

# AGENDA

## SPECIAL MEETING ORANGE COUNTY COMMUNITY CORRECTIONS PARTNERSHIP

Thursday, July 26, 2012, 2:00 P.M.

PROBATION DEPARTMENT  
Training Room 5  
1001 Grand Ave.  
Santa Ana, California

**STEVE SENTMAN, Chair**  
Chief Probation Officer

**SANDRA HUTCHENS**  
Sheriff-Coroner

**FRANK OSPINO**  
Public Defender

**TONY RACKAUCKAS**  
District Attorney

**KEVIN RANEY**  
Chief of Police, Garden Grove

**MARK REFOWITZ**  
Health Care Agency

**THOMAS BORRIS**  
Presiding Judge

*The Orange County Community Corrections Partnership welcomes you to this meeting. This agenda contains a brief general description of each item to be considered. The Partnership encourages your participation. If you wish to speak on an item contained in the agenda, please complete a Speaker Form identifying the item(s) and deposit it in the Speaker Form Return box located next to the Clerk. If you wish to speak on a matter which does not appear on the agenda, you may do so during the Public Comment period at the close of the meeting. Except as otherwise provided by law, no action shall be taken on any item not appearing in the agenda. When addressing the Partnership, please state your name for the record prior to providing your comments.*

**\*\*In compliance with the Americans with Disabilities Act, those requiring accommodation for this meeting should notify the Clerk of the Board's Office 72 hours prior to the meeting at (714) 834-2206\*\***

*All supporting documentation is available for public review in the office of the Clerk of the Board of Supervisors located in the Hall of Administration Building, 333 W. Santa Ana Blvd., 10 Civic Center Plaza, Room 465, Santa Ana, California 92701 during regular business hours, 8:00 a.m. - 5:00 p.m., Monday through Friday.*

### ADMINISTRATIVE MATTERS: (Items 1 – 5)

*At this time, members of the public may ask the Partnership to be heard on the following items as those items are called.*

1. Welcome and Introductions
2. Discussion and approval of amending Partnership bylaws
3. Discussion and approval of FY 12-13 funding allocations

## AGENDA

4. Discussion and approval of response to Grand Jury Report *AB109: Public Safety Realignment: A Paradigm Change*
5. Realignment Updates:
  - Probation
  - Sheriff
  - District Attorney
  - Public Defender
  - Courts
  - Health Care/Mental Health
  - Local Law Enforcement
  - Social Services
  - OC Community Resources
  - OC Department of Education
  - Community-Based Organization (Representative)
  - CSP (Victims Representative)

### PUBLIC & PARTNERSHIP COMMENTS:

*At this time members of the public may address the Orange County Community Corrections Partnership on any matter not on the agenda but within the jurisdiction of the Partnership. The Partnership or Chairman may limit the length of time each individual may have to address the Committee.*

### PUBLIC COMMENTS:

### PARTNERSHIP COMMENTS:

### ADJOURNMENT

### NEXT MEETING:

August 23, 2012            Time TBA (depending on outcome of item 2)

**BY-LAWS**  
**OF THE ORANGE**  
**COUNTY COMMUNITY CORRECTIONS PARTNERSHIP**

**ARTICLE I**

NAME

The name of this organization shall be THE ORANGE COUNTY COMMUNITY CORRECTIONS PARTNERSHIP.

**ARTICLE II**

AUTHORIZATION

This organization is authorized by Penal Code Section 1229, *et seq.*

**ARTICLE III**

PURPOSE

The Orange County Community Corrections Partnership shall play a critical role in developing programs and ensuring appropriate outcomes for low-level offenders. Pursuant to Penal Code Section 1230, the Partnership shall provide advice concerning Probation's community corrections program as defined in subdivision (c) of Penal Code Section 1229 and shall recommend a local plan to the Orange County Board of Supervisors for the implementation of the 2011 Realignment Legislation addressing public safety as expressed in AB 109, AB 117 and AB 118 of 2011.

**ARTICLE IV**

MEMBERSHIP

1. The Partnership shall consist of the Chief Probation Officer, serving as the Chairperson of the Partnership and the presiding judge of the superior court, or his or her designee, a county supervisor or the chief administrative officer for the county, the district attorney, the public defender, the sheriff, a chief of police, the head of the county department of social services, the head of the county department of mental health, the head of the county department of employment, the head of the county alcohol and substance abuse programs, the head of the county office of education, a representative from a community-based organization with experience in successfully providing rehabilitative services to persons who have been convicted of a criminal offense, an individual who represents the interests of victims.

2. The Partnership shall have an Executive Committee designated as follows: the chief probation officer of the county (chairperson), a chief of police, the sheriff, the district attorney, the public defender, the presiding judge or his or her designee, one department representative from one of the following, as designated by the county board of supervisors: (1) the head of the county department of social services; (2) the head of the county department of mental health; or (3) the head of the county department alcohol and substance abuse programs.

The Executive Committee shall vote on the local plan to be recommended by the Partnership to the Orange County Board of Supervisors

3. The Partnership may also consist of non-voting members as follows: a representative from the Board or CEO's office; a representative from the County Department of Education; a Non-Profit Community based social service/rehabilitation service organization representative; a representative from the Workforce Investment Board; an individual who represents the interests of victims; and a representative from the Social Services Agency, Health Care Agency Mental Health Services and Health Care Agency Drug and Alcohol Services if not appointed to the Executive Committee.
4. Partnership membership may be terminated upon a motion from the Partnership Chairperson and a majority vote of the Partnership members present and approval of the Board of Supervisors. Failure to attend three (3) consecutive Partnership meetings without an authorized absence or attendance by an alternate shall result in termination of Partnership membership.
5. A member may resign at any given time by giving written notice to the Partnership. The resignation shall take effect as of the date the notice is received or at a later time specified in the notice; the resignation need not be accepted to be effective.
6. Replacement of Partnership member:
  - a. Upon resignation or termination of an appointed Executive Committee Partnership member, the Partnership Chairperson shall notify the Board of Supervisors and make recommendations for appointment.
  - b. If a Partnership member is unable to attend a meeting of the Partnership, he or she may designate, in writing, an alternate who shall attend in his or her behalf.
  - c. Alternates of Executive Committee Partnership members shall not have a vote on specific issues unless authorized by the Executive Committee Partnership member in writing.

## ARTICLE V

### OFFICERS

1. Officers of the Partnership shall be a Chairperson, a Vice-Chairperson, and an Acting Chairperson and such other officers as the Partnership may choose to elect.
2. Responsibilities of Officers:
  - a. Chairperson – In accordance with Section 1230(b)(2) of the Penal Code, the Chief Probation Officer shall serve as the Partnership Chairperson. The Chairperson shall supervise and direct the Partnership's activities, affairs, and officers. The Chairperson shall preside at all Partnership meetings. The Chairperson shall have such other powers and duties as the Committee By-laws may prescribe.
  - b. Vice-Chairperson – In the absence or disability of the Chairperson, the Vice-Chairperson shall perform all duties of the Chairperson. When so acting, the Vice-Chairperson shall have all the powers of, and be subject to, the restrictions of the Chairperson. The Vice-Chairperson shall have such other powers and perform other duties of the Partnership or the By-laws prescribe. The Probation Department's Chief Deputy Probation Officer – Operations Support Bureau shall serve as Vice-Chairperson.
  - c. Acting-Chairperson – In the event of the temporary absence of the Chairperson and Vice-Chairperson, another Partnership member may be designated to serve as the Acting-Chairperson to preside at Partnership meetings.
3. Term of Office:

The term of office for the Partnership Chairperson shall be concurrent with his/her term as Chief Probation Officer. Each Partnership member shall serve an indefinite term; concurrent with his/her service to the organization he/she represents, until membership is terminated, or the Partnership member resigns.

## ARTICLE VI

### MEETINGS AND PROCEDURES

The Partnership and its Committees shall be governed by the Brown Act and all meetings shall be open to the public.

1. Regular Meetings

Regular meetings shall be set by the Partnership and are to take place on the fourth Thursday of the month at 2: 00 p.m. unless an alternate date and time is announced in advance. The regular meeting location shall be at the Probation Department training facility, located at 1001 S. Grand Avenue, Santa Ana, California 92705, unless an alternate location is announced in advance. Any scheduled meeting may be canceled upon order of the Chair, or a majority of the Executive Committee members of the Partnership.

2. Special Meetings

Special meetings may be called at any time by the Committee Chair. Each member of the Committee shall be given adequate written notice of such meetings.

3. Quorum and Voting Procedure

a. A simple majority of the Executive Committee members of the Partnership shall constitute a quorum for the transaction of business at any meeting of members.

b. Decisions shall be reached through majority voting which is defined as a majority of the quorum members present.

c. The Partnership shall use parliamentary procedures (the current edition of Robert's Rules of Order) to conduct business.

4. Setting the Agenda

The Chairperson and Vice-Chairperson shall designate items on the agenda. Anyone wishing to provide input shall request inclusion on the agenda by contacting the Chairperson and the Vice-Chairperson no later than one week prior to the scheduled meeting.

5. Public Comments

Public comments at meetings are limited to three (3) minutes for each agenda item for individuals and five (5) minutes for each agenda item for representatives of organizations. The Chairperson has the discretion to extend the time based on the complexity of the issue.

## **ARTICLE VII**

### **COUNCILS, COMMITTEES AND TASK FORCES**

1. Standing Committees may be created by vote of the Partnership Executive Committee to perform on-going functions. The Chairperson of a Standing Committee will be appointed annually by the Partnership Chairperson and must be a member of the Executive Committee. Each Standing Committee shall report to the Partnership on a regular basis.
2. Task Forces may be formed to deal with a specific need or issue as approved by the Partnership. When their objectives are met, they will be disbanded. The Task Force Chair shall be appointed by the Partnership Chairperson.
3. Membership on Standing Committees and Task Forces may include non-voting Partnership members, technical consultants and/or citizens from the community at large.

## **ARTICLE IX**

### **AMENDMENTS**

These By-laws may be adopted, amended or repealed by a majority vote of the Partnership Executive Committee after written proposal for such action has been in the hands of the Partnership for thirty (30) days.

7-26-12 #3

**FY 12-13 Proposed AB 109 Allocation**

The Final State Budget includes \$56,302,998 in AB109 funding for Orange County (A)

Department	FY 11-12 Allocation	Proposed FY 12-13 Allocation	Amount Included in FY 12-13 Base Budget	Variance Proposed Allocation to Budget
Sheriff	11,083,628	27,040,078	26,366,274	673,804
Probation	6,692,733	14,346,340	9,000,000	5,346,340
HCA (In-Custody)	2,532,623	6,178,691	7,200,000	(1,021,309)
HCA (Post-Custody)	2,077,055	5,067,270	4,446,937	620,333
Local Law Enforcement	692,354	692,354	N/A	N/A
<b>Total</b>	<b>23,078,393</b>	<b>53,324,733</b>	<b>47,013,211</b>	
	<b>Balance</b>	<b>2,978,265</b>		
<b>Balance Allocation (Allocation of the balance is considered one-time)</b>				
HCA (Risk Pool/Stop Gap Insurance)		1,478,265		
Sheriff (Deputy Recruitment/Academies)		1,000,000		
District Attorney (Realignment Services)		250,000		
Public Defender (Realignment Services)		250,000		
	<b>Total Balance Allocation</b>	<b>2,978,265</b>		
	<b>Total Proposed Allocation</b>	<b>56,302,998</b>		

**NOTES:**

- [1] Total In-Custody allocation is \$33,218,769 (Sheriff = \$27,040,078; HCA = \$6,178,691)
- [2] FY 11-12 Daily Jail Bed Rate = \$136.79 (060 = \$111.33; 042 = \$25.46); FY 12-13 rate still under review
- [3] The unspent Local Law Enforcement (LLE) balance carries over from year-to-year; the estimated balance that will carry over from FY 11-12 is \$612,534; the carryover and FY 12-13 allocation will be appropriated in Probation's budget in the 1st Quarter Budget Report to allow for payment to LLE
- [4] District Attorney and Public Defender FY 12-13 allocation (Government Code Section 30025) = \$477,083 each, or a total of \$954,166 (amount prior to allocation of \$250K each)
- [5] \$200K was allocated by the State for CCP costs, including possible use to address Grand Jury recommendation

PROPOSED RESPONSE TO GRAND JURY REPORT: AB109: PUBLIC SAFETY: A PARADIGM CHANGE

Background

The 2011-2012 Orange County Grand Jury issued a report on June 29, 2012 entitled *AB109: Public Safety: A Paradigm Change*. The report directed responses to Findings 3 and 4 (F3 and F4), and Recommendations 3 and 4 (R3 and R4) to the Community Corrections Partnership. The Findings and Recommendations and the proposed responses are provided below.

The County Executive Office (CEO) coordinates the submittal of a response to the Grand Jury. Responses to the Grand Jury require Board of Supervisors approval. Responses to the Findings and Recommendations are due to the CEO no later than August 15, 2012 to allow for Board consideration and approval at the September 25, 2012 Board meeting.

California Penal Code Section 933.05 details the manner in which responses are to be made. Options for responses to Findings include the following:

- 1) Agrees with the finding
- 2) Disagrees wholly or partially with the finding (in this case, the response shall specify the portion of the findings that is disputed and shall include an explanation of the reasons therefore)

Options for responses to the Recommendations include the following:

- 1) The recommendation has been implemented (in this case, a summary regarding the implemented action must be included)
- 2) The recommendation has not yet been implemented, but will be implemented in the future (in this case, a timeframe for completion must be included)
- 3) The recommendation requires further analysis (in this case, the following must be included with the response: an explanation and the scope and parameters of an analysis or study, and a time frame for the matter to be prepared for discussion; this timeframe shall not exceed six months from the date of publication of the Grand Jury report)

PROPOSED RESPONSE TO FINDINGS AND RECOMMENDATIONS

F3

Restrictions on the use of AB109 state funding fails to recognize the increase in crime in communities and the additional demands placed on local law enforcement agencies.

Proposed Response: Disagrees partially with the finding

The restrictions on the use of AB109 funding are statutorily mandated . The Legislature has disallowed the use of AB109 funding in any manner that would supplant existing funding.

However, AB109 funding may be used for costs associated with the supervision of persons on postrelease community supervision and those on mandatory release pursuant to AB 109 which should allow for the use of AB109 funds to reimburse local law enforcement for assistance in the supervision of these populations.

F4

Insufficient time has elapsed since the passage and implementation of AB109 to provide comparison of crime rates before and after the passage of the bill.

Proposed Response: Agrees with the finding

R3

The Orange County Community Corrections Partnership (OCCCP) Executive Committee should explore a means to modify or work around the restrictions on compensating local law enforcement agencies for manpower expenses for ordinary enforcement of the law with regard to the PCS population and their communities. (See F3)

Proposed Response: The recommendation has been implemented

A working group, including members of local law enforcement (LLE), has been formed to determine how the funding allocated to LLE can best meet their needs within the parameters of the law.

R4

Initiate a study by the Orange County Community Corrections Partnership (OCCCP) to compare crime rates in Orange County for the periods of October 2010 through September 2011 and October 2011 through September 2012. The comparison study to be completed by December 2012 with a copy of the study directed to the Orange County Grand Jury on or before December 31, 2012. (See F4)

Proposed Response: The recommendation has been implemented

On July 26, 2012, the OCCCP approved the use of one-time AB109 funding to conduct such a study. While every attempt will be made to complete and provide a copy of the study to the Grand Jury by December 31, 2012, any delays with completion of the study will be reported to the Grand Jury and a copy of the study will be provided when available.