

# memo

To: Community Corrections Partnership Executive Committee  
From: Jessica Brandt, CAO Administrative Analyst  
Date: 6/25/2014  
Re: Police Departments' Proposal for Use of AB 109 Local Law Enforcement Enhancement Funds

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## **Background:**

### **Summary of Police Chiefs' Proposal: 'Reprogramming of City-Destined CCP Funds'**

1. Approve the use of \$25,000 for Placerville and \$25,000 for South Lake Tahoe to fund overtime for future joint field operations with Probation Officers (to commence with FY 2014/15). These operations will be focused on visiting probationers and anti-property crime surveillance operations. Reimbursement will be based on actual overtime rate for each individual officer.
2. Approve reprogramming of unspent funds that were set aside during the first 3 years of the realignment program for Placerville and South Lake Tahoe. This reprogramming will be directly focused on supplying each City agency with funds for anti-property crime proactive patrols for the coming year to be billed at actual overtime rate for each individual officer.

## **Current Public Safety Realignment Funding for Front Line Law Enforcement**

### ***State Municipal Police Grants***

Recognizing the need for state support for city law enforcement agencies due to the steady erosion of funding for city police agencies over the last several years, the 2012 Budget Act provided funding to city police departments to enable front-line intervention services in each county. Each State budget has included an allocation for this purpose. The City of South Lake Tahoe is the fiduciary agent in charge of dividing this funding between the two cities.

The allocations for the cities of El Dorado County under this program have been as follows:

- Fiscal Year 2012-13: \$55,716
- FY 2013-14: \$63,841

# memo

- FY 2014-15: Overall proposed statewide allocation of \$40 million. Distribution to be determined by the Board of State and Community Corrections. For context; the statewide allocation for FY 2012-13 was \$24 million and for FY 2013-14 was \$27.5 million.

## ***AB 109 Budget Local Law Enforcement Enhancement Funding***

El Dorado County 2011 AB 109 Implementation Plan:

“As previously indicated, Public Safety Realignment will result in more felony offenders remaining in our local communities, cities and neighborhoods. The CCP recognizes this reality can impact our local law enforcement agencies. The actual impact is difficult to predict; accordingly, we have established an initial first year approach, with the intent to assess and evaluate the impacts on an on-going basis, and to adjust the plan in future years as necessary. For the initial year, the funding would be used by local law enforcement to offset costs associated with enforcement activities directly pertaining to the realigned population. Examples of activities include: targeted enforcement sweeps, joint agency operations, improving inter-agency information sharing, and assisting in Probation Department enforcement activities, to include special overtime activities, special investigations, etc.”

Funding approved for line item Local Law Enforcement Enhancement Funding for use as described above:

- Fiscal Year 2011-12: \$50,000
- FY 2012-13: \$50,000
- FY 2013-14: \$50,000
- FY 2014-15: \$50,000 (Draft Recommended Budget)

Only a small fraction of the budgeted amount (\$809.97) has been successfully collected by the cities to date. This is due in part to the requirement to track contacts with the AB 109 population and the need for an agreed upon billing rate between the cities and county. Tracking of offender contacts has not progressed as hoped, and administrative issues continue to stall reimbursement requests. As stated by the Police proposal; “the capacity for each City to invoice was dependent upon a system of data sharing that was also being funded through realignment dollars. This technology was intended to roll-out to the police cars and provide clear identification of offenders that would be ‘billable’.”

## ***Auditor Guidance Regarding Reimbursable Activities from AB 109 Funds***

‘For the purpose of AB 109 allowable expenditure activities, the following may be deemed appropriate:

Costs directly related to Law Enforcement, Probation, and Adult Correctional activities associated with the management of/supervision of the realigned adult offenders may be charged. Costs related to treatment and rehabilitation of the realigned adult offenders may be charged. AB 109

# memo

funding will be 'billed' for its proportional share of Adult Correctional activities. AB 109 may be billed for the incremental costs of supervising AB 109 probationers. In addition, activities provided to adult offenders within the jail or within the community that prevent/divert offenders from jail confinement are allowable. Examples of such activities include, but are not limited to:

- Electronic Monitoring Services
- Residential/Non-Residential Services
- Non-locked jail facility alternatives such as the Community Corrections Center"

(J. Harn, Email to D. Aultz 1/28/13)

## **Analysis:**

CCP staff analyzed the proposals presented by the cities to determine how they conform with AB 109 funding parameters, CCP policies, CCP budgeting practices, and Auditor guidance related to reimbursable activities. Analysis is split into two parts, reviewing the joint field operations proposal and the proactive property crime patrol proposal separately.

### ***Joint Field Operations with Probation Department***

Language in the current AB 109 Implementation Plan and the parameters of AB 109 funding supports the use of funds for enforcement and supervision activities 'directly pertaining to the realigned population'. (Costs directly related to Law Enforcement, Probation, and Adult Correctional activities associated with the management of/supervision of the realigned adult offenders may be charged.) Examples given in the Implementation Plan appear to support activity such as visiting AB109 probationers with Probation Officers. This proposal also aligns with the Implementation Plan goal of maintaining offender accountability and public safety by providing a greater level of supervision.

### ***Proactive Property Crime Patrols***

The cities are proposing for upcoming fiscal year and past years funding: "...anti-property crime surveillance operations in high crime areas could yield positive enforcement results which ultimately lower property crime. These specific surveillance operations can be focused on the crimes that are most aligned with realigned offenders." Further: "Use of these funds is being focused on correcting the clear trend of increases in property crime in the last three years."

This proposal aligns with Implementation Plan goal of maintaining offender accountability and public safety, by increasing police presence in areas determined to have high rates of property crime.

However, current AB 109 Implementation Plan and parameters of AB 109 funding support use of funds for enforcement activities 'directly pertaining to the realigned population.' Staff believes that it

# memo

will be difficult, if not impossible to tie property crime increase directly to the realigned population. Other factors may be in play, such as economic issues, changes in demographics, and the like.

In addition, this proposal does not meet the test for AB 109 funding to go towards services or impacts related to the AB 109 population. (Costs directly related to Law Enforcement, Probation, and Adult Correctional activities associated with the management of/supervision of the realigned adult offenders may be charged.) This proposal does not include management or supervision of adult offenders. Nor does it provide services to those offenders.

## **CCP Policy Options:**

### ***Joint Field Operations with Probation Department***

The Probation Department is in discussions with the Cities regarding development of a Memorandum of Understanding (MOU) that creates a Special Task Force program for city police assistance with probationer contacts and/or enhanced contact/home visits, with further action pending CCP approval. This will include overtime rates as stated by the Cities (for each level of officer involved), an agreed upon reimbursement rate, list of reimbursable activities, method of tracking, and other pertinent information. This method appears to be the best option for implementing the joint field operations proposal, as outlined.

Items that the Probation Department and Cities need to clarify include:

- Whether to make program multi-year, contingent on AB 109 budget approval
- Estimated number of hours expected for each fiscal year. This may demonstrate the need for more or less funding than the currently budgeted \$50,000 per year.
- Ensuring program does not result in additional costs for the Probation Department, such as additional overtime, or that such costs are covered by funding as well.

### ***Proactive Property Crime Patrols***

Should the CCP Executive Committee wish to pursue this proposal, CCP staff recommends that the Committee request additional input from the County Auditor regarding an expansion of allowable expenditure activities. In addition, it should be included in the AB 109 Implementation Plan as a specified funded activity. This program may need an MOU with Sheriff or other entity to allow reimbursements based on accepted rates (likely overtime rate). Funding cannot be proactive (i.e., requires a reimbursement agreement). Finally, the Committee would need to determine whether such a program would align with expanded goals/objectives of the CCP, once they are developed.

### ***Expenditure of Funds to Develop Data Sharing***

# memo

Probation staff is reviewing the initial proposal for information sharing with the local police departments and should have more information on options soon. Pursuing this in more depth may provide a better means of tracking direct contact with offenders for front line police, and in turn, reimbursing costs of this work.

## ***Expenditures of Unspent Funds***

It has been the standard practice of the CCP to roll all unspent funds into a general pot of fund balance for future use, not earmark funds for use in future years by those that did not use it in past years. For example, HHSA did not utilize all of the funding allocated to their line items in past years. But, current and future years' activities are not budgeted to include these past funds. If HHSA wishes to use these past funds, they make a request from fund balance. Therefore, the cities' request to utilize funds budgeted for, but unused by, the cities, for future fiscal year activities should be discussed in that context.

Attachment- Memo from B. Uhler and S. Heller 'Reprogramming of City-Destined CCP Funds'