

**Kings County
Public Safety Realignment
&
Post Release Community Supervision
2017 Plan**



Executive Committee of the Community Corrections Partnership

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OVERVIEW OF 2011 PUBLIC SAFETY REALIGNMENT ACT (AB 109)

The California Legislature passed the Public Safety Realignment Act also known as the Assembly Bill (AB) 109, which transfers responsibility for supervising specific low-level inmates and parolees from the California Department of Corrections and Rehabilitation (CDCR) to counties. Assembly Bill 109 (AB 109) took effect October 1, 2011 and realigned three major areas of the criminal justice system. On a prospective basis, the legislation:

- Transferred the location of incarceration for lower-level offenders (specified non-violent, non-serious, non-sex offenders) from state prison to local county jail and provides for an expanded role for post-release supervision for these offenders;
- Transferred responsibility for post-release supervision of lower-level offenders (those released from prison after having served a sentence for a non-violent, non-serious, and non-sex offense) from the state to the county level by creating a new category of supervision called Post-Release Community Supervision (PRCS);
- Transferred the housing responsibility for parole and PRCS revocations to local jail custody. AB 109 also tasked the local Community Corrections Partnership (CCP) with recommending to the County Board of Supervisors a plan for implementing the criminal justice realignment, which shall be deemed accepted by the Board of Supervisors unless rejected by a 4/5th vote. The Executive Committee of the CCP is composed of the Chief Probation Officer (Chair), Sheriff-Coroner, a Chief of Police (represented by the Lemoore Police Chief), District Attorney, Public Defender, Presiding Judge of the Superior Court or designee, and Behavioral Health Director.

BUDGET

The 2011 Realignment is funded with a dedicated portion of state sales tax revenue and Vehicle License Fees (VLF) outlined in trailer bills AB 118 and Senate Bill (SB) 89. The latter provided revenue to counties for local public safety programs and the former established the Local Revenue Fund for counties to receive the revenues and appropriate funding for 2011 Public Safety Realignment.

In November 2012, California voters approved Governor Brown's Proposition 30 which created a constitutional amendment that protected ongoing funding to the counties for Realignment. The amendment prohibits the Legislature from reducing or removing funding to the counties.

The table below outlines the distribution of Public Safety Realignment funds.

[1] 2016-17 AB 109 PROGRAM FUND BALANCE	[2] 2017-18 Allocation for AB 109 PROGRAMS	[3] 2017-18 Allocation for AB 109 DA/PD Activities (revocation)	[4] 2017-18 Allocation for CCP Planning	[5] Allocation for PRCS	[6] Anticipated One- Time State Mandated Reimbursement Funding	[7] 2016-17 One- Time Growth Funding	[8] 2016-17 10% Transfer Out to Innovation Sub- Account	Total 2017-2018 Allocation
KINGS	\$4,386,860	\$7,786,533	\$120,000	\$100,000	\$0	\$843,929	(\$84,393)	\$13,152,929

FY 17-18 Adopted Distribution of AB 109 Funds:

Department	FY 11/12 Actual	FY 12/13 Actual	FY 13/14 Actual	FY 14/15 Actual	FY 15/16 Actual	FY 16/17 Actual	FY 17/18 Adopted Budget	% of Total Allocated	Amount of One- Time \$
Administration (111000)	\$ -	\$ 28,979	\$ 97,547	\$ 94,981	\$ 94,981	\$ 94,981	\$ 47,491	0.52%	\$ -
County Counsel (130000)	30,024	18,230	89,676	88,164	88,164	88,164	44,000	0.48%	\$ -
Human Resources (140000)	19,375	28,143	128,201	131,799	131,799	131,799	65,900	0.72%	\$ -
District Attorney (216400)	-	-	68,088	114,027	263,822	237,408	163,205	1.78%	\$ -
Sheriff - AB 109 (221500)	1,155,829	2,055,944	4,583,208	5,858,185	6,166,102	6,444,737	6,797,189	74.32%	\$ -
Probation (233100)	540,013	1,237,666	1,991,655	1,783,259	1,770,495	1,791,889	1,945,113	21.27%	\$ -
Defense of the Accused (302500)	78,110	37,750	30,750	27,500	32,500	53,250	38,000	0.42%	\$ -
Public Works (712000)	-	50,744	42,859	50,664	56,637	75,780	-	0.00%	\$ -
Building Projects (70000)	-	-	-	-	-	-	45,000	0.49%	\$ -
	\$ 1,823,351	\$ 3,457,456	\$ 7,031,984	\$ 8,148,579	\$ 8,604,500	\$ 8,918,008	\$ 9,145,898	100.00%	\$ -

Fund Balance Reserved for Ongoing AB 109 Requirements:	\$ 4,007,031
Budget Allocation minus one-time costs	\$ 9,145,898
On-going Allocation (FY 18/19 Base)	7,786,533
Under(Over budget)	\$ (1,359,365)

PUBLIC SAFETY PARTNERS

DISTRICT ATTORNEY

Prison realignment has increased the number of persons placed on probation because of insufficient resources available to support traditional incarceration. An increase in probationers has resulted in more violation of probation hearings thereby requiring additional services from District Attorney staff.

PUBLIC DEFENDER SERVICES

Kings County's contracted public defense attorneys may work with the realigned offender population, and provide services to those individuals who will now qualify for county jail and alternative program placement sentences under AB 109. Under AB 118, the Legislature provided funding for the Public Defender to handle the additional workload.

PROBATION DEPARTMENT

The Probation Department supervises offenders who have been released from the California Department of Corrections and Rehabilitation under Post Release Community Supervision (PRCS); these offenders are comprised of those offenders who's most recent crime is non-serious pursuant to 1192.7(c) PC and non-violent pursuant to 667.5(b) PC. Currently, there are 250 offenders on PRCS.

The Probation Department has 6 FTE assigned to supervise the PRCS Offenders. These officers are also responsible for supervising all offenders sentenced to local custody pursuant to 1170(h) PC. Officers in this unit are assigned to Hanford, Lemoore, Corcoran and Avenal and they work closely with the city police agencies as well as the Sheriff's Office. These

officers work non-traditional hours, including weekends, to maximize the supervision needs of this population.

- **PARKS & GROUNDS PROGRAM**

The Kings County Parks and Grounds Project was a collaborative effort between the Kings County Probation Department and the Kings County Public Works Department, Parks and Grounds division. The program served as an intermediate sanction for offenders who were under the supervision of the Probation Department. In lieu of being brought back before the Court for a violation of probation, the offenders were ordered by their Probation Officer to complete a set amount of hours doing community service, which included the maintenance and clean up of county parks, landscaping of county buildings, etc. The offenders were supervised on the program by employees of the Parks and Grounds Division. The program was funded through FY 2016/17 and there were approximately 45 offenders that participated in the program per year. This program ceased in FY 2017/18 due to the lack of funding.

- **GPS MONITORING PROGRAM**

The Kings County Probation Department's Electronic Monitoring Services (EMS) Unit implemented a new Global Positioning Satellite (GPS) tracking program in November 2011; in response to criminal justice system re-alignment legislation. This new technology allows the Probation Department to place inmates under house arrest while actively monitoring their movements 7 days a week, 24 hours a day. Currently, the EMS Unit averages 90 inmates on this program at any given moment; including pre-trial subjects which take up the majority of the in-custody space. These subjects are subject to constant tracking, drug testing, and home contacts/supervision. The highest number historically on GPS has been at 150.

In addition to sentenced inmates, the Kings County Probation Department is utilizing this GPS technology to track select offenders in the community who are deemed high risk or flight risks. In fact, multiple arrests have resulted with the aid of this technology. Additionally, the probation department also operates a juvenile GPS house arrest program in collaboration with the Juvenile Court.

The GPS tracking program allows the Kings County Juvenile Hall and the Kings County Jail to reserve the use of custody for serious/violent offenders; while maintaining a higher level of supervision on house arrest subjects. The County of Kings is a frontrunner in the use of such technology in light of re-alignment legislation; in fact, in 2012, *Satellite Tracking of People, LLC*. named the Kings County Electronic Monitoring Program one of the top five programs to use their technology in the nation.

SHERIFF

The Sheriff's Office has continued working aggressively towards averting early releases, having not released any inmates in 2016. To-date, no early releases have occurred in 2017 and none are expected. The Ken Marvin vs County of Kings "friendly" law suit was dismissed on September 13, 2017, which is considered a monumental achievement.

The AB 900 Phase II jail expansion project has been completed with occupancy taking place in early 2017. Since then, inmates have been removed from the Branch Jail leaving that facility

vacant. With the entirety of the Sheriff's staff working under one roof, they have been working aggressively to expand the types of inmate programs provided to incarcerated offenders. With cooperation from the Kings County Probation Department and Kings County Health Department, one full-time Probation Officer and one full-time Public Health Nurse were added into the jail. Additionally, the Sheriff has increased its Programs Division staffing from one allocated position to three. These additions have allowed the Sheriff to expand the inmate programs to include:

- Probation Officer position within the jail is teaching "Courage to Change". The Public Health Nurse works to transition inmates with medical and/or mental health issues back into the community.
- Koinonia Church has expanded its ministry into the jail and is teaching "Battle Zone" which is a bible study program. Its own internal chaplain is teaching a variety of bible classes and helps organize other inmate related needs associated with religious activities.
- Champions Recovery has expanded their inmate services into the jail to include Nurturing Parent for Women, Strengthening Fathers Initiative, Substance Use Disorder for Men, Substance Use Disorder for Women, Domestic Violence for Men, Anger Management for Men, Living Beyond Violence for Women and Good Healthy Relationships for Women.
- The inmate population can receive their G.E.D while in custody in addition to learning computer skills, life skills and/or participating in Narcotics Anonymous and/or Alcoholics Anonymous.
- All inmates participate in a variety of work related areas including the Kings County Vehicle Maintenance Shop, Kings County Animal Control, Kings County Jail Kitchen and the Kings County Motor Pool. They routinely clean the new community park located in Home Gardens and the community substations used by sheriff personnel.
- The Programs Division recently started an auto detailing program which teaches inmates a new trade they can utilize when they return to the community. This pay-for-service has been very successful and is helping to generate revenue in support of future inmate programs.
- The Sheriff's Office is also expanding its inmate calling service contract to include tablets which can be issued to inmates. These tablets will be loaded with a variety of programs that will be helpful to inmates. Many of the programs are trade or educational related, but they will also have access to movies, listen to music, communicate with family, etc.

The current SB 1022 jail expansion project is on-schedule and expected to be completed in the Spring of 2018. This expansion will provide a new 24-bed mental health wing, a culinary

teaching kitchen, additional classroom space, a day reporting center and a vocational warehouse.

Sheriff's Office recruitment has finally begun reaching the stage where it is almost at full staffing levels. They have been working closely with Human Resources over the past six years, and expanded their own internal administrative backgrounds unit to make this happen. Although natural turn-over-rate is expected leading into the future, they are finally seeing the light at the end of the tunnel as it pertains to conquering the enormous task to hire qualified personnel.

SUPPORT SERVICES

VICTIM WITNESS

The unit provides services to all victims of violent crime, as well as those offenders sentenced under AB 109. Services include: orientation to the criminal justice system, court escort/support, victim of crime application assistance, crisis intervention, and referrals to other agencies, and this unit has handled the influx of crime. In April of 2015 this unit moved from under the Probation Department to the District Attorney's Office.

COUNTY COUNSEL

The County houses great numbers of inmates who, because of past prison sentences, may be more contentious and file a significantly higher number of writs. One Attorney handles the defense of the Sheriff in these cases. This attorney handles all matters associated with AB 109.

HUMAN RESOURCES

With all of the additional staff related to Realignment, more Human Resources staffing was needed to facilitate the hiring process as County Departments continue to go forward with recruitments of personnel, and for other related human resources tasks. The additional staff continues to work with the overall AB 109 related increased staffing across the County on personnel related issues.

ADMINISTRATION

Administration is needed to perform data related analysis, and to assist the departments with administrative, financial, and operational tracking functions, as well as construction activities. As programming space is expanded, Administration will work with the departments to develop and coordinate offender programs.

IN SUMMARY

The table below provides a summary of Realignment Components:

Population Affected	Component of Public Safety Realignment	Local Plan
Release from State Prison	State prisoners serving sentences for non-violent, non-serious and non-sex offenses with one of these offenses in their criminal history will be placed on county post-release community supervision instead of state parole. The Court will adjudicate violations of county post-release community supervision.	The Probation Department is designated as the administrator of county post-release community supervision.
On State Parole	Violations of State Parole will be adjudicated by Board of Parole hearings.	The Parole Board hearings occur at the courts.
Currently Held Pretrial in County Jail	Certain inmates may be released pre-trial on electronic monitoring.	The Probation Department and the Sheriff are designated as administrators of electronic monitoring for pre-trial inmates.
Currently Sentenced in County Jail	Certain sentenced inmates may be placed on home detention.	The Sheriff and Probation designated as administrators of electronic monitoring for sentenced inmates.
Measures and Outcomes	Establish outcome measures related to local incarceration inmates and post-release community supervision populations (per AB109).	The Probation Department, in coordination with Administration, is designated to develop research design, collect data, and report on outcomes associated with AB109.
Evidence Based Practices and Treatment	Each of the involved agencies, including those participating in the Community Corrections Partnership, will support and/or assist in the implementation of the following activities, practices, and efforts.	- Flash Incarceration - Alternative Sanctions - Vocational Training - Educational Training - Specialized Courts - MH & AOD Services

OUTCOMES

Starting in FY 2015/16 future Public Safety Realignment growth allocations across the State were based on performance measures that included three areas of incentives. Those performance measures and incentive areas included improvements in probation practices (80%), reductions in 2nd Strikers (\$27,309 per reduction), and improvements in State Prison incarceration measures (20%).

2nd Striker Reduction

The first step in calculating growth allocations is to determine which counties sent fewer felons to prison with second-strike designations than in the previous year. Counties get a direct allocation of \$28,726 for each one fewer second striker than the previous year. This allocation is taken off the top, so it is not part of the portions allocated based on incarceration or probation. Due to the low growth revenue, there will be a cap of 10% from the top for 2nd striker reduction allocations.

Probation – 80%

Felony Probation Success – 60%: Sixty percent of growth funds are allocated by taking a county's annual felony probation population and subtracting the number of those revoked to prison or jail. The number of each county's non-revoked probationers is then calculated as a share of the number statewide and the county receives that share of these funds.

Felony Probation Improvement – 20%: Twenty percent of growth funds are allocated to counties that improve their felony probation failure rate from one year to the next. A county's

failure rate is determined by dividing its annual felony probation population by the number of probationers revoked to prison or jail. If that rate decreases from one year to the next, then the difference is multiplied by the county's total felony probation population. This gives the number that would have been revoked under the previous year's higher revocation rate. That number is then calculated as a share of the total number among all counties that qualify and the county receives that share of these funds.

Incarceration – 20%

Incarceration Reduction – 10%: Ten percent of the growth funds are allocated to counties that send fewer felons to prison on new convictions from one year to the next. The difference is then calculated as a share of the total difference among all counties that qualify and the county receives that share of these funds.

Low Incarceration Rate – 10%: Ten percent of the growth funds are allocated to counties that have a lower rate of incarceration per capita than the statewide rate. The rate is calculated by taking a county's number of felon admissions for new convictions and dividing it by the county's adult population (those aged 18 to 64). That rate is then compared to the statewide rate to determine how many more people would be imprisoned if the county's rate were not lower than the statewide rate. That number is then calculated as a share of the total number for all counties that qualify and the county receives that share of these funds.

The California State Association of Counties (CSAC) and the County Administrative Officers Association of California (CAOAC) provided an update as of September 8, 2017 of Kings County's detailed description of growth allocation. Since that report has been released updated estimates have been projected to come in lower than presented on Kings County's estimate of growth allocation. The September 8, 2017 estimate is shown below:

2nd Striker Reduction (\$28,726 per) (10% from top)						
		2nd Strikers - 2015	2nd Strikers - 2014	Reduction	2nd striker share	2nd striker \$
Kings		87	124	37	0	\$ 155,450
California		8477	10,278	1,891	100%	\$ 7,944,757

Felony Probation Success (60%)						
		2015 Probation Population	Revoked to Jail or Prison	Successes	Statewide Share	\$
Kings		1,765	74	1,691	0.63%	\$ 270,470
California		280,098	11,833	268,265	100%	\$ 42,901,688

Felony Probation Improvement (20%)						
	2015 Failure Rate	2014 Failure Rate	Improvement	# of Probationers Improvement Represents	Statewide Share	\$
Kings	4.19%	8.60%	4.40%	77.73	1.89%	\$ 269,735
California	4.22%	5.62%	1.40%	4,121	100%	\$ 14,300,563

Incarceration Reduction (10%)						
	Incarcerated from County - 2015	Incarcerated from County - 2014	Incarcerated from County - Difference	Incarceration Reduction	Statewide Share	\$
Kings	352	437	-19.45%	85	2.07%	\$ 148,274
California	34,450	38,176	-9.76%	4,099	100%	\$ 7,150,281

Low Incarceration Rate (10%)						
	County Population	Incarceration Rate - 2015	Rate Below Statewide	Prisoners Fewer Because Lower	Statewide Share	\$
Kings	149,704	0.24%	0.00%	-	0.00%	\$ -
California	38,915,880	0.09%		5,715.00	100%	\$ 7,150,281

Total			
		Statewide Share	Total Growth \$
		1.0622%	\$ 843,929
California		100.00%	\$ 79,447,570

Going forward, the goal of the CCP and the local Public Safety Realignment Plan is intended to reduce recidivism rates of offenders under supervision. This will hopefully result in less crime and less victims; therefore increasing public safety. Specific goals are outlined below.

Goals

- 1) Implementing a system of alternatives to incarceration for pre and post convictions.

Stakeholders are continuing alternatives to incarceration programs for both pre and post convictions. It will be a continued goal to research and develop additional pre-trial options for offenders.

- 2) Collaborate with local agencies to provide local resources to Post Release Community Supervised offenders as efficiently as possible.

Collaboration continues between all stakeholders.

Measures

- 1) Recidivism rates for the non-sex offenders the non-violent offenders and non-serious offenders.

Staff is continuing its data tracking efforts. The Probation Department is in the process of hiring a Probation Data Analyst that will help in the tracking of data and providing outcomes for evidence based programs.

2) Number of offenders sentenced to alternative and probation programs.

In FY 2016/17 there were 583 offenders that participated in the GPS Monitoring Program. There were 556 participants that completed the program making the completion rate 95%, which is an 11% increase from the previous fiscal year. The average daily population for the program was 87 offenders.

3) Number of offenders sent to State Prison and Local Custody.

In FY 2016/17 there were a total of 578 offenders* sent to State Prison or to Local Custody. The breakdown is as follows:

• Adult Felony – Sent to State Prison	437 Cases
• Adult Felony – Sent to Jail - Straight Sentences	29 Cases
• Adult Felony – 1170(h) Split Jail/Mandatory Supervision	<u>112 Cases</u>
Total	<u>578 Cases</u>

*Does not include individuals who may have been immediately sentenced to state prison without probation intervention/investigation.

In FY 2016/17 there were a total of 186 new offenders placed on Post Release Community Supervision.