

ORDINANCE NO. 10168 (N.S.)

**AN URGENCY ORDINANCE TO ADD ARTICLE LXIII.
TO THE SAN DIEGO COUNTY ADMINISTRATIVE CODE,
RELATING TO PUBLIC SAFETY REALIGNMENT OF 2011
TO TAKE EFFECT IMMEDIATELY**

The Board of Supervisors of the County of San Diego ordains as follows:

Section 1. The Board of Supervisors finds and determines that on April 4, 2011, Governor Brown signed Assembly Bill (AB) 109, the Public Safety Realignment Act which fundamentally alters the criminal justice system by changing the definition of a felony, shifting housing for low level offenders from prisons to local County jail, and transferring the supervision of many parolees from the California Department of Corrections and Rehabilitation (CDCR) to local County Agencies. Several Companion bills (AB 117, AB 118 and AB 116) followed to clarify the legislative intent, correct drafting errors and provide a funding mechanism. This ordinance is to provide County compliance with and implementation of the Act. This Act becomes operative on October 1, 2011; therefore, pursuant to California Government Code section 25123(b) this urgency ordinance is also to become effective on October 1, 2011.

Section 2. Article LXIII is hereby added to the San Diego County Administrative Code to read as follows:

ARTICLE LXIII. PUBLIC SAFETY REALIGNMENT OF 2011.

Sec. 945. Recognition of Community Corrections Partnership and Executive Committee.

- a) There is in the County a Community Corrections Partnership, hereinafter in this Article referred to as Partnership, and its Executive Committee, hereinafter in this Article referred to as Committee, as established by Part 2. Title 8. Chapter 3 of the Penal Code (section 1228, et. seq.).
- b) The Committee shall consist of:
 1. the chief probation officer of the county as chair,
 2. a chief of police,
 3. the Sheriff,
 4. the District Attorney,
 5. the Public Defender,
 6. the presiding judge of the superior court, or his or her designee, and

7. the Director of the Health and Human Services Agency as designated by the Board of Supervisors on August 2, 2011 for purposes related to the development and presentation of the plan.

Sec. 946. Procedures for County's Public Safety Realignment Plan.

- a) The Partnership shall develop and present a local plan to the Board of Supervisors for the implementation of the 2011 public safety realignment.
- b) The plan shall be voted on by the Committee prior to recommendation to the Board of Supervisors.
- c) In accordance with subdivision (d) of Section 1230.1 the plan may include recommendations to maximize the effective investment of criminal justice resources in evidence-based correctional sanctions and programs, including, but not limited to, day reporting centers, drug courts, residential multiservice centers, mental health treatment programs, electronic and GPS monitoring programs, victim restitution programs, counseling programs, community service programs, educational programs, and work training programs.

Sec. 947. Postrelease Offender Supervision by Probation Department.

As designated by the Board of Supervisors on August 2, 2011, the Probation Department shall have all the powers, duties and functions established for postrelease offender (PRO) supervision by the laws of the County and by the State, including but not limited to this Article and Part 3. Title 2.05 of the Penal Code.

Sec. 948. Funding.

The Auditor and Controller shall establish and administer the County Local Revenue Fund 2011 as designated by the Board of Supervisors on August 2, 2011, pursuant to Assembly Bill 118.

Sec. 949. Home Detention Program for Inmates in Sheriff's Custody.

- a) The Sheriff, as correctional administrator of the county jails and inmates, may offer a voluntary or involuntary home detention program pursuant to section 1203.016 of the Penal Code and this Article for inmates committed to a county jail or other county correctional facility or inmates participating in a work furlough program, during their sentence in lieu of confinement in the county jail or other county correctional facility.

- b) Subject to the limitations set forth in Penal Code section 1203.016 and in accordance with the County laws and policies governing procurement of contract services, the Sheriff may administer a home detention program with appropriate public or private agencies or entities to provide specified program services.

Sec. 950. Electronic Monitoring Program in lieu of Bail.

- a) The Sheriff, as correctional administrator of the county jails and inmates, may offer an electronic monitoring program to inmates being held in lieu of bail in a county jail or other county correctional facility pursuant to California Penal Code section 1203.018 and this Article.
- b) Subject to the limitations set forth in Penal Code section 1203.018 and in accordance with the County laws and policies governing procurement of contract services, the Sheriff may administer an electronic monitoring program with appropriate public or private agencies or entities to provide specified program services.

Sec. 951. Home Detention for Probation and Postrelease Offender Supervision.

- a) The Chief Probation Officer, as correctional administrator of the County's probation and post release supervision programs, may offer a voluntary or involuntary home detention program pursuant to California Penal Code Section 1203.016 and this Article for persons granted probation under the auspices of the probation officer.
- b) The Chief Probation Officer may use home detention with electronic monitoring or GPS monitoring as community-based punishment under Penal Code section 3450 for criminal or noncompliant offender activity by postrelease offenders.

Sec. 952. Electronic Monitoring for Probation .

Pursuant to Part. 2. Title 8, Chapter 1.4 of the Penal Code (section 1210.7, et seq.), the Probation Department may utilize continuous electronic monitoring to electronically monitor the whereabouts of persons on probation. The Chief Probation Officer shall have the sole discretion, consistent with the terms and conditions of probation, to decide which persons shall be supervised using continuous electronic monitoring administered by the County Probation Department for a term not to exceed the period of probation.

Sec. 953. Home Detention and Electronic Monitoring Fees.

Unless otherwise provided in this Article or State law, the Probation Department or County collection agent shall be paid pursuant to the fees and charges under County Administrative Code section 363 for home supervision and electronic monitoring of minor persons in custody of the Probation Officer, minors under Probation supervision and adult probation services, investigation and supervision.

Section 3. This Ordinance is declared to be an ordinance necessary for the implementation of exigent State law and shall take effect immediately on October 1, 2011 pursuant to subdivision (b) of Section 25123 of the Government Code. This Board finds that it is necessary for this Ordinance to take effect immediately because it provides for the designation of the Community Corrections Partnership's Executive Committee needed to implement the Public Safety Realignment Plan, the County Local Revenue Fund 2011 as well as the authorization of several necessary powers, duties and functions by County Departments and Officers to meet new statutory requirements to take effect on October 1, 2011.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of San Diego this 27th day of September, 2011.

APPROVED AS TO FORM AND LEGALITY
COUNTY COUNSEL

BY
Dana L. Begley, Deputy County Counsel