

**County of Kings  
Public Safety Realignment  
&  
Post Release Community Supervision  
2022 Plan**



**Executive Committee of the Community Corrections Partnership**

Nocona Soboleski, Court Executive Officer, Superior Court  
David Robinson, Sheriff  
Michael Kendal, Chief, Lemoore Police Department  
Keith Fagundes, District Attorney  
Marianne Gilbert, Public Defender  
Lisa Lewis, Behavioral Health Director  
Kelly Vernon, Chief Probation Officer (Chair)

1424 Forum Drive  
Hanford, CA 93230  
(559) 852-4303

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## **OVERVIEW OF 2011 PUBLIC SAFETY REALIGNMENT ACT (AB 109)**

In 2011, the California Legislature passed Assembly Bill (AB) 109 known as the Public Safety Realignment Act. This legislation transfers responsibility for supervising specific low-level inmates and parolees from the California Department of Corrections and Rehabilitation (CDCR) to counties. AB 109 took effect October 1, 2011 and realigned three major areas of the criminal justice system. On a prospective basis, the legislation:

- Transferred the location of incarceration for lower-level offenders (specified non-violent, non-serious, non-sex offenders) from state prison to local county jail, and provides for an expanded role for post-release supervision for these offenders; and
- Transferred responsibility for post-release supervision of lower-level offenders (those released from prison after having served a sentence for a non-violent, non-serious, and non-sex offense) from the state to the county level by creating a new category of supervision called Post-Release Community Supervision (PRCS); and
- Transferred the housing responsibility for parole and PRCS revocations to local jail custody. AB 109 also tasked the local Community Corrections Partnership (CCP), who acts as the governing body responsible for developing and submitting public safety realignment implementation recommendations to the Board of Supervisors. The CCP recommends a plan for implementation, which shall be deemed, accepted by the Board of Supervisors unless rejected by a 4/5th vote. The Executive Committee of the CCP for Kings County is composed of the Chief Probation Officer (Chair), Sheriff-Coroner, a Chief of Police (represented by the Avenal Police Chief), District Attorney, Public Defender, Presiding Judge of the Superior Court or designee, and Behavioral Health Director.

### **BUDGET**

The costs associated with the efforts required under AB 109 are funded with a dedicated portion of state sales tax revenue and Vehicle License Fees (VLF). These funding sources are outlined in trailer bills AB 118 and Senate Bill (SB) 89 of 2011. The latter provided revenue to counties for local public safety programs, and the former established the Local Revenue Fund for counties to receive the revenues and appropriate funding for efforts required under 2011 Public Safety Realignment.

In November 2012, California voters approved Governor Brown's Proposition 30, which created a constitutional amendment that protected ongoing funding to the counties for Realignment. The amendment prohibits the Legislature from reducing or removing funding to counties for compliance with AB 109.

The table below outlines the distribution of Public Safety Realignment funds.

[1] 2021-2022 AB 109 PROGRAM FUND BALANCE	[2] 2022-2023 Allocation for AB 109 PROGRAMS	[3] 2022-2023 Allocation for AB 109 DA/PD Activities (revocation)	[4] 2022-2023 Allocation for CCP Planning	[5] Allocation for PRCS	[6] Anticipated One-Time State Mandated Reimbursement Funding	[7] 2021-22 One- Time Growth Funding	[8] 2022-2023 10% Transfer Out to Innovation Sub- Account	[9] One-Time Realignment Backfill	Total 2022-23 Allocation	
KINGS	\$4,476,940	\$10,164,249	\$300,000	\$100,000	\$0	\$0	\$719,221	(\$71,922)	\$0	\$15,688,487

**FY 2022-2023 Adopted Distribution of AB 109 Funds:**

	FY 11/12 Actual	FY 12/13 Actual	FY 13/14 Actual	FY 14/15 Actual	FY 15/16 Actual	FY 16/17 Actual	FY 17/18 Actual	FY 18/19 Actual	FY 19/20 Actual	FY 20/21 Actual	FY 21/22 Actual	Total FY 21/22 Adopted	Total FY 22/23 Adopted	% of Total Allocated
Administration (111000)	\$ -	\$ 28,979	\$ 97,547	\$ 94,981	\$ 94,981	\$ 94,981	\$ 47,491	\$ 47,491	\$ 47,491	\$ 47,491	\$ 47,491	\$ 47,491	\$ 47,491	0.36%
County Counsel (130000)	30,024	18,230	89,676	88,164	88,164	88,164	44,000	44,000	44,000	44,000	44,000	44,000	44,000	0.34%
Human Resources (140000)	19,375	28,143	128,201	131,799	131,799	131,799	65,900	65,900	65,900	65,900	65,900	65,900	65,900	0.50%
District Attorney (216400)	-	-	68,088	114,027	263,822	237,408	95,515	186,639	330,298	346,981	416,447	416,447	414,833	3.17%
Sheriff - AB 109 (221500)	1,155,829	2,055,944	4,583,208	5,858,185	6,166,102	6,444,737	6,651,128	7,273,946	7,747,902	8,129,735	8,647,268	8,871,505	9,781,954	74.81%
Probation (233100)	540,013	1,237,666	1,991,655	1,783,259	1,770,495	1,791,889	1,595,922	1,685,716	1,916,437	1,988,747	1,839,174	2,269,216	2,636,149	20.16%
Defense of the Accused (302500)	78,110	37,750	30,750	27,500	32,500	53,250	80,875	80,000	85,000	85,000	42,013	85,000	85,000	0.65%
	\$ 1,823,351	\$ 3,457,456	\$ 7,031,984	\$ 8,148,579	\$ 8,604,500	\$ 8,918,008	\$ 8,600,242	\$ 9,384,566	\$ 10,232,028	\$ 10,707,854	\$ 11,102,292	\$ 11,799,559	\$ 13,075,327	100.00%

Fund Balance Reserved for Ongoing  
AB 109 Requirements: \$ 2,613,160

## **PUBLIC SAFETY PARTNERS**

### **DISTRICT ATTORNEY**

Prison realignment has increased the number of persons placed on probation because of insufficient resources available to support traditional incarceration. An increase in probationers has resulted in an increased workload and more violations of probation pretrials, and hearings, thereby, requiring additional services from District Attorney Staff.

The District Attorney will dedicate prosecution resources, and investigation resources, when appropriate, toward review of PRCS violations, case preparation, court appearances, and proactive follow-up with PRCS participants. In addition, the District Attorney will maintain an online presence with the goal of reintegrating at-large PRCS offenders with the justice system in an effort to increase engagement and participation with the courts and justice partners. Where PRCS cases involve victims, the Victim Witness Assistance Program advocates will provide support and services to victims, including court support should a case proceed to hearing.

### **DEFENSE OF THE ACCUSED**

Kings County's contracted public defense attorneys may work with the realigned offender population, and provide services to those individuals who qualify for county jail and alternative program placement sentences under AB 109. Under AB 118, the Legislature provided funding for the Public Defender to handle the additional workload.

### **PROBATION DEPARTMENT**

The Probation Department supervises offenders released from the California Department of Corrections and Rehabilitation under Post Release Community Supervision (PRCS). These offenders are comprised of those offenders whose most recent crime is non-serious pursuant to Penal Code (PC) 1192.7(c) and non-violent pursuant to 667.5(c) PC.

As of August 11, 2022, the department supervises **approximately** 350 PRCS Offenders with six (6.0) full time equivalent (FTE) Deputy Probation Officer I/II's. The PRCS Officers are assigned to Hanford, Lemoore, Corcoran, Avenal and the unincorporated areas of Kings County; these officers work closely with the respective police agency in their jurisdiction.

Additionally, these officers work frequent night and weekend shifts to maximize supervision efforts

- **GLOBAL POSITIONING SYSTEM (GPS) MONITORING PROGRAM**

To help offset the increasing number of offenders in the Kings County Jail following criminal justice realignment, the Probation Department’s Electronic Monitoring Unit implemented a GPS Monitoring Program in November of 2011; this unit operates within the authority granted by Penal Code sections 1203.016 - 1203.018. GPS Monitoring allows the Department to closely monitor the whereabouts and movement of its participants 24 hours a day, 7 days a week with one (1.0) FTE Deputy Probation Officer III, one (1.0) FTE Deputy Probation Officer I/II and two (2.0) FTE Probation Technicians. As of August 11, 2022, the program **supervises** approximately **63** offenders who would otherwise be detained or sentenced to time in the Kings County Jail. In addition to being subject to 24/7 monitoring, these offenders are afforded the opportunity to maintain employment and attend treatment or other educational programs.

In addition to detained and sentenced inmates, the Probation Department utilizes GPS monitoring only pursuant to 1210.7 PC to maintain a higher level of supervision of high-risk offenders who are under supervision of the Department on PRCS, mandatory supervision, or probation. Further, the Probation Department operates a juvenile GPS house arrest program in collaboration with the Kings Juvenile Center and the Kings County Superior Court’s Court Juvenile Division.

The Probation Department signed a Memorandum of Understanding with the County’s Job Training Office (JTO) as recommended and approved by the CCP Executive Board. The goal of the collaborative effort is to assist in improving the quality of life in the communities by reducing crimes committed by individuals subject to PRCS, by providing valuable resources such as resume building and employment opportunities. The Department saw positive impacts, including increased numbers of clients securing jobs and remaining crime free. Based on the positive effects of the services provided by JTO, the CCP increased funding to include a second FTE, Employment and Training Technician I/II.

Job Training Office	\$210,615
Total:	\$ 210,615

The Probation Department’s struggle continues with recruiting Deputy Probation Officer’s and Juvenile Correction Officers, as well as, retaining those positions. Currently, there are seven (7) vacancies for the position of Juvenile Correction Officer and five (5) vacancies for the position of Deputy Probation Officer. In calendar year 2021, there have been nineteen ( 19) Juvenile Correction Officer’s who have resigned (some resigning by email and phone without two-week notice), six ( 6) Deputy Probation Officer resignations and five ( 5) Probation Technician resignations. In calendar year 2022, there have been six (6) Juvenile Correction Officer’s who have resigned. As a result of the dramatic understaffing, the Department has began requesting volunteers or mandating Deputy Probation Officers to work in the Juvenile Center on average of six to ten shifts per week. This results in the Deputy Probation Officer’s

duties, responsibilities not being met, and the workload/caseloads being unsupervised. The Department has struggled with this issue year-after-year, and it does not appear there will be any relief anytime soon.

The Probation Department, in collaboration with the Kings County Superior Court received grant funding for a Pretrial Pilot Program in 2019 to implement a non-monetary, risk-based alternative to incarceration for pre-trial offenders to alleviate jail overcrowding. The program began operating in March of 2020 with one (1.0) FTE Deputy Probation Officer III and four (4.0) FTE Probation Technicians with oversight by a Deputy Chief Probation Officer in cooperation with the Kings County Superior Court Executive Officer. The Pretrial Pilot Program safely reduces the number of low to medium risk incarcerated offenders pending Court, where bail is the only obstacle to pretrial release. The Pretrial Pilot Program officially ended in June 2022.

On July 12, 2021, the Governor of the State of California approved Senate Bill 129, Budget Act of 2021 which allocated funding to the Judicial Council for the implementation and operation of ongoing Court programs and practices that promote safe, efficient, fair, and timely pretrial release of individuals booked into jail. Therefore, the Probation Department, in collaboration with the Kings County Superior Court will continue to operate the Pretrial Release Program with funding provided by SB 129 and additional funding of \$150,000 provided by the CCP.

As of August 11, 2022, there are a total of 173 inmates who have been released from the Kings County Jail and are actively on the program. Of the 173 clients on the program, 92 are being supervised on Pretrial Release and 81 are being supervised on Pretrial Release while on global positioning tracking (GPS).

Overall, between the operation of the Pretrial Release Program and the Probation Department's Electronic Monitoring Program, as of August 11, 2022, we have been able to remove 236 inmates from the Kings County Jail and safely supervise and monitor them in the community.

## **SHERIFF**

The Kings County Sheriff's Office (KCSO) saw an increase in the number of inmates beginning early in 2020, however, population numbers leveled off in 2021, and remain consistent into 2022, as we continue to see relief from the Coronavirus Disease 2019 (COVID-19) virus, and the fact that state prisons have re-opened inmate reception centers. The jail population hovered at approximately 450 inmates and above all year. The Sheriff's Office is currently citing the majority of bookings with bail amounts up to \$25,000, and authorizing supervisory staff to use a great deal of discretion to issue citations to appear on low-level offenses and warrant arrests.

COVID-19 protocols have been implemented consistent with California Department of Public Health (CDPH) guidelines to comply with vaccine and testing mandates. This process is ever changing to comply with repeated changes implemented by CDPH. KCSO continues to isolate all new housing intakes to prevent the spread of COVID-19 within the Kings County Jail.

Inmates are frequently tested, and have been offered approved COVID-19 vaccinations as additional measures to combat the virus and its spread within the facility.

A Detentions Lieutenant has been assigned to constantly monitor the protocols established by local, state, and federal entities to comply with employee testing and vaccine mandates.

Funding through AB 109 dollars does not cover all costs such as medical costs for inpatient and outpatient medical needs. The original CCP Board gave the majority of the funding to the Sheriff's Office to stop the early release of inmates that had been occurring for many years. Any further reductions in future funding will likely result in the early release of inmates back into the community.

In previous years and continuing into 2022-2023, the Sheriff's Office has increased its Programs Division staffing from one allocated position to three. These additions have allowed the Sheriff to expand the inmate programs to include:

The jail programs currently supported in whole or in part from AB 109 funds include:

- . A chaplain is teaching a variety of Bible classes and helps organize other inmate religions needs. .
- GED services, as well as computer skills, life skills and/or Narcotics and Alcoholics Anonymous (NA and AA) meetings. NA and AA programs have been reinstated now that COVID-19 restrictions were alleviated.
- In conjunction with the Job Training Office, the Programs Division of the Kings County Sheriff's Office has implemented resume building classes along with additional job preparation programs, held in the computer-equipped classroom. Hanford Adult School has also resumed their GED preparedness program, and are back in the facility on a regular basis.
- The Programs Division has implemented an animal husbandry class where inmates can assist in the care and nurture of pheasant chicklings to develop agricultural skills. The pheasant enclosure is in its second year of operation. The first series of hatchlings have been raised by inmate workers where they strategically released the birds into the wild to help with repopulation.
- All inmates are eligible to assist in a variety of career related areas including the vehicle maintenance shop, Kings County Animal Services, the jail kitchen, and county motor pool. Through these programs, inmates clean parks and community substations utilized by Sheriff's Office personnel.
- Sheriff's Office auto detailing program, which teaches trade skills that can successfully lead to job security upon release.

- The Sheriff's Office has also expanded its inmate calling service contract to include tablets, which can be issued to inmates. These tablets will be loaded with a variety of programs that will be helpful to them. Many of the programs are trade or educational related, but they will also have access to movies, be able to listen to music, communicate with family, etc.

Possibly, because of the pandemic and economic downturn, The Sheriff's Office has once again found itself struggling to recruit and retain detentions staff. Entering the 2022-2023 fiscal year, KCSO has over 10 vacancies in both the "Detentions Deputy" classification as well as the "Detentions Technician" classification. Various recruiting efforts have been utilized to include social media campaigns, etc. Additional "extra-help" background investigators have been hired (mostly CDCR retired annuitants) to process the influx of new applicants.

## **SUPPORT SERVICES**

### **VICTIM WITNESS**

The unit provides services to all victims of violent crime, as well as those offenders sentenced under AB 109. These services include orientation to the criminal justice system, court escort/support, victim of crime application assistance, crisis intervention, and referrals to other agencies. This unit has handled the influx of crime well. In April of 2015, this unit moved from under the management of the Probation Department to the District Attorney's Office.

### **COUNTY COUNSEL**

The County houses a great number of inmates who, because of past prison sentences, may be more contentious and file a significantly higher number of writs. One Attorney handles the defense of the Sheriff in these cases. This attorney handles all matters associated with AB 109.

### **HUMAN RESOURCES**

Human Resources manages recruitments to attract qualified candidates, facilitates the hiring process, and performs other related personnel tasks to maintain and support staffing of the additional funded positions in County Departments related to Realignment. Human Resources continues to work with the overall AB 109 increases in staffing and related turnover across the County on a number of personnel related issues.

### **ADMINISTRATION**

Administration performs data related analysis, and assists the departments with administrative, financial, and operational tracking functions, as well as construction activities. Administration completes annual realignment questionnaires for the State. Its efforts also include the preparation of this report.

Administration has also managed the financials for the AB 900 Phase II jail expansion and the SB 1022 jail expansion projects. The AB 900 Phase II project has been completed, and administration completed the audit. Administration is continuing to work on the final close-out of the project with the State. The SB 1022 project is completed, and administration completed the audit phase, and in the process of closing it out in the upcoming year.



**IN SUMMARY**

The table below provides a summary of Realignment Components:

<b>Population Affected</b>	<b>Component of Public Safety Realignment</b>	<b>Local Plan</b>
<b>Release from State Prison</b>	State prisoners serving sentences for non-violent, non-serious and non-sex offenses with one of these offenses in their criminal history will be placed on county post-release community supervision instead of state parole. The Court will adjudicate violations of county post-release community supervision.	The Probation Department is designated as the administrator of county post-release community supervision.
<b>On State Parole</b>	Violations of State Parole will be adjudicated by Board of Parole hearings.	The Parole Board hearings occur at the courts.
<b>Currently Held Pretrial in County Jail</b>	Certain inmates may be released pre-trial on electronic monitoring.	The Probation Department and the Sheriff are designated as administrators of electronic monitoring for pre-trial inmates.
<b>Currently Sentenced in County Jail</b>	Certain sentenced inmates may be placed on home detention.	The Sheriff and Probation designated as administrators of electronic monitoring for sentenced inmates.
<b>Measures and Outcomes</b>	Establish outcome measures related to local incarceration inmates and post-release community supervision populations (per AB109).	The Probation Department, in coordination with Administration, is designated to develop research design, collect data, and report on outcomes associated with AB109.
<b>Evidence Based Practices and Treatment</b>	Each of the involved agencies, including those participating in the Community Corrections Partnership, will support and/or assist in the implementation of the following activities, practices, and efforts.	<ul style="list-style-type: none"> <li>- Flash Incarceration</li> <li>- Alternative Sanctions</li> <li>- Vocational Training</li> <li>- Educational Training</li> <li>- Specialized Courts</li> <li>- MH &amp; AOD Services</li> </ul>

**OUTCOMES**

Every year, the State allocates future Public Safety Realignment growth revenue to counties across the State from a dedicated portion of state sales tax and VLF. Starting in FY 2015/16, these allocations were based on performance measures that included three areas of incentives. Those performance measures and incentive areas included improvements in probation practices (80%), reductions in 2<sup>nd</sup> Strikers (\$36,575 per reduction), and improvements in State Prison incarceration measures (20%). Due to COVID-19, there was no growth allocation for Kings County for 2019-2020.

***2nd Striker Reduction***

The first step in calculating growth allocations is to determine which counties sent fewer felons to prison with second-strike designations than in the previous year. Counties get a direct allocation of \$36,575 for each one fewer second striker than the previous year. This allocation is taken off the top, so it is not part of the portions allocated based on incarceration or probation. There is a cap of 10% of the overall growth funding for 2nd striker reduction allocations.

***Probation – 80%***

**Felony Probation Success – 60%:** Sixty percent of growth funds are allocated by taking a county’s annual felony probation population and subtracting the number of those revoked to

prison or jail. The number of each county's non-revoked probationers is then calculated as a share of the number statewide, and the county receives that share of these funds.

**Felony Probation Improvement – 20%:** Twenty percent of growth funds are allocated to counties that improve their felony probation failure rate from one year to the next. A county's failure rate is determined by dividing its annual felony probation population by the number of probationers revoked to prison or jail. If that rate decreases from one year to the next, then the difference is multiplied by the county's total felony probation population. This gives the number that would have been revoked under the previous year's higher revocation rate. That number is then calculated as a share of the total number among all counties that qualify, and the county receives that share of these funds.

### ***Incarceration – 20%***

**Incarceration Reduction – 10%:** Ten percent of the growth funds are allocated to counties that send fewer felons to prison on new convictions from one year to the next. The difference is then calculated as a share of the total difference among all counties that qualify, and the county receives that share of these funds.

**Low Incarceration Rate – 10%:** Ten percent of the growth funds are allocated to counties that have a lower rate of incarceration per capita than the statewide rate. The rate is calculated by taking a county's number of felon admissions for new convictions and dividing it by the county's overall population. That rate is then compared to the statewide rate to determine how many more people would be imprisoned if the county's rate were not lower than the statewide rate. That number is then calculated as a share of the total number for all counties that qualify, and the county receives that share of these funds. See table below.

## Kings County's 2021-22 Community Corrections Growth

2nd Striker Reduction (\$36,575 per)						
		2nd Strikers - 2020	2nd Strikers - 2019	Reduction	2nd striker share	2nd striker \$
Kings		50	86	36	0.61%	\$ 103,115
California		2,972	8,823	5,854	100%	\$ 16,767,700

Felony Probation Success (60%)						
		2020 Probation Population	Revoked to Jail or Prison	Successes	Statewide Share	\$
Kings		1,129	84	1,045	0.42%	\$ 382,210
California		255,440	7,879	247,561	100%	\$ 90,545,580

Felony Probation Improvement (20%)						
	2020 Failure Rate	2019 Failure Rate	Improvement	# of Probationers Improvement Represents	Statewide Share	\$
Kings	7.44%	10.40%	2.96%	33.46	0.52%	\$ 158,181
California	3.08%	5.62%	2.53%	6,384	100%	\$ 30,181,860

Incarceration Reduction (10%)						
	Incarcerated from County - 2020	Incarcerated from County - 2019	Incarcerated from County - Difference	Incarceration Reduction	Statewide Share	\$
Kings	251	366	-31.42%	115	0.50%	\$ 75,715
California	11,580	34,501	-66.44%	22,921	100%	\$ 15,090,930

Low Incarceration Rate (10%)						
	County Population	Incarceration Rate - 2020	Rate Below Statewide	Prisoners Fewer Because Lower	Statewide Share	\$
Kings	153,189	0.16%	0.00%	-	0.00%	\$ -
California	39,648,938	0.03%		2,490	100%	\$ 15,090,930

Total						
					Statewide Share	Total Growth \$
					0.4289%	\$ 719,221
					100.00%	\$ 167,677,000

Tuesday, February 22, 2022

*Goals*

- 1) Continued collaboration with the Kings County Superior Court to provide a non-monetary, risk-based alternative to incarceration through the Pretrial Release Program to assist in alleviating jail overcrowding.
- 2) Continued collaboration with the Job Training Office to provide empirically based rehabilitative interventions for PRCS offenders, with addition to Mandatory Supervision and Formal Probation clientele.

Collaboration is an ongoing effort between all stakeholders.

*Measures*

- 1) Continue Probation's efforts in measuring outcomes and recidivism levels for PRCS offenders. Staff is continuing its data tracking efforts. Probation continues exploring an updated and much needed case management system to increase the County's ability to track recidivism rates and outcomes. The Department's current case management system is 13 years old and ineffective.
- 2) Continue Probation's efforts in measuring a myriad of data points in the Pretrial Release Program in an effort to validate the programs assessment tool.
- 3) Number of offenders sentenced to alternative sentencing and probation programs.

In FY **2021-2022**, there were **636** offenders that participated in the GPS Monitoring Program. There were **573** participants that completed the program making the successful completion rate of **90%**. The average daily population for the program was **68**.

- 3) Number of offenders sent to State Prison and Local Custody.

In FY **2021-2022**, there were a total of **630\*** offenders sent to State Prison or Local Custody. The breakdown is as follows:

• Adult Felony – State Prison	<b>536 Offenders</b>
• Adult Felony – 1170(h) Straight Sentences	<b>19 Offenders</b>
• Adult Felony – 1170(h) Split Sentence	<b>73 Offenders</b>
• Adult Felony – 1170(h) Split Sentence Mandatory Supervision only	<b>2 Offenders</b>
	<b>Total 630 Offenders</b>

\*Does not include offenders who were immediately sentenced in Court without probation intervention or investigation. A large percentage of the offenders sentenced for offenses committed in the three State Prison facilities in the county are immediately sentenced.

In FY **2021-2022**, there were a total of **174** new offenders placed on Post Release Community Supervision.