



**COUNTY OF SAN DIEGO**  
**BOARD OF SUPERVISORS**

1600 PACIFIC HIGHWAY, ROOM 335, SAN DIEGO, CALIFORNIA 92101-2470

**AGENDA ITEM**

COUNTY OF SAN DIEGO  
BOARD OF SUPERVISORS

2013 JUL 9 PM 3 10

THOMAS A. DE VERA  
CLERK OF BOARD  
OF SUPERVISORS

**DATE:** July 16, 2013  
**TO:** Board of Supervisors  
**SUBJECT:** COLLABORATIVELY ADDRESSING REALIGNMENT'S NEW THREATS TO PUBLIC SAFETY (DISTRICTS: ALL)

**Overview**

In April 2011, California Governor Jerry Brown signed Assembly Bill 109, shifting tremendous criminal justice responsibilities from the state prisons and parole board to local county officials and superior courts. The "realignment" law took effect on October 1st that same year, requiring counties to take over the supervision of prisoners placed on parole whose last offense was not a violent crime or a sex offense. Newly convicted offenders deemed to be non-violent, non-serious, and non-sex offenders were placed on probation or in local jails in lieu of sentences to state prison. Lower risk parole violators were required to be kept at the local level rather than turned over to state prison officials.

Fortunately, as AB 109 has unfolded, the San Diego County criminal justice system partnership has proven to be well prepared, and its members have actively and cooperatively managed the steady growth in prisoners and paroles through a variety of innovative ways. Partners in these ongoing efforts include the Sheriff's Department, County Probation Department, District Attorney's Office, County Health & Human Services Agency, Office of the Public Defender and San Diego Superior Court.

Now, new programs and tools are needed as the jail system nears its "full capacity" mark and, potentially urgently, as federal government actions threaten to require the release by December 31, 2013 of nearly 10,000 additional state prisoners.

The potential mass release of prisoners is due to a June 21, 2013 decision by a special three judge federal panel convened to force the state of California to come to grips with its chronically overcrowded prison system. The panel's actions confirmed earlier decisions that directed the State of California to reduce its current prison population. Governor Jerry Brown is appealing that ruling to the U.S. Supreme Court.

Make no mistake, if this ruling stands, it will have an extremely deleterious impact on the public safety of San Diego residents. This ruling could result in between 400 and 800 felons, who are currently in state prison, being released to the streets of San Diego. Indeed, by the time this

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board letter is considered, the releases could already have been started. These will not necessarily be the "non-non-nons." Rather, they are individuals imprisoned for violent and sexual crimes who would be released into our community without serving their full sentences.

Historically, more than 50 percent of this felon population will be arrested for new crimes within one year, not only victimizing innocent citizens of our community, but dramatically impacting a local criminal justice system already over-burdened as a result of previous poorly-conceived prisoner realignment actions.

The proposal before you today will ensure the County of San Diego is on record as strongly opposing the disastrous effects of this ruling, and authorizing staff to take the necessary actions to support the Governor's request for a stay of the ruling. Further, this proposal will direct staff to take action to mitigate the impacts of our expanding jail population, one key consequence of public safety realignment (and a consequence of this ruling, should it take effect). This can be achieved by using technology and innovative processes to smooth the dramatic fluctuations of inmate populations, in the range of 150 to 200 on average, that occur each weekend in our jails.

We are asking you today to go on record encouraging, through the Chief Administrative Officer, the county's criminal justice community to collaboratively explore managing the weekend jail spike through innovative options that could include video arraignment, weekend courts, tablet apps or other technology solutions, as well as address the looming impacts of the potential mass prisoner release, and to return with recommendations to this board in a timely fashion.

**Recommendation(s)**

**SUPERVISOR RON ROBERTS AND DISTRICT ATTORNEY BONNIE DOMANIS;  
CHIEF ADMINISTRATIVE OFFICER and PUBLIC DEFENDER HENRY COKER**

1. Direct the Chief Administrative Officer to work closely with the Sheriff, District Attorney, Public Defender and other criminal justice system partners to use technology and innovative processes to reduce spikes in local jail population during weekends and holidays, and report back to the board within 90 days.
2. Authorize the Chief Administrative Officer, through the Office of Strategy and Intergovernmental Affairs, to convey the County of San Diego's opposition to the release of more prisoners to the region and to communicate that position to the Governor of California and other administrative, legislative or judicial entities when appropriate.

**Fiscal Impact**

None.

**Business Impact Statement**

None.

**Advisory Board Statement**

None.

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**Background**

In April 2011, California Governor Jerry Brown signed Assembly Bill 109, shifting tremendous criminal justice responsibilities from the state prisons and parole board to local county officials and superior courts. The "realignment" law took effect on October 1st that same year, requiring counties to take over the supervision of prisoners placed on parole whose last offense was not a violent crime or a sex offense. Newly convicted offenders deemed to be non-violent, non-serious, and non-sex offenders were placed on probation or in local jails in lieu of sentences to state prison. Lower risk parole violators were required to be kept at the local level rather than turned over to state prison officials.

Fortunately, as AB 109 has unfolded, the San Diego County criminal justice system partnership has proven to be well prepared, and its members have actively and cooperatively managed the steady growth in prisoners and paroles through a variety of innovative ways. Partners in these ongoing efforts include the Sheriff's Department, County Probation Department, District Attorney's Office, County Health & Human Services Agency, Office of the Public Defender and San Diego Superior Court. These partners developed a comprehensive realignment implementation plan that this Board adopted in September, 2011. Through the execution of this implementation plan; 1) over 100 staff have been added to the probation department for the supervision of new offenders, 2) a robust treatment and rehabilitation effort, including a Community Transition Center, has been funded, 3) a new 400 bed reentry facility at the East Mesa Jail is currently being constructed, and 4) a series of innovative strategies to manage the realigned offenders has been put into place through a cooperative effort of the criminal justice partners.

That cooperation has been critical, especially for those on probation, since nearly three-quarters of the Post Release Community Supervision (PRCS) offender population has a high risk to re-offend, compared to 28 percent of offenders under traditional probation. Through May 31, 2013, a total of 3,481 Post Release Community Supervision (PRCS) offenders were released from state prison to San Diego County probation supervision via realignment. As of June 21, the active caseload under probation supervision was 2,568.

Multiple approaches are being used to transition this population of offenders to lead healthy lives and avoid a return to jail. Those approaches include the Jan. 7, 2013 opening of the new Community Transition Center by the San Diego District Attorney and County Probation. On the day of their release, all PRCS offenders are transported directly to the CTC from prison to meet with their probation officer and get continued advice, services and guidance on their next move. Since the program of taking prisoners directly to the CTC started, rather than scheduling appointments after they have been released, the percentage of offenders who initially abscond or fail to appear has dropped to near zero.

There can be no dispute that AB 109 has put a stress on San Diego's jail system. On Oct. 1, 2011, right before AB 109 become effective, San Diego County's total inmate population was 4,622 (3,889 males and 733 females), representing about 83 percent of operational capacity. As of March 31, 2013, the population was fluctuating between 5,057 and 5,458, at times bumping up against 100 percent of capacity. Realignment now accounts for about 32 percent of San Diego

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County's total inmate population.

To address the bulge in prisoners, the Sheriff's Department has initiated mitigation strategies that included accelerated release credits and the relocation of females from Vista to Las Colinas.

As the number of realigned offenders detained locally instead of in state prison has risen, so has sentence lengths. The longest sentence to date for an inmate sent to county jail is 12 years and four months, and the longest split sentence between jail and supervised release is 18 years, with 12 years in custody.

AB 109 also has boosted the number of inmates needing specialty care. During calendar 2011, before AB 109 had much effect, county jails held an average of 781 inmates who required specialty housing. As of March 2013, an average of 1,065 inmates were located in specialty housing, a 36 percent increase.

Ten months from now, the capacity of San Diego's jail system will expand, with 400 new reentry beds expected to become available at the East Mesa Detention Facility by May 2014.

Among the programs created by the Sheriff was the County Parole and Alternative Custody Unit (CPAC). This program is designed to provide an alternate custody option for up to 300 inmates. After screening, suitable inmates are released on either GPS or electronic monitoring.

These are only some of the efforts being taken by San Diego's criminal justice community to manage this population and the evolving challenges it represents. New programs and tools are needed as the system nears its "full capacity" mark and, potentially urgently, as federal government actions threaten to require the release by December 31, 2013 of nearly 10,000 additional state prisoners.

The potential mass release of prisoners is due to a June 21, 2013 decision by a special three judge federal panel convened to force the state of California to come to grips with its chronically overcrowded prison system. The panel's actions confirmed earlier decisions that directed the State of California to reduce its current prison population. Governor Jerry Brown is appealing that ruling to the U.S. Supreme Court.

Make no mistake, if this ruling stands, it will have an extremely deleterious impact on the public safety of San Diego residents. This ruling could result in between 400 and 800 felons, who are currently in state prison, being released to the streets of San Diego. Indeed, by the time this board letter is considered, the releases could already have been started. These will not necessarily be the "non-non-nons." Rather, they could be individuals imprisoned for violent and sexual crimes who would be released into our community without serving their full sentences.

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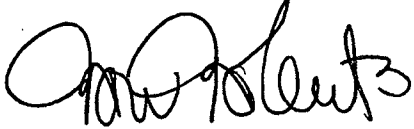
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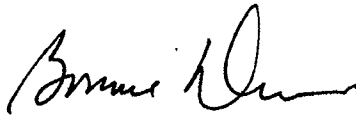
**Linkage to the County of San Diego Strategic Plan**

Today's action supports the Safe Communities Initiative by directing County staff to take available steps to notify appropriate state and federal agencies of the impact to San Diego of the pending early release of State Prisoners, and to direct staff to explore options to reduce spikes in weekly jail populations.

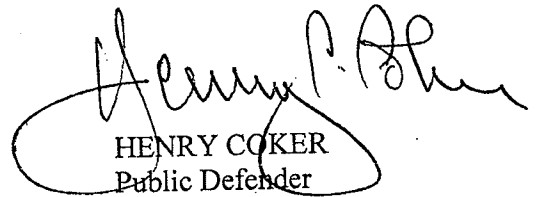
Respectfully submitted,



RON ROBERTS  
Supervisor, Fourth District



BONNIE DUMANIS  
District Attorney



HENRY COKER  
Public Defender

ATTACHMENT(S)  
N/A

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**AGENDA ITEM INFORMATION SHEET**

**REQUIRES FOUR VOTES:**      Yes    No

**WRITTEN DISCLOSURE PER COUNTY CHARTER SECTION 1000.1 REQUIRED**  
 Yes    No

**PREVIOUS RELEVANT BOARD ACTIONS:**  
N/A

**BOARD POLICIES APPLICABLE:**  
N/A

**BOARD POLICY STATEMENTS:**  
N/A

**MANDATORY COMPLIANCE:**  
N/A

**ORACLE AWARD NUMBER(S) AND CONTRACT AND/OR REQUISITION  
NUMBER(S):**  
N/A

**ORIGINATING DEPARTMENT:** Supervisor Ron Roberts, District Attorney Bonnie  
Dumanis, Public Defender Henry Coker

**OTHER CONCURRENCES(S):** N/A

**CONTACT PERSON(S):**

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