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State realignment funds inadequate county officials say

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Until June, California law mandated that every felony conviction be punishable by either the death penalty or a state prison term in one of the state's 33 prisons.

But after the U.S. Supreme Court ordered California to reduce its prison population by 138 percent within the next two years, state lawmakers were compelled to pass AB 109 and AB 117.

California law, effective as of October 1, now says felonies are punishable by either prison or county jail for non-violent, non-serious or non-sex offenders.

The nation's top judicial body said that state leaders have been told to correct California's prison overcrowding problem for over 20 years.

"The degree of overcrowding in California's prisons is exceptional. California's prisons are designed to house a population just under 80,000, but at the time of [a lower court's] decision the population was almost double that," said Justice Kennedy in the opinion of the Court in a case brought against the state by inmates.

Given this mandate, many Californians – including Contra Costa's Sheriff – are anxious that dangerous convicts will be housed at local level facilities such as the Martinez Detention Facility, or even released altogether in order to comply with the Supreme Court ruling.

"The costs associated with incarcerating these new county prisoners must be borne by the State – not the local taxpayers in Contra Costa County. One thing is for sure, I will not allow or support a wholesale release of prisoners out on the streets. Those that should be held in custody will remain in custody," said Contra Costa Sheriff David Livingston recently.

The new bills revise the definition of felony crimes to include those punishable by jail – not only prison – terms for over one year.

But that doesn't mean that murderers and rapists will languish in county jail.

"The bill provides exceptions to imprisonment in a county jail for a variety of felonies, including serious felonies and violent felonies, as defined, felonies requiring registration as a sex offender, and when the defendant has a prior conviction for a serious or violent felony, or a felony subjecting the defendant to registration as a sex offender, among other exceptions," according to a summary of AB 109.

AB 109, passed by California legislators at the end of June "authorize[s] counties to contract with the Department of Corrections and Rehabilitation for beds in state prisons for the commitment of persons from the county convicted of a felony," said Gov. Jerry Brown's office.

Those convicted of felonies such as drug manufacturing, fraud or computer crimes would be eligible for doing their time in a county-run jail.

The legal shift "transfers the location of incarceration for lower-level offenders ... from state prison to local county jail and provides for an expanded role for post-release supervision for these offenders," said county law enforcement officials this week. It also "transfers responsibility for post-release supervision of

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lower-level offenders ... from the state to the county level by creating a new category of supervision called Post-Release Community Supervision ... and transfers the housing responsibility for parole and PRCS revocations to local jail custody."

The Department of Corrections and Rehabilitation emphasized in mid-July that no inmates currently in state prison will be transferred to county jails or released early.

Additionally, "there are nearly 60 additional crimes that are not defined in Penal Code as serious or violent offenses but at the request of law enforcement were added as offenses that would be served in state prison rather than in local custody," said DCR officials.

On Thursday, a panel of local officials charged with implementing the new procedures released a draft blueprint entitled the Contra Costa County 2011/2012 Public Safety Realignment Implementation Plan.

The panel, titled an executive committee, is comprised of Superior Court Judge Diana Becton, Cynthia Belon from Contra Costa Health Services, Chief Probation Officer Philip Kader, Public Defender Robin Lipetzky, Sheriff-Coroner David Livingston, Richmond PD Chief Chris Magnus and District Attorney Mark Peterson.

"Criminal Justice Realignment is a paradigm shift for California counties. No longer will it be enough for each criminal justice partner to focus on its own distinct mission within the justice system," said the committee in this week's draft plan.

Accordingly, the state allocated \$4.6 million to Contra Costa under AB 109 to pay for the increased responsibility during the 2011/2012 fiscal year.

However, the local committee's report said this amount is "inadequate to comprehensively provide for the needs of the AB 109 offender population."

Instead, it is expected to cost \$8.1 million to fulfill the new law's mandate.

During the 2010-2011 fiscal year, the Contra Costa Sheriff's Office alone transferred 1,276 inmates to state prisons to serve parole violations and sent 505 inmates for new prison commitments.

The state is expecting that parole violators, instead of returning to prison for an average of four months, will now serve an average of 30 days in local custody.

The Sheriff's Office announced that it intends to open a new housing unit at the Marsh Creek Detention Facility with 60 beds to house AB 109 offenders and increase the population at the West County Detention Facility by about 200 inmates.

No more inmates are expected to be housed in Martinez.

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Submitted by masonm247 on October 4, 2011 - 12:28pm.

Re: State realignment funds inadequate county officials say

Brown states the best viable option to comply with the Supreme Court's order to release 40,000 prisoner's is his realignment plan. Although Brown proposed realignment long before the Supreme Court prisoner release order, he likes to use that as an excuse to push ahead with realignment - despite there being cheaper, less risky alternatives. The Supreme Court ordered the release due to the overcrowding and inhumane conditions in our state prisons. Realignment simply transfers those inmates to our already overcrowded jails - 20 of which are currently operating under Court ordered population caps. LA county, our largest system, has been under the watch

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of the Feds for decades for the same exact issues facing our prisons. This shell game will force the Supreme Court to once again intervene once our jail conditions worsen due to realignment. In the meantime, our counties will be financially devastated and we will experience a huge spike in crime. Brown is pinning his hopes on a voter approved tax increase and a constitutional amendment to guarantee funding for our local governments. In the interim, he expects our local authorities to uphold public safety with less money, resources, and jail space. Unfortunately for our counties, by November 2012, the problems created by realignment will be so obvious to all that any slim hope Brown had for a voter approved tax increase to fund this mess will be long gone. Brown admits that there will be some "bumps in the road." But when the "bumps" are so risky, dangerous, and predictable, why not avoid them?

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