

AB 109: Public Safety Realignment: A Paradigm Change

SUMMARY

As part of the 2011-2012 budget package, the California State Legislature made a number of changes to realign certain state program responsibilities and revenues to local government agencies (primarily counties). Three of these bills resulted in significant changes in the counties' criminal justice systems. The primary bill affecting the Orange County criminal justice system is AB 109, establishing the law requiring prison realignment.

As part of the prison realignment changes, the Legislature shifted the responsibility for lower-level offenders, parole violators and parolees from the state to the counties. Under the realignment plan, effective October 1, 2011, the offenders who previously would have been sentenced to state prison are now to serve their sentences in a county jail and/or under local community supervision by the Probation Department.

Additionally, certain offenders released from prison are now supervised in the community by county probation officers instead of by state parole agents. When these offenders violate the terms and conditions of their supervision, the courts, rather than the Board of Parole Hearings, will preside over revocation hearings to determine if they should be revoked, and sent to county jail, or continued under what is termed, "Post-release Community Supervision." (PCS).

These changes in California's criminal justice system are significant and indeed represent a paradigm change.

PURPOSE OF STUDY

The state has provided estimates as to the number of cases expected to be referred to the Probation Department for Post-release Community Supervision and to the Sheriff's Department as new qualifying felony convictions. State funds to implement the program have been allocated to those agencies for implementation of the provisions of AB 109: The Public Safety Realignment Act. This study is to determine the accuracy of the estimates and sufficiency of the funding plan based on those estimates.

METHODOLOGY

The Orange County Public Safety Realignment and Post-release Community Supervision 2011 Implementation Plan, approved by the Board of Supervisors on October 18, 2011, was used for determining the baseline information regarding the following:

- The expected number of cases to be released from state prison to the Probation Department under PCS; and

- The expected number of eligible felony cases to be sentenced to county jail in lieu of commitment to state prison.

These estimates were based on projections made by the State Department of Corrections and Rehabilitation. Data was requested from the Sheriff's Department, Probation Department, District Attorney and Public Defender as to the workload and budget impacts resulting from AB 109 during the first six months of operation.

BACKGROUND AND FACTS

The Public Safety Realignment Law

As part of the 2011-2012 budget package, the California State Legislature made a number of changes to realign certain state program responsibilities and revenues to local government agencies (primarily counties). All told, there were 23 pieces of legislation passed as part of the state's spending plan. Three of these bills resulted in significant changes in the counties' criminal justice systems. The primary bills affecting the Orange County criminal justice system are AB 109 establishing the law requiring realignment and AB 117 delaying the starting date until October 1, 2011 and establishing certain timelines for local jurisdictions.

As part of the realignment changes, the Legislature shifted the responsibility for lower-level offenders, parole violators and parolees from the state to the counties effective October 1, 2011. Under the realignment plan, the offenders who previously would have been sentenced to state prison are now to serve their sentences in a county jail and/or under local community supervision. Additionally, certain offenders released from prison are now supervised in the community by county probation officers instead of by state parole agents. When these offenders violate the terms and conditions of their supervision, the courts, rather than the Board of Parole Hearings, will preside over revocation hearings to determine if they should be revoked and sent to county jail or continued under community supervision. The state expects to reduce the prison inmate population by about 14,000 in 2011-2012 and approximately 40,000 upon full implementation in 2014-2015. The state estimates that these reductions will result in a state savings of about \$453 million in 2011-2012 and up to \$1.5 billion upon full implementation.¹

Felons eligible for local level custody and/or community supervision are those convicted of offenses considered "non-violent, non-serious and non-sex offender." These are euphemistically referred to as "three-nons." Currently there are two distinct populations. The first consists of state prison inmates qualifying as "three-nons" that are due for release on parole. Instead of reporting to a state parole agent and having violations handled by a parole board, they are instructed to report to a county probation officer and all violations will be handled by local courts. Felonies ineligible for "three-non" status are defined by section 667.5(C) of the Penal Code for non-violent offenses, section 1192.7(c) of the Penal Code for non-serious offenses and

¹ Mac Taylor, California Legislative Analyst Office, August 2011

in the case of sex offenders, by the California Department of Corrections and Rehabilitation (CDCR). In addition to those ineligible by statute, there are over 60 felonies that would otherwise fall into the “three-non” category that are specifically excluded from Post-Release Community Supervision (PRCS). These offenders will continue to receive state prison commitments.

The second population consists of newly sentenced defendants that formerly would have been sent to state prison. If they qualify as “three-nons,” they will now be sentenced to county jail and/or post release community supervision. AB 109/AB 117 did not result in the early release of any sentenced felons.

In addition to having all of the existing tools available, Sheriffs may use new alternative custody options for electronic monitoring and home detention under PC 1203.018 and contract with other counties or public community correctional facilities. There is also a provision for counties to contract back with the state for housing inmates.²

Local Organization and Oversight

In Orange County, the Public Safety Realignment and Post-release Community Supervision Plan was placed under the oversight of the Orange County Community Corrections Partnership (OCCCP) Executive Committee consisting of the following members:

- Chief Probation Officer (Chair)
- Sheriff
- District Attorney
- Public Defender
- Assistant Presiding Judge
- Health Care Agency
- Chief, Garden Grove Police Department

Chaired by the Chief Probation Officer, the OCCCP will oversee the AB 109 realignment process and provide regular reports to the Orange County Board of Supervisors regarding funding and programming for various components of the plan.

² **2011 Public Safety Realignment**, California State Association of Counties, California State Sheriff’s Association and Chief Probation Officers of California

Funding

Based on a formula calculated by the state, Orange County was projected to receive state funds for \$25,734,096 for fiscal year 2011-2012 to provide services to an estimated 3,434 additional offenders.³ Following is a breakdown of the projected state funding:

- \$ 23,078,393 for Post-release Community Supervision
- \$ 200,000 for a one-time planning grant
- \$ 1,628,450 for one-time training and implementation funds
- \$ 827,253 for District Attorney/Public Defender PCS representation
- \$ 25,734,096 total

The OCCCP initial funding recommendation is:

- \$ 13,616,251 Orange County Sheriff's Department
- \$ 6,692,733 Orange County Probation Department
- \$ 2,077,055 Orange County Health Care Agency
- \$ 692,354 Orange County Municipal Law Enforcement
- \$ 23,078,393 total

Following are estimates by the various departments as to the expected numbers of additional inmates or clients and proposed strategies to meet the increase in workload.

Sheriff's Department

Expected Increase in Number of Inmates

Based on data provided by the California Department of Corrections and Rehabilitation, the Sheriff's Department has estimated an average increase of 143 inmates per month. This number is based on several factors:

- Those convicted of an eligible felony;
- The additional number of pre-trial inmates;
- Violators of post release community supervision;
- Violators of state parole (up to 180 days) in custody; and
- Post release community supervision cases sanctioned with flash incarceration up to 10 days for each violation.

The new "three-nons" group of inmates is expected to serve longer sentences than the previous population limited mostly to those sentenced for misdemeanor crimes. This new felony inmate

³ Orange County Public Safety Realignment and Post-Release Community Supervision, 2011 Implementation Plan

group is expected to receive sentences from 16 months to three years. The previous average for misdemeanor inmates averaged 90 days.

Alternatives to Incarceration

The OCSD plans to provide alternatives to incarceration and continue to supervise those in the care and custody of the Sheriff. The alternatives available through AB 109 legislation include involuntary home detention and electronic monitoring for the pretrial population.

At least 60 days prior to release from custody, the OCSD Inmate Services staff will meet with the Probation Department's pre-release specialists to facilitate a successful transition to community-based supervision.

Probation Department

Expected Additional Number of Offenders on Post-Release Community Supervision (PCS)

The California Department of Corrections and Rehabilitation estimates there will be 1,750 offenders during the initial phase of realignment on county Post-Release Community Supervision. Included are inmates released from state prison and offenders in jail on violations.

Additionally, the County will be responsible for 1,464 offenders sentenced to county jail and potentially placed on supervised release by the court.

The term of PCS will not exceed three years, and subjects may be discharged following as little six months of successful supervision. Offenders who remain violation-free for twelve months must be discharged pursuant to law. Those in violation of the terms of PCS may be subject to "flash incarcerations" for periods up to ten days or may be subject to revocation and serve up to 180 days in county jail. A provision in Public Safety Realignment allows discharge of offenders on PCS following six months of violation-free supervision.

Center for Opportunity Reentry and Education (CORE)

In collaboration with the Orange County Department of Education, the Probation Department has established a Day Reporting Center to provide offenders with education and life skills. Adult Probationers are provided the opportunity to earn high school diplomas or General Education Development (GED) certificates.

The Probation Department assigns peace officer staffing for contact after regular business hours. This provides the ability for local law enforcement agencies to obtain specific case information on offenders under probation supervision.

Superior Court

The court assumed responsibility for PCS revocation hearings beginning October 1, 2011. Upon receipt of a petition for revocation from the supervising agency, the court will accept and file for action. Within five court days, the court will conduct a probable cause case review based on the petition and a written report by the supervising agency. The court will set a date and time for the revocation hearing within 45 days of filing the petition.

District Attorney

The District Attorney provides a deputy district attorney to staff the revocation courtroom. This deputy reviews petitions, negotiates pre-hearing revocation sentences and represent the people at revocation hearings.

Public Defender

Public Defender staff will act as advocates for the needs and rights of their clients during the revocation process. Those in need of assistance are able to receive the support of a re-entry specialist paralegal. This staff member will assess client needs and begin to link them to services in coordination with the probation department's realignment team. If necessary, the paralegal can accompany the client to critical appointments.

Orange County Health Care Agency

Since the implementation of AB109 in Orange County, in custody bookings and assessments have shown a steady increase monthly beginning in October 2011 when there were 109 inmates. In June 2012 there were 931. Between October 2011 and March 2012 the monthly average has been reported as 293.

The potential for an increase in custody costs has impacted the County in a variety of ways: having longer-term inmates changes how the Orange County Health Care Agency practices medicine due to the extraordinary costs per person for the sicker, longer-term inmates. Projected costs for the following medical needs are as follows:

- Hepatitis C \$85,000/yr., plus physician costs
- Dialysis \$100,000/yr., plus medications
- Western Medical Center, inpatient day \$1,244/day, plus physician costs
- Hemophiliac \$250,000/yr., plus physician costs
- Non-contracted Specialty \$1,000-\$150,000 per episode
- Chemotherapy \$1,950-\$195,000/yr.

Since October 1, 2011, health-related diagnoses identified include 38 HIV patients, 74 diabetics and 17 pregnant women. Post-custody behavioral health needs have been identified including an

estimated 67% of inmates needing treatment for substance abuse disorder. In addition, 23% of the inmates have mental health disorders.

Municipal Police Departments

Municipal law enforcement agencies may be requested to provide services as needed in the support of Public Safety Realignment. They may be requested to participate in enforcement and compliance activities. For these services, municipal law enforcement agencies may be compensated as determined by the OCCCP.

ANALYSIS

This section will compare the expected numbers of PCS cases released from State Prison to be supervised by the Probation Department and the number of AB 109 felony cases sentenced to County Jail and/or PCS supervision with the actual numbers over a six-month period. Data has been collected from the Sheriff’s Department and the Probation Department for this purpose. Data regarding representation of the people and PCS defendants by the District Attorney and Public Defender respectively has been provided by those agencies.

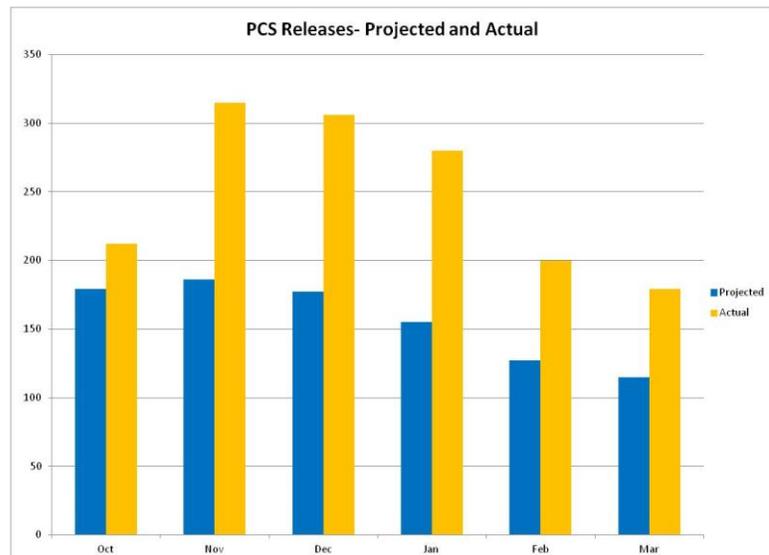
Probation Department

Based on projections provided by the State Department of Corrections and Rehabilitation, the Probation Department initially estimated that between October 1, 2011 and March 30, 2012, approximately 939 inmates would be released from California prisons and assigned to Post-release Community Supervision in Orange County. In fact, 1492 cases were released and assigned representing a 59 percent increase over the initial estimate.

Figure 1 – Comparison of Estimate and Actual PCS Cases

Figure 1 shows the month-by-month estimates and actual numbers between October 1, 2011 and March 30, 2012.

While the actual numbers follow the estimated pattern in terms of higher and lower months, the estimates are consistently on the low side.



PCS Cases Failing to Report

As indicated above, 1492 PCS cases were referred to the Orange County Probation Department during the first six months of operation. Of that number, 248 (16.62 percent), failed to report. The following table shows the outcome or status of this group.

Table 1 – PCS Cases Failing to Report

Outcome or Status	Number
Warrant Issued – still outstanding	49
Warrant Requested (pending)	55
Arrested on warrant, flash incarceration	19
Arrested on warrant, in custody	5
Warrant issued, PCS revoked	1
ICE/Immigration releases/holds/deportations	73
Released to U.S. Marshals	4
Arrested for new law violation	9
Released to another jurisdiction	33
Total	248

Note that 77 of the above cases were released to federal authorities. The 77 are composed of ICE and U.S. Marshals cases. Another 19 were arrested and placed in custody (flash incarceration) on the authority of the probation officer for up to ten days. These subjects are assumed to have been continued on PCS upon release from custody. If those numbers are factored out, the net number failing to report is 152, which reduces the failure to report rate to just over 10 percent.

Other Violations

In addition to those PCS cases failing to initially report, 1,389 violations were recorded by officers in the PCS Division during the first six months of operation. Multiple violations by a single client are included in this number. There were 997 violations where the offender continued on PCS without time in custody. Violations include new law violations and technical violations such as failure to report and failing a drug test. During this same period, 392 violations were offenders continued on PCS but with time in custody.

Of the 1,389 violations, 997 (72 percent) were continued on PCS without time in custody. The remaining 392 (28 percent) served time in custody via either flash incarceration or court order for formal revocations. All time in custody was served in the county jail. No revocations have resulted in a return to state prison. According to California Penal Code section 3457, the

California Department of Corrections and Rehabilitation shall have no jurisdiction over any person under Post-Release Community Supervision.

Table 2 below summarizes the above information regarding violations.

Table 2 – Probation Violations

Action	With Custody	Without Custody	Total
Revocations	152	0	152
Flash Incarcerations	240	0	240
Other Possible Violations	0	997	997
Total	392	997	1389

Sheriff’s Department

The Orange County Sheriff’s Department estimated an average monthly jail population increase of 143 inmates. Included are:

- Those inmates convicted of an eligible felony;
- The additional number of inmates on pretrial;
- Violators of Post-release community supervision;
- Violators of state parole; and
- Post-Release community supervisees sanction with flash incarceration of up to 10 days for each violation.

For the six-month period of this study, this estimate calculates to an estimated total of 858 inmates.

The actual numbers, for the period October 2011 through March 2012 are as follows:

Table 3 – Actual Increase in AB 109 Inmates

State Prison Orange County	1475
Flash Incarcerations	207
Post-release Supervision Revocations	59
Total	1741

Without the increase in pretrial inmates, (which is not tracked separately) the increase in the number of inmates as a result of AB 109 is 1741 for the six-month period from October 2011 through March 2012. This represents a difference of 883 inmates (over double) the number expected.

Figure 2 – Total Inmate Population and Jail Capacity

During the period from July 2011 through March 2012, the total number of inmates increased from 6031 to 6414, an increase of six percent. The number of felony inmates increased from 4590 to 5098, a change of 11 percent.

The number of misdemeanor inmates decreased, however, from 1258 to 1159, a change of approximately eight percent.

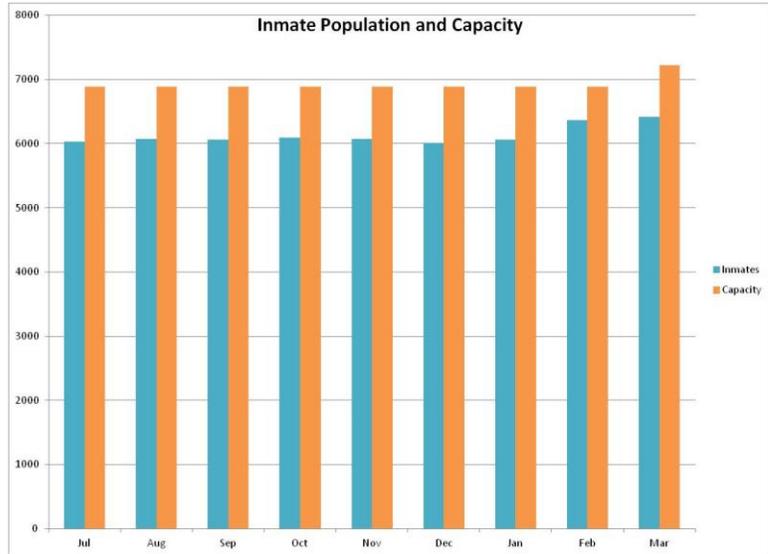
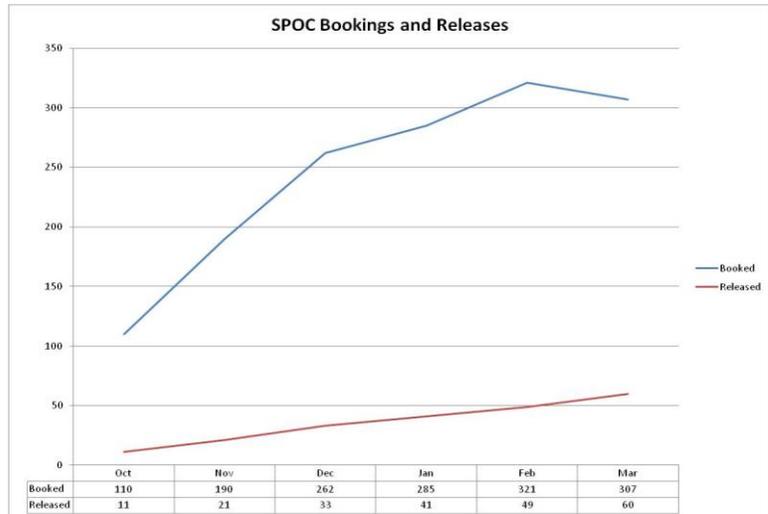


Figure 3 - AB 109 Offenders Sentenced to County Jail

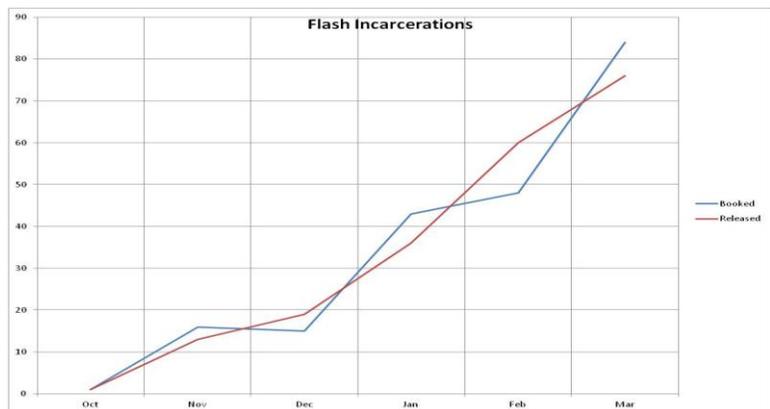
During the first six months after implementation of AB 109, State Prison Commitments to Orange County Jail ranged from 110 in October 2011 to a high of 321 in February 2012, and then dropped slightly to 307 in March 2012.



AB 109 releases ranged from 21 in October 2011 to 60 in March 2012.

Figure 4 Flash Incarcerations by the Probation Department

Flash incarcerations are used by the Probation Department as a mid-level sanction for violating PCS conditions. On the authority of the Probation Officer, subjects are placed in custody for up to ten days.



As shown in Figure 4, use of this enforcement feature has steadily increased. The number of PCS cases under supervision has increased from a single flash incarceration in October 2011 to a high of 84 in March 2012.

District Attorney

During the first six months of AB 109 operation, the Orange County District Attorney's Office has processed 130 Post Release Community Supervision cases calendared for revocation proceedings in the Orange County Superior Court. Prior to March 1, 2012, the office had multiple Deputy District Attorneys appearing in these proceedings. Since that date, one deputy district attorney has been assigned to handle these cases. Currently this Deputy is devoting six hours a day to these PRC revocation cases. It is expected that in the near future a full time Deputy will be assigned to handle PCS revocation hearings.

Public Defender

Pursuant to current law and a rule of the court, the Probation Department provides a copy of the revocation petition to the Public Defender's Office when the supervised person requests representation but is unable to employ counsel. Beginning with implementation of AB 109 in October of 2011, the Public Defender's Office has experienced a steady increase in the number of clients coming into the system for alleged violations of Post-Release Community Supervision. The number of revocation petitions filed grew by 62 percent between January and March 2012. Following are the number of cases represented during the six-month study period.

Table 4 – PCS Cases With Revocation Petitions

Month	October	November	December	January	February	March
Petitions Filed	4	2	17	24	49	64

Of the 160 total revocation petitions received, the Public Defender's Office has represented 146 PCS revocation clients. The fact that the 14 not represented is attributed to private counsel substitutions and/or conflict.

As the AB 109 workload has increased, staffing demands have increased. To date, the Public Defender's Office has allocated a full time equivalent Deputy Public Defender and a full-time paralegal dedicated to motions and legal issues involved in PCS cases.

Local Law Enforcement

\$692,354 has been allocated to Orange County municipal law enforcement agencies by the Orange County Community Corrections Partnership (OCCCP). The law states that any AB 109 funds distributed to local law enforcement must not supplant the department's operational budget and may only be used for overtime activities specific to AB 109 activities. The result of this restriction is that little, if any, of the allocated funds have been distributed to local law enforcement agencies.

Three law enforcement agencies chose to respond to the Grand Jury's invitation to submit data, anecdotal information and opinions as to the impacts of AB 109 in their respective communities. Their comments are summarized below.

Local Law Enforcement Positions

The City of Tustin has submitted a letter to the Grand Jury which states that the AB 109 Post-Release Community Supervision (PCS) program is of great concern to the Tustin Police Department and has already had a negative impact upon the department and the community. He reports several incidents, one of them violent, involving PCS subjects. Many are out of compliance with their court-ordered terms of supervision.

Following is a quote from the Department: "PCS supervised individuals rejoice in knowing that they will not have to return to State Prison for violating the terms of their release, and the Tustin Police Department is considering creating a new position within the agency dedicated to dealing with them exclusively."

He further states that since October 2011, Part 1 crimes have dramatically increased over crime statistics from 2011. The Chief views the AB 109 program as a "significant, genuine threat looming over our community."

The City of Tustin has, or will, receive 26 PCS cases since AB 109 inception in October 2011. Of the 26 cases, 10 are active, seven are in custody after being arrested after release, and three have absconded and have warrants issued for their arrests. Six have not yet arrived. This represents an approximate 50% recidivism rate for the cases currently in the community. The chief expects these numbers to increase as "AB 109 continues to roll out."

City of Fountain Valley

The City of Fountain Valley has submitted a letter to the Grand Jury in which he states that since the release of AB 109 PCS cases into his city, there has been an increase in certain Part 1 crimes as compared to the same time last year. "Specifically, there has been a 26 percent increase in commercial burglaries, 16 percent increase in vehicle thefts, 44 percent increase in felonious assaults, 10 percent increase in residential burglaries, 16 percent increase in thefts from vehicles and a 38 percent increase in bicycle thefts."

The City further states, “We recognize that several factors likely contributed to these increases, but since most of the probationers released had prior history of burglary and theft, the connection is not hard to make.” It should be noted that in 2011 Fountain Valley had seen a Part 1 crime decrease of 6.4 percent compared to 2010.

As of March 31, 2012, ten PCS cases were released into the City of Fountain Valley. Of those cases, one has been re-arrested and two have outstanding no-bail warrants. One of these probationers is a sex registrant, and his warrant is for failing to report upon release. Overall, the Fountain Valley Department has arrested nine PCS probationers, including those released to other jurisdictions.

Regarding AB 109 funding, Fountain Valley states, “As you know, the State provided money to counties to deal with the impact of AB 109. Here in Orange County, the only money available to Police Departments is overtime reimbursement for participating in sweeps coordinated by Probation. There is no reimbursement for our expenses in investigating, arresting and prosecuting these individuals.”

City of Santa Ana

The City of Santa Ana has submitted a letter to the Grand Jury which states that as of February 29, 2012, the PCS population in Orange County was at approximately 1,300. The Santa Ana population was 375, about 29% of the total PCS population. The Santa Ana PD Gang Unit has confirmed that 180 of the PCS population have been documented as a criminal street gang and, or a validated prison gang. He indicates that at this stage of PCS, it is difficult to analyze the population’s involvement in gang-related crimes.

The Santa Ana Police Department’s Gang Suppression Unit encounters these PCS subjects on a regular basis. Interviews by gang unit officers reveal that many of these individuals have no respect for PCS and “candidly refute the terms of their supervision.”

Santa Ana asserts that the methodology used by the Department of Corrections and Rehabilitation does not take into consideration the offender’s overall criminal history; only the last commitment offense. Thus, many PCS subjects considered non-serious actually have a serious criminal background.

Findings/Conclusions

In view of the short time period for this study, the trends, while interesting, are not conclusive. Additional time would allow the Grand Jury to more completely assess the impact on the County of Orange and on local law enforcement agencies. Unfortunately, because of the time limit on Grand Jury service, the 2011-2012 Grand Jury must conclude the study after addressing only a six-month period. The findings, therefore, are limited to the information on hand.

*In accordance with California Penal Code Sections §933 and §933.05, the 2011-2012 Orange County Grand Jury requires responses from each agency affected by the **Findings/Conclusions** presented in this section. The responses are to be submitted to the Presiding Judge of the Superior Court with a copy to the Grand Jury.*

The 2011-2012 Orange County Grand Jury presents the following four findings:

F1. The number of AB 109 inmates expected by the Sheriff's Department was significantly underestimated. During the first six months of operation, the actual number of inmates during the first six months of operation exceeded expectations by more than 100 percent of the expected number.

F2. The number of Post-Release Community Supervision cases expected to be released from state prison to local facilities was significantly underestimated. The actual number over the first six months of operation exceeded expectations by approximately 59 percent.

F3. Restrictions on the use of AB 109 state funding fails to recognize the increase in crime in communities and the additional demands placed on local law enforcement agencies.

F4. Insufficient time has elapsed since the passage and implementation of AB109 to provide comparison of crime rates before and after the passage of the bill.

Recommendations

*In accordance with California Penal Code Sections §933 and §933.05, the 2011-2012 Orange County Grand Jury requires responses from each agency affected by the **Recommendations** presented in this section. The responses are to be submitted to the Presiding Judge of the Superior Court with a copy to the Grand Jury.*

The 2011-2012 Orange County Grand Jury presents the following four recommendations:

R1. Based on the first six-months of experience with the number of AB 109 inmates received and the average length of sentence, the Sheriff's Department should prepare more informed estimates that are more informed for the 2012-2013 fiscal year. (See F1).

R2. Based on the first six-months of experience with the number of AB 109 state prison releases on Post-release Community Supervision, the Probation Department should prepare estimates that are more informed for the 2012-2013 fiscal year. (See F2).

R3. The Orange County Community Corrections Partnership (OCCCP) Executive Committee should explore a means to modify or work around the restrictions on compensating local law enforcement agencies for manpower expenses for ordinary enforcement of the law with regard to the PCS population in their communities. (See F3)

R4. Initiate a study by the Orange County Community Corrections Partnership (OCCCP) to compare crime rates in Orange County for the periods of October 2010 through September 2011 and October 2011 through September 2012. The comparison study to be completed by December 2012 with a copy of the study directed to the Orange County Grand Jury on or before December 31, 2012. (See F4)

REQUIREMENTS AND INSTRUCTIONS:

The California Penal Code §933 requires any public agency which the Grand Jury has reviewed, and about which it has issued a final report, to comment to the Presiding Judge of the Superior Court on the findings and recommendations pertaining to matters under the control of the agency. Such comment shall be made *no later than 90 days* after the Grand Jury publishes its report (filed with the Clerk of the Court); except that in the case of a report containing findings and recommendations pertaining to a department or agency headed by an elected County official (e.g. District Attorney, Sheriff, etc.), such comment shall be made *within 60 days* to the Presiding Judge with an information copy sent to the Board of Supervisors. Furthermore, California Penal Code Section §933.05 (a), (b), (c), details, as follows, the manner in which such comment(s) are to be made:

(a.) As to each Grand Jury finding, the responding person or entity shall indicate one of the following:

- (1) The respondent agrees with the finding
- (2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefore.

(b.) As to each Grand Jury recommendation, the responding person or entity shall report one of the following actions:

- (1) The recommendation has been implemented, with a summary regarding the implemented action.
- (2) The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation.
- (3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a time frame for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This time frame shall not exceed six months from the date of publication of the Grand Jury report.

- (4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefore.

If a finding or recommendation of the Grand Jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the Board of Supervisors shall respond if requested by the Grand Jury, but the response of the Board of Supervisors shall address only those budgetary /or personnel matters over which it has some decision making aspects of the findings or recommendations affecting his or her agency or department.

Responses Required to Findings and Recommendations

Finding	Recommendation	Respondent
F1	R1	Orange County Sheriff's Department
F2	R2	Orange County Probation Department
F3, F4	R3, R4	Orange County Community Corrections Partnership