additions 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.

#### REFERENCE MATERIAL:

BAI #6, January 12, 2016  
BAI #40, December 2, 2014  
BAI #21, January 14, 2014  
BAI #10, April 23, 2013  
BAI #8, September 13, 2011

#### ATTACHMENTS INCLUDED AND/OR ON FILE:

Salary Resolution  
On file with the Clerk - Resolutions  
On file with the Clerk - Update to the Community Corrections Partnership Plan

#### CAO ANALYST:

Samantha Buck