

## MONTEREY COUNTY BOARD OF SUPERVISORS

<b>MEETING:</b>	November 1, 2011 – Consent	<b>AGENDA NO.:</b> 34.1
<b>SUBJECT:</b>	a. Designate the Probation Department as fiscal agent for Local Community Corrections restricted funding pursuant to AB 109, the Public Safety Realignment Act of 2011; b. Authorize the Auditor-Controller to increase revenues and appropriations by \$4,406,336 as identified in the attached Board Order (4/5ths vote required); and c. Authorize the CAO’s Office to add 9.0 FTE positions in Probation’s Budget PRO001; 1.0 FTE in the Department of Social and Employment Services Budget SOC009; and 1.0 FTE in Health Department’s Budget HEA002, for a total of 11 new positions.	
<b>DEPARTMENT:</b>	Probation, Health Department, Department of Social and Employment Services, Sheriff’s Office, District Attorney, and Public Defender	

### **RECOMMENDATION:**

It is recommended that the Board of Supervisors:

- a. Designate the Probation Department as fiscal agent for Local Community Corrections restricted funding pursuant to AB 109, the Public Safety Realignment Act of 2011;
- b. Authorize the Auditor-Controller to increase revenues and appropriations by \$4,406,336 as identified in the attached Board Order (4/5ths vote required); and
- c. Authorize the CAO’s Office to add 9.0 FTE positions in Probation’s Budget PRO001; 1.0 FTE in the Department of Social and Employment Services Budget SOC009; and 1.0 FTE in Health Department’s Budget HEA002, for a total of 11 new positions.

### **SUMMARY:**

The recommended actions allocate resources from the State to six County Departments: Probation, Health, Department of Social and Employment Services (DSES), Sheriff’s Office, District Attorney (D.A.) and Public Defender for the implementation of the local Public Safety Realignment Plan strategies, services and programs in FY 2011-12.

### **DISCUSSION:**

In prior related actions, the Board of Supervisors: a) designated Probation as Post Release Community Supervision (PRCS) agency; b) approved preliminary activities, including two new positions for Probation and one for the Sheriff’s office; and c) approved the Public Safety Realignment Plan for Monterey County, pursuant to the mandates of AB 109, the Public Safety Realignment Act of 2011, and related bills.

AB 109 creates historic changes to California’s adult corrections system, in terms of sentencing, sentencing alternatives, and supervision responsibility, effective October 1, 2011. The Realignment shifts responsibility for low-level offenders and parole supervision from the state to the counties. Local authority is thus extended to: a) specified non-violent, non-serious, non-sex offenders (“non-non-non”), who will no longer be sent to a state prison, but could serve time in jail and/or be supervised by Probation; b) eligible offenders who, after their prison sentence, will be managed by Probation under the new Post Release Community Supervision Program (PRCS); and c) parole violators who did not commit a new crime.

Monterey County will receive a total \$4,406,336 during the current fiscal year, including \$137,897 allocated to the legal Departments, District Attorney and Public Defender. The remainder \$4,268,439 is shared between the Health Department, DSES, Probation and the Sheriff’s Office to

implement the core strategies identified by the plan: custody, alternatives to custody, community supervision, and treatment and rehabilitation.

- \$348,846 to the Health Department - Behavioral Health Bureau, to provide offenders' psychosocial assessments, and both outpatient and residential treatment services through contracted drug and alcohol treatment providers. This includes a new 1.0 FTE Psychiatric Social Worker II for clinical assessments and referrals to treatment and other interventions to successfully reintegrate PRCS offenders into the community.
- \$275,333 to DSES for employment services and housing. The new 1.0 FTE WIB Program Representative II will provide case management services, including ongoing personal, educational and career counseling, assess the employment needs and abilities of referred individuals and work to develop service strategies that encompass appropriate training, placement and other job-related services, including placement in subsidized employment opportunities.
- \$1,392,400 to Probation for: a) alternatives to detention and electronic monitoring services; b) community supervision, including new high-risk caseloads; c) program compliance and fiscal support; and d) staff training. It will also allocate funding for \$700,000 for the expansion of day reporting center capacity, and \$42,000 for program evaluation services. Further, \$320,757 are kept as contingency measure for unforeseen events for program partners. One Probation Officer (PO) III and one PO II positions have already been added to Probation's Budget for the preliminary activities due to the tight implementation deadline; staffing for the remaining 7.0 FTE PO IIs will be phased-in as caseloads develop upon the release of more offenders. The new 1.0 FTE Management Analyst III and 1.0 Accountant I positions will provide infrastructure for this major shift, with administrative support, data collection, auditing and program compliance, and fiscal compliance.
- \$1,189,103 to the Sheriff's Office for: a) offender classification services in its Custody Bureau; b) additional bed equipment; c) maintaining custody measures and/or for alternatives to detention, as needs unfold. One Deputy Sheriff position was added to its budget for preliminary activities, and no other position is established at this time.
- \$137,897 to be split equally between the District Attorney and the Public Defender, to provide legal services as detailed in the Monterey County Public Safety & Post Release Community Supervision plan. The District Attorney and the Public Defender will be utilizing temporary attorney positions to provide legal services in FY 2011-12. Initial estimates project that only a part time attorney is needed for each department in support of AB 109. After the actual workload is determined over the fiscal year, a request for permanent positions will be submitted to the Board for approval.

Public Safety Realignment funding is allocated to counties by legislative mandate in restricted revenue accounts. Deposits made by the State to Monterey County will be collected in the newly established Fund 022, with specified accounts for various realigned funding. Probation will function as fiscal agent for the Local Community Corrections Account funding Health Department, DSES, Probation, and Sheriff's Office, while the D.A. and Public Defender will manage the legal account.

#### **OTHER AGENCY INVOLVEMENT:**

The Community Corrections Partnership (CCP) has approved the recommended actions. CCP is chaired by the Chief Probation Officer; its membership is established by law, and include key stakeholders such as the Board of Supervisors, Sheriff, District Attorney, Public Defender and the Directors for Mental Health and Substance Abuse and Social and Employment Services, in addition to the Courts and a victim representative.

**FINANCING:**

Public Safety Realignment funding is allocated to counties by legislative mandate in restricted revenue accounts, and distributed by the State through monthly deposits. Fund 022 is the newly created local fund to collect these deposits.

The recommended action will allow the Probation Department to function as fiscal agent for the administration and monitoring of allowable expenses for the Local Community Corrections Account funding Health Department, DSES, Probation, and Sheriff's Office, and compliance with the State's fiscal mandates. Funding allocated to the County partners will be reimbursed upon validation of eligible expenses, on a cost-applied basis. The D.A. and Public Defender will manage their dedicated legal account.

There is no additional cost to the County General Fund Contribution (GFC) with the recommended action.

Prepared by:

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Date:

Approved by:

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Sheriff

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Manuel Real  
Chief Probation Officer

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Director, Health Department

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Department of Social and Employment Services

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Dean Flippo  
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James Egar  
Public Defender

Cc: Charles J. McKee, County Counsel; Michael Miller, Auditor-Controller  
CCP members

Attachment: Public Safety Budget Allocations FY 11-12