



County of Orange

California

September 25, 2012

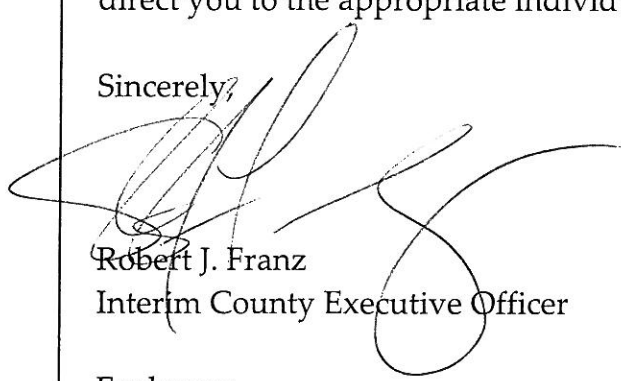
Honorable Thomas J. Borris
Presiding Judge of the Superior Court of California
700 Civic Center Drive West
Santa Ana, CA 92701

Subject: AB109: Public Safety Realignment: A Paradigm Change

Dear Judge Borris:

Per your request, and in accordance with Penal Code 933, please find the County of Orange status update to the subject report as approved by the Board of Supervisors. The respondents are the Orange County Probation Department and the Orange County Community Corrections Partnership. If you have any questions, please contact Michelle Zink at (714) 834-7487 in the County Executive Office who will assist you or direct you to the appropriate individual.

Sincerely,



Robert J. Franz
Interim County Executive Officer

Enclosure

cc: 2012-13 Orange County Grand Jury

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Third Floor
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ORANGE COUNTY BOARD OF SUPERVISORS
MINUTE ORDER
September 25, 2012

Submitting Agency/Department: County Executive Office

Approve proposed response to FY 2011-12 Grand Jury Report "AB109: Public Safety Realignment: A Paradigm Change"
- All Districts

The following is action taken by the Board of Supervisors:

APPROVED AS RECOMMENDED OTHER

Unanimous (1) NGUYEN: Y (2) MOORLACH: Y (3) CAMPBELL: Y (4) NELSON: Y (5) BATES: X
Vote Key: Y=Yes; N=No; A=Abstain; X=Excused; B.O.=Board Order

Documents accompanying this matter:

- Resolution(s)
- Ordinances(s)
- Contract(s)

Item No. 38

Special Notes:

Copies sent to:

CEO/Budget
Superior Court
Grand Jury

9/28/12



I certify that the foregoing is a true and correct copy of the Minute Order adopted by the Board of Supervisors, Orange County, State of California.
Susan Novak, Clerk of the Board

By: _____

Deputy



AGENDA STAFF REPORT

Agenda Item

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ASR Control 12-000965

MEETING DATE: 09/25/12
LEGAL ENTITY TAKING ACTION: Board of Supervisors
BOARD OF SUPERVISORS DISTRICT(S): All Districts
SUBMITTING AGENCY/DEPARTMENT: County Executive Office (Approved)
DEPARTMENT CONTACT PERSON(S): Michelle Zink (714) 834-7487
 Margaret Cady (714) 834-4104

SUBJECT: AB109: Public Safety Realignment: A Paradigm Change

CEO CONCUR
Concur

COUNTY COUNSEL REVIEW
N/A

CLERK OF THE BOARD
Discussion
3 Votes Board Majority

Budgeted: N/A

Current Year Cost: N/A

Annual Cost: N/A

Staffing Impact: No

of Positions:

Sole Source: N/A

Current Fiscal Year Revenue: N/A

Funding Source: N/A

Prior Board Action: N/A

RECOMMENDED ACTION(S):

1. Approve proposed response to FY 2011-12 Grand Jury Report entitled "AB109: Public Safety Realignment: A Paradigm Change".
2. Direct the Clerk of the Board to forward this ASR with exhibits to the Presiding Judge of the Superior Court and the FY 2012-13 Orange County Grand Jury no later than September 27, 2012.

SUMMARY:

Approve proposed response to the FY 2011-12 Grand Jury Report entitled "AB109: Public Safety Realignment: A Paradigm Change".

BACKGROUND INFORMATION:

In June 2012, the Grand Jury released a report titled "AB109: Public Safety Realignment: A Paradigm Change". This report directed Findings and Recommendations to the County of Orange. Enclosed as Exhibit 2 is the response to these Findings and Recommendations.

FINANCIAL IMPACT:

N/A

STAFFING IMPACT:

N/A

EXHIBIT(S):

1. Grand Jury Report
2. Response to Grand Jury Report
3. Transmittal Letter

2011-2012 Grand Jury Report
AB109: Public Safety Realignment: A Paradigm Change
Orange County Probation Department/Orange County Community Corrections
Partnership
Responses to Findings and Recommendations

Responses to Findings F.2, F.3 and F.4

- F.2** The number of Post-Release Community Supervision cases expected to be released from state prison to local facilities was significantly underestimated. The actual number over the first six months of operation exceeded expectations by approximately 59 percent.

Response: Agrees with the finding.

- F.3** Restrictions on the use of AB 109 state funding fails to recognize the increase in crime in communities and the additional demands placed on local law enforcement agencies.

Response: Disagrees partially with the finding.

The restrictions on the use of AB109 funding are statutorily mandated. The legislature has disallowed the use of AB109 funding in any manner that would supplant existing funding. However, AB109 funding may be used for costs associated with the supervision of persons on post release community supervision and those on mandatory release pursuant to AB109 which should allow for the use of AB109 funds to reimburse local law enforcement for assistance in the supervision of these populations.

- F.4** Restrictions on the use of AB 109 state funding fails to recognize the increase in crime in communities and the additional demands placed on local law enforcement agencies.

Response: Agrees with finding.

Responses to Recommendation R.2, R.3 and R.4

- R.2** Based on the first six-months of experience with the number of AB 109 state prison releases on Post-release Community Supervision, the Probation Department should prepare estimates that are more informed for the 2012-2013 fiscal year. (See F2).

Response: The recommendation will not be implemented because it is not warranted.

The original projections provided by the California Department of Corrections and Rehabilitation (CDCR) did not include the number of offenders serving parole violations in State prison on October 1, 2011. This population was originally slated to be released back to parole for continued supervision. However, in the last version of AB 109, it was determined that qualifying individuals (non-non-non's) would be released to probation.

This change resulted in the increased number of releases received during the first six months of implementation.

While the numbers were unexpectedly higher during the first six months, revised estimates are not required at this time as this issue has resolved itself. The previously mentioned population has already cycled through the prisons and is no longer adding to the projected numbers originally provided by CDCR. The actual numbers for April, May, June and July 2012 are consistent with the updated projections already provided by CDCR (within 5%).

- R.3** The Orange County Community Corrections Partnership (OCCCP) Executive Committee should explore a means to modify or work around the restrictions on compensating local law enforcement agencies for manpower expenses for ordinary enforcement of the law with regard to the PCS population in their communities. (See F3).

Response: *The recommendation has been implemented.*

A working group, including members of local law enforcement (LLE), has been formed to determine how the funding allocated to LLE can best meet their needs within the parameters of the law.

- R.4** Initiate a study by the Orange County Community Corrections Partnership (OCCCP) to compare crime rates in Orange County for the periods of October 2010 through September 2011 and October 2011 through September 2012. The comparison study to be completed by December 2012 with a copy of the study directed to the Orange County Grand Jury on or before December 31, 2012. (See F4).

Response: *The recommendation has been implemented.*

On July 26, 2012 the Orange County Community Corrections Partnership (OCCCP) approved the use of one-time AB109 funding to conduct a study to compare crime rates in Orange County. While every attempt will be made to complete and provide a copy of the study to the Grand Jury by December 31, 2012, any delays with completion of the study will be reported to the Grand Jury and a copy of the study will be provided when available.