

KINGS COUNTY COMMUNITY CORRECTIONS PARTNERSHIP COMMITTEE MEETING

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact Kelly Zuniga, Chairman, at (559) 852-4303 by 4:00 p.m. at least one day prior to the meeting

A G E N D A SPECIAL MEETING

Date: November 9, 2020

Time: 8:30 a.m.

Place: WebEx Meeting only

Contact Phone Number: (559) 852-4303

- **WebEx Access:** You may participate from your smart phone by downloading the WebEx Meetings app to your smartphone. After opening the app, click on Join Meeting, and then enter the meeting information. **The meeting number 177 932 7184 and the password is n2vCPR8HpX6**

<u>COMMITTEE MEMBERS</u>		<u>EXECUTIVE COMMITTEE</u>	
Kelly Zuniga	Kings County Chief Probation Officer		
Dave Robinson	Kings County Sheriff	Kelly Zuniga	<u>Chairman:</u> Kings County Chief Probation Officer
Rusty Stivers	City of Avenal Chief of Police		
Keith Fagundes	Kings County District Attorney		<u>Members:</u>
Marianne Gilbert	Contract Administrator/Attorney for Indigent Defense (as Public Defenders)	Dave Robinson	Kings County Sheriff
Michelle Martinez	Executive Officer, Kings County Superior Court	Rusty Stivers	City of Avenal Chief of Police
Lisa Lewis	Behavioral Health Director	Keith Fagundes	Kings County District Attorney
Todd Barlow	Kings County Superintendent of Schools	Marianne Gilbert	Contract Administrator / Attorney for Indigent Defense (as Public Defenders)
Parker Sever	City of Hanford Chief of Police	Michelle Martinez	Executive Officer, Kings County Superior Court
Lance Lippincott	Director, Kings County Job Training Office	Lisa Lewis	Behavioral Health Director
Sanja Bugay	Director, Kings County Human Services Agency		
Doug Verboon	Board of Supervisors		
Rebecca Campbell	Kings County Administrative Officer		
Jeff Garner	Kings County Community Action Organization		
Julia Patino	Kings County Victim Witness Coordinator		

Please turn off cell phones and pagers, as a courtesy to those in attendance

- I. CALL TO ORDER
Roll Call

II. UNSCHEDULED APPEARANCES

Any person may directly address the Committee at this time on any item on the agenda, or on any other items of interest to the public, that is within the subject matter jurisdiction of the Committee. Five (5) minutes are allowed for each item.

III. SPECIAL MEETING AGENDA ITEM

A. Kelly Zuniga – Probation

Vote to change 2019/2020 Budget Allocations

Vote to approve the 2020 Final Plan

IV. ADJOURNMENT

Next Regular Meet January 6, 2021 at 1:30 p.m.

**County of Kings
Public Safety Realignment
&
Post Release Community Supervision
2020 Plan**



Executive Committee of the Community Corrections Partnership

Michelle S. Martinez, Court Executive Officer, Superior Court
David Robinson, Sheriff
Rusty Stivers, Chief, Avenal 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 Avenal 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] 2018-2019 AB 109 PROGRAM FUND BALANCE	[2] 2019-2020 Allocation for AB 109 PROGRAMS	[3] 2019-2020 Allocation for AB 109 DA/PD Activities (revocation)	[4] 2019-2020 Allocation for CCP Planning	[5] Allocation for PRCS	[6] Anticipated One- Time State Mandated Reimbursement Funding	[7] 2018-19 One- Time Growth Funding	[8] 2019-2020 10% Transfer Out to Innovation Sub- Account	Total 2019-20 Allocation
KINGS	\$4,780,598	\$8,154,831	\$120,000	\$100,000	\$0	\$663,267	(\$66,327)	\$13,792,369

FY 19-20 Adopted Distribution of AB 109 Funds:

	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 Budget	Total FY 19/20 Adopted	% of Total Allocated	Amount of One-Time \$
Administration (111000)	\$ -	\$ 28,979	\$ 97,547	\$ 94,981	\$ 94,981	\$ 94,981	\$ 47,491	\$ 47,491	\$ 47,491	0.42%	\$ -
County Counsel (130000)	30,024	18,230	89,676	88,164	88,164	88,164	44,000	44,000	44,000	0.39%	\$ -
Human Resources (140000)	19,375	28,143	128,201	131,799	131,799	131,799	65,900	65,900	65,900	0.59%	\$ -
District Attorney (216400)	-	-	68,088	114,027	263,822	237,408	95,515	190,182	344,439	3.08%	\$ 174,739
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	7,949,186	71.13%	\$ 208,535
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	2,674,965	23.93%	\$ 606,571
Defense of the Accused (302500)	78,110	37,750	30,750	27,500	32,500	53,250	53,250	50,000	50,000	0.45%	\$ -
	\$ 1,823,351	\$ 3,457,456	\$ 7,031,984	\$ 8,148,579	\$ 8,604,500	\$ 8,918,008	\$ 8,600,242	\$ 9,576,491	\$ 11,175,981	100.00%	\$ 1,173,380

Fund Balance Reserved for Ongoing

AB 109 Requirements: \$ 2,576,388

Budget Allocation minus one-time costs \$ 10,002,601

On-going Allocation (FY 19/20 Base) 8,154,831

Under(Over budget) \$ (1,847,770)

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 violation of probation hearings, thereby, requiring additional services from District Attorney Staff. The District Attorney also dedicates resources toward proactive follow-up with PRCS participants via communication through defense attorneys representing PRCS participants and ensuring local resources are available and offered through said communication with the participant's attorney. The District Attorney dedicates resources to help locate PRCS probationers who have warrants for non-appearance and non-participation in supervision.

DEFENSE OF THE ACCUSED

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 Penal Code (PC) 1192.7(c) and non-violent pursuant to 667.5(c) PC.

As of October 1, 2020 the department supervises approximately 360 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. This brings the number of those supervised by these six officers to 693. 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. Further, due to COVID-19, there were accelerated releases from state prison to slow the spread of the virus within the prison walls. We saw approximately 100 early releases due to the state prisons lowering their populations. This increase put a significant strain on our staff to ensure these releases were provided the necessary services and supervision, as they were often released on the weekend requiring staff to be ready to respond at a moment's notice.

- **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 authority granted by Penal Code sections 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. As of October 1, 2020 the program supervises approximately 66 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. Further, 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.

The Probation Department signed several Memoranda of Understanding with the County's local Justice Partners effective July 1, 2019 through June 30, 2020 as recommended and approved by the CCP Executive Board. The agencies included are the Kings County Sheriff's Office, Kings County District Attorney's Office, Hanford Police Department, Lemoore Police Department, Corcoran Police Department, Avenal Police Department and the Job Training Office; these agencies will be working in conjunction with the Kings County Probation Department. The goal of the collaborative effort is to assist in improving the quality of life in our communities by reducing crimes committed by individuals subject to Post Release Community Supervision (PRCS). Unfortunately, we were unable to continue all the programs into FY 2020-21. The contract with the Job Training Office is the only one that will continue to operate in this fiscal year. We saw positive impacts, including increases numbers of our clients secure jobs and remain crime free.

Job Training Office	\$110,673
---------------------	-----------

Total: \$ 110,673

SHERIFF

The Sheriff's Office saw an increase in the number of inmates beginning early in 2020, due to the COVID-19 virus and the fact state prisons closed inmate reception centers. The jail population hovered at approximately 500 inmates and above all year. The overcrowding caused by COVID-19 resulted in a handful of inmates being released early and higher bail amounts being cited upon booking. The Sheriff's Office is currently citing the majority of bookings with bail amounts up to \$25,000.

Due to budget reductions, \$25,000 that was awarded to the Sheriff's Office in FY 2019-2020 to work directly with probation staff, was removed in the current fiscal year. The CCP Board voted to keep other funding in place to ensure staff lay-offs did not occur. Funding through AB 109 dollars does not cover all costs such as medical costs for inpatient and outpatient medical needs. The original CCP Board gave the majority of the funding to the Sheriff's Office to stop the early release of inmates that had been occurring for many years. Any further reductions in future funding will likely result in the early release of inmates back into the community.

Additionally, the Sheriff's Office 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:

The jail programs currently supported in whole or in part from AB 109 funds include:

- Koinonia Church's ministry in the jail, teaching "Battle Zone", which is a Bible study program. A chaplain is teaching a variety of Bible classes and helps organize other inmate religions needs. – This program is temporarily suspended due to COVID-19.
- Limited in custody programs delivered by Champions Recovery Services. Champions has focused their efforts to out-of-custody programs, including work in the Day Reporting Center.
- GED services, as well as computer skills, life skills and/or Narcotics and Alcoholics Anonymous meetings. NA and AA programs will be reinstated after COVID-19 restrictions in November of 2020.
- In conjunction with the Job Training Office, the Programs Division of the Kings County Sheriff's Office has implemented resume building classes along with additional job preparation programs, held in the computer-equipped classroom.
- The Programs Division has implemented a gardening class where inmates can grow different crops and develop horticulture skills. Temporarily suspended due to COVID-19.
- All inmates are eligible to assist in a variety of career related areas including: the vehicle maintenance shop, Kings County Animal Services, the jail kitchen, and county motor pool. Through these programs, inmates clean parks and community substations utilized by Sheriff's Officer personnel. Services have been reduced to "on campus"

activities such as the jail kitchen, auto detailing and landscaping within the Sheriff's Office campus.

- Sheriff's Office auto detailing program, which teaches trade skills that can successfully lead to job security upon release.

- The Sheriff's Office has also expanded 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 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 management of 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

Human Resources manages recruitments to attract qualified candidates, facilitates the hiring process, and performs other related personnel tasks to maintain and support staffing of the additional funded positions in County Departments related to Realignment. Human Resources continues to work with the overall AB 109 increases in staffing and related turnover 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

completes annual realignment questionnaires for the State. Its efforts also include the preparation of this report.

Administration has also managed the financials for the AB 900 Phase II jail expansion and the SB 1022 jail expansion projects. The AB 900 Phase II project has been completed, and administration completed the audit. Administration is continuing to work on the final close-out of 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"> - Flash Incarceration - Alternative Sanctions - Vocational Training - Educational Training - Specialized Courts - MH & AOD Services

OUTCOMES

Every year, the State allocates future Public Safety Realignment growth revenue to counties across the State from a 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 2nd Strikers (\$334,774 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 second striker fewer 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 total statewide with the county receiving 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) provided an update on October 1, 2019 detailing the description of growth allocation. See table on the next page.

2nd Striker Reduction (\$30,434 per) (10% from top)						
		2nd Strikers - 2017	2nd Strikers - 2016	Reduction	2nd striker share	2nd striker \$
Kings		103	114	11	-	\$ 334,774
California		9,843	9,148	151	100%	\$4,595,534

Felony Probation Success (60%)

	2017 Probation Population	Revoked to Jail or Prison	Successes	Statewide Share	\$
Kings	1,351	99	1,252	.50%	\$ 149,580
California	266,815	14,791	252,024	100%	\$ 30,104,007

Felony Probation Improvement (20%)						
	2017 Failure Rate	2016 Failure Rate	Improvement	# of Probationers Improvement Represents	Statewide Share	\$
Kings	7.33%	6.08%	0.00%	-	0.00%	\$ -
California	5.54%	5.05%	0.00%	267	100%	\$ 10,034,669

Incarceration Reduction (10%)						
	Incarcerated from County - 2017	Incarcerated from County - 2016	Incarcerated from County - Difference	Incarceration Reduction	Statewide Share	\$
Kings	385	418	-5.50%	23	3.57%	\$ 178,913
California	37,173	35,712	4.09%	645	100%	\$ 5,017,335

Low Incarceration Rate (10%)						
	County Population	Incarceration Rate - 2017	Rate Below Statewide	Prisoners Fewer Because Lower	Statewide Share	\$
Kings	149,630	0.26%	0.00%	-	0.00%	\$ -
California	39,504,609	0.09%		5,981.95	100%	\$ 5,017,335

Total		
	Statewide Share	Total Growth \$
	1.2110%	\$ 663,267
California	100.00%	\$ 54,768,879

Goals

1) Implement a non-monetary, risk-based alternative to incarceration for pre-trial offenders to alleviate jail overcrowding. Through an application and RFP process for a grant provided by the Judicial Council of California, the Kings County Superior Court and the Kings County Probation Department, along with the Sheriff, District Attorney and Contract Defense Attorney Coordinator, worked collaboratively to develop a pretrial pilot program. As a result of the process, the Superior Court received grant funding for the pilot program. The Probation Department, through funding of the grant, will provide pretrial services seven days a week from 0700 to 1800 hours and 2300 to 0700 hours. The program will be staffed with one (1) full-time Deputy Probation Officer III, three (3) full-time Probation Aides, and one (1) full-time Electronic Monitoring Technician with oversight by a Deputy Chief Probation Officer in cooperation with the Kings County Court Executive Officer.

The pretrial pilot program will 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 the Job Training Office 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. Continue exploring an updated and much needed 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 2019-2020, there were 599 offenders that participated in the GPS Monitoring Program. There were 509 participants that completed the program making the successful completion rate of 85%. The average daily population for the program was 66.

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

In FY 2019-2020, there were a total of 693* offenders sent to State Prison or Local Custody. The breakdown is as follows:

- Adult Felony – State Prison **556 Offenders**
- Adult Felony – 1170(h) Straight Sentences **31 Offenders**
- Adult Felony – 1170(h) Split Sentence **103 Offenders**
- Adult Felony – 1170(h) Split Sentence Mandatory Supervision only **3 Offenders**
- Total 693 Offenders**

*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 2019-2020 there were a total of 190 new offenders placed on Post Release Community Supervision.