

SUBJECT: REQUEST TO ACCEPT \$69,640.56 IN STATE GRANT FUNDS AND INCREASE POLICE SWORN STAFFING LEVEL TO SIXTY-THREE (63)

SOURCE: Police Department

COMMENT: In 2011, Governor Edmund G. Brown Jr. signed Assembly Bill 109, the Public Safety Realignment Act. Assembly Bill 109 and Assembly Bill 117 (collectively referred to as AB109) transfer the responsibility of supervising certain low-risk offenders and parolees from the California Department of Corrections and Rehabilitation (CDCR) to counties. This legislation was in response to both the ongoing state budget crisis and for reducing the number of inmates in the state's 33 prisons as ordered by the U.S. Supreme Court.

Some significant changes in law with regard to AB109 include:

- Non-serious, non-violent, non-sex offenses (non-non-non) are no longer punishable by a state prison term. Instead, these felony charges are to be punished by county jail sentences.
- Certain offenders released from state prison are no longer released on state parole, but instead are released on "Post Release Community Supervision" or PRCS. These offenders are supervised by the Probation Department.
- Most offenders on state parole and all offenders on PRCS will now serve time in the county jail for violations instead of state prison.

On October 1, 2011, the Public Safety Realignment Act became operational for all county criminal justice agencies. The legislation initially provided nine months of funding from the state to the counties to implement the new realignment law and was funded through a state special fund sales tax and vehicle license fees. A formula for funding allotments was established and in Fiscal Year 2011-2012, counties received funding for implementation.

California's state budget for Fiscal Year 2012-2013, passed by the Legislature and signed by the Governor, provides for a second state-wide yearly allocation for counties to continue implementation of the Realignment Act. In addition, an allocation in the amount of \$24 million in grant funds was made for front-line law enforcement with funding provided by the state through the Board of State and Community Corrections (BSCC). These grant funds are to be provided to county police chiefs to address public safety in their communities.

Each county chief's association was asked to identify one city to act as the fiduciary agent of these funds, with that role simply being that the city that will receive the grant funds and then distribute them as appropriate. The Tulare County Chief's Association identified the City of Visalia as that recipient and, upon receipt of the grant funds, they will disburse the funds to each city in Tulare County, based on population. The City of Porterville's share of these grant funds is \$69,640.56. These funds are legislatively identified for a period of three (3) years. In the upcoming 2013-2014 budget, the initial funding level for year two

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of this allocation has already been set at \$27.5 million. There is no method to determine at this time whether this funding will continue beyond the three-year period, or at what level, but it is the intent of each police chief's association to actively seek the ongoing funding of this program, including increases in the funding in future years.

There are no specific requirements for use of these funds, and these funds may be used to backfill or offset the costs of current positions. The expectation for these funds is that they are used to address the stated issue and coordination with county probation is encouraged. It is believed that adherence to this will further enhance the probability that these funds will continue to be allocated.

In accordance with the intent of these funds, the Porterville Police Department has already implemented their coordination with the county probation department. The Tulare County Probation Department has provided a probation officer to oversee the caseload of PRCS individuals within the city of Porterville. The police department has assigned an officer to work with the probation officer and, together, their responsibility is to track those persons released pursuant to AB109 and who pose the greatest risk to our community due to them being the most serious, violent, and habitually non-compliant. This is a full-time position for the police officer. In the first week of implementation of this program, six individuals were arrested with three of those being PRCS identified persons.

Due to the importance of this coordination, it is the intent of the police department to commit a full-time officer to this program and would like to continue this commitment indefinitely. Similar to the school resource officers, assigning this officer to the program results in the loss of a patrol position within the department. The police department absorbed the past increases in school resource officer positions by eliminating the ability to fill certain shift assignments within the patrol division. However, with the grant funding provided, the police department has the opportunity to increase their sworn staffing level from the current number of 62 to 63.

The cost of an entry level officer for the police department is \$65,026.08. This cost is for salary and benefits only and do not account for initial equipment and uniform expenses. The police department is requesting that the Council authorize an increase in the sworn staffing level from 62 to 63, effective July 1, 2013. This would be considered a backfill, and the grant funds would be utilized for the personnel costs of the officer assigned to the program for the three-year term of the current grant. As stated before, it is not known if these funds will be available after the identified three-year period, however, it is the department's belief that it will continue. If grant funds continue, the Police Department will request that Council continue to allocate this added sworn position. The police department is hopeful that the increase in the staffing level will be maintained in the future since the presence of these offenders will not disappear from our community if the funding does not continue and the department will need to continue with the program for the safety of our community.

RECOMMENDATION: That the City Council:

- 1) Accept \$69,640.56 in State Grant Funds; and
- 2) Approve Resolution to increase staffing for the Police Department by one (1) sworn position, from 62 to 63 positions, effective July 1, 2013, through June 30, 2016.

Attachment: Resolution

RESOLUTION NO. _____-2013

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF PORTERVILLE TO APPROVE THE ALLOCATION OF
ONE LIMITED TERM POLICE OFFICER POSITION
FOR THE PORTERVILLE POLICE DEPARTMENT

WHEREAS, the Porterville Police Department has received a funding grant from the California Board of State and Community Corrections for a three-year period to offset the effects of AB 109, the Public Safety Realignment Act; and

WHEREAS, the Porterville Police Department has been awarded funding that will support the addition of one Limited Term Police Officer, increasing the police sworn staffing level from 62 to 63 for the three-year term of this grant, beginning July 1, 2013; and

WHEREAS, in order to be eligible to recruit and hire for this position, it must be approved by the Porterville City Council.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Porterville as follows:

Amend Section II, Position Allocation Schedule and Position Pay Plan of the Employee Pay and Benefit Plan to reflect the addition of one Limited Term Police Officer at Salary Range 177 (\$3832 - \$4676). The position shall be designated Police Officer Series for purposes of overtime and representation.

PASSED, APPROVED, AND ADOPTED this 19th day of March, 2013.

Virginia R. Gurrola, Mayor

Attest:

John D. Lollis, City Clerk

By: Patrice Hildreth, Chief Deputy City Clerk