

The Public Safety Realignment Act

AB 109

Implementation Plan 2021 – 7th Update

County of Fresno



Executive Committee of the Community Corrections Partnership

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AB 109
The Public Safety Realignment Act
Seventh Update to the 2011 Implementation Plan
County of Fresno
December 2021

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 purposes 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 a vote of 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 programs 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. The sixth amendment and associated budget and salary resolutions were approved by the CCP on June 8, 2020 and by the Board of Supervisors on June 23, 2020.

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. This seventh update to the original plan includes a status update on AB 109 funded programs and services.

Fresno County Probation Department

The Department initially began working with the PEW-supported Results First Initiative in 2013, which was a project of the Pew Charitable Trusts and the John D. and Catherine T. MacArthur Foundation, which work with states and localities to develop the tools policy makers need to identify and fund effective programming that yields high returns on investment. The Probation Department has reinitedated this work with the California State Association of Counties (CSAC) to implement an evaluation component to programming. As part of this effort, at their March 8, 2021 meeting, the CCP Committee agreed to move forward with collecting statistical data on AB 109 funded agencies and programs.

The Research, Evaluation, and Technology Subcommittee, and the Resource Development Subcommittee, have worked with CSAC to develop an ongoing data tracking process and report out methods for the CCP. The Research, Evaluation, and Technology Subcommittee presented a data tracker at the CCP's June 14, 2021 meeting. The data tracker was well received by the CCP and it was decided that going forward, this presentation will become a regular agenda item for presentation at CCP meetings.

In addition, the Research, Evaluation, and Technology Subcommittee is drafting a Scope of Work for the evaluation of CCP funded entities. As part of this process the Subcommittee is updating the Program Inventory created by the work completed by the Pew-MacArthur Results First Program Initiative in FY 2013-2014. Each of the funded entities will be run through the Results First Clearinghouse Database, which is an online resource that brings together information on the effectiveness of social policy programs from nine national clearinghouses. Each program will be rated for effectiveness and prioritized accordingly with the Subcommittee making funding recommendations to the

CCP for both short- and long-term goals related to the data and evaluation planning of programs and services.

2011 Public Safety Realignment Audit

The State Auditor released its report on Public Safety Realignment in March 2021 with Fresno's County Counsel providing a status update to the CCP at their June 14, 2021 meeting. The State Auditor's recommendations were as follows: 1) The CCP's oversight should not be limited to Community Corrections, but should be over all realignment funds, 2) The County should eliminate current surpluses and prevent future surpluses in Realignment fund balances, and 3) The County should conduct ongoing evaluations of programs for effectiveness at least every three years. It should be noted that there were no findings related to the use of funds. The audit found that Fresno County's use of these funds are in line with the restricted purposes of the 2011 Public Safety Realignment legislation.

The County responded to the audit recommendations as follows:

- 1) Fresno County noted the CCP is a multidisciplinary and multiagency board that is responsible for creating and updating the Community Corrections Plan for a county, for making budget recommendations to the Board of Supervisors for those funds falling within the Community Corrections sub-account of 2011 Safety Realignment Funding, and for providing annual reports on these expenditures to the Board of State Community Corrections (BSCC). Other funding grouped under the 2011 Public Safety Realignment legislation flows directly to other County departments such as the district attorney and public defender offices, behavioral health, and social services to address the specific impact of the 2011 Safety Realignment to these departments.

Having the CCP provide oversight of all realignment would complicate the process by adding another layer of bureaucracy. Several of the realignment sub-accounts listed in Penal Code § 30025 stand out as obvious examples of funding not suited for budget recommendations by the CCP. For example, the Trial Court Security account has very little relation to the purpose of reducing prison populations or recidivism involved in this area. The Mental Health account; as for the same reasons stated above, is allocated and budgeted by the department that has the specific expertise and knowledge to address these concerns. Lastly, the District Attorney and Public Defender accounts; are directly funded to these two departments and included in their budgets only to the extent they can be expended for revocation proceedings. There is no recommendation that the CCP could make with respect to the budgeting of these funds.

The above examples point out why the State Auditor's interpretation of the 2011 Public Safety Realignment statutes is overly broad with respect to the authority of the CCP. Several other of the funds are subject to separate reporting procedures from the annual report provided by CCPs to the BSCC. It must be noted that the

CCP is nowhere mentioned in Government Code § 30025, while the budgeting authority of the governing boards of counties (or a city and county) and the duties of the county treasurers are referenced throughout the statute.

- 2) The County responded in that it believes a prudent reserve is required to sustain programs through a downturn in the economy. In addition, sufficient reserves allow for the addition of new and innovative programs without cutting existing programs or services. Growth in many of the Enhancing Law Enforcement Activities funds have increased 50 plus percent over the last five years. Although there has been significant growth, a downturn in the economy could result in the loss of much of that growth. Fresno County believes a reserve up to 50 percent of the prior year revenue received for each fund is prudent and has developed a multi-year plan, starting with FY 2021-22, to reduce the reserves, as necessary, in each account to meet the above referenced reserve level.
- 3) The Fresno County Probation Department has worked on an evaluation component of programs and services since 2013. In addition, as noted in the update provided previously, the Department is currently working to run their programs and services through the national clearinghouse database to rate for effectiveness. The programs and services will be prioritized accordingly with the Research, Evaluation, and Technology Subcommittee making recommendations for funding to the CCP.

Update on pending Additional Actions/Requests for Proposals (RFP's)

On September 9, 2019 the CCP approved services including the implementation and validation of the Public Safety Assessment (PSA) Court Tool. This Program will provide an assessment tool for Probation to make pretrial release recommendations to the court based on a risk assessment of each offender.

In August of 2020 the Fresno County Probation Department contracted with Justice System Partners (JSP) for PSA implementation and validation. Since that time, workgroups from various justice partners have met to develop an implementation process with training provided to all justice partners in September and October 2021.

The PSA tool went live on November 1, 2021 and has been integrated into the Probation Department case management system. There were some production delays due to COVID-19 and Information Technology (IT) resources being stretched to their capacity; however, the project has been finalized. Currently, some minor adjustments are being made to the PSA report; however, overall the assessment is being utilized to assist all parties with pretrial release decisions. All justice partners and collaboratives were trained in the PSA and next steps include quality control and eventually full validation based on Fresno County data.