File No. 110907

Committee Item No. 22
Board Item No. 7

# COMMITTEE/BOARD OF SUPERVISORS

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**Committee:** Budget and Finance Committee **Date:** September 7, 2011

**Board of Supervisors Meeting** **Date** 9/20/11

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**Completed by:** Victor Young **Date:** Sept 2, 2011
**Completed by:** Victor Young **Date:** 9-5-11

An asterisked item represents the cover sheet to a document that exceeds 25 pages. The complete document is in the file.

Amendment of the Whole
in Committee. 9/7/11

FILE NO. 110907

ORDINANCE NO. _____

RO#12005
SA#5

[Appropriating State Assembly Bill 109 Realignment Funds to Support Expenditures at the Adult Probation and Other Departments for FY2011-2012 - $5,787,176]

**Ordinance appropriating $5,787,176 of Assembly Bill 109 Public Safety Realignment revenue to support related expenditures at Adult Probation, District Attorney, Public Defender, and Sheriff for FY2011-2012.**

Note: Additions are *single-underline italics Times New Roman*; deletions are ~~*strikethrough italics Times New Roman*~~. Board amendment additions are double underlined. Board amendment deletions are ~~strikethrough normal~~.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The sources of funding outlined below are herein appropriated to reflect the funding available for Fiscal Year 2011-2012.

**SOURCES Appropriation**

| Fund | Index Code | Subobject | Description | Amount |
|---|---|---|---|---|
| 1G AGF AAA GF-Non-Project-Controlled | TBD –Adult probation | 48920 | AB109 Public Safety Realignment | $5,055,224 |
| 1G AGF AAA GF-Non-Project-Controlled | TBD –District Attorney | 48920 | AB109 Public Safety Realignment | $190,507 |
| 1G AGF AAA GF-Non-Project-Controlled | TBD –Public Defender | 48920 | AB109 Public Safety Realignment | $190,507 |

| | | | | | |
|---|---|---|---|---|---|
| 1G AGF AAA GF-Non-Project-Controlled | TBD –Sheriff | 48920 | AB109 Public Safety Realignment | $350,938 |
| **Total SOURCES Appropriation** | | | | **$5,787,176** |

Section 2. The uses of funding outlined below are herein appropriated in various objects, and reflects the projected uses of funding to support increased expenditures at Adult Probation, District Attorney, Public Defender, and Sheriff for Fiscal Year 2011-2012.

**USES Appropriation**

| Fund | Index Code / Project Code | Object | Description | Amount |
|---|---|---|---|---|
| 1G AAA AAA – General Fund | TBD- Adult Probation Realignment | 00100 | Salaries - Miscellaneous | ~~$991,152~~ $1,318,414 |
| 1G AAA AAA – General Fund | TBD- Adult Probation Realignment | 01300 | Fringe Benefits | ~~$369,461~~ $527,366 |
| 1G AAA AAA – General Fund | TBD- Adult Probation Realignment | 02200 | Training | $100,000 |
| 1G AAA AAA – General Fund | TBD- Adult Probation Realignment | 02700 | Processional & Specialized Services | $1,198,272 |

| | | | | | |
|---|---|---|---|---|---|
| 1G AAA AAA – General Fund | TBD- Adult Probation Realignment | 03500 | Software Licensing | $65,000 |
| 1G AAA AAA – General Fund | TBD- Adult Probation Realignment | 04300 | Communication Supplies | $17,083 |
| 1G AAA AAA – General Fund | TBD- Adult Probation Realignment | 04500 | Safety Supplies | $33,610 |
| 1G AAA AAA – General Fund | TBD- Adult Probation Realignment | 04900 | Other Materials and Supplies | $63,000 |
| 1G AAA AAA – General Fund | TBD- Adult Probation Realignment | 06000 | Equipment – Vehicles | $210,000 |
| 1G AAA AAA – General Fund | TBD- Adult Probation Realignment | 08199 | Services of other Departments | ~~$969,700~~ $1,289,874 |
| 1G AAA AAA – General Fund | TBD- Adult Probation Reentry | 00100 | Salaries - Miscellaneous | ~~$709,247~~ $153,290 |
| 1G AAA AAA – General Fund | TBD- Adult Probation Reentry | 01300 | Fringe Benefits | ~~$283,699~~ $61,315 |

| | | | | | |
|---|---|---|---|---|---|
| 1G AAA AAA – General Fund | TBD- Adult Probation Reentry | 04900 | Other Materials and Supplies | $18,000 |
| 1G AAA AAA – General Fund | 045007- District Attorney Prosecution | 00100 | Salaries - Miscellaneous | $137,903 |
| 1G AAA AAA – General Fund | 045007- District Attorney Prosecution | 01300 | Fringe Benefits | $52,604 |
| 1G AAA AAA – General Fund | TBD- Public Defender | 00100 | Salaries - Miscellaneous | $139,755 |
| 1G AAA AAA – General Fund | TBD- Public Defender | 01300 | Fringe Benefits | $50,752 |
| 1G AAA AAA – General Fund | 062420 – Sheriff Alternative Programs | 03800 | City Grant Programs | $150,000 |
| 1G AAA AAA – General Fund | 062CJW – Sheriff Jail No 5W | 04000 | Materials and Supplies | $50,938 |
| 1G AAA AAA – General Fund | 062SBJ – Sheriff San Bruno Jails | 04600 | Food | $150,000 |
| **Total USES Appropriation** | | | | **$5,787,176** |

Section 3. The Controller is hereby authorized to adjust and apply transfers to reflect new expenditure authority contained in this Ordinance.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: _____
Deputy City Attorney

FUNDS AVAILABLE
Ben Rosenfield, Controller

By: _____

Date: September 2, 2011

| Items 21, 22, 23<br>Files 11-0902, 11-0907, and 11-0920 | Department:<br>Adult Probation<br>Sheriff's Department<br>District Attorney's Office<br>Public Defender's Office |
|---|---|

## EXECUTIVE SUMMARY

### Legislative Objectives

- Resolution approving the City and County of San Francisco 2011 Public Safety Realignment Plan, and ordinances to appropriate State monies and amend the Annual Salary Ordinance in furtherance of the Realignment Plan. This report is based on an Amendment of the Whole, which, according to the Mayor's Office, will be submitted to the Budget and Finance Committee.

### Key Points

- California Assembly Bill 109, known as the "2011 Public Safety Realignment" transfers responsibility for housing and monitoring lower level offenders from the State to the counties as of October 1, 2011. This includes redefining some felonies, increasing "custody credits" (reducing time served in jail), and revising post-release supervision and parole revocations. In San Francisco, the Sheriff's Department, Adult Probation Department, District Attorney's Office, Public Defender's Office, and other County agencies, which are part of San Francisco County's Community Corrections Partnership, established by the California Penal Code, are required to develop a Public Safety Realignment Plan for housing and monitoring low-level offenders who would have previously been under the responsibility of the State.
- The California Department of Corrections and Rehabilitation estimates that responsibility for approximately 646 inmates and "post-release community supervision offenders" (offenders who would previously been on parole but are now under the supervision of the Adult Probation Department) will be transferred from the responsibility of the State to the County of San Francisco in FY 2011-12. The Sheriff's Department's FY 2011-12 budget included $4,742,471 in General Fund monies previously appropriated by the Board of Supervisors to open County Jail #6 and increase electronic monitoring of offenders in lieu of incarceration. In addition, the State has allocated $5,787,176 to San Francisco to pay for the costs of the Sheriff's Department, the Adult Probation Department, the District Attorney's Office, and the Public Defender's Office for the increased caseload as a result of such realignment. Total FY 2011-12 funding for Public Safety Realignment is $10,529,647 ($4,742,471 in General Fund monies and $5,787,176 in State monies).
- Resolution 11-0920 approves the County of San Francisco's 2011 Public Safety Realignment Plan.
- Ordinance 11-0907 appropriates $5,787,176 in State Public Safety Realignment funds, including (a) $5,055,224 to the Adult Probation Department for increased supervision and services for an estimated increase of at least 421 post-release community supervision offenders, (b) $350,938 to the Sheriff's Department for food, supplies, and services for an estimated increase of at least 225 inmates, (c) $190,507 to the Public Defender's Office for increased

attorney and support services, and (d) $190,507 to the District Attorney's Office for increased attorney and support services.

- Ordinance 11-0902 amends the Annual Salary Ordinance to add 31 new positions, including (a) 27 new Deputy Probation Officers, Supervising Deputy Probation Officers, and administrative support positions in the Adult Probation Department, (b) 2 new positions in the Public Defender's Office, and (c) 2 new positions in the District Attorney's Office.

## Fiscal Impact

- The State Department of Finance calculated the State funding allocation to San Francisco of $5,787,176 based on a formula. The calculated State funding per inmate or post-release community supervision offender transferred from the responsibility of the State to the County may be less than the actual costs to San Francisco to provide services. For example, the State calculates the cost per jail inmate to be $25,000 per year, but the Sheriff's Department calculates the cost to be $50,000 per year. Also, San Francisco County's Community Corrections Partnership, established by Senate Bill 678 to include members from the Sheriff's Department, Adult Probation Department, District Attorney's Office, Public Defender's Office, and other County agencies, estimates that the actual total number of inmates and post-release community offenders will exceed 646, including 225 inmates and 421 post-release community supervision offenders, as had been estimated by the State Department of Corrections and Rehabilitation. Therefore, according to the Mayor's Office, the actual cost to San Francisco in FY 2011-12 due to Public Safety Realignment may exceed $10,529,647 ($4,742,471 previously appropriated by the Board of Supervisors in the Sheriff's Department's FY 2011-12 budget and $5,787,176 allocated by the State).

- Further, the proposed Public Safety Realignment Plan commits the City to ongoing costs for positions and related costs. However, because State funding for future years will be determined by the Department of Finance and, according to AB109, the current formula is subject to change, the amount of future years' funding is uncertain.

## Recommendations

1. The Adult Probation Department has proposed 27 new positions, of which three new positions would be in the Reentry Division, which is expanding from two positions to five positions as a result of Public Safety Realignment. However, because Public Safety Realignment has not yet been implemented, the actual workload, including outreach activities, service coordination, data collection, analysis and reporting, and other functions, are not yet known. The Budget Analyst recommends approval of four of the five Reentry Division positions, including one 0923 Manager II, one 1824 Principal Administrative Analyst, and two 1823 Senior Administrative Analysts, and deletion of one (0.75 FTE) new 1823 Senior Administrative Analyst with a corresponding reduction in salary and fringe benefit costs in FY 2011-12 of $95,906. The Adult Probation Department disagrees with this recommendation. According to the Adult Probation Department, the principal functions of the Senior Administrative Analyst positions provide the Department much needed capacity that has been lacking for many years. However, because Public Safety Realignment will be implemented incrementally, commencing on October 1, 2011 with the number of post-release community supervision offenders under the Adult Probation Department's supervision increasing gradually, the Budget Analyst considers four professional staff for the Reentry Division to be sufficient in FY 2011-12.

2. The Mayor's Office anticipates that the initial State allocation of $5,787,176 (File 11-0907) and $4,742,471 previously appropriated by the Board of Supervisors in the Sheriff's Department's FY 2011-12 budget, for implementation of Public Safety Realignment in FY 2011-12, will not be sufficient to fully cover the County's costs. Furthermore, the total parole and post-release supervision population estimates are based upon data from the California Department of Corrections and Rehabilitation (CDCR). However San Francisco County's Community Corrections Partnership Executive Committee expects the actual population to be greater than the State projections. Therefore, the Budget and Legislative Analyst recommends reallocating the $95,906 recommended reduction under Recommendation 1 above to Sub-object 03500 Other Current Expenses, and placing such funds on Budget and Finance Committee reserve, pending a detailed expenditure plan to be submitted by the Adult Probation Department to the Budget and Finance Committee.
3. Because the Public Safety Realignment Plan commits the City to ongoing positions and costs that are estimated by the Mayor's Office to exceed State funding, the Budget and Legislative Analyst considers approval of the proposed resolution and ordinances, as amended, to be policy matters for the Board of Supervisors.

## BACKGROUND

### Mandate Statement

California Penal Code Section 1230.1 requires San Francisco County's Community Corrections Partnership, a body created by Senate Bill (SB) 678 to include members from the Sheriff's Department, Adult Probation Department, District Attorney's Office, Public Defender's Office, and other County agencies, to: (a) recommend a local plan for the implementation of the 2011 Public Safety Realignment, and (b) form an executive committee of the Community Corrections Partnership to submit the plan to the Board of Supervisors. Under the California Penal Code, the Public Safety Realignment plan shall be deemed accepted by the Board of Supervisors unless rejected by a 4/5$^{ths}$ vote, in which case the plan returns to the Community Corrections Partnership for further consideration.

In accordance with Section 9.105 of the City Charter, subject to the Controller's certification of the availability of funds, the Mayor and/or the Board of Supervisors may initiate amendments to the Annual Appropriation Ordinance, which must be subsequently approved by the Board of Supervisors.

Under the City's Charter, the Board of Supervisors is responsible for amending and approving the Annual Appropriation Ordinance and the Annual Salary Ordinance.

### Background

In 2009 the State Legislature approved Senate Bill (SB) 678 to attempt to reduce recidivism of felony probationers by improving probation services using evidence-based practices. SB 678 established a Community Corrections Partnership in each county chaired by the Chief Probation Officer with members from the Police Department, District Attorney's Office, Public Defender's Office, and a presiding Judge or his/her designee, and others. SB 678 also created an incentive-based formula allocating funds to the Adult Probation Department based on reduced recidivism.

In 2011, the State Legislature approved Assembly Bill (AB) 109, the Public Safety Realignment Act, which transferred responsibility for lower level offenders from the State to the counties.[1] Lower level offenders are defined by the Penal Code as those whose current offense was not deemed "serious, violent, or a sex crime".

AB 109 specifically does the following:

1. Transfers responsibility for supervising specified lower level inmates and post-release community supervision offenders from the California Department of Corrections and Rehabilitation to local county custody;
2. Redefines some felonies to be served in local county jails rather than in State prisons;
3. Reduces time served by reducing "custody credits" from 6 days of credit for every 4 days of time served to 4 days of credit for every 2 days of time served; and
4. Changes post-release community supervision and parole revocations to be served locally.

The California Department of Corrections and Rehabilitation estimates that San Francisco will assume responsibility for an additional 646 inmates and post-release community supervision offenders, including 421 post-release community supervision offenders and 225 inmates. As of October 1, 2011, San Francisco will assume responsibility for inmates and post-release community supervision offenders[2] that were previously the responsibility of the State, as follows:

(a) Non-violent, non-serious, non-sex-offender post-release community supervision offenders will be supervised locally, resulting in an estimated increase in the Adult Probation Department's average daily caseload of 421, from the current average caseload of 6,259 to the estimated average caseload of 6,680.

(b) Specified crimes will now be sentenced to county jail rather than State prison, resulting in an estimated increase in the average daily jail population of 164 additional inmates.

(c) Parole hearings and all revocations will take place at the local level, resulting in an estimated increase in the average daily jail population of 61 additional inmates.

The total estimated increase in the average daily jail population is 225 (164 plus 61), from the current average daily jail population of 1,480 to the estimated average daily jail population of 1,705.[3]

In order to prepare for the increase in prisoners at the county level, the Board of Supervisors previously appropriated $4,742,471 in the Sheriff's Department's FY 2011-12 budget, including $4,042,471 for the Sheriff's Department to staff two housing units in San Bruno Jail #6, which is

[1] AB 117 later changed some details of AB 109, postponing the date of implementation and adjusting the phase-in process for transferring custody from the State to the counties.

[2] According to the California Department of Corrections and Rehabilitation, the number of additional inmates, and post-release community supervision offenders for which San Francisco is responsible will increase gradually, beginning on October 1, 2011. Under the California Department of Corrections and Rehabilitation's estimates, San Francisco will have responsibility for the estimated 646 additional inmates and post-release community supervision offenders by approximately January 2012. Under Public Safety Realignment, no prisoner currently incarcerated by the State of California will be transferred to a County jail to serve the remainder of their State sentence.

[3] Average Daily Population used was for July of 2011.

currently closed,[4] and $700,000 to increase electronic monitoring of inmates in lieu of incarceration.

As part of the Public Safety Realignment, the State has allocated $5,787,176 to San Francisco in FY 2011-12 to implement the 2011 Public Safety Realignment Plan from October 1, 2011 through June 30, 2012. Therefore, total FY 2011-12 funding for Public Safety Realignment is $10,529,647, including $4,742,471 in General Fund monies in the Sheriff's Department's FY 2011-12 budget as previously appropriated by the Board of Supervisors and $5,787,176 in State monies, which are the subject of the proposed appropriation under File 11-0907.

## DETAILS OF PROPOSED LEGISLATION

Under AB 109, San Francisco County's Community Corrections Partnership is required to develop a plan for implementing Public Safety Realignment and submit that plan to the Board of Supervisors for approval. The proposed resolution (File 11-0920) would approve the 2011 Public Safety Realignment Plan. The proposed ordinances would approve a supplemental appropriation of State funds totaling $5,787,176 (File 11-0907), and an amendment adding 31 new positions to the Annual Salary Ordinance (File 11-0920).

This report is based on an Amendment of the Whole, which, according to Mr. Rick Wilson of the Mayor's Office, is to be submitted by the Mayor's Office to the Budget and Finance Committee.

**Public Safety Realignment**

The City and County of San Francisco 2011 Public Safety Realignment Plan consists of:

1. Proposed Administrative Code revisions, which allow for more alternatives to incarceration, including home detention and/or electronic monitoring in lieu of incarceration. These Administrative Code revisions, which are not part of this legislation, will require future Board of Supervisors approval. According to Mr. Wilson, the date for submitting these Administrative Code revisions to the Board of Supervisors for approval is not yet known.
2. Strengthening the Validated Risk and Needs Assessments and Individualized Treatment and Rehabilitation Programs to facilitate transition from the jail to community supervision provided by the Adult Probation Department. According to Mr. David Koch, Deputy Chief Probation Officer, the Adult Probation Department is currently implementing plans that will allow the Department to better assess the needs and risks for each offender so that they can offer the best treatment options.
3. Opening San Bruno Jail #6 to accommodate 225 additional inmates; and
4. Developing a research design, collecting data, and reporting to the Board of Supervisors on outcomes associated with AB109.

[4] Currently, the Sheriff's Department estimates that San Bruno Jail #6 will open in January, 2012. The Sheriff's Department expects to use overtime to staff the San Bruno Jail #6.

Table 1 below shows the allocation to the Adult Probation Department, Public Defender's Office, District Attorney's Office, and the Sheriff's Department of the proposed supplemental appropriation of $5,787,176 in State funds (File 11-0907) and proposed amendment to the Annual Salary Ordinance of 31 new positions (File 11-0902).

**Table 1**

| | Proposed Funding Allocation | Number of New Positions | Number of FTEs in FY 2011-12 |
|---|---|---|---|
| Adult Probation Department | $5,055,224 | 27 | 17.76 |
| Public Defender | 190,507 | 2 | 1.50 |
| District Attorney | 190,507 | 2 | 1.33 |
| Sheriff's Department | 350,938 | 0 | 0 |
| **TOTAL** | **$5,787,176** | **31** | **20.59** |

**Adult Probation**

Under the Public Safety Realignment Plan, the Adult Probation Department expects an incremental increase in caseload from the addition of the post-release community supervision population beginning October 1, 2011. To accommodate the expected increase in caseload and implement the proposed Public Safety Realignment Plan, the Adult Probation Department plans to increase staffing and services and reorganize some functions.

The Attachment provided by Ms. Diane Lim, Adult Probation Department Chief Financial Officer, provides details of the $5,055,224 (see Table 1 above) budget for staffing and related costs.

Probation Caseload

Currently, the Adult Probation Department has a caseload of 6,259 probationers, as shown in Table 2 below. Under the Public Safety Realignment, the Adult Probation Department's caseload will increase by an estimated 421, from 6,259 to 6,680. However, according to the Public Safety Realignment Plan, total Adult Probation Department caseload may increase by 646, from 6,259 to 6,905, as the Sheriff's Department releases inmates to community supervision.

**Table 2**

| Level of Supervision | Number |
|---|---|
| Limited Supervision for Driving Under the Influence Offenders | 860 |
| Limited Supervision (Low Risk Offenders) | 1,563 |
| Community Services Supervision (Medium to High Risk Offenders) | 2,085 |
| Specialized Supervision | 1,751 |
| Total | 6,259 |

Post Release Community Supervision and Pre Release Division

The Adult Probation Department will create a Post Release Community Supervision Unit that will have responsibility for intensive supervision of the post-release community supervision population (those who would have been on parole and instead are now the responsibility of the County). The Department will also add a Pre Release Team with responsibility for coordinating the release of inmates from the County jail or State prison to the County's Community Supervision.

*Deputy Probation Officers (15 New Positions)*

The Adult Probation Department proposes to add 15 new Deputy Probation Officers (13 new Deputy Probation Officers for Post Release Community Supervision and 2 new Deputy Probation Officers for the Pre Release Team). Currently, the Adult Probation Department has 76 Deputy Probation Officers for 6,259 for an average ratio of probationers to Deputy Probation Officers of 82:1. The 15 new positions would result in 91 Deputy Probation Officers to 6,680 probationers and post-release community supervision offenders (6,259 current probationers plus 421 post-release community supervision offenders). Therefore, the average caseload ratio would reduce from 82:1 to 73:1.

The goal of the Public Safety Realignment Plan is to reduce the average caseload of post-release community supervision offenders to Deputy Probation Officers in order to accommodate the more intensive supervision required for these offenders. According to the Public Safety Realignment Plan, "given the anticipated high-risk level of post release community supervision offenders, APD (Adult Probation Department) projects additional Deputy Probation Officers are needed to provide more intensive supervision of this offender cohort, proposed at a ratio of 50:1."

*Other Post Release Community Supervision and Pre Release Division Positions (9 New Positions)*

As shown in the Attachment, the Adult Probation Department also proposes nine new positions in the Post Release Community Supervision and Pre Release Division as follows:

- Two new Supervising Deputy Probation Officers and one new Division Director to provide supervisory and management support;
- One new Training Officer to support and facilitate provision of extensive training relating to laws and policies associated with AB109 implementation, and increase knowledge/skills in evidence based practices.
- One new Information Systems (IS) Training Assistant to support expanded agency operations and increase functionality associated with greater reliance on information technology to perform required duties.
- Four new clerical positions in the Records Unit to handle the additional clerical responsibilities of realignment.

- One Division Director to oversee the Post-release Community Supervision and Pre-Release Division.

The Adult Probation Department also proposes reclassification of one existing 1823 Senior Administrative Analyst position to an 1824 Principal Administrative Analyst position to manage grants and contracts.

*Professional Services and Other Costs*

In addition to the 24 (15 plus 9 as shown above) new positions described above in the Post Release Community Supervision and Pre Release Division, the Adult Probation Department proposes:

(1) One-time costs of $300,000 for policy development ($100,000) and planning ($200,000) to rewrite many of the current policies that will be outdated due to changes in the California Penal Code.

(2) Ongoing training costs of $100,000 for annual and specialized training of the new Deputy Probation Officers as well as the new Training Officer noted above. This will include gender responsiveness and specified training in implementing the requirements of AB 109.

(3) Other one-time and ongoing costs for materials, supplies, and services to support the Post Release Community Supervision and Pre-Release Division, including information technology equipment and support, office supplies, vehicles, and other supplies and services. The details of such costs are shown in the Attachment.

(4) Professional Services and Work Orders including:

(a) $860,789 to create a "Community Assessment and Service Center" to provide case management and other services to probationers. The Community Assessment and Service Center would be an alternative to probation revocation and would be based on a daily reporting program where probationers could be required to attend the Center for monitoring, urine analysis (drug testing). The Center would also have additional services such as cognitive skill building curriculum and referral services. The Adult Probation Department proposes to issue a Request for Qualifications (RFQ) to select a community based organization to provide these services.

(b) $650,000 to the Department of Public Health to provide substance abuse and mental health services to probationers.

(c) $138,957 to the Department of Public Health to fund two Senior Social Worker positions. These two social workers would work with two Deputy Probation Officers, noted above, as part of the "Pre-Release Team" to facilitate the transition from incarceration to probation and provide services once released.

(d) $30,000 to the Office of Economic and Workforce Development for vocational training, work placements and job/training specific clothing and/or equipment.

(e) $132,500 to the Human Services Agency to provide housing services to an estimated 91 to 125 inmates on release from jail.

(f) $181,217 to the City Attorney's Office to fund one 8177 Attorney to provide legal services to the Adult Probation Department to process potential law suits filed because of realignment and to ensure that policies and procedures conform to applicable laws.

Reentry Division (3 New Positions in Addition to the 24 New Positions Described Above for the Post-Release Community Supervision and Pre-Release Division)

The Adult Probation Department also proposes to create a Reentry Division. According to the Public Safety Realignment Plan, the role of the Reentry Division is to:

(1) Coordinate City funding streams for resources to support inmate reentry, probationers, and post-release community supervisees;

(2) Coordinate and oversee the implementation of reentry grants and collaborate with community-based organizations and other city agencies; and

(3) Provide the Board of Supervisors, Mayor's Office, and criminal justice agencies with statistical reports that detail San Francisco's effectiveness and progress in implementing criminal justice realignment.

Responsibility for the Reentry Division was transferred from the Public Defender's Office to the Adult Probation Department in the FY 2011-12 budget, including two existing positions. The Adult Probation Department proposes to increase Reentry Division staffing from two to five positions, including three new positions, as follows:

- One 0923 Manager II position will be reclassified from the existing 0922 Manager I position, which was transferred from the Public Defender's Office to the Adult Probation Department in the FY 2011-12 budget, to manage the Reentry Division and oversee the work of four proposed staff. This position serves as the policy director for the Reentry Division.

- One new 1824 Principal Administrative Analyst position will serve as the director of research, developing methodology to evaluate the effectiveness of programs and services.

- One existing 1823 Senior Administrative Analyst position was transferred from the Public Defender's Office to the Adult Probation Department in the FY 2011-12 budget, with responsibility to (a) provide staff support to the Reentry Council, which is a 23-member council to coordinate support for inmates on release from the County jail, Juvenile Hall, or State prisons, and made up of 16 City department representatives, 3 representatives appointed by the Mayor and 4 representatives appointed by the Board of Supervisors; (b) provide staff support to the San Francisco County's Community Corrections Partnership Executive Committee; (c) maintain the website and list used for outreach purposes; and (d) develop reports and other tasks.

- One new 1823 Senior Administrative Analyst position will be responsible for (a) developing print and other media outreach materials and publications, (b) representing the Reentry

Division in community meetings and events, (c) working with consultant grant writers and (d) related functions.

- One new 1823 Senior Administrative Analyst position will be responsible for (a) developing financial independence and mentorship components of the federal Department of Justice Second Chance Act Prisoner Reentry Initiative, which provides funding for services to individuals leaving prison, (b) promoting access to services, (c) developing and managing the Community Assessment and Service Center, and (d) other services.

The Budget and Legislative Analyst recommends approval of four of the five Reentry Division positions, including two of the three new positions, and recommends deletion of one (0.75 FTE in FY 2011-12) new 1823 Senior Administrative Analyst position, with a corresponding reduction in FY 2011-12 salary and fringe benefit costs of $95,906. The Reentry Division is expanding from two positions to five positions as a result of Public Safety Realignment, which will be implemented on October 1, 2011. However, because Public Safety Realignment has not yet been implemented, the actual workload, including outreach activities, service coordination, data collection, analysis and reporting, and other functions, are not yet known.

The Adult Probation Department disagrees with the Budget and Legislative Analyst's recommendation to delete one new 1823 Senior Administrative Analyst position. According to Deputy Chief Probation Officer David Koch, the principal functions of the Senior Administrative Analyst positions are to provide the Department with much needed capacity that has been lacking for many years. However, the Budget and Legislative Analyst considers four professional staff, including one Manager II, one Principal Administrative Analyst, and two Senior Administrative Analysts, sufficient to implement the 2011 Public Safety Realignment Plan's goals for the Reentry Division, including (1) supporting San Francisco County's Community Corrections Partnership Council, (2) coordinating and overseeing the implementation of reentry grants and collaborating with community based organizations and City agencies, and (3) providing the Mayor's Office, Board of Supervisors, and other entities with reports on Public Safety Realignment.

According to Mr. Wilson, the Mayor's Office anticipates that the initial State allocation of $5,787,176 (File 11-0907), and the $4,742,471, previously appropriated by the Board of Supervisors in the Sheriff's Department's FY 2011-1 budget for implementation of Public Safety Realignment in FY 2011-12, will not be sufficient to fully cover the County's costs. Furthermore, the total parole and post-release supervision population estimates are based upon data from the California Department of Corrections and Rehabilitation (CDCR). However San Francisco County's Community Corrections Partnership Executive Committee expects the actual population to be greater than the State projections.

Therefore, the Budget and Legislative Analyst recommends reallocating the recommended reduction of $95,906 for one of the new 1823 Senior Administrative Analyst positions to Sub-object 03500 Other Current Expenses, and placing the $95,906 on Budget and Finance Committee reserve, pending a detailed expenditure plan to be submitted by the Adult Probation Department to the Budget and Finance Committee.

**Public Defender's Office**

Under the proposed Public Safety Realignment Plan, the Public Defender's Office will receive two new positions: one Attorney and one Criminal Justice Specialist. The Attorney will process parole revocations that were previously the responsibility of the State. The Criminal Justice Specialist will process the increased caseload and complexity of adjudicating where persons will be placed (custody, monitoring, or in-home detention).

**District Attorney's Office**

The District Attorney's Office will receive two new positions: one Attorney (0.58 FTE) and one Victim/Witness Investigator III. The Attorney position will process parole hearings that were previously the responsibility of the State. The Victim/Witness Investigator III will facilitate transferring cases to drug court and other alternatives and will follow cases until resolution.

**Sheriff's Department**

The Sheriff's Department estimates that the average daily jail population will increase by 225 in FY 2011-12, from the current average daily jail population of 1,480 to the estimated average daily jail population of 1,705. As noted above, the Sheriff's Department's FY 2011-12 budget included $4,742,471 in General Fund monies previously appropriated by the Board of Supervisors to open Jail #6 in January 2012 and increase electronic monitoring of inmates in lieu of incarceration.

In addition, under File 11-0907, $350,938 (see Table 1 above) in State funds would be appropriated to the Sheriff's Department, as follows:

(1) $150,000 to supplement current programs for inmates, including education, substance abuse, violence prevention, vocational programs and other programs.

(2) $50,938 for materials and supplies, specifically for San Bruno Jail #6, and

(3) $150,000 for food for the new inmates.

## FISCAL IMPACTS

As noted above, total FY 2011-12 funding for Public Safety Realignment Plan is $10,529,647, including $4,742,471 in General Fund monies previously appropriated by the Board of Supervisors in the Sheriff's Department's FY 2011-12 budget and $5,787,176 in State funds to be appropriated under the subject File 11-0907.

In order to determine funding, the State Department of Finance used a formula including (a) average daily population, (b) total population of adults in San Francisco, and (c) the funding formula in California Senate Bill 678.[5] The State determined that San Francisco should be

[5] SB 678 created the California Community Corrections Performance Incentive Program which uses outcome-based performance measures to track reductions in recidivism.

allocated $5,787,176 from October 1, 2011 through June 30, 2012, in order to build the capacity and perform the additional responsibilities mandated under AB 109.

In the funding calculation, the State reimburses counties $25,000 a year per inmate. According to Ms. Maureen Gannon, Sheriff's Department Chief Financial Officer, the actual cost per inmate in San Francisco is approximately $50,000 per year. According to the Public Safety Realignment Plan, the estimated 646 inmates and post-release community supervision offenders, including 225 inmates and 421 post-release community supervision offenders, to be transferred from the responsibility of the State to the County of San Francisco are based upon data provided by the CDCR (California Department of Corrections and Rehabilitation). However, San Francisco County's Community Corrections Partnership Executive Committee anticipates the actual population to be greater than the State's projections.

Therefore, according to the Mayor's Office, the actual cost to San Francisco in FY 2011-12 due to Public Safety Realignment may exceed the presently available funding of $10,529,647.

Further, the proposed Public Safety Realignment Plan commits the City for ongoing expenditures for positions and related costs. However, because State funding for future years will be determined by the Department of Finance, and because, according to AB109, the current formula is subject to change, the amount of future years' funding is uncertain. According to San Francisco County's Community Corrections Partnership Executive Committee, the City's ongoing costs for Public Safety Realignment are expected to exceed State funding.

## RECOMMENDATIONS

1. The Adult Probation Department has proposed 27 new positions, of which three new positions would be in the Reentry Division, which is expanding from two positions to five positions as a result of Public Safety Realignment. However, because Public Safety Realignment has not yet been implemented, the actual workload, including outreach activities, service coordination, data collection, analysis and reporting, and other functions, are not yet known. The Budget Analyst recommends approval of four of the five Reentry Division positions, including one 0923 Manager II, one 1824 Principal Administrative Analyst, and two 1823 Senior Administrative Analysts, and deletion of one (0.75 FTE) new 1823 Senior Administrative Analyst with a corresponding reduction in salary and fringe benefit costs in FY 2011-12 of $95,906. The Adult Probation Department disagrees with this recommendation. According to the Adult Probation Department, the principal functions of the Senior Administrative Analyst positions provide the Department much needed capacity that has been lacking for many years. However, because Public Safety Realignment will be implemented incrementally, commencing on October 1, 2011 with the number of post-release community supervision offenders under the Adult Probation Department's supervision increasing gradually, the Budget Analyst considers four professional staff for the Reentry Division to be sufficient in FY 2011-12.

2. The Mayor's Office anticipates that the initial State allocation of $5,787,176 (File 11-0907) and $4,742,471 previously appropriated by the Board of Supervisors in the Sheriff's Department's FY 2011-12 budget, for implementation of Public Safety Realignment in FY 2011-12, will not be sufficient to fully cover the County's costs. Furthermore, the total parole

and post-release supervision population estimates are based upon data from the California Department of Corrections and Rehabilitation (CDCR). However San Francisco County's Community Corrections Partnership Executive Committee expects the actual population to be greater than the State projections. Therefore, the Budget and Legislative Analyst recommends reallocating the $95,906 recommended reduction under Recommendation 1 above to Sub-object 03500 Other Current Expenses, and placing such funds on Budget and Finance Committee reserve, pending a detailed expenditure plan to be submitted by the Adult Probation Department to the Budget and Finance Committee.

3. Because the Public Safety Realignment Plan commits the City to ongoing positions and costs that are estimated by the Mayor's Office to exceed State funding, the Budget and Legislative Analyst considers approval of the proposed resolution and ordinances, as amended, to be policy matters for the Board of Supervisors.

Harvey M. Rose

cc: Supervisor Chu
Supervisor Mirkarimi
Supervisor Kim
President Chiu
Supervisor Avalos
Supervisor Campos
Supervisor Cohen
Supervisor Elsbernd
Supervisor Farrell
Supervisor Mar
Supervisor Wiener
Clerk of the Board
Cheryl Adams
Controller
Rick Wilson

# San Fra[illegible]co Adult Probation Department
# State Realignment (AB109) Proposed Budget Detail FY 2012-14

DRAFT Supplemental Appropriation 8/24/11

## Staffing — Postrelease Community Supervision and Pre Release Division

| Object | Subobj | Class | Title | Count | Cost Each | FTE | FY 2011-12 Labor Costs |
|---|---|---|---|---|---|---|---|
| 001 | 00101 | 8444 | Deputy Probation Officer (Pre Release) | 2 | 81,718 | 1.50 | $122,577 |
| 001 | 00101 | 8435 | Division Director | 1 | 108,888 | 0.75 | $81,666 |
| 001 | 00101 | 8444 | Deputy Probation Officer | 7 * | 81,718 | 5.25 | $429,020 |
| 001 | 00101 | 8444 | Deputy Probation Officer | 6 * | 81,718 | 2.76 | $227,773 |
| 001 | 00101 | 8434 | Supervising Probation Officer | 2 | 99,267 | 1.50 | $148,901 |
| 001 | 00101 | 1824 | Principal Administrative Analyst (reclassification) | 0 | 105,144 | 0.00 | $10,354 |
| 001 | 00101 | 1232 | Training Officer | 1 | 82,394 | 0.50 | $41,197 |
| 001 | 00101 | 1031 | IS Trainer Asst | 1 | 64,558 | 0.50 | $32,247 |
| | | | RECORDS | | | | |
| 001 | 00101 | 1404 | Clerk | 2 | 47,944 | 1.50 | $71,916 |
| 001 | 00101 | 1406 | Sr. Clerk (Pre Release) | 1 | 54,704 | 0.50 | $27,352 |
| 001 | 00101 | 1410 | Chief Clerk | 1 | 75,876 | 0.75 | $56,907 |
| | | | | 24 | | 15.51 | $1,249,910 |
| | | | | | | | $499,964 |
| 013 | 01300 | | Benefits @40% | | | | $1,749,874 |
| | | | **Projected Labor Costs** | | | | |
| 027 | 02799 | | **SF Probation Community Assessment and Service Center** | | | | $860,789 |

* Supervision staffed with ratio of 50:1

## Non Labor Costs

| Object | Subobj | Item | Count | Cost Each | Total Amount |
|---|---|---|---|---|---|
| 027 | 02751 | Policy Development | | | $100,000 |
| 027 | 02751 | Planning | | | $200,000 |
| 022 | 02201 | Training | | | $100,000 |
| 027 | 02711 | Professional Services | | | $37,483 |
| 045 | 04599 | Badges | 14 | 200 | 14 $2,800 |
| 081 | 081HE | Background, Medical, Psych Evals | 18 | 800 | 14 $11,200 |
| | | Office Space Rent | | | $0 |
| 081 | 081CI | Fiber Wan Connection | | | $20,000 |
| 081 | 081CI | System Firewall | | | $10,000 |
| 045 | 04599 | Vests | 17 | 1,250 | 13 $16,250 |
| 049 | 04925 | PC's | 20 | 2,500 | 14 $35,000 |
| 035 | 03596 | Software Licenses | | | $65,000 |
| 049 | 04941 | Desk,Chair, Telephone | 20 | 2,000 | 14 $28,000 |
| 060 | 06029 | Vehicles | 13 | 30,000 | 7 $210,000 |
| 081 | 081PF | Fuel | | | $40,000 |
| 081 | 081PF | Vehicle Maintenance | | | $26,000 |
| 081 | 081ET | DT Work Order - Support | | | $50,000 |
| 081 | 081 | Prof Svcs DPH | | | $650,000 |
| 081 | 081 | Prof Svcs OEWD | | | $30,000 |
| 081 | 081 | Prof Svcs HSS | | | $132,500 |
| 081 | 081 | Sr Social Wkr (2) DPH | | | $138,957 |
| 045 | 04599 | Firearms | 17 | 1,000 | 13 $13,000 |
| 045 | 04531 | Jackets | 17 | 120 | 13 $1,560 |
| 043 | 04341 | Radios | 17 | 1,314 | 13 $17,082 |
| | | **Projected Non Labor Costs** | | | $1,934,832 |
| | | **Estimated Realigment Costs** | | | $4,545,495 |

***Work Orders include DPH $650,000, OEWD $30,000 and HSS $132,500***

## Reentry Division

| Object | Subobj | Class | Title | Count | Cost Each | FTE | FY 2011-12 Labor Costs |
|---|---|---|---|---|---|---|---|
| 001 | 00101 | 1824 | Principal Administrative Analyst | 1 | 105,144 | 0.75 | $78,858 |
| 001 | 00101 | 1823 | Sr. Administrative Analyst | 1 | 91,338 | 0.75 | $68,504 |
| 001 | 00101 | 1823 | Sr. Administrative Analyst | 1 | 91,338 | 0.75 | $68,504 |
| 001 | 00101 | 0923 | Manager II (reclassification) | 0 | 7,904 | 0.00 | $5,928 |
| | | | **Salaries** | 3 | | 2.25 | $221,794 |
| | | | Benefits @ 40% | | | | $88,718 |
| 013 | 01300 | | Projected Labor Costs | | | | $310,512 |
| | | | **NonLabor Costs** | | | | |
| 045 | 04599 | | Badges | 0 | 200 | | $0 |
| 081 | 081HE | | Background, Medical, Psych Evals | 0 | 800 | | $0 |
| 081 | 081CA | | 8177 Attorney CA | | | | $181,217 |
| 045 | 04599 | | Vests | 0 | 1,250 | | $0 |
| 045 | 04531 | | Jackets | 0 | 120 | | $0 |
| 045 | 04599 | | Firearms | 0 | 1,000 | | $0 |
| 043 | 04341 | | Radios | 0 | 1,314 | | $0 |
| 049 | 04925 | | PC's | 4 | 2,500 | | $10,000 |
| 049 | 04941 | | Desk,Chair, Telephone | 4 | 2,000 | | $8,000 |
| | | | | | | | $199,217 |
| | | | **Estimated Cost for Pre Release Unit** | | | | $509,729 |
| | | | | | | | $5,055,224 |

BOS 11, CPAC
COB, Leg Dep

# BOARD OF SUPERVISORS
## COUNTY OF INYO

P. O. BOX N • INDEPENDENCE, CALIFORNIA 93526
TELEPHONE (760) 878-0373 • FAX (760) 878-2241
e-mail: pgunsolley@inyocounty.us



July 5, 2011

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2011 JUL 20 PM 2:48
BY

Governor Jerry Brown
State Capitol
Sacramento, CA 95814

Dear Governor Brown:

AB 109, the trailer bill that implements Public Safety Realignment, requires that each county's Community Corrections Partnership (CCP) shall recommend a local plan to each county Board of Supervisors. The original bill established an Executive Committee of each county's CCP, consisting of the Chief Probation Officer, a Chief of Police, the Sheriff, a County Supervisor or the Chief Administrative Officer (CAO) for the county, and the head of the County Department of Social Services, for the purpose of developing and presenting an implementation plan.

Since the passage of AB 109, certain changes have been suggested concerning both the make-up of the Executive Committee and the Board of Supervisors' approval process. Theses changes have since been memorialized in your approval of AB 117. These changes undermine the premises on which public safety realignment have been based, and are not supported by the Inyo County Board of Supervisors

The newly constituted Executive Committee now excludes the Board (CAO) seat, and is comprised of the Chief Probation Officer, a Chief of Police, the District Attorney, the Presiding Judge of the local Court, and a representative to be chosen by the Board of Supervisors from among the Director of Health Services, the Director of Human Services, or the Director of a County's Alcohol and Drug programs.

We are concerned about the removal of the participation of the Board or the CAO at the Executive Committee level. While the Executive Committee of the CCP recommends an implementation plan and does not develop or propose a budget, we feel strongly that the lack of Board or CAO member participation could result in a lack of overall county vision, continuity and fiscal reality. While each of the participants may be able to look beyond his or her role, no one else has the direct responsibility to balance the needs of the County both from a programmatic and budgetary perspective.

Even more importantly, there now appears to be a requirement for a 4/5ths vote if a Board of Supervisors wishes to reject a plan that has been submitted by the CCP's AB 109 Executive Committee. While there is only a requirement of a majority vote to accept a plan (or a County budget), the creation of a super-majority to reject the plan is essentially undemocratic and inflexible. This super-majority requirement can become a significant hurdle to implementation and will lead to a loss of local control which was envisioned by the original realignment plan. This becomes even more problematic should the plan recommended by the Executive Committee exceed the State's allocation of funds to the County to implement the plan.

The County of Inyo has worked constructively and cooperatively to make new public safety realignment a reality and a success. Paramount in our support for this effort has been your commitment to the tenets of local control and local flexibility. The changes made in AB 117 undermine both these principles and, with that, our enthusiam for public safety re-alignment.

These two factors create impediments rather than incentives to the commitment to making the new public safety realignment work. Therefore, I am writing on behalf of our Board to urge that you reject the requirement for a 4/5ths majority vote for approval or disapproval of any Community Corrections Plan and reconsider the plan to exclude the Board or CAO from the Community Corrections Partnership Executive Committee.

Sincerely,

Susan Cash, Chairperson
Board of Supervisors

cc: California Association of Counties
Members, County Administrative Officers Association of California
Chairpersons of the Board, All California Counties
Clerk of the Board