

**Kings County  
Public Safety Realignment  
&  
Post Release Community Supervision  
2018 Plan**



**Executive Committee of the Community Corrections Partnership**

Michelle S. Martinez, Court Executive Officer, Superior Court  
David Robinson, Sheriff  
Darrell Smith, Chief, Lemoore Police Department  
Keith Fagundes, District Attorney  
Marianne Gilbert, Public Defender  
Lisa Lewis, Behavioral Health Director  
Kelly Zuniga, Chief Probation Officer (Chair)

1424 Forum Drive  
Hanford, CA 93230  
(559) 852-4303

## Table of Contents

Overview.....	3
Budget.....	3
Public Safety Partners.....	4
District Attorney .....	4
Public Defender .....	4
Probation.....	4
Sheriff.....	5
Support Services.....	6
Summary Table .....	7
Outcomes .....	8

## **OVERVIEW OF 2011 PUBLIC SAFETY REALIGNMENT ACT (AB 109)**

In 2011, the California Legislature passed Assembly Bill (AB) 109 known as the Public Safety Realignment Act. This legislation transfers responsibility for supervising specific low-level inmates and parolees from the California Department of Corrections and Rehabilitation (CDCR) to counties. 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; and
- 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); and
- Transferred the housing responsibility for parole and PRCS revocations to local jail custody. AB 109 also tasked the local Community Corrections Partnership (CCP), who acts as the governing body responsible for developing and submitting public safety realignment implementation recommendations to the Board of Supervisors. The CCP recommends a plan for implementation, which shall be deemed, accepted by the Board of Supervisors unless rejected by a 4/5th vote. The Executive Committee of the CCP for Kings County 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 costs associated with the efforts required under AB 109 are funded with a dedicated portion of state sales tax revenue and Vehicle License Fees (VLF). These funding sources are outlined in trailer bills AB 118 and Senate Bill (SB) 89 of 2011. 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 efforts required under 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 counties for compliance with AB 109.

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

	[1] 2017-18 AB 109 PROGRAM FUND BALANCE	[2] 2018-19 Allocation for AB 109 PROGRAMS	[3] 2018-19 Allocation for AB 109 DA/PD Activities (revocation)	[4] 2018-19 Allocation for CCP Planning	[5] Allocation for PRCS	[6] Anticipated One- Time State Mandated Reimbursement Funding	[7] 2017-18 One- Time Growth Funding	[8] 2017-18 10% Transfer Out to Innovation Sub- Account	Total 2018-19 Allocation
KINGS	\$4,848,750	\$8,226,538	\$120,000	\$100,000		\$0	\$278,805	(\$27,881)	\$13,546,213

**FY 18-19 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 Actual	FY 18/19 Adopted	% of Total Allocated	Amount of One-Time \$
Administration (111000)	\$ -	\$ 28,979	\$ 97,547	\$ 94,981	\$ 94,981	\$ 94,981	\$ 47,491	\$ 47,491	0.50%	\$ -
County Counsel (130000)	30,024	18,230	89,676	88,164	88,164	88,164	44,000	44,000	0.46%	\$ -
Human Resources (140000)	19,375	28,143	128,201	131,799	131,799	131,799	65,900	65,900	0.69%	\$ -
District Attorney (216400)	-	-	68,088	114,027	263,822	237,408	95,515	190,182	1.99%	\$ -
Sheriff - AB 109 (221500)	1,155,829	2,055,944	4,583,208	5,858,185	6,166,102	6,444,737	6,651,128	7,186,014	75.04%	\$ -
Probation (233100)	540,013	1,237,666	1,991,655	1,783,259	1,770,495	1,791,889	1,595,922	1,992,904	20.81%	\$ -
Defense of the Accused (302500)	78,110	37,750	30,750	27,500	32,500	53,250	53,250	50,000	0.52%	\$ -
Public Works (712000)	-	50,744	42,859	50,664	56,637	75,780	-	-	0.00%	\$ -
Building Projects (700000)	-	-	-	-	-	-	47,036	-	0.00%	\$ -
	\$ 1,823,351	\$ 3,457,456	\$ 7,031,984	\$ 8,148,579	\$ 8,604,500	\$ 8,918,008	\$ 8,600,242	\$ 9,576,491	100.00%	\$ -

Fund Balance Reserved for Ongoing  
AB 109 Requirements: \$ 3,969,722

Budget Allocation minus one-time costs \$ 9,576,491  
On-going Allocation (FY 19/20 Base) 8,226,538  
Under(Over budget) \$ (1,349,953)

**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 violations 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 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 released from the California Department of Corrections and Rehabilitation under Post Release Community Supervision (PRCS). These offenders are comprised of those offenders whose most recent crime is non-serious pursuant to 1192.7(c) PC and non-violent pursuant to 667.5(c) PC.

Currently, the department supervises 287 PRCS Offenders with (6.0) full time equivalent (FTE) Deputy Probation Officer I/II's. These officers also supervise the offenders serving mandatory supervision pursuant to 1170(h) PC. The PRCS Officers are assigned to Hanford, Lemoore, Corcoran, Avenal and the unincorporated areas of Kings County; these officers work closely with the respective police agency in their jurisdiction. Additionally, these officers work frequent night and weekend shifts to maximize supervision efforts.

- **GLOBAL POSITIONING SYSTEM (GPS) MONITORING PROGRAM**

To help off-set the increasing number of offenders in the Kings County Jail following criminal justice realignment, the Probation Department's Electronic Monitoring Unit implemented a GPS Monitoring Program in November of 2011; this unit operates within the meaning of Penal Code 1203.016 - 1203.018. GPS Monitoring allows the Department to closely monitor the whereabouts and movement of its participants 24 hours a day, 7 days a week with (1.0) FTE Deputy Probation Officer III, (1.0) FTE Deputy Probation Officer I/II and (2.0) FTE Electronic Monitoring Technicians. Currently, the program houses approximately 80 offenders who would otherwise be detained or sentenced to time in the Kings County Jail. In addition to being subject to 24/7 monitoring, these offenders are afforded the opportunity to maintain employment and attend treatment or other educational programs.

In addition to detained and sentenced inmates, the Probation Department utilizes GPS monitoring only pursuant to 1210.7 PC to maintain a higher level of supervision of high risk offenders who are under supervision of the Department on PRCS, mandatory supervision, or probation. Additionally, the Probation Department operates a juvenile GPS house arrest program in collaboration with the Kings Juvenile Center and the Kings County Superior Court's Court Juvenile Division.

## **SHERIFF**

The Sheriff's Office has continued working aggressively towards averting early releases, having not released any inmates in 2017. To-date, no early releases have occurred in 2018 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 Friendly law suit was initiated on May 7, 2001 to enable Sheriff Marvin to do early releases from the jail because the population was over its designed capacity. The additional bed spaces as a result of the construction of the new jail, AB 900 Phase II, and SB 1022 Phase III, have remedied the overcrowding issue at this point in time.

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 to the jail. Additionally, the Sheriff has increased its Programs Division staffing from 1 allocated position to 3. 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 General Educational Development (GED) 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's Office 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 them. Many of the programs are trade or educational related, but they will also have access to movies, be able to listen to music, communicate with family, etc.

The current SB 1022 jail expansion project is on-schedule and was completed in the Spring of 2018. This expansion provided a new 24-bed mental health wing, a culinary teaching kitchen, additional classroom space, a day reporting center, and a vocational warehouse.

The Sheriff's Office recruiting efforts have finally begun reaching the stage where the Department is almost at full staffing levels. It has been working closely with Human Resources over the past seven years, and expanded its own internal administrative backgrounds unit to make this happen. Although natural turn-over-rate is expected leading into the future, it is 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. These services include: orientation to the criminal justice system, court

escort/support, victim of crime application assistance, crisis intervention, and referrals to other agencies. This unit has handled the influx of crime well. In April of 2015, this unit moved from under the Probation Department to the District Attorney's Office.

**COUNTY COUNSEL**

The County houses a great number 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 increases in staffing across the County on a number of personnel related issues.

**ADMINISTRATION**

Administration performs data related analysis, and assists the departments with administrative, financial, and operational tracking functions, as well as construction activities. Administration works with the departments to develop and coordinate offender programs. Administration completes annual realignment questionnaires for the State.

Administration has also managed the financials for the AB 900 Phase II jail expansion and the SB 1022 expansion projects. The AB 900 Phase II project has been completed, and administration completed the audit. Administration is continuing to close out the project with the State. The SB 1022 project is nearing its completion, and administration will manage the audit phase and close out in the upcoming year.

**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.	<ul style="list-style-type: none"> <li>- Flash Incarceration</li> <li>- Alternative Sanctions</li> <li>- Vocational Training</li> <li>- Educational Training</li> <li>- Specialized Courts</li> <li>- MH &amp; AOD Services</li> </ul>

## OUTCOMES

Every year, the State allocates future Public Safety Realignment growth revenue across the State from dedicated portion of state sales tax and VLF. Starting in FY 2015/16, these allocations 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 2<sup>nd</sup> Strikers (\$29,632 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 receive a direct allocation of \$29,632 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 a proportionate share of the 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 a proportionate 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 a proportionate 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 a proportionate 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 24, 2018 of Kings County’s detailed description of growth allocation. The estimate is shown below:

<b>2nd Striker Reduction (\$29,632 per) (10% from top)</b>						
		<b>2nd Strikers - 2016</b>	<b>2nd Strikers - 2015</b>	<b>Reduction</b>	<b>2nd striker share</b>	<b>2nd striker \$</b>
Kings		114	87	-	-	\$ -
California		9,148	8,477	184	100%	\$ 5,452,288

<b>Felony Probation Success (60%)</b>						
		<b>2016 Probation Population</b>	<b>Revoked to Jail or Prison</b>	<b>Successes</b>	<b>Statewide Share</b>	<b>\$</b>
Kings		1,958	119	1,839	0.72%	\$ 278,805
California		269,555	13,619	255,936	100%	\$ 38,806,900

<b>Felony Probation Improvement (20%)</b>						
	<b>2016 Failure Rate</b>	<b>2015 Failure Rate</b>	<b>Improvement</b>	<b># of Probationers Improvement Represents</b>	<b>Statewide Share</b>	<b>\$</b>
Kings	6.08%	4.19%	0.00%	-	0.00%	\$ -
California	5.05%	4.22%	0.00%	789	100%	\$ 12,935,633

<b>Incarceration Reduction (10%)</b>						
	<b>Incarcerated from County - 2016</b>	<b>Incarcerated from County - 2015</b>	<b>Incarcerated from County - Difference</b>	<b>Incarceration Reduction</b>	<b>Statewide Share</b>	<b>\$</b>
Kings	418	352	18.75%	-	0.00%	\$ -
California	35,712	34,450	3.66%	522	100%	\$ 6,467,817

<b>Low Incarceration Rate (10%)</b>						
	<b>County Population</b>	<b>Incarceration Rate - 2016</b>	<b>Rate Below Statewide</b>	<b>Prisoners Fewer Because Lower</b>	<b>Statewide Share</b>	<b>\$</b>
Kings	149,744	0.28%	0.00%	-	0.00%	\$ -
California	39,179,627	0.09%		5,999.92	100%	\$ 6,467,817

<b>Total</b>			
		<b>Statewide Share</b>	<b>Total Growth \$</b>
		0.3976%	\$ 278,805
California		100.00%	\$ 70,130,455

Initially on May 11, 2018, it was estimated that Kings County was going to receive \$351,506 in one time growth. This has since been updated to the reduced amount of \$278,805. This is because the total growth funding state wide is less than originally estimated due to sales tax being lower than projected by more than ten percent. Additionally, the County did not receive growth funds allocations under the Second Striker Reduction, Felony Probation Improvement, Incarceration Reduction, or Low Incarceration Rates. The revenues were not received for the following reasons: increase of 2<sup>nd</sup> striker felons sent to prison by 27, and 66 more felons were sent to prison on new convictions compared to the previous year. These numbers are also likely due to insufficient evidence based programming for moderate and high risk offenders placed on probation. Evidence-based practices are “supervision policies, procedures, programs, and practices demonstrated by scientific research to reduce recidivism among individuals under probation, parole, or post-release supervision.” Currently, the only evidence based programming provided by the Probation Department includes a Day Reporting Center and a Deputy Probation Officer providing interactive journaling in the Kings County Jail; both of these functions are funded under SB 678. During the upcoming year, an emphasis will be placed on growing these programs to reach more offenders needing these services, and to reduce recidivism rates. This will hopefully result in less crime and less victims; therefore increasing public safety. Specific goals are outlined below.

**Goals**

- 1) Implement a non-monetary, risk based alternative to incarceration for pre-trial offenders to alleviate jail overcrowding.

Stakeholders will develop a program to safely reduce the number of low to medium risk incarcerated offenders pending Court, where bail is the only obstacle to pre-trial release.

2) Continued collaboration with local agencies to provide empirically based rehabilitative interventions for Probation, 1170(h), and PRCS offenders.

Collaboration is an ongoing effort between all stakeholders.

*Measures*

1) Continue efforts in measuring outcomes and recidivism levels for PRCS offenders.

Staff is continuing its data tracking efforts. The Probation Department has an open Crime Data Analyst position that will help in the tracking of data, and providing outcomes for evidence based programs.

Explore an updated case management system for the Probation Department to increase the County’s ability to track recidivism rates and outcomes.

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

In FY 2017/18, there were 603 offenders that participated in the GPS Monitoring Program. There were 521 participants that completed the program making the completion rate of 86%, which is a 9% decrease from the previous fiscal year. The average daily population for the program was 88.

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

In FY 2017/18, there were a total of 565\* offenders sent to State Prison or Local Custody. The breakdown is as follows:

• Adult Felony – State Prison	406 Cases
• Adult Felony – 1170(h) Straight Sentences	38 Cases
• Adult Felony – 1170(h) Split Sentence	117 Cases
• Adult Felony – 1170(h) Split Sentence Mandatory Supervision only	<u>4 Cases</u>
	Total 565 Cases

\*Does not include offenders who were immediately sentenced in Court without probation intervention or investigation. A large percentage of the offenders sentenced for offenses committed in the three State Prison facilities in the county are immediately sentenced.

In FY 2017/18 there were a total of 193 new offenders placed on Post Release Community Supervision.