



County of Fresno

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

Legislation Text

File #: 18-1018, **Version:** 1

DATE: December 4, 2018

TO: Board of Supervisors

SUBMITTED BY: Kirk Haynes, Chief Probation Officer

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

RECOMMENDED ACTION(S):

Approve and authorize the Chairman to execute a retroactive Agreement with the City of Kerman to assign a sworn Police Officer to the Public Safety Realignment Act Adult Compliance Team, effective July 1, 2018 through June 30, 2019 (\$150,224).

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

ALTERNATIVE ACTION(S):

If the recommended action is not approved, the ACT would not include a Police Officer from the City of Kerman.

RETROACTIVE AGREEMENT:

The agreement before your Board is retroactive due to the length of time required to prepare the agreement and have it reviewed and approved by the City of Kerman. The recommended agreement was signed by the City of Kerman on October 29, 2018 and received by the Probation Department on October 29, 2018.

FISCAL IMPACT:

There is no Net County Cost associated with the recommended action. The cost of \$150,224 for the recommended agreement is funded with Assembly Bill 109 funds received from the State of California. The appropriations and estimated revenues for these services have been included in the FY 2018-19 Adopted Probation Org. 3430 Budget, which allow for reimbursement of the costs for one police officer from the City of Kerman.

DISCUSSION:

Assembly Bill 109 was signed into law on April 5, 2011 and went into effect on October 1, 2011. Assembly Bill 109 transferred responsibility for housing/supervising of specified inmates and parolees from the California Department of Corrections to counties. In accordance with Assembly Bill 109/Assembly Bill 117, the County created a CCP Executive Committee and developed an implementation plan that will enable the County to meet the goals of the Public Safety Realignment Act. The CCP Executive Committee (voting members) in

Fresno County consists of seven members: the Chief Probation Officer (chair), the Presiding Judge of the Superior Court or designee, the District Attorney, the Sheriff, the Public Defender, the Director of Behavioral Health, and the City of Fresno's Chief of Police. This implementation plan was approved by the CCP on August 19, 2011 and approved by the Board on September 13, 2011. The CCP Executive Committee and the Board have approved five updates to the CCP Plan since it was initially approved. The ACT was included in the original CCP Plan and updates have included expansions of the ACT.

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

In accordance with the approved CCP Plan, the ACT has included a police officer from the City of Kerman since 2016. The recommended action will approve an agreement with the City of Kerman to continue to provide one sworn officer to the ACT. The recommended agreement identifies responsibilities and obligations of the City of Kerman and the County in operation of the ACT and allows for reimbursement of the costs of an ACT officer with Assembly Bill 109 funds.

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

In addition, ACT agreements with the Cities of Fresno, Reedley, and Selma are before your Board on this date.

REFERENCE MATERIAL:

BAI #46 - December 5, 2017
BAI #35 - November 15, 2016
BAI # 8 - September 13, 2011

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Agreement with the City of Kerman

CAO ANALYST:

Samantha Buck