

# FREQUENTLY ASKED QUESTIONS



## *2011 Public Safety Realignment (AB109)*

### ***Are prisoners being released early?***

**No.** The law did not release prisoners early. It did change who supervises those by creating Post-Release Community Supervision (PRCS). To be eligible for PRCS, offenders must have a current conviction for a non-violent, non-serious felony. In addition, high-risk sex offenders are excluded from PRCS. PRCS eligible offenders are now being supervised by the Probation Department.

### ***Did AB109 release more criminals into the community?***

**No.** The offenders affected by AB109 would have been released into the community before the passage of AB109.

### ***Are all PRCS offenders “low level”?***

While the law excluded offenders with **current** violent or serious felonies, it did not exclude offenders with **prior** violent or serious felonies. The main difference is that the County Probation Department is now responsible for supervising the offenders and not State Parole.

### ***What were the major changes legislated in AB109?***

In simple terms, AB109 changed who supervises certain released prisoners and also changes where some prisoners are housed. Some offenders that previously served their incarceration in state prison are now serving their sentence in county jail. To be eligible to serve their terms in jail instead of prison, the offender cannot have a current or prior serious or violent felony conviction or be a registered sex offender. In addition, the legislation also excluded a variety of other non-violent, non-serious charges from local incarceration.

### ***What type of supervision do offenders receive when they are committed to local jails instead of state prison?***

AB109 allowed the Courts to “split” a local prison commitment between custodial time and time under “mandatory supervision.” This is not required. The Courts have the discretion to impose the full term in custody; however, the offender would then be released from custody without any period of supervision or service referral.

### ***What is the CCP?***

The Community Correction Partnership (CCP) was previously established in PC1230 as part of the SB 678 legislation aimed at increasing successful completions of probation. AB109 established an Executive Committee of the CCP to develop and recommend a Public Safety Realignment Plan to the Board of Supervisors and oversee implementation of the Plan.

### ***What services are provided to the AB109 offenders?***

The CCP Plan incorporates strategies found in Evidence Based Practices (EBP). EBP focuses on a “balanced approach” in addressing criminogenic needs (issues that contribute to criminality such as drug addiction or lack of work readiness skills) of offenders while holding them accountable to achieve long-term recidivism reduction. To that end, each offender is assessed to determine the most critical needs to address and then they are linked to the appropriate services by their probation officer. The offenders serving their sentences in jail in San Diego will also be provided with programming to address these needs while incarcerated.

### ***What other areas are affected by AB109?***

AB109 changed where parole violators serve their custodial sanctions for violations. Most parole violators now serve their violations in local custody instead of state prisons. AB109 also changed the maximum custody for violations from 365 days to 180 days (minus any conduct credits earned). This custody limitation applies to PRCS offenders too. Beginning July 1, 2013, parole violations will be heard by the Courts instead of the Board of Parole Hearings (BPH).

### ***What effect did AB109 have on the jail population?***

AB109 did increase the number of offenders that serve their sentences in local jails, both for new crimes and for violations of supervised released conditions. To mitigate this population increase, the CCP Plan looked at ways to divert low risk offenders from jails, using alternative custody options for low risk offenders including expanding the use of Work Furlough and GPS monitoring with home confinement.