

# The Public Safety Realignment Act

## AB 109

### Implementation Plan 2020 – 6<sup>th</sup> Update

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#### County of Fresno



#### **Executive Committee of the Community Corrections Partnership**

Kirk Haynes, Chief Probation Officer, (Chair) County of Fresno

Mike Elliott, Court Executive Officer, Fresno County Superior Court

Sheriff Margaret Mims, County of Fresno

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**AB 109**  
**The Public Safety Realignment Act**  
**Sixth Update to the 2011 Implementation Plan**  
**County of Fresno**  
**June 2020**

**Background**

In the original legislation under AB 109 in 2011, Section 1230.1 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 their designee, and one department representative listed in either subparagraph (G) (H) or (J) of paragraph (2) of subdivision (b) of Section 1230 as designated by the County Board of Supervisors for related to the development and presentation of the plan. (c) The plan shall be deemed accepted by the County Board of Supervisors unless the Board rejects the plan by four – fifths of the Board, in which case the plan goes back to the Community Corrections Partnership for further consideration. (d) Consistent with local needs and resources the plan may include recommendations to maximize the effective investment of criminal justice resources in evidenced-based correctional sanctions and program including, but not limited to: day reporting centers, drug courts, residential multiservice centers, mental health treatment programs, electronic and GPS monitoring programs, victim restitutions programs, counseling programs, community service programs, educational programs and work training programs.

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 placed the Implementation Plan and associated Budget and Salary Resolutions on the Fresno County Board of Supervisors agenda for approval 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.

**Modifications to 2011 Plan**

Due to the need for modifications of the original plan, in March 2013, the first amended plan was approved by the CCP and the updated plan and associated budget and salary resolutions were placed on the Board of Supervisors agenda and approved in April 2013. In October 2013, the second amended plan was approved by the CCP, placed on the Board of Supervisors agenda with the associated budget and salary resolutions, and approved in January 2014. The third amendment and associated budget and salary resolutions was approved by the CCP on November 14, 2014 and by the Board

of Supervisors on December 2, 2014. The fourth amendment and the associated budget and salary resolution were approved by the CCP on November 6, 2015 and by the Board of Supervisors on January 12, 2016. The fifth amendment and associated budget and salary resolutions were approved by the CCP on September 15, 2017 and by the Board of Supervisors on September 26, 2017

Modifications to the plan will continue to be needed to 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 sixth update to the original plan includes the elimination and reductions in programs to reduce the reliance on fund balance to help ensure the availability of long-term funding of AB 109 programs. In order to decrease the impacts to departments, the reductions were made to a distribution of departmental programs. It should be noted the CCP approved the revisions based on multiple factors such as a decrease in caseloads and cost effectiveness. The has CCP approved the revisions of various programs as follows:

- Deletion of one officer position in the Jail Response Patrol Program
- Elimination of the Transition from Jail to Community Pod including deletion of the following positions:
  - One Correctional Sergeant position
  - Two Correctional Officer positions
  - Two Deputy Probation Officer positions
  - One Social Worker position
- Change in funding source from AB 109 to Planning Grant funds for two Staff Analyst positions. One Analyst is located in the Probation Department and performs AB 109 related activities and the other Analyst is located in the Human Resources (HR) Department and performs HR related activities for the CCP
- Elimination of two Legal Assistant positions in the Misdemeanor Offender Accountability and Rehabilitation Program. One position is located in the District Attorney's Office and the other is in the Public Defender's Office
- Elimination of one officer position from the City of Fresno in the Multi-Agency Gang Enforcement Consortium (MAGEC)
- Elimination of one officer position from the City of Fresno on the Adult Compliance Team (ACT)
- The addition of two positions to the Public Defender's Social Worker Unit (approved by the CCP on March 11, 2019) as follows: one Defense Social Worker and one Defense Supervising Social Worker

Based on a determination of needs as ascertained through the supervision of AB 109 offenders, the following modifications are made to the 2011 approved plan.

Fresno County Sheriff-Coroner's Office

**Jail Response Patrol**

Since the implementation of AB 109 the responsibility of holding inmates that normally would have moved on to the California Department of Corrections and Rehabilitation (CDCR) has become that of the Fresno County Sheriff-Coroner's Office. As a result, a more hardened criminal element is now being housed in the Fresno County Jail. There have been increased violence and calls for service for crime reports and investigations. These calls have resulted in misdemeanor and felony cases, which have included Three Strike 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 these calls in the jail and Courthouse Park, that Deputy is pulled from the current complement of field patrol units. The nature of a call to the jail many times results in having numerous interviews, which removes that Deputy's availability to answer and fill other calls for service many times taking that Deputy out of the field for an entire shift.

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 total full time equivalent is four Deputy Sheriffs who will fill this patrol area 24/7 365 days a year.

Fresno County Probation Department and Human Resources Department

In order to lessen the dependence on fund balance and sustain AB 109 program funds, the funding source of the Staff Analyst in the Probation Department and the Staff Analyst in the Human Resources Department will change from AB 109 funds to Planning Grant funds.

Fresno County District Attorney and Public Defender

**Misdemeanor Offender Accountability and Rehabilitation Program**

Establishes a Misdemeanor Offender Accountability and Rehabilitation Program. 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 Propositions (Prop) 47, which reclassified many nonviolent offenses from felonies to misdemeanors, and Prop 64 (Adult Use of Marijuana Act), a higher number of AB 109 offenders are now in the Misdemeanor Courts. The reduction of staff by one Legal Assistant from each of the affected departments, will allow both the District Attorney and Public Defender to properly handle the cases and access the needs of the offenders. The Attorneys who deal with these offenders firsthand in court will be able to access what issues they may have and assist the Court to get them into appropriate services.

**Social Worker Unit**

To remain consistent with the goal of reducing crime and recidivism, the Public Defender employs full-time Social Workers in a Social Worker Unit to provide complete and holistic client representation. On Monday, March 11, 2019 the CCP approved the addition of a Supervising Social Worker and a Social Worker to this Unit in order to expand on the successful efforts of the Program. With the additional staff, this Unit expanded from having a presence in 11 criminal courts to all felony and criminal courtrooms. The Social Worker Unit will support clients to effect change in their lives and environments in ways promoting self-responsibility and reducing recidivism.

Under the direction of a Defense Attorney, the Social Workers will conduct assessments and compile psychosocial histories to develop recommendations for appropriate pretrial release, detention, treatment options, conditions of probation or diversion and sentencing and post-sentencing options, if adjudicated. The collaboration between the Defense Attorney and Social Workers will help to better identify and assess the cultural, mental health, employment, educational, and social needs of the clients charged with criminal offenses. Because clients often are in need of health benefits, employment, housing, family counseling, drug and alcohol treatment and/or alternative placement, the Social Workers will provide valuable skills in helping clients access these services.

This Unit will work closely with the AB 109 population, arranging appropriate treatment and ensuring compliance with pretrial obligations at all stages of the criminal proceeding, thereby reducing incarceration while the client’s case is pending before the Courts. The Unit will also provide support for the Defense Attorneys to focus on the legal aspects while ensuring clients’ social services needs are met. In addition, the Unit will support clients by contacting them directly to ensure they appear at court-ordered hearings; they will reinforce and provide the clients support to complete their court-ordered treatment programs thereby increasing the likelihood of successful completion of programs rather than serving jail time. The Social Workers in this Unit will also support clients in finding housing/employment/education/training to successfully complete all probation and court-ordered terms/conditions.

**Multi-Agency Gang Enforcement Consortium (MAGEC) Expansion**

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 according to the Probation Department. The Program funds three full-time ACT Police Officers and one Crime Analyst to MAGEC. This will allow review of every 3455 (a) (Post Release Community Supervision) arrest that occurs in the City of Fresno and allow immediate follow-up on AB 109 cases. Police Officers will be trained on cell phone

forensics and social media analysis. In addition, gang related cases will be filed with the MAGEC, the District Attorney, and United States Attorney to maximize sentencing.

Fresno Police Department
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**Adult Compliance Team (ACT)**

Funds were reduced for one law enforcement officer from the team of law enforcement agencies from county locations participating on the Adult Compliance Team.

Pending Additional Actions/Requests for Proposals (RFP's)
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The Community Corrections Partnership approved services including the implementation and validation of the Public Safety Assessment Court Tool. This Program will provide an assessment tool for Probation to make pre-trial release recommendations to the court based on a risk assessment of each offender. The selection of the contractor to provide these services will be in accordance with Fresno County Purchasing Guidelines.