

COMMUNITY CORRECTIONS PARTNERSHIP

SUMMARY

The Community Corrections Partnership (CCP), a little-known committee, was founded 11 years ago to implement California Legislature Assembly Bill 109 (AB109). This bill changed sentencing laws to alleviate State prison overcrowding. The committee is a good example of law enforcement and support agencies working together to ensure local public safety. The CCP meetings are an excellent example of compliance with California Government Code § 54950 (Brown Act).

The function of the CCP is to oversee the distribution of AB109 funds. In Mendocino County, the CCP is chaired by the Chief Probation Officer (CPO) and includes personnel from offices and departments that are affected by the passage of AB109. There is a glaring and notable absence at CCP meetings of a voting and participatory County Supervisor or County Executive Officer (CEO).

The CPO is a unique position because the position is hired by the Superior Court and is compensated by the County. There has been some Board of Supervisors (BOS) discussion of changing this position to an appointed department head. However, the Mendocino County Grand Jury (GJ) concludes this would be misguided and could politicize the position. A Memorandum of Understanding (MOU) between the Superior Court and the BOS should be written to clarify that the CPO position remains court-appointed rather than becoming a BOS political football.

BACKGROUND

In 2011, AB109 was enacted as a result of a Federal Court Order to reduce California prison population by 40 thousand inmates. This resulted in non-serious, non-violent, and non-sexual (3Ns) offenders being diverted from State prisons to county jails. Post-release supervision of these inmates was transferred from State Parole Agents to County Probation Officers. The law provides for revocation proceedings being initiated by the District Attorney

through the local Superior Court rather than the State Parole Board. The law also requires that State parole violators serve their revocations in county jails rather than being returned to State prison.

METHODOLOGY

The 2021-22 Mendocino County GJ interviewed CCP staff and attended CCP meetings and performed a site visit to the potential Day Reporting Center located at 1101 S. Dora Street in Ukiah. The GJ reviewed the following documents:

- California Legislative Assembly Bill 109,
- CCP Committee Roster, Agenda and Minutes,
- California Government Code § 54950 (Brown Act),
- California Government Code § 27770,
- California Government Code §§ 1230 and 1230.1,
- CCP Executive Committee Membership Roster,
- 2020-21 CCP Approved Budget Expenditures Report,
- 2021-22 CCP Approved Budget Expenditures Report,
- 2022-23 CCP Proposed Budget Expenditures Report,
- Memorandum of Understanding between the Marin County Superior Court and the Marin County Board of Supervisors dated April 11, 2000.

DISCUSSION OF FACTS

In 2011, following a Federal Court Order to reduce prison overcrowding, the California Legislature passed AB109 *Realignment Legislation Addressing Public Safety*. The legislation required each county to establish a *Community Corrections Partnership* to implement the law.

The CCP Executive Committee voting members mandated by AB109 include:

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| • Chief Probation Officer | • District Attorney |
| • Presiding Judge of the Superior Court | • Public Defender |
| • BOS member or CEO | • Ukiah Chief of Police |
| • Director of Health & Human Services | • Sheriff |

The CCP non-voting committee members include:

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| • Head of Social Services | • Head of Department of Education |
| • Head of Behavioral Health | |

- Head of Human Resources
- Head of Alcohol and Substance Abuse
- Victim Interest Representative
- Offender Rehabilitative Services Representative

After reviewing past CCP Committee minutes, the GJ noted that no member of the BOS or the CEO has attended a CCP meeting in the past year. The GJ could find no meeting record reflecting any public attendance or participation. The CCP meetings are not published in the County Legistar Calendar.

AB 109-Jail Instead of Prison

The passing of AB 109 established local jail custody for the 3Ns offenders who were previously subject to State prison sentences. Once released, these offenders are supervised by County Probation Officers rather than State Parole Agents. The bill also shifted the revocation process for both parolees and supervised releasees to the County Superior Court.

Funding

The AB109 provides State funding to reimburse each county for their expenses. In the 2021-22 Mendocino County budget, the CCP Program was approved for approximately \$4 million in State reimbursement. No significant general funds are used in the CCP program.

In March of each year, CCP members submit their funding requests to the Executive Committee for approval. The requests are compiled, approved by the BOS and submitted to the State. Additionally, supplemental Growth Funds are available when a State budget surplus occurs. These funds may be used for any non-supplanting AB109 purpose and unused funds are rolled over for use in future years.

California Government Code § 27770 mandates that the CPO is hired by the Superior Court and compensated by the County. In order for this position to remain non-political, a MOU between the Superior Court and the County should be established. An example would be the MOU between the Marin County Superior Court and the Marin County Board of Supervisors, dated April 11, 2000.

FINDINGS

- F1. The CCP meetings have **not** been attended by a voting member of the BOS or the CEO in the past year.
- F2. There is no public attendance or participation at the CCP meetings.
- F3. Transferring the hiring of the CPO from the court to the BOS would politicize this position.
- F4. The GJ finds that the CCP meetings are fully compliant with the Brown Act.

RECOMMENDATIONS

The Grand Jury recommends that:

- R1. a member of the BOS or the CEO attend CCP meetings and report quarterly to the BOS. (F1)
- R2. the BOS add quarterly CCP meeting notifications to the County Legistar Calendar. (F2)
- R3. a MOU be established by the BOS between the Superior Court and Mendocino County clarifying the hiring, and roles and responsibilities of the CPO. (F3)

RESPONSES

Pursuant to Penal Code § 933.05, responses are required from the following board:

Mendocino County Board of Supervisors (F1, F3) and (All Recommendations)

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code § 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.