

# Overview

## AB 109 & AB 117

Public Safety Realignment of 2011



# Public Safety Realignment of 2011

- Local custody for non-violent, non-serious, non-sex offenders
- Changes to State Parole
- Local post-release supervision
- Local planning (executive committee)



## Community Corrections Partnership (CCP)

Shall recommend local plan to the county board of supervisors for the implementation of the 2011 public safety realignment.

### **Executive Committee:**

Chief Probation Officer (Chair); a Chief of Police; Sheriff, District Attorney; Public Defender; Presiding Judge of the Superior Court; and an additional county health and human service representative appointed by the Board of Supervisors



## When does realignment begin?

Begins as of October 1, 2011.

## How will realignment be funded?

AB 118 provides the statutory framework, allocation methodology and revenue to implement the 2011 public safety realignment.



# Community Corrections Partnership

The CCP plan is deemed accepted by the County Board of Supervisors unless the Board rejects the plan by a vote of four-fifths.



## Who is sentenced to local custody?

- Revises the definition of felony to include certain crimes that are punishable in jail for more than one year.
- Maintains length of sentences.
- Time served in jails instead of prisons:
  - Non-violent offenders
  - Non-serious offenders
  - Non-sex offenders



## Additional Features if Realignment

- Enhanced local custody and supervision tools:
  - Alternative custody tools for county jails
  - Home detention for low-level offenders
  - Local jail credits like current prison credits (Day-for-day)
- Prospective from October 1, 2011.



## Who is Sentenced to State Prison?

The following sentences must be served in state prison:

- Prior or current serious or violent felony as described in PC 1192.7 (c) or 667.5 (c)
- The defendant is required to register as a sex offender pursuant to PC 290
- Excludes certain other specified crimes

Note: “**excluded crimes**” are those for which a defendant can still be committed to state prison.





## Sentences that must be served in State Prison

Examples of 60 plus non-serious, non-violent, non-sex offenses that would be required to serve time in prison:

- Felony physical abuse of an elder or dependent
- Assault on a peace officer
- Bribing a legislator.



## Contracting Back

- Realignment allows counties to contract back with the State to send local offenders to state prison.
- Counties are authorized to contract with public community correctional facilities (CCFs).
- Contracting back does not include parole revocations.



From October 1, 2011...

**No** state prison inmates  
will be transferred  
to county jails.



## Post-release Supervision

- County-level supervision upon release from prison
  - Current Non-violent offenders
  - Current Non-serious offenders
  - Sex offenders
- Does NOT include:
  - 3rd strike
  - Individuals with a Serious Commitment Offense
  - Individuals with a Violent Commitment Offense
  - High risk sex offenders as defined by CDCR



## Post-release Supervision (**continued**)

Board of Supervisors designate a county agency to be responsible for Post-release Supervision and inform CDCR by August 1, 2011.

CDCR must notify counties who is being released on post-release supervision at least 30 days prior to release.



## Post-release Supervision (**continued**)

- Allows revocations up to 180 days.
- Graduated sanctions including flash incarceration at the local level (revocations lasting longer than 10 days require a court hearing).
- Individuals on post-release supervision without any violations after six months can be discharged.
- Courts may adjudicate violations and new conditions of release at the local level.



## Post-release Supervision (**continued**)

- Specifies CDCR shall have no jurisdiction over any person who is under post-release community supervision and no person shall be returned to prison except for **persons previously sentenced to a term of life (and only after a court order)**.



## State Parole Supervision

- Commitment offense:
  - Current serious or violent felony as described in PC 1192.7 (c) or 667.5(c)
  - The offender has been convicted of a third strike
  - The person is classified as a mentally Disordered Offender (MDO)
  - Or the person is classified as a high-risk sex offender.





## State Parole Supervision (**continued**)

Specifies CDCR continues to have jurisdiction over all offenders on state parole prior to October 1, 2011 implementation.



## State Parole Supervision (**continued**)

Supervision Parole revocations will be served in county jail –not in state prison –for no more than 180 days.

Contracting back from the state for revocations is not an option.

Graduated sanctions including flash incarceration at the local level (revocations lasting longer than 10 days require a court hearing).



## State Parole Supervision (**continued**)

Only persons previously sentenced to a term of life can be revoked to prison.

Parole revocation process remains with Board of Parole Hearings (BPH) until July 1, 2013.

The revocation process will transition to the Courts after July 1, 2013.



## State Parole Supervision (**continued**)

For the remaining low level offenders on parole after implementation of realignment, parole has the authority to discharge after six months if no violations have occurred.



## Juvenile Justice

- AB 109 proposed limits future juvenile court commitments to DJJ.
- AB 117 eliminates this provision and maintains the state's process for committing youth to state facilities.



## New Changes to Realignment

- Allows Courts to propose split sentence to mandate probation as part of county low level offenders sentence
- Expands limitations on allowable hospital costs for jail inmates and removes sunset date
- Elimination of Correctional Standards Authority and the new Board of State and Community Corrections (SB 92).

