



July 8, 2011

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TO: Chairs, County Boards of Supervisors
County Administrative Officers

FROM: Paul McIntosh
CSAC Executive Director

RE: **Allocation/Caseload Information on AB 109/AB 117 (Criminal Justice Realignment)**

This memo and attached materials are being furnished to assist counties as they undertake the implementation of [AB 109](#)¹, the 2011 public safety realignment measure that shifts responsibility for certain adult offender populations to counties.

Items covered in this memo include:

- 2011-12 allocation details for (1) AB 109 adult population shifts; (2) district attorney/public defender responsibilities associated with local revocation process; (3) one-time start-up/training funds and (4) one-time Community Correction Partnership (CCP) planning grants;
- Average Daily Population projections by county at full implementation of AB 109;
- August 1 deadline to designate county entity(ies) responsible for post-release community supervision;
- Application of the Brown Act to the CCP and its Executive Committee; and
- Requirement to establish Local Revenue Fund and related realignment subaccounts.

2011-12 Allocations

The attached Excel spreadsheet details county-by-county allocations for four distinct aspects of 2011 public safety realignment:

1. **AB 109 adult population shifts** – COLUMN 1 in the attached spreadsheet shows the per-county allocation associated with the programmatic aspects of AB 109. The estimated funding level for these activities statewide in 2011-12 is \$354.3 million, adjusted to reflect nine months of operation given the October 1, 2011 implementation date specified in AB 117. These funds are intended to cover all aspects of the adult population shifts: the transfer of the low-level offender population, counties' new supervision responsibilities for state prison inmates released to post-release community supervision (PRCS), and sanctions – to include incarceration – for those on PRCS who are revoked.

¹ Chapter 15, Statutes of 2011, as subsequently revised by [AB 117](#) (Chapter 39, Statute of 2011).

2. **District attorney/public defender revocation costs** – COLUMN 2 in the attached spreadsheet details the per-county allocation associated with the revocation hearings for those on PRCS in 2011-12.² These funds, allocated on the same formula as the AB 109 programmatic costs, are to be divided equally between the local district attorney and public defender offices to cover costs associated with revocation hearings (Government Code 30025(f)(5)).
3. **One-time allocation for AB 109 start-up costs** – COLUMN 3 in the attached spreadsheet details the per-county allocation associated with a one-time state General Fund appropriation of \$25 million. These funds are intended to help cover counties’ costs associated with hiring, retention, training, data improvements, contracting costs, and capacity planning pursuant to each county’s AB 109 implementation plan. Funds are allocated on the same formula as the AB 109 programmatic costs.
4. **One-time grant for CCP planning** – COLUMN 4 in the attached spreadsheet details each county’s one-time grant, awarded based on population “bands,” for purposes of assisting each county’s CCP in developing its AB 109 implementation plan. Grants will be administered through the Corrections Standards Authority and will be awarded in full within 30 days of the enactment of the 2011-12 state budget. CCP planning grants are distributed as follows:

County population	Grant level
Up to 200,000	\$100,000
200,001 to 749,999	\$150,000
Over 750,000	\$200,000

Furthermore, each county must provide the Corrections Standards Authority with a copy of its approved AB 109 implementation plan ***within 60 days of its approval*** by the county board of supervisors.

Average Daily Population (ADP) projections by county at full implementation

Tab 2 of the attached spreadsheet details the Department of Finance’s projections by county of the population impacts resulting from the implementation of AB 109 at full rollout. It is important to note all of the following:

1. These estimates reflect full implementation (Year 4 of realignment), given that the provisions of AB 109 are applied prospectively.
2. These population figures are expressed as an Average Daily Population (ADP), which reflect one inmate in one bed for one year. ADP does not represent the numbers of discrete individuals moving in and out of the system, but instead captures annual bed/slot numbers, given that a single bed or slot can be occupied by more than one person over the period of a year.

² Recall that pursuant to changes enacted in AB 117, the revocation process for state parolees will remain with the Board of Parole Hearings through June 30, 2013. On and after July 1, 2013, the entire revocation process – including for state parolees – will become a local responsibility.

3. These figures were revised by Department of Finance at May Revision to adjust for changes in state prison population estimates and to reflect additional crimes that were statutorily excluded from the definition of low-level offender.

The AB 109 allocation formula was based, in part, on the ADP figures identified in Tab 2.

Designation of County Entity for Post-Release Community Supervision Responsibilities

AB 117 (Chapter 39, Statutes of 2011) requires counties to notify the Department of Corrections and Rehabilitation (CDCR) *on or before August 1, 2011* as to the county agency (or agencies) designated to supervise offenders released onto PRCS. (Recall that this population is prison inmates who, beginning October 1, 2011, will be released from state detention onto county-level supervision rather than onto state parole.)

We understand that some counties are considering employing a hybrid supervision model that would involve more than one county department in PRCS. CDCR needs the supervising agency information for all relevant county departments so that it can furnish counties with details regarding state prison inmates who will be released onto PRCS 30 days prior to release.

By August 1, each county is asked to designate by email the PRCS supervising entity or entities and the contact information for a single point of contact per agency (name, title, agency, address, email address and phone number) to CDCR. Those details should be emailed to:

Erin M. Sasse
Chief, External Affairs
California Department of Corrections and Rehabilitation
erin.sasse@cdcr.ca.gov

Please note “[County name]: PRCS supervising entity” in the subject line of the email.

Application of the Brown Act to the CCP and its Executive Committee

County counsel indicate that the Community Corrections Partnership (Penal Code Section 1230(b)(2)) and its Executive Committee (Penal Code Section 1230.1) are subject to the Brown Act. Government Code Section 54952 (a) sets forth the definition of a legislative body within the Brown Act. That definition includes "any other local body created by state or federal statute." Since the CCP and its Executive Committee are established by statute, each is considered a legislative body under the Brown Act, and the requirements of the Act are therefore applicable. We advise counties to seek guidance of counsel as the meetings of the CCP and its Executive Committee are convened.

Requirement to establish County Local Revenue Fund 2011 (and other accounts)

AB 118, the budget trailer bill that creates the funding framework for all aspects of 2011 Realignment, requires the county or city and county treasurer to create the **County Local Revenue Fund 2011**. (See Government Code Section 30025(f)(1)). Within the County Local Revenue Fund 2011, each county must also establish a:

- Local Community Corrections Account
- Trial Court Security Account
- District Attorney and Public Defender Account
- Juvenile Justice Account
- Health and Human Services Account,
- Supplemental Law Enforcement Account

It is imperative that the County Local Revenue Fund 2011 and specified accounts are created as quickly as possible so that counties are able to receive 2011-12 allocations.

Other materials

We also are including an updated summary of the key elements of AB 109; a previous version had been shared with counties in late May. The attached version attempts to capture the key changes enacted last week in AB 117 that amend various aspects of AB 109.

Next steps

We will continue to communicate with counties on issues associated with public safety realignment in the coming weeks and months. We recognize the breadth and complexity of the work that is ahead for all of us and want to be a resource to assist counties during this period of transition and implementation. It is anticipated that additional technical and substantive changes to the funding structure are necessary to operationalize 2011 Realignment in 2011-12, so we will keep you advised as well regarding relevant legislation.

Should you have any questions on AB 109 implementation or other matters covered in this memo, please contact Elizabeth Howard Espinosa (eespinosa@counties.org 916/650-8131) or Rosemary McCool (rmccool@counties.org or 916/650-8116) of my staff.

cc: County Legislative Coordinators
County Criminal Justice Analysts
County Caucus