

**RIVERSIDE COUNTY
COMMUNITY CORRECTIONS PARTNERSHIP
EXECUTIVE COMMITTEE
“SPECIAL MEETING”**

DOWNTOWN LAW BUILDING
3960 ORANGE STREET, 5TH FLOOR CONFERENCE ROOM, RIVERSIDE, CA

OCTOBER 18, 2012, 10:00 A.M.

AGENDA

1. CALL TO ORDER – ROLL CALL
2. APPROVAL OF MINUTES – OCTOBER 2, 2012
3. BOARD OF SUPERVISORS AB 109 WORKSHOP SCHEDULED FOR NOVEMBER 19, 2012 AT 9:00 A.M. HAS BEEN MOVED TO DECEMBER 17, 2012 AT 9:00 A.M.
4. MR. ZELLERBACH REQUESTING CONTINGENCY FUNDING FOR DISTRICT ATTORNEY STAFFING – ACTION ITEM
5. MR. WINDOM REQUESTING CONTINGENCY FUNDING FOR PUBLIC DEFENDER STAFFING – ACTION ITEM
6. NEXT MEETING: NOVEMBER 6, 2012; 1:30 P.M.
7. PUBLIC COMMENTS

In accordance with State Law (The Brown Act):

- *The meetings of the CCP Executive Committee are open to the public. The public may address the Committee within the subject matter jurisdiction of this committee.*
- *Disabled persons may request disability-related accommodations in order to address the CCP Executive Committee. Reasonable accommodations can be made to assist disabled persons if requested 24-hours prior to the meeting by contacting Riverside County Probation Department at (951) 955-2830.*
- *The public may review open session materials at www.probation.co.riverside.ca.us under Related Links tab or at Probation Administration, 3960 Orange St., 6th Floor, Riverside, CA.*
- *Items may be called out of order.*

approved
10/18/12

**RIVERSIDE COUNTY
COMMUNITY CORRECTIONS PARTNERSHIP
EXECUTIVE COMMITTEE MEETING**

October 2, 2012 – 1:30 p.m.
Downtown Law Building, 3960 Orange Street, 5th Floor, Riverside

MINUTES

1. CALL TO ORDER - ROLL CALL

The meeting was called to order by the Chairman, Chief Probation Officer Alan Crogan at 1:43 p.m.

Roll call of the members:

Alan M. Crogan, Chief Probation Officer, Chairman
Stan Sniff, Sheriff
Gary Windom, Public Defender
Paul Zellerbach, District Attorney, Vice-Chairman

Not Present:

Dave Brown, Chief of Police, Hemet
Sherri Carter, Executive Officer, Superior Court

Jerry Wengerd, Director, Mental Health arrived at 1:51 p.m.

OPENING REMARKS:

Alan Crogan informed the committee that Dave Brown and Sherri Carter will not be in attendance at this meeting. He also explained that Sherri Carter will not be attending any future Community Corrections Partnership Executive Committee (CCPEC) meetings due to a ruling that the Court received from the General Counsel stating that the Judiciary Court should not participate in CCPEC budget decisions that may affect any department funds due to a conflict of interest.

Alan Crogan referenced and briefly reviewed a newspaper article, *Order to Cut State Prison Population Won't Be Eased* (handout). He also read Governor Brown's veto message to the committee regarding Assembly Bill 2031, which would have added two line staff positions to the CCPEC; one from Probation and one from Alcohol and Drug Services.

2. APPROVAL OF MINUTES

Alan Crogan entertained a motion to approve the September 4, 2012 minutes of the CCPEC meeting. Motion was moved by Alan Crogan, and seconded by Gary Windom. Alan Crogan requested a roll call vote of the motion which passed as follows:

Aye: Crogan, Windom, Zellerbach
Nay: None
Absent: Brown, Carter, Wengerd
Abstain: Sniff

3. BOARD OF SUPERVISORS AB 109 WORKSHOP: NOVEMBER 19th, CAC – BOARD CHAMBERS, 9:00 A.M.

Alan Crogan stated that the Board of Supervisors approved the AB 109 Workshop for the CCPEC. He will make opening comments at the workshop followed by each agency making their own presentation to the Board. The Probation Department will draft the joint agency Form 11 and each agency will draft their own individual Form 11. Stan Sniff recommended including a signature block for each department to sign on the joint agency Form 11. Stan Sniff also indicated that he has a schedule conflict with the AB 109 Workshop being held on November 19th during the morning session and asked if the workshop can be held in the afternoon session. Chief Deputy CEO Christopher Hans and Principal Management Analyst Elizabeth Olson were in attendance at this meeting and stated that they will look into his request and get back to the committee.

4. 2nd ANNUAL REALIGNMENT CONFERENCE

Alan Crogan reviewed and discussed the *Second Annual Conference on Public Safety Realignment* flyer (handout). The conference will be held on November 1st and 2nd. The Probation Department will coordinate the registration and will need the names of each participant.

5. ACLU LETTER

Alan Crogan introduced public speaker, Criminal Justice and Drug Policy Reform Advocate Hanna Dershowitz who spoke on the letter that was addressed to the Riverside Community Corrections Partnership Executive Committee concerning *Recommendations Regarding Realignment Funding Allocations for 2012-2013* (handout). She also indicated the AB 2127 was signed into law by the Governor on September 29th which will also include a vast array of services.

6. STANFORD LAW SCHOOL

The Stanford Law School letter (handout) was discussed. They are conducting research on the impact of California's Public Safety Realignment on local county decision-making, and invited Riverside County to be included in their study. The research will include case studies of 6 to 10 counties who are being selected both to capture geographic and demographic diversity, as well the innovative approach to the implementation of realignment.

Paul Zellerbach is not opposed to being interviewed but wanted to know more about what is involved. Alan Crogan will seek more information and distribute to the committee.

Alan Crogan motioned to have the CCPEC participate in the research study with the Stanford Law School. Motion was moved by Alan Crogan and seconded by Stan Sniff. Alan Crogan requested a roll call vote of the motion which passed as follows:

Aye: Crogan, Sniff, Wengerd, Windom
Nay: None
Absent: Brown, Carter
Abstain: Zellerbach

7. ADOPT AB 109 FY 2012/13 BUDGET

Alan Crogan reviewed and discussed the *AB 109 CCPEC Summary of Budget Requests FY 2012/13* (handout). He then reviewed and compared the *AB 109 CCPEC Budget Request – Funding Scenarios FY 2012/13* and the *Summary Scenario 9 Month Funding of Budget FY 2012/13* (handout). Each scenario was explained in detail as follows:

Total Available Funding as of July 1, 2012 (12-months)	\$43,183,181
Total Budget Requests as of July 1, 2012 (12-months)	\$55,737,130
Excess Requests over Available Funding	\$12,553,949

- Scenario 1 - Funding at 9 Months for all CCPEC Agencies
9 months funding approved for all agencies based on budget requests \$41,802,848
Amount Available for Contingency \$1,380,334
Note: Each agency keeps their rollover funds and share of FY 11/12 contingency contribution
- Scenario 2 - Funding at 9 Months (remove DA and PD)
9 months funding approved for all agencies (w/out DA and PD) \$40,320,429
Amount Available for Contingency \$2,862,752
Note: Each agency keeps their rollover funds and share of FY 11/12 contingency contribution
DA/PD may return to CCPEC in March of 2013 to request funding from contingency based on workload
- Scenario 3 - Funding at 9 Months for all CCPEC Agencies (Police @ 9 Months of FY 11/12 Budget)
9 months funding approved for all agencies based on budget requests \$41,591,738
(Police agencies FY 2011/12 approved budget funded at 9 months)
Amount Available for Contingency \$1,591,444
Note: Each agency keeps their rollover funds and share of FY 11/12 contingency contribution
- Scenario 4 - Funding at 9 Months for all CCPEC Agencies (remove DA/PD; Police @ 9 Months of FY 11/12 Budget)
9 months funding approved for all agencies based on budget requests \$40,109,319
(Police agencies FY 2011/12 approved budget funded at 9 months)
Amount Available for Contingency \$3,073,862
Note: Each agency keeps their rollover funds and share of FY 11/12 contingency contribution
DA/PD/Police may return to CCPEC in March of 2013 to request funding from contingency based on workload

Alan Crogan motioned to select *Scenario 4 – Funding at 9 Months for all CCPEC Agencies (remove District Attorney, Public Defender; Police @ 9 Months of FY 11/12 Budget)*. *District Attorney, Public Defender, and Police may return to CCPEC in March of 2013 to request funding from contingency based on workload.*

Prior to the motion being seconded, Paul Zellerbach expressed that it was inappropriate to proceed to vote on any proposals based on two reasons: the Board of Supervisors will not have the opportunity to hear from each department with respect to their programs before the November 19th AB 109 Workshop and the Board of Supervisors need to be well informed before the CCPEC vote; and he felt that a vote should not take place due to committee member, Dave Brown not being in attendance to vote on the Police budget and thought it to be inappropriate that his voice is not being heard. He requested that the CCPEC vote follow the November 19th AB 109 Workshop.

Paul Zellerbach presented and discussed the District Attorney's proposal, *FY 2012-13 Alternative Budget Scenario and FY 2012-13 Budget* (handouts) and explained as follows:

Total Available Funding for FY 12-13 as of September 4, 2012	\$43,183,181
Total Budget Requests for FY 12-13 as of September 4, 2012	\$55,737,130
Excess Requests over Available Funding for FY 12-13	\$12,553,949
Total Amount of Rollover Funds from FY 11-12 as of September 4, 2012	\$9,656,911

- Alternative Scenario - Funding for 12 Months for all CCPEC Agencies Offset by Rollover and Proportional Reduction

Jerry Wengerd seconded Alan Crogan's previous motion to select *Scenario 4 – Funding at 9 Months for all CCPEC Agencies (remove District Attorney, Public Defender; Police @ 9 Months of FY 11/12 Budget)*. *District Attorney, Public Defender and Police may return to CCPEC in March of 2013 to request funding from contingency based on workload.*

Alan Crogan pointed out that in Scenario 2 the District Attorney, Public Defender may return to the CCPEC in March of 2013 to request funding from contingency based on workload. In Scenario 4 the District Attorney, Public Defender and Police may return to the CCPEC in March of 2013 to request funding from contingency based on workload. He then expressed that the larger departments receiving the funding need to know what the funding is now rather than wait until December. Stan Sniff agreed that we must move ahead and not wait until December.

Paul Zellerbach motioned to continue the vote until the December 4, 2012 CCPEC meeting and was seconded by Gary Windom. Alan Crogan requested a roll call vote of the motion which did not pass as follows:

Aye: Windom, Zellerbach
Nay: Crogan, Sniff, Wengerd
Absent: Brown, Carter

The previous motion made by Alan Crogan was amended by Stan Sniff to include in *Scenario 4 – Funding at 9 Months for all CCPEC Agencies (remove District Attorney, Public Defender; funds Police @ 9 Months of FY 11/12 Budget)*. *District Attorney, Public Defender, and Police may return at any time to the CCPEC to request funding from contingency or Sheriff's portion of funding based on workload.* Motion was moved by Alan Crogan and seconded by Stan Sniff. Alan Crogan requested a roll call vote of the motion which passed as follows:

Aye: Crogan, Sniff, Wengerd
Nay: Windom, Zellerbach
Absent: Brown, Carter

8. STAFF REPORTS (CONTINUED TO NOVEMBER 6th)

9. NEXT MEETING

The next CCPEC meeting will be held on November 6, 2012, 1:30 p.m., Downtown Law Building, 5th Floor.

10. PUBLIC COMMENTS (NON AGENDA ITEMS)

Ernest H. Wright, II, Certified Corrections Executive from the Desert Pass Education and Training Center asked why there is not a discussion regarding Type IV detention facilities and why his recommendations are not being considered. Alan Crogan stated that this would be placed on the November CCPEC agenda as a discussion item.

The meeting was adjourned at 2:52 p.m.

An attendance sheet was signed by all present and will be kept on file.

Minutes submitted by Andria Bartkowski, Executive Secretary, Riverside County Probation Department



MEMORANDUM

RIVERSIDE COUNTY PROBATION DEPARTMENT

ALAN M. CROGAN
CHIEF PROBATION OFFICER

TO: Community Corrections Partnership Executive Committee

FROM: Alan M. Crogan
Chief Probation Officer 

DATE: October 18, 2012

RE: Summary of Executive Committee Funding Recommendation –
Motions from the October 2, 2012 CCPEC Meeting

- Alan Crogan motioned to select Scenario 4 – Funding at 9 Months for all CCPEC Agencies (remove District Attorney, Public Defender; Police @ 9 Months of FY 11/12 Budget). District Attorney, Public Defender, and Police may return to CCPEC in March of 2013 to request funding from contingency based on workload.
- Jerry Wengerd seconded Alan Crogan’s previous motion to select Scenario 4 – Funding at 9 Months for all CCPEC Agencies (remove District Attorney, Public Defender; Police @ 9 Months of FY 11/12 Budget). District Attorney, Public Defender and Police may return to CCPEC in March of 2013 to request funding from contingency based on workload.
- The previous motion made by Alan Crogan was amended by Stan Sniff to include in Scenario 4 – Funding at 9 Months for all CCPEC Agencies (remove District Attorney, Public Defender; funds Police @ 9 Months of FY 11/12 Budget). District Attorney, Public Defender, and Police may return at any time to the CCPEC to request funding from contingency or Sheriff’s portion of funding based on workload. Motion was moved by Alan Crogan and seconded by Stan Sniff. Alan Crogan requested a roll call vote of the motion which passed as follows:

Aye: Crogan, Sniff, Wengerd
Nay: Windom, Zellerbach
Absent: Brown, Carter

**AB 109 Community Corrections Partnership Executive Committee (CCPEC)
Summary of Budget Requests
FY 2012/13**

CCPEC Agency	Fiscal Year 2011/12						FY 2012/13			
	Approved Budgets	One-Time Funds	Other Funds	Total Budget	Actual Exp. 6/30/12	Rollover Funds	Contingency Funds	Budget Requests	Other Funds	Total Requests
Police	\$ 704,450	\$ 51,510	\$ -	\$ 755,960	\$ 418,245 (1)	\$ 337,715	\$ 25,550	\$ 1,690,380	\$ -	\$ 1,690,380
Public Defender	\$ 420,660	\$ 30,759	\$ 377,710 (2)	\$ 829,129	\$ 390,941	\$ 438,188	\$ 15,257	\$ 912,741	\$ 426,381 (3)	\$ 1,339,122
District Attorney	\$ 550,155	\$ 40,228	\$ 377,711 (2)	\$ 968,094	\$ 663,641	\$ 304,453	\$ 19,954	\$ 1,063,817	\$ 426,381 (3)	\$ 1,490,198
Mental Health	\$ 3,860,000	\$ 282,247	\$ -	\$ 4,142,247	\$ 1,750,033	\$ 2,392,214	\$ 140,000	\$ 13,270,192	\$ -	\$ 13,270,192
Sheriff's Department	\$ 9,360,500	\$ 684,448	\$ -	\$ 10,044,948	\$ 6,582,845	\$ 3,462,103	\$ 339,500	\$ 25,000,000	\$ -	\$ 25,000,000
Probation Department	\$ 5,441,096	\$ 397,858	\$ -	\$ 5,838,954	\$ 4,014,193	\$ 1,824,761	\$ 197,345	\$ 13,800,000	\$ -	\$ 13,800,000
Superior Court	\$ -	\$ -	\$ 662,000	\$ 662,000	\$ 662,000	\$ -	\$ -	\$ -	\$ 344,651	\$ 344,651
CCP Planning Grant	\$ -	\$ -	\$ 200,000	\$ 200,000	\$ 40,129	\$ 159,871	\$ -	\$ -	\$ 200,000	\$ 200,000
Contingency	\$ 737,606	\$ -	\$ -	\$ 737,606	\$ -	\$ 737,606	\$ -	\$ -	\$ -	\$ -
Total	\$ 21,074,467	\$ 1,487,050	\$ 1,617,421	\$ 24,178,938	\$ 14,522,027	\$ 9,656,911	\$ 737,606	\$ 55,737,130 (4)	\$ 1,397,413	\$ 57,134,543

(1) Police agencies - Actual expenditures per invoices dated through June 30, 2012.

(2) Fiscal Year 2011/12 District Attorney/Public Defender received an additional state allocation of \$755,421 (\$377,411 each).

(3) Fiscal Year 2012/13 District Attorney/Public Defender will receive an additional state allocation of \$652,762 (\$426,381 to each).

(4) Fiscal Year 2012/13 available AB 109 Operating Funds - \$43,183,181.

**AB 109 Community Corrections Partnership Executive Committee (CCPEC)
Budget Request - Funding Scenarios
Fiscal Year 2012/13**

Total Available Funding as of July 1, 2012 (12-months)	\$ 43,183,181
Total Budget Requests as of July 1, 2012 (12-months)	\$ 55,737,130
Excess Requests over Available Funding	\$ (12,553,949)

Scenario 1 - Funding at 9 Months for all CCPEC Agencies

9 months funding approved for all agencies based on budget requests	\$ 41,802,848
Amount Available for Contingency	\$ 1,380,334

Note: Each agency keeps their rollover funds and share of FY11/12 contingency contribution

Scenario 2 - Funding at 9 Months (remove DA and PD)

9 months funding approved for all agencies (w/out DA and PD)	\$ 40,320,429
Amount Available for Contingency*	\$ 2,862,752

Note: Each agency keeps their rollover funds and share of FY11/12 contingency contribution

*DA & PD may return to CCPEC in March of 2013 to request funding from contingency based on workload

Scenario 3 - Funding at 9 Months for all CCPEC Agencies (Police @ 9 Months of FY11/12 Budget)

9 months funding approved for all agencies based on budget requests (Police agencies FY 2011/12 approved budget funded at 9 months)	\$ 41,591,738
Amount Available for Contingency	\$ 1,591,444

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9 months funding approved for all agencies based on budget requests (Police agencies FY 2011/12 approved budget funded at 9 months)	\$ 40,109,319
Amount Available for Contingency*	\$ 3,073,862

Note: Each agency keeps their rollover funds and share of FY11/12 contingency contribution

*DA, PD, and Police may return to CCPEC in March of 2013 to request funding from contingency based on workload

**AB 109 Community Corrections Partnership Executive Committee (CCPEC)
 Summary Scenario 9 Month Funding of Budget
 FY 2012/13**

CCPEC Agency	FY 2012/13 (12 Months) Budget Requests	Funding Scenario Fiscal Year 2012/13 (9 Months)			
		Scenario 1	Scenario 2	Scenario 3	Scenario 4
Police	\$ 1,690,380	\$ 1,267,785	\$ 1,267,785	\$ 1,056,675	\$ 1,056,675
Public Defender	\$ 912,741	\$ 684,556	\$ -	\$ 684,556	\$ -
District Attorney	\$ 1,063,817	\$ 797,863	\$ -	\$ 797,863	\$ -
Mental Health	\$ 13,270,192	\$ 9,952,644	\$ 9,952,644	\$ 9,952,644	\$ 9,952,644
Sheriff's Department	\$ 25,000,000	\$ 18,750,000	\$ 18,750,000	\$ 18,750,000	\$ 18,750,000
Probation Department	\$ 13,800,000	\$ 10,350,000	\$ 10,350,000	\$ 10,350,000	\$ 10,350,000
Superior Court	\$ -	\$ -	\$ -	\$ -	\$ -
CCP Planning Grant	\$ -	\$ -	\$ -	\$ -	\$ -
Total	\$ 55,737,130	\$ 41,802,848	\$ 40,320,429	\$ 41,591,738	\$ 40,109,319
Contingency		\$ 1,380,334	\$ 2,862,752	\$ 1,591,444	\$ 3,073,862
FY12/13 Available Funding		\$ 43,183,181	\$ 43,183,181	\$ 43,183,181	\$ 43,183,181

#4



OFFICE OF
THE DISTRICT ATTORNEY
COUNTY OF RIVERSIDE

MEMORANDUM

PAUL E. ZELLERBACH
DISTRICT ATTORNEY

July 31, 2012

TO: Executive Committee of the Community Corrections Partnership
FROM: Paul E. Zellerbach
SUBJECT: Fiscal Year 2012-13 Proposed Budget

Last year, Governor Edmund G. Brown Jr. signed Assembly Bills 109 and 117, commonly referred to as Public Safety Realignment. The stated intent of the legislation was to reduce both recidivism and the number of inmates housed in the State’s prison system by giving local authorities control of certain classes of offenders, generally those offenders who have committed non-violent, non-serious, and/or non-registersable sex crimes. As a result of the legislation, since October 1, 2011, offenders convicted the “three nons,” have been incarcerated in our local jails, instead of state prisons, and have been supervised after their release by our Probation Department, rather than the California Department of Corrections and Rehabilitation. Additionally, offenders who violate the terms of their release are now being prosecuted in Superior Court by the District Attorney. To date, there have been 691 violations of Post-Release Community Supervision filed by the Probation Department.

To successfully handle these matters, the District Attorney’s Office plan involved assigning three senior prosecutors, supported by one senior investigator, one investigative technician, one paralegal, and three legal support assistants. These employees were tasked with the following duties:

- Three (3) Experienced Prosecutors were assigned to represent the People of the State of California in prosecuting violations of Post-Release Community Supervision (PRCS). The District Attorney reassigned experienced prosecutors to address this need, and has hired new prosecutors to back-fill those positions.
- One (1) Senior Investigator was assigned to offer investigative support to the attorneys assigned to prosecute the PRCS violations as needed. Specifically, this investigator was tasked with supplementing the investigations performed by the Probation Department, and helps the attorneys prepare the cases in anticipation of conducting the violation hearings.

- One (1) Investigative Technician was assigned to offer more technical investigative assistance to the attorneys and the investigator. Specifically, the investigative technician was tasked with serving subpoenas as needed to secure the presence of witnesses at the violation hearings, as well as retrieving physical evidence (audio/video recordings, photographs, etc.) and documentary evidence (certified copies of prior convictions and/or inmate files from the California Department of Corrections and Rehabilitation) from a variety of sources.
- One (1) Paralegal was assigned to support all of the attorneys handling hearings on violations of PRCS. Specifically, the paralegal supported the attorneys with legal research and case organization.
- Three (3) Legal Support Assistants were assigned as support to handle the PRCS files from creation until completion. These clerical positions received notification from the Court of the filing of PRCS violations, and were responsible for inputting the case in our case management system, creating and building the physical file, and tracking the file throughout the Office after each court appearance.

The total cost of the nine positions required to handle these duties is \$1,288,205 annually.

To support Realignment programs, Governor Brown signed multiple trailer bills to secure funding for Fiscal Year 2011-12. This legislation provided funding allocations to the County of Riverside for three quarters of Fiscal Year 2011-12 in the following amounts:

- Post-Release Community Supervision & Local Incarceration: \$21,074,473
- Training & Implementation Activities (One-Time Money): \$ 1,487,050
- Planning: \$ 200,000
- District Attorney & Public Defender (Specifically Designated): \$ 755,421

As it relates specifically to the District Attorney's Office, by law, the District Attorney and the Public Defender shared equally in the fund specially designated for them. Accordingly, each office received \$377,710.50. Further, the Executive Committee of the Community Corrections partnership (CCP) determined that the District Attorney's Office would receive \$570,109 from the Post-Release Community Supervision & Local Incarceration fund, minus \$19,954 for the creation of a contingency fund. This represents a 2.71% share of the \$21,074,467, and was used to specifically to fund prosecution efforts related to violations of Post-Release Community Supervision as described above. Additionally, the District Attorney's Office received \$40,228 from the one-time money funding sources to support an intensive, and ongoing, training program. The total amount allocated from the CCP is \$590,383, and the total amount allocated from all Realignment funding sources for Fiscal Year 2011-12 was \$968,093.50.

It is important to remember that this funding was secured from both the State and the CCP for the specific purpose of representing the public safety interest in prosecuting those individuals

who have violated the terms of their supervised release from prison. Accordingly, it is only the personnel assigned to those hearings, and for which funding was approved by the CCP and endorsed by the Board of Supervisors, that is described above. When the District Attorney submitted his request for Fiscal Year 2011-12, he was concerned that there would be an as yet undetermined impact on the District Attorney's Office as a result of both direct and collateral consequences of Realignment. Hard earned experience since October 1, 2011, has proven this concern to be true. Accordingly, we are asking the Community Correction Partnership for additional funding for Fiscal Year 2012-13.

One of the expected consequences of Realignment was the flooding out our local jail system with inmates. While the Sheriff has taken extraordinary steps to maximize the capacity of our current county jails, and was successful in partnering with the Economic Development Agency to secure funding for additional jail beds in Indio, the simple fact remains that there is simply not enough space to house all of the inmates. This has resulted in the unfortunate early release of thousands of prisoners. This has caused an extra burden to be borne by all of the justice partners, but for the District Attorney's Office, it triggers constitutionally mandated duties.

Victims of crime in the State of California are entitled to numerous constitutional rights as the result of the enactment of Marsy's Law. Included in these rights are several provisions specifically governing the release of information to crime victims disclosing a defendant's incarceration status. Additionally, Marsy's Law requires victims of crime be provided with the opportunity, upon request, to be involved with post-conviction proceedings. These rights include, but are not limited to, the right:

- To reasonable notice of all public proceedings upon request, at which the defendant and the prosecutor are entitled to be present and of all parole or other post-conviction release proceedings, and to be present at all such proceedings;
- To be heard, upon request, at any proceeding, including any post-conviction release decision, or any proceeding in which a right of the victim is at issue;
- To be informed, upon request, of the scheduled release date of the defendant, and the release of or escape by the defendant from custody;
- To be informed of all parole procedures, to participate in the parole process, to provide information to the parole authority to be considered before the parole offender, and to be notified, upon request, of the parole or other release of the offender; and
- To have the safety of the victim, the victim's family, and the general public considered before any parole or other post-judgment release decision is made.

As a result of these rights, the District Attorney's Office must notify victims of crime of any change in a defendant's custody status, and give them the opportunity to comment and appear at each step in the post-conviction process, including hearings on violations of Post-Release Community Supervision and hearings on violations of Supervised Release.

An additional consequence of Realignment relates to the revenue from the State; specifically, the need to accurately track how the money is being spent and the accompanying efficacy of the programs developed. While the legislature has provided funding calculations to the counties for Fiscal Year 2012-13 and Fiscal Year 2013-14, they have determined that future funding decisions will be based on an as yet to be determined matrix to be designed to fund only those programs that are "succeeding." In addition to the scrutiny from the State, the County of Riverside has expressed an interest in taking a "closer look" at how funds distributed by the Community Correction Partnership are being spent to maximize resources. In fact, on the Board of Supervisor's agenda for their regular meeting on July 31, 2012, was Agenda Item 03.79, entitled "Report to the Board on Options for Realignment Implementation." This item specifically asked the Board to recommend that the Community Corrections Partnership develop performance measures, and regularly report the results of the analysis to the Board. Further, each County department receiving funds from the Community Corrections Partnership will be tasked with reporting their specific Realignment plans. Although this item was continued at the request of the Chief Probation Officer, the intent is clear.

As a result of these reporting obligations, the District Attorney's Office must be able to keep timely and accurate statistics to prove the success of the Realignment efforts taken by the office.

A final realized consequence of Realignment is the creation of "split sentences" and the resulting "Supervised Release" of convicted felons. Prior to the passage of AB 109, as previously described, defendants convicted and sentenced to state prison served their time in state prison. Upon their release, these convicted felons would be on parole and supervised by the California Department of Corrections and Rehabilitation. If they violated the terms of their parole, the hearing was handled by the Parole Board and the convicted felon would be returned to state prison. However, due to Realignment, those individuals who commit one of the three nons are sentenced to serve their custody time in our local jails. Further, their sentence can be "split," either by the court or through a negotiated disposition with the District Attorney's Office, into a period of custody time and a period of time during which they will be supervised by the Probation Department. This is referred to as "Supervised Release." If one of these convicted felons violates the terms of their Supervised Release, the hearing is handled in the Superior Court and prosecuted by the District Attorney's Office. This type of violation hearing is a creation of Realignment, and the prosecution of these violations is a new duty imposed on the District Attorney. Riverside County has become one of the leaders in the State of California on the use of split sentences. As you can imagine, with more and more split sentences being imposed, we are seeing a proliferation of these types of violations.

As a result of these new hearings, my clerical staff must now manage files for each violation.

To successfully address each of the consequences discussed above, and in addition to the employees previously discussed, I plan to assign one victim services advocate, one paralegal, and one legal support assistant. These employees will be tasked with the following duties:

- One (1) Victim Services Advocate will be assigned to coordinate notification of victims of crime as to the early release of inmates and issues related to post-conviction hearings, as constitutionally mandated.

- One (1) Paralegal will be assigned to keep accurate statistics related to all Realignment efforts undertaken by the District Attorney, as well as track any increase in the volume of cases generally that can be linked to Realignment, and be prepared to make regular reports.
- One (1) Legal Support Assistant will be assigned as support to handle the Supervised Release files from creation until completion. These clerical positions will receive notification from our prosecutors and the Probation Department of the filing of Supervised Release violations, and will be responsible for inputting the case in our case management system, creating and building the physical file, and tracking the file throughout the Office after each court appearance.

To support ongoing Realignment efforts and to better meet the needs of the community, for Fiscal Year 2012-13, funding allocations to the County of Riverside were increased. While still woefully insufficient, the amounts are as follows:

- Post-Release Community Supervision & Local Incarceration: \$42,983,181
- Planning (One-Time Money): \$ 200,000
- District Attorney & Public Defender (Specifically Designated): \$ 852,762

As it relates specifically to the District Attorney's Office budget submission for Fiscal Year 2012-13, by law, the District Attorney and the Public Defender will share equally in the fund specially designated for them. Accordingly, each office will receive \$426,381. Further, the I am asking the Executive Committee of the Community Corrections partnership to provide \$1,063,817 from the Post-Release Community Supervision & Local Incarceration fund. This represents a 2.47% share of the \$42,983,181, and will be used to fund prosecution efforts related to Realignment as described above. The total amount requested to be allocated from all Realignment funding sources for Fiscal Year 2012-13 is \$1,490,198.

I remain committed to protecting the public and will work to meet whatever demand is placed on my office as a result of Realignment, the need for increased staffing, and the accompanying need for additional funding, is a matter that will be continue to be discussed in future planning cycles. The continuing ramifications of these new laws, and the impact on the citizens of Riverside County, remain difficult to predict. It is my intention to continue to make every effort to enforce the law as written, and work with statewide legislators to improve the law whenever and wherever possible.

BUDGET CATEGORY AND LINE ITEM DETAIL

FY12-13 AB-109			
A. Personnel Services – Salaries/Employee Benefits			COST
Salaries:			
Deputy District Attorney IV	3.00		\$472,149
Senior DA Investigator B-II	1.00		\$115,500
Investigative Tech II	1.00		\$54,166
Paralegal I	2.00		\$83,736
Victim Service Advocate I	1.00		\$41,615
Legal Support Assistant II	4.00		\$161,700
Benefits:			
Deputy District Attorney IV	Unemployment	0.614%	\$ 2,898.99
	Retirement	18.973%	\$ 89,581.19
	Social Security	5.085%	\$ 24,007.42
	Medicare	1.450%	\$ 6,846.16
	LGTD Ins	0.760%	\$ 3,588.33
	Health	6.532%	\$ 30,842.40
	Def Comp	0.988%	\$ 4,572.04
	Life	0.097%	\$ 460.02
	Optical	0.115%	\$ 544.42
	Worker's Comp	0.485%	\$ 2,288.18
		35.08%	\$ 165,629.15
Senior DA Investigator B II	Unemployment	0.614%	\$ 709.17
	Retirement	24.080%	\$ 27,812.40
	Medicare	1.388%	\$ 1,602.82
	LGTD Ins	0.237%	\$ 273.17
	Health	7.402%	\$ 8,549.33
	Def Comp	0.563%	\$ 650.41
	Workers' Comp	0.564%	\$ 651.02
		34.85%	\$ 40,248.32
Investigative Tech II	Unemployment	0.614%	\$ 332.58
	Retirement	21.065%	\$ 11,410.15
	Social Security	6.200%	\$ 3,358.29
	Medicare	1.450%	\$ 785.41
	Health	15.115%	\$ 8,187.42
	Trng/Pen	0.499%	\$ 270.40
	Life	0.222%	\$ 120.00
	SHTD Ins	1.041%	\$ 564.00
	Workers' Comp	1.201%	\$ 650.61
	47.41%	\$ 25,678.85	\$25,679
Paralegal I	Unemployment	0.614%	\$ 514.14
	Retirement	17.161%	\$ 14,369.91
	Social Security	6.200%	\$ 5,191.63
	Medicare	1.450%	\$ 1,214.17
	Health	20.071%	\$ 16,806.78
	Trng/Pen	0.546%	\$ 457.60
	Life	0.287%	\$ 240.00
	SHTD Ins	1.339%	\$ 1,121.64
	Workers' Comp	1.554%	\$ 1,301.23
	49.22%	\$ 41,217.10	\$41,217
Victim Service Advocate I	Unemployment	0.614%	\$ 255.52
	Retirement	16.985%	\$ 7,068.23
	Social Security	6.200%	\$ 2,580.13
	Medicare	1.450%	\$ 603.42
	Health	19.508%	\$ 8,118.43
	Trng/Pen	0.550%	\$ 228.80
	Life	0.288%	\$ 120.00
	SHTD Ins	1.332%	\$ 554.13
	Workers' Comp	1.563%	\$ 650.61
	48.49%	\$ 20,179.26	\$20,179
Legal Support Assistant II	Unemployment	0.614%	\$ 992.84
	Retirement	21.089%	\$ 34,100.58
	Social Security	6.200%	\$ 10,025.40
	Medicare	1.450%	\$ 2,344.65
	Health	19.857%	\$ 32,109.14
	Trng/Pen	0.669%	\$ 1,081.61
	Life	0.297%	\$ 480.00
	SHTD Ins	1.332%	\$ 2,154.51
	Workers' Comp	1.609%	\$ 2,602.48
	53.12%	\$ 85,891.20	\$85,891
PERSONNEL SECTION TOTAL			
PERSONNEL TOTAL			\$1,307,710

