



On October 1, 2011, AB 109 (Public Safety Realignment) took effect. Now officials throughout California are scrambling to prepare for the release of 30,000 prisoners from state prisons.

Due to budget pressures and a U.S. Supreme Court decision, what had long been the state's responsibility is now becoming a county and local issue. For the state, all this couldn't have happened at a worse time. It's been the perfect storm: a court order to reduce overcrowding and a tanked economy with no money for the state to build its way out of it.

Many county officials have criticized the governor's plan, saying this action will only lead to a surge in crime and lawsuits. District Attorney Steve Cooley, who opposed this action since its inception, testified at the Joint Legislative Committee budget hearing on February 4, 2011, stating, "Let me state my position regarding the public safety aspect of the government's realignment plan. What it basically does is shift responsibility for delineated felons and parolees to local jurisdictions. I can guarantee you that it will jeopardize public safety."

Here is an analysis from the California Assembly that summarizes what AB 109 will do:

"This is the 2011 Public Safety Realignment bill containing necessary statutory and technical changes to implement changes to the Budget Act of 2011.

"The Senate amendments delete the Assembly version of this bill, and instead:

1) "Expand the authority of local correctional administrators to use alternative custody methods and establishes day for day credit for offenders serving time in a jail facility.

2) "Make various changes to the Post-Release Supervision statutes as follows:

"Specify the population to be released onto post-release supervision (non-violent/serious, no third strike conviction, no high risk sex offenders);

"Require the Local Corrections Community partnership to create an implementation plan for post-release supervision of offenders and establishes an executive committee within the partnership to make recommendations to the county board of supervisors;

"Require the county board of supervisors to designate a county agency to be responsible for post-release supervision;

"Require notification by the California Department of Corrections and Rehabilitation (CDCR) to counties regarding who is being released into post-release supervision;

"Require offenders to enter into a post-release community supervision agreement, which includes terms and conditions;

"Require the court to establish a process to determine violations of conditions of post-release supervision and revocations; and,

"Set parameters for one time offenders to be on post-release supervision and provides authority for release.

3) "Make various changes to State Parole statutes as follows:

"Specify who remains on state parole (violent/serious conviction, third strike conviction, high risk sex offenders);

"Specify that only lifers can be returned to state prison for a parole violation;

"Specify CDCR's jurisdiction over all offenders currently on parole; and,

"Add the courts as the authority for determining revocations.

4) "Make various changes to Low Level Offender statutes as follows:

"Redefine a felony to include imprisonment in a county jail for more than a year;

"Change all enumerated penalty code sections to include the phrase 'pursuant to subdivision (h) of Penal Code Section (PC) 1170';

"Amend PC Section 1170 to include (h), which provides 16 months, two or three years if the punishment is specified to be served in county jail

unless the person has a prior violent, serious or sex offense (in which case they serve time in state prison); and,

“Provide that counties can contract with the state to house felony offenders.

5) “Stop state intake and allows local agencies to contract with CDCR for housing juvenile offenders.

6) “Stipulate that this act will become operative only upon creation of a community corrections grant program and upon an appropriation to fund the grant program.”

This fiscal year alone, the bill will bring approximately 7,000 inmates to L.A. County, and currently there are only 4,000 vacant beds. You do the math.

LAPD anticipates we will be tracking about 4,200 of those inmates. As a result, Chief Beck has already begun to transfer 150 officers from various assignments (mostly patrol) to form special units in each geographical area in order to deal with this issue. The Chief anticipates that this will cause our emergency-call response times to rise.

The big uncertainty in all this is funding. How will counties and cities be able to fund what the state couldn't? Mayor Villaraigosa said, “Sacramento is transferring more than 4,200 offenders to Los Angeles and not a single dollar to help with the burden. ...”

Governor Brown has funded only up to nine months of AB 109. Brown is currently trying to provide certainty to that funding. He is proposing for the November 2012 ballot a constitutional guarantee of funding for the law enforcement realignment. His proposal will put public safety third in line for funding, behind education and bonded indebtedness.

Brown is expected to propose tax increases to voters in order to accomplish this, though the components of the initiative remain unclear. Funding for realignment was a central part of Brown's failed bid this year to extend higher taxes, an effort blocked by Republicans in the Legislature. It is yet to be determined if this will make it to the ballot and be supported by voters.

Meanwhile, this realignment will most likely result in a spike in crime and more police confrontations. Public safety as a whole is in jeopardy!

Vacations

It has come to my attention that there has been some confusion over the process of selecting and assigning vacations. Some commands have been relying on an old manual section, “726.40 SPECIAL GROUPINGS IN VACATION ASSIGNMENT,” in order to divide up the grouping of ranks.

The most recently negotiated MOU does not make any exceptions for this manual section. The MOU section that governs this issue states:

“ARTICLE 7.1.1 SENIORITY FOR VACATIONS

Vacation periods shall be selected by rank. Once ranks are grouped, seniority will be based upon time as a sworn Department employee. Seniority shall be the criterion used in the selection and scheduling of vacations.”

So, all detectives will be grouped together, as well as police officers and so on. Remember, the language in the MOU takes precedence over the LAPD manual. I hope this clears up any confusion there may have been.

Stay tuned and please be safe!

As always, if you have any questions or are in need of assistance you can reach me at scottrate@lappl.org. ❖