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Title: Actions pertaining to the Fresno County Adult Compliance Team agreement with the County of Fresno:

1. Approve the Third Amendment to the agreement with the County of Fresno to reimburse the City of Fresno for four Police Officers and one Crime Analyst to be assigned to the Multi-Agency Gang Enforcement Consortium (M.A.G.E.C. Team).
2. ***RESOLUTION - 1st amendment to Position Authorization Resolution (PAR) No. 2017- 166, adding four Police Officers and one Crime Analyst assigned to the M.A.G.E.C. Team. (Subject to Mayor's Veto)
3. ***RESOLUTION - 17th amendment to the Annual Appropriation Resolution (AAR) No. 2017-165 appropriating \$969,000.00 for the Fresno Police Department personnel assigned to the M.A.G.E.C. Team. (Requires 5 affirmative votes) (Subject to Mayor's Veto)

Sponsors: Police Department

Indexes:

Code sections:

Attachments: 1. CO-COF Third Amend (MAGEC Expansion) - 11.02.2017.pdf, 2. MAGEC 17th Amend - AAR 17-165.pdf, 3. 11 02 17 - 1ST Amend to PAR 17-166 FY18_PD.pdf, 4. Fresno ACT Second Amendment.pdf, 5. Fresno City ACT - 1st Amend AGMT.pdf, 6. Public Safety Realignment Act AB 109 Implementation Plan 2011.pdf, 7. AB 109 Criminal Justice Realignment Act February 2012.pdf

Date	Ver.	Action By	Action	Result
10/12/2017	1	City Council	approved	Pass

REPORT TO THE CITY COUNCIL

October 12, 2017

FROM: JERRY P. DYER, Chief of Police
Police Department

THROUGH: PATRICK FARMER, Deputy Chief
Police Department - Investigative Services Division

BY: RON HUGHES, Lieutenant
Police Department - MAGEC Commander

SUBJECT

Actions pertaining to the Fresno County Adult Compliance Team agreement with the County of Fresno:

1. Approve the Third Amendment to the agreement with the County of Fresno to reimburse the City of Fresno for four Police Officers and one Crime Analyst to be assigned to the Multi-Agency Gang Enforcement Consortium (M.A.G.E.C. Team).
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3. ***RESOLUTION - 17th amendment to the Annual Appropriation Resolution (AAR) No. 2017-165 appropriating \$969,000.00 for the Fresno Police Department personnel assigned to the M.A.G.E.C. Team. (Requires 5 affirmative votes) (Subject to Mayor's Veto)

RECOMMENDATION

Staff recommends City Council authorize the Chief of Police to execute the Third Amendment to the Agreement between the County of Fresno and the City of Fresno to reimburse the City for four Police Officers and one Crime Analyst, which will be assigned to the M.A.G.E.C. Team; adopt the First Amendment to Position Authorization Resolution (PAR) No. 2017-166, adding four Police Officer positions and one Crime Analyst position to the Fresno Police Department, effective November 2, 2017; and, adopt the Seventeenth Amendment to the Annual Appropriation Resolution (AAR) No. 2017-165 appropriating \$968,984.00 for the Fresno Police Department's M.A.G.E.C. Team.

EXECUTIVE SUMMARY

One of the consequences of Assembly Bill 109, the Public Safety Realignment Act of 2011 (AB109), was the shifting of responsibility for supervising convicted criminals released from state prison facilities to county probation departments. To accomplish this, funding was allocated from the State of California to the 58 counties through the Community Corrections Partnership (CCP) Boards established in each county. The Fresno County CCP established an Adult Compliance Team (ACT) to ensure that convicted criminals are closely supervised after release. A Fresno police officer has been part of the ACT since its inception in October 2011.

In January 2016, the City of Fresno and the County of Fresno entered into an agreement to continue the assignment of the one Fresno police officer to fulfill the responsibilities of the ACT member as set forth by AB109 through June 2016. In November 2016, the City of Fresno and the County of Fresno amended the original agreement adding two additional police officers and one sergeant to the ACT. The City of Fresno and the County of Fresno now desire to enter into a proposed Third Amendment, which includes the addition of four Police Officers and one Crime Analyst, who will be assigned to the M.A.G.E.C. Team.

The total compensation for these four Police Officers and one Crime Analyst, equipment, and direct costs shall not exceed \$968,984.00 for Fiscal Year 2017-18.

BACKGROUND

A Fresno Police Officer has been a part of ACT since its inception in October 2011. On June 2, 2016, Council approved the First Amendment to Agreement 16-030, which extends the provision of one Police Officer for ACT through June 30, 2017. In November 2016, the City of Fresno and the County of Fresno amended the original agreement adding two additional police officers and one sergeant to ACT. The City of Fresno and the County of Fresno now desire to enter into a proposed Third Amendment to the original agreement, which includes the addition of four Police Officers and one

Crime Analyst assigned to the M.A.G.E.C. Team.

In 2011, California enacted AB109, a bill that re-aligned the state's overcrowded prison system, shifting responsibility over repeat, "non-violent" offenders from state prisons to county jails. As of May 30, 2017, there were 757 of these individuals with outstanding warrants in the County of Fresno. There was also a total of 2,634 on supervision under AB109 (this number includes the 757 with outstanding warrants) with an additional pre-trial population of approximately 225 offenders. These numbers do not include those anticipated to be released in the near future under Proposition 57. The Fresno County Probation Department estimates that 75-80% of the County's AB109 population has some type of gang tie or affiliation and that 75% of the AB 109 population resides within the City of Fresno. Those individuals who are self-admitted and active, have violent histories that include arrests for weapons offenses and assaults, or have a conviction under PC 186.22 (gang enhancements). Oversight of current and future offenders is provided by the Fresno County Probation Department and ACT.

According to the 2011 study of Fresno County AB 109 offenders, "Year Two Outcomes", provided to the CCP by Owen Research and Associates, realigned offenders in Fresno County had a new conviction percentage of 46%. This includes Post-Release Community Supervision Offenders (PRCS), and Mandatory Supervision Offenders (MSO). Based upon the conviction rate of 46%, and the current AB109 and MS population of 2,634 people, we can project an additional 1,200 violations per year. An on-going review of weekly ACT progress reports shows that 80% of the work completed by the ACT is completed within the City of Fresno. Therefore, the City of Fresno can project approximately 960 new cases to be generated annually.

M.A.G.E.C., the current mechanism in place to aid in the prosecution of gang members, has been severely impacted by the increase in gang-related case work due to AB 109. As a result of the realigned prison population, many of whom are self-admitted and active gang members, there has been an increase in gang-on-gang violence in the City of Fresno. The City of Fresno and the County of Fresno now desire to enter into the proposed Third Amendment to increase the M.A.G.E.C. Team to include four additional Fresno Police Officers and one Crime Analyst.

The Amendment states that the total compensation for the four Police Officers and one Crime Analyst, equipment, and indirect costs shall not exceed \$968,984.00 for Fiscal Year 2017-2018.

The City Attorney's Office has approved the First Amendment to PAR No. 2017-166, the Seventeenth Amendment to AAR No. 2017-165, and the Third Amendment to the agreement.

ENVIRONMENTAL FINDINGS

This is not a "project" for the purposes of CEQA, pursuant to State CEQA Guidelines section 15378.

LOCAL PREFERENCE

Local Preference was not considered because accepting funding does not include a bid or award of a construction or services contract.

FISCAL IMPACT

The Police Department's approved FY 18 budget currently contains funding for the positions added in

the first and second amendments to the agreement. The attached Appropriation Resolution adds appropriations for the additional four Police Officers and one Crime Analyst, and appropriate support costs. All costs will be reimbursed by the County of Fresno. All the above funding will be contained in the Patrol Support Fund to facilitate tracking and record-keeping. There is no impact to the General Fund. The total cost of the program will not exceed \$968,984.00 in FY 18.

- Attachments:
1. Third Amendment to the Fresno County Agreement
 2. 17th Amendment to the AAR No. 2017-165
 3. 1st Amendment to the PAR No. 2017-166
 4. 2nd Amendment to the AAR No. 2016-118
 5. 1st Amendment to the PAR No. 2016-119
 6. AB109 Criminal Justice Realignment Act February 2012
 7. Public Safety Realignment Act AB 109 Implementation Plan 2011