

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

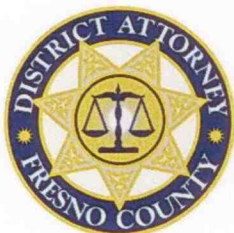
Sheriff Margaret Mims, County of Fresno

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



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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.

