

AGENDA

REGULAR MEETING ORANGE COUNTY COMMUNITY CORRECTIONS PARTNERSHIP

Thursday, June 27, 2013, 2:00 P.M.

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

STEVE SENTMAN, Chair
Chief Probation Officer

THOMAS BORRIS
Presiding Judge

SANDRA HUTCHENS
Sheriff-Coroner

TONY RACKAUCKAS
District Attorney

MARY HALE
Health Care Agency

FRANK OSPINO
Public Defender

KEVIN RANEY
Chief of Police, Garden Grove

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.

AGENDA

ADMINISTRATIVE MATTERS: (Items 1 - 6)

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 amended bylaws
3. Discussion and approval of allocation of FY 13-14 funding
4. Discussion and approval of participation in Smart Justice video
5. Discussion and approval of cancelling or rescheduling the 7/25/13 and 8/22/13, Regular Meetings
6. Realignment Updates:
 - Probation
 - Sheriff
 - District Attorney
 - Public Defender
 - Courts
 - Health Care/Mental Health
 - Local Law Enforcement
 - Board of Supervisors
 - 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 Chair may limit the length of time each individual may have to address the Partnership.

PUBLIC COMMENTS:

PARTNERSHIP COMMENTS:

ADJOURNMENT

NEXT MEETING:

TBA (Pending Item 5)

**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 that will serve as the voting body of the Partnership and shall be comprised of the following members: the chief probation officer of the county (chairperson), a chief of police, the sheriff, the district attorney, the public defender, 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.
3. The Chief Probation Officer of the County shall serve as the Chairperson of the Partnership pursuant to Penal Code section 1230(b)(2). Should the Chief Probation Officer be unable to attend a meeting, the Chief may declare an alternate to attend in his/her place pursuant to paragraph 4 below. If an alternate attends on behalf of the Chief of Probation, the alternate shall assume the duties of Chairperson for that meeting.
4. Replacement of Partnership member:
 - a. If an Executive Committee Partnership member is unable to attend a meeting of the Partnership, he or she may designate, in writing, an alternate who shall attend on his or her behalf.
 - b. 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

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 shall designate items on the agenda. Anyone wishing to provide input shall request inclusion on the agenda by contacting the 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 VI

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 VII

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.

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

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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 that will serve as the voting body of the Partnership and shall be comprised of the following members 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.

Comment [a1]: This section is being modified to address the constitutional prohibition against judges simultaneously holding non-judicial offices.

~~2.3.~~ The Chief Probation Officer of the County shall serve as the Chairperson of the Partnership pursuant to Penal Code section 1230(b)(2). Should the Chief Probation Officer be unable to attend a meeting, the Chief may declare an alternate to attend in his/her place pursuant to paragraph 4 below. If an alternate attends on behalf of the Chief of Probation, the alternate shall assume the duties of Chairperson for that meeting.

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

Comment [a2]: This section replaces Article V below.

Comment [a3]: This section is no longer required/relevant as the plan has already been voted on and approved by the 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.~~

Comment [M4]: This section should be deleted as statute does not provide the Executive Committee with the authority to appoint additional non-voting members to the Partnership.

~~4. Voting members shall be nominated by the Chief Probation Officer and appointed by a majority vote of the Board of Supervisors.~~

Comment [M5]: This section can be deleted as the voting members are declared by the by-laws; and for the plan, the voting members were identified by statute. If the Partnership wants to add voting members, it can be done in paragraph 2, so there should not be a separate by-law that addresses the ability to appoint a voting member.

~~5. 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 may result in termination of Partnership membership.~~

Comment [M6]: Because the purpose of the Partnership is to be inclusive and bring together various stakeholders in the community, having a by-law that would allow/require termination of a member for lack of attendance is not recommended.

~~6. 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.~~

Comment [M7]: This section is not required or needed.

~~7.4.~~ 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.~~

Comment [M8]: This section is not needed as there are no "appointed" executive committee members except the one designated by the Board of Supervisors from the three possible offices. All of the members of the executive committee are not "people" but rather "officers", thus if a person no longer holds the identified office, then the new person who holds the identified office would automatically assume the position on the executive committee.

~~ab.~~ If an ~~Executive Committee~~ 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.

~~be.~~ 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 Council or 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.~~

~~e. 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.~~

Comment [M9]: This section is being replaced by Article IV, Paragraph 3. Because the Executive Committee is the voting body of the Partnership, designation of "officers" is not needed. The Chief of Probation is the Chair by law, and per the bylaws, as a member of the executive committee, he is able to designate an alternate to attend and vote in his place.

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**ORANGE COUNTY COMMUNITY CORRECTIONS PARTNERSHIP
ATTACHMENT FOR AGENDA ITEM #3
JUNE 27, 2013**

On June 11, 2013, the Board of Supervisors directed the CCP to reconsider its FY 13-14 allocation to Local Law Enforcement (LLE) from 1% to 3%. The reconsideration to reinstate a 3% allocation would be contingent upon the funding being used solely for the implementation of a countywide task force that would serve to help cities and the county to deal with the impacts of AB109. The CCP's response back to the Board of Supervisors must identify any impacts on the Contract Cities. The following provides a summary of various funding scenarios for the purpose of generating discussion at the CCP meeting.

	ANNUAL COST		PARTIAL YEAR COST FOR 1 OR 2 TASKFORCE UNITS			
	Budget as Presented by LLE	Budget with Deputy Probation Officers (DPO)	12/1/13-6/30/14 7 MONTHS/2 UNITS w/o DPO	w/DPO	12/1/13-6/30/14 7 MONTHS/1 UNIT w/o DPO	w/DPO
3% Allocation & Adjustment for Discussion						
3% Allocation Would Be:	2,001,712	2,001,712	2,001,712	2,001,712	2,001,712	2,001,712
Current Allocation to LLE (approx. 1%) [1]	565,048	565,048	565,048	565,048	565,048	565,048
Variance - Additional Amount Required to Reach 3%	1,436,664	1,436,664	1,436,664	1,436,664	1,436,664	1,436,664
Conceptual Budget Presented by Local Law Enforcement						
2 Police Sergeants @ \$220,400 each	440,800	440,800	257,133	257,133	128,567	128,567
8 Police Investigators @ \$170,000 each	1,360,000	1,360,000	793,333	793,333	396,667	396,667
1 Crime Analyst	103,000	103,000	60,083	60,083	60,083	60,083
1 Office Assistant	76,000	76,000	44,333	44,333	44,333	44,333
1 Police Lieutenant (50%) @ 122,000	122,000	122,000	71,167	71,167	71,167	71,167
2 Deputy Probation Officers (DPO) @ \$120,000 each	-	240,000	-	140,000	-	70,000
<i>Subtotal Salaries & Employee Benefits (S&EB)</i>	2,101,800	2,341,800	1,226,050	1,366,050	700,817	770,817
Equipment Request	100,000	100,000	100,000	100,000	100,000	100,000
Total S&EB and Equipment	2,201,800	2,441,800	1,326,050	1,466,050	800,817	870,817
Amount (over)/under 3%	(200,088)	(440,088)	675,662	535,662	1,200,895	1,130,895
Additional Amount Needed over Current Allocation	1,636,752	1,876,752	761,002	901,002	235,769	305,769
Estimated Growth Funds (\$45.3M x 9.00%) [2]	4,077,000					
Estimated Growth Funds available to cover In-Custody shortfall after allocation of funds to Regional Task Force	2,440,248	2,200,248	3,315,998	3,175,998	3,841,231	3,771,231
Remaining shortfall based on original 1% allocation/shortfall identified below	1,610,614	1,850,614	734,864	874,864	209,631	279,631
Remaining shortfall based on updated/additional shortfall identified below	6,409,160	6,649,160	5,533,410	5,673,410	5,008,176	5,078,176

	Based on % Allocation to LLE		
	1%	2%	3%
IN-CUSTODY ESTIMATED SHORTFALL			
Estimated FY 13-14 In-Custody Shortfall (Sheriff and HCA) as of 2/28/13 [3]	4,050,862	4,320,284	4,987,526
Sheriff	3,362,215	3,585,836	4,139,647
HCA	688,647	734,448	847,879
Additional In-Custody Shortfall based on actual AB109 average inmate count March-May 2013 [4] (Excludes use of updated daily bed rate)	4,798,546		
Sheriff	3,982,793		
HCA	815,753		
Total FY 13-14 Estimated Shortfall [5]	8,849,408		
Estimated Growth Funds Available after allocation to Regional Task Force (as presented by LLE)	2,440,248		
Remaining Shortfall	6,409,160		

NOTES:


- [1] Actual percentage allocation is closer to 0.85%. The \$565,048 was "backed into" by subtracting the State's \$1.4M allocation to LLE from the 3% amount.
- [2] \$45.3M estimated per Governor's May Revise Budget. 9% conservative estimate based on the Realignment Allocation Committee's proposed distribution of AB 109 growth which was 9.71% in April. This formula is currently being reviewed based upon input from Urban Counties and to review weighting of impacting issues other than jail populations. It will be sent as a recommendation to the Department of Finance who has final authority for developing a growth allocation formula.
- [3] In-Custody estimated shortfall is based on 920 individuals x 365 days/year x \$134.15 daily bed rate (\$134.15 = \$111.33 for Sheriff [83%] and \$22.82 for HCA [17%]).
- [4] Average AB109 inmate count for March-May 2013 was 1,018, an increase of 98 from the 2/28/13 estimate of 920.
- [5] Use of the updated daily bed rate of \$136.79 results in an additional shortfall of \$981K not reflected in the \$8,849,408 amount.



Supervisor Janet Nguyen, First District
Orange County Board of Supervisors

Memorandum

Bo 6/11/13
#3

Date: June 10, 2013
To: Chairman Shawn Nelson, Fourth District
Honorable Members, Orange County Board of Supervisors
From: Supervisor Janet Nguyen, First District 
Subject: CCP Allocation of AB 109 Funding to Local Law Enforcement

2013 JUN 10 PM 2:25
ORANGE COUNTY
POLICE DEPARTMENT

This memo is to inform you of my intent during Tuesday's Budget Hearing to request that the Board of Supervisors direct the Community Corrections Partnership (CCP) to reconsider their FY 13-14 AB 109 allocation to Local Law Enforcement from 1% to 3%.

The reconsideration to reinstate a 3% allocation would be contingent upon the funding being used solely for the implementation of a county-wide task force that would serve to help cities and the county to deal with the impacts of AB 109. The mission of this task force will be to monitor those persons who have been identified by the Orange County Probation Department as being a high-risk re-offender. If these persons are once again involved in criminal activity, this task force will assist the law enforcement agency in which the crimes have occurred in conducting surveillance and investigative follow-up in order to apprehend and prosecute the persons who re-offend.

In making their determination, I ask that the CCP take into account additional growth monies that are expected to be allocated by the State in the fall with budgets to be adjusted in a quarterly action.

Please see the attached concept paper for the task force, submitted to my office by Garden Grove Police Chief Kevin Raney on behalf of all Orange County Police Chiefs.

If you have any questions, please feel free to contact me. Thank you for your consideration.

cc:
Mike Giancola, County Executive Officer
Honorable Tony Rackauckas, District Attorney
Honorable Sandra Hutchens, Sheriff-Coroner
Steve Sentman, Chief Probation Office

Orange County Regional Realignment Enforcement Task Force

Concept Paper

The concept of an Orange County Regional Task Force designed specifically to create a team of multi-disciplinary investigators dedicated solely to the function of supervising and investigating those persons supervised by the Orange County Probation Department who have been identified via a validated risk-assessment process as being highly likely to re-offend has been approved by the Orange County Chiefs and Sheriff's Association on June 5, 2013.

This regional task would be comprised, minimally, of:

- (2) Local Law Enforcement Sergeants
- (8) Local Law Enforcement Investigators
- (2) Deputy Probation Officers
- (1) Crime Analyst
- (1) Professional Office Assistant
- (1) Local Law Enforcement Lieutenant (50%)

The Mission of the Orange County Regional Realignment Task Force will be to identify those persons who have been identified by the Orange County Probation Department as being a high-risk re-offender. Members of this task force will monitor the high-risk re-offenders. If information is developed that these persons are once again involved in criminal activity, this task force will be responsible for assisting the law enforcement agency in which the crimes have occurred in conducting surveillance and investigative follow-up in order to apprehend and prosecute the persons who re-offend.

Additionally, criminals do not commit crimes only within city or county boundaries. Persons residing in adjoining counties who have been released pursuant to AB109 are significantly impacting Orange County. Task Force members will establish liaisons with adjoining county probation departments and law enforcement agencies in order to identify those persons who are committing crimes in Orange County and will assist in the apprehension and prosecution of identified suspects.

The Task Force will be initially formed with appropriate staffing to implement two (2) investigative teams. Each team will be comprised of (1) sergeant, (4) investigators and (1) probation officer. The task force will be supported by (1) crime analyst and (1) office assistant. (1) Lieutenant from either the Orange County Sheriffs Department or a municipal law enforcement agency will be the administrator for the task force and will be responsible for management oversight. Initially, the lieutenant will be a ½ time position but can easily grow into a full-time position.

Conceptual Budget

2 Police Sergeants @ \$220,400 ea.	\$ 440,800
8 Police Investigators @ \$170,000 ea	\$ 1,360,000
1 Crime Analyst @ \$103,000	\$ 103,000
1 Office Assistant @ \$76,000	\$ 76,000
1 Police Lieutenant (50%) @ \$122,000	\$ 122,000
Estimated Total:	\$ 2,101,800

Additionally, members of this task force will require equipment. Equipment needs will consist minimally of computers, radios, vehicles, surveillance equipment, computer software, printers, cellular telephones, etc. An estimated cost for this equipment is \$100,000.

Initially, the Task Force can be housed at a municipal police department. The Westminster Police Department has offered appropriate space necessary to house this unit. Future needs may include the ability and funds to rent off-site office space.

The Orange County Regional Realignment Task Force would be governed by an MOU agreed upon by all members of the Orange County Chiefs and Sheriff's Association. A governing body would be appointed for executive oversight, operational approval and budget approval. This proposed Task Force, if approved, would become operational effective December 1, 2013.

SMART JUSTICE VIDEO

CSAC recently produced four "Smart Justice" videos, highlighting innovative criminal justice programs at work in four California counties: Glenn, San Bernardino, San Joaquin, and San Mateo. These videos showcased the great work being done to manage new adult offender population responsibilities under AB 109. Given the success of the first four videos, they are interested in expanding production to feature an additional 6-10 counties by the end of this year. They are soliciting our input.

They are seeking notices of interest from 54 counties. An interest e-mail should be sent via e-mail to Gregg Fishman at gfishman@counties.org. The e-mail should also answer the following questions:

1. What program would you like highlighted and why?
2. Is the program collaborative? Do you work with other departments within your county or community-based agencies?
3. Was this program established specifically to help manage implementation of AB 109, or was it an expansion of an existing program? (Due to project limitations, we are only featuring programs utilizing AB 109 funding.)
4. Does your program have an evaluation component?
5. Are there offenders we can interview, as well as program administrators and line staff?

Please note they only want one submission per county. Possible programs/innovative practices are:

- Postrelease Community Supervision Re-entry Program
- OCSD'S In-Custody Transition Program (ICTP)
- Local Law Enforcement Collaborative