



LOS ANGELES REGIONAL REENTRY PARTNERSHIP

AB109 Public Safety Realignment MYTH BUSTER!

A Product of the Los Angeles Regional Reentry Partnership and the LA ReEntry Roundtable

On Funding

MYTH # 1: The California Legislature secured a 5-year budget allocation for Public Safety Realignment.

FACT: No. Funding is dedicated only for fiscal year 2011-2012. Future funding is dependent on legislative action. One proposal to secure ongoing funding for counties is through an amendment to the California Constitution.

MYTH# 2: The California Legislature split the 2011 -2012 fiscal year allocation by various affected county departments and specified what portions could be spent on community and faith based organizations.

FACT: No. Funding levels to support realignment were based on the State's costs for incarcerating/supervising/treating the population at the state level. However, those costing elements are not discrete requirements as to how the ratios should be spent locally. The purpose of the Community Corrections Partnership is to evaluate local needs and advise the county boards of supervisors as they make their allocation decisions. A county may choose to provide funding to a community-based organization if it is treating/serving the realignment population in accordance to the county requirements.

On Community Corrections Partnership (CCP)

MYTH # 1: Legislation required a community based representative be a voting member of the executive committee that would develop and recommend an AB109 Implementation Plan to the county board of supervisors.

FACT: No. The legislation did not require a community based representative serve on the CCP. In Los Angeles County, the executive committee decided to appoint a community based representative. However, it did not have the authority to give that member a vote as prescribed under the legislation.

MYTH # 2: The CCP continues to meet and monitor the County of Los Angeles AB109 Implementation Plan.

FACT: No. CCP has completed the task required by the legislation. The Countywide Criminal Justice Coordinating Committee, Public Safety Realignment Team has taken on the oversight of implementation and meets regularly to review and report to the Board of Supervisors at least monthly.

MYTH # 3: CCP planning grants must be used by county departments involved in AB109 implementation.

FACT: No. SB 87 allocated \$7.9 million to counties (\$200K for LA County) "for their local Community Corrections Partnership as established pursuant to subdivision (b) of Section

1230 of the Penal Code, for the purpose of assisting each county's CCP with the development of the CCP's plan to implement AB 109." There is no other direction given to counties about the utilization of these funds. There is no specified deadline by which the CCP planning grants must be expended.

On Custody

MYTH #1: State prisoners will be released early to counties starting October 1, 2011.

FACT: No. In reality, no inmates in prison on or after October 1, 2011 will be transferred to local jurisdiction prior to their release date as a result of realignment.

MYTH #2: Only persons sentenced to three years or less for felonies are eligible to go to county jail.

FACT: No. All qualifying persons sentenced pursuant to PC 1170(h), regardless of sentence length, go to county jail or other local disposition as ordered by the court.

MYTH #3: When N3 population gets released from county jail, they automatically go on local parole or probation.

FACT: No. All qualifying persons sentenced pursuant to PC 1170(h), regardless of sentence length, go to county jail or other local disposition as ordered by the court and may be subject to local county supervision.

On Supervision and Revocation

MYTH #1: Effective October 1, 2011 all active parolees in the community will be supervised by LA County Probation.

FACT: No. CDCR continues to have jurisdiction over all people who are on parole prior to the implementation date of October 1, 2011.

MYTH #2: People getting released from prison on or after October 1 that are the 3N population will now be on probation not parole.

FACT: No. Postrelease community supervision (PRCS) is the term used to define people being released from state prison who will be the responsibility of a LA County Probation rather than state parole upon their release into the community.

MYTH #3: Upon completion of a jail sentence there is a period of automatic mandatory supervision for a felony sentenced to county jail under Section 1170(h).

FACT: No. Persons sentenced under Section 1170(h) to county jail do not have an automatic supervision tail upon their release from jail – unlike those who serve time in state prison. However, the court may order a period of mandatory supervision as part of its sentence imposed. This period of mandatory supervision will be implemented by the County Probation Department.

MYTH #4: Flash incarceration can only be used once during the duration of community supervision.

FACT: No. There is not an aggregate limit on the use of flash incarceration over the supervision period; therefore, flash incarceration can be utilized as long as time remains in the total supervision period.

MYTH #5: Violation of postrelease community supervision is an automatic return to custody.

FACT: No. Beginning October 1, 2011, petitions for revocation of postrelease community supervision will be filed in the superior court by probation department. Upon a finding of a violation, the court has discretion to impose one of three options: (1) Return the person to postrelease supervision with modifications of conditions, including jail time if appropriate; (2) Revoke supervision and order confinement in the county jail; or (3) Refer the person to a reentry court or other evidence-based program. (Section 3455(a)(1)–(3); emphasis added.) Any confinement ordered under subdivision (1) or (2) must not exceed 180 days. (Section 3455(c); emphasis added.)

On Sentencing

MYTH #1: AB109 is in fact sentencing reform.

FACT: No. The rules of sentencing and sentencing length do not change. Only where the sentence is served changed.

MYTH #2: Individuals will serve their entire local sentence under realignment in county jail.

FACT: No. Individuals sentenced under Section 1170(h) for a non-non-non offense under realignment will serve their sentence locally; however, the sentence might not be served in its entirety in county jail. For example, an individual who is serving time can be evaluated by the county sheriff for placement into an alternative custody program. These options could include, but are not limited to, the individual being sent to an alcohol and drug or mental health treatment program in the community, referred to a day reporting center, or placed on electronic monitoring. If a sheriff deems the individual appropriate for an alternative custody program, he or she could serve the remainder of his or her sentence participating in this program.