



CAB New Member Training

September 27, 2021



Training Topics

Part 1: CA State Realignment

Part 2: County Structure: CCP, CCPEC

Part 3: CAB Purpose & Guidelines

Part 4: Parliamentary Procedure

Part 5: The Brown Act



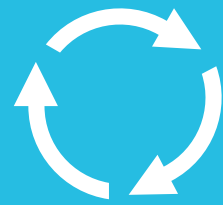


AB 109: Three Goals



Reduce the Prison Population

- Reduce the number of people going into prison: **Non, Non, Non**
- Transfer responsibility of those coming out of prison from the state to the county: **Post-Release Community Supervision**
- Local community-based punishment for parole violators



Reduce Recidivism

Evidence Based Practices: Engage in sentencing, supervision practices and service strategies that scientific research has shown to reduce redivism



Reduce Corrections Spendnig

Reduce & Reinvest: Reduce corrections and related criminal justice spending and reinvest savings in strategies designed to increase public safety

AB-109 Realignment

In **October of 2011**, CA State Assembly Bill 109 (AB109), the **Public Safety Realignment Act**, went into effect.

Realignment promotes public safety through community-based correction programs and changes in sentencing and supervision strategies including the use of evidence based practices.

Realignment took individuals that were formerly the responsibility of the state and made them the responsibility of the county.

A Major Change in the Criminal Justice system



Realignment Affects Three Groups:

1170 (h)

Individuals committing new felonies

Note: Some of these felonies are now Proposition 47 misdemeanors

PRCS

Individuals coming out-of-prison

Parole
Violators

Individuals who violate parole



Committing New Felonies

Before AB 109 Realignment

All persons who committed a felony before Realignment were either placed on probation (with or without county jail) and supervised by the Probation Department or sentenced to state prison.

After AB 109 Realignment

Persons committing a new non-serious, non-violent felony offense are either placed on probation or sent to local prison (county jail) with a straight or split sentence. Some non-serious, non-violent crimes are excluded.

New Felony:
"Non, Non, Non"

Local Prison Sentence

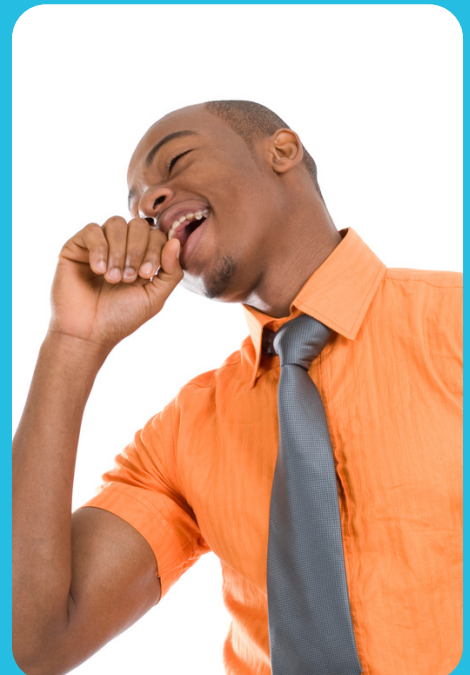
FULL TERM OF IMPRISONMENT OR SPLIT SENTENCE

A combination of a term of imprisonment in county jail and a period of supervision, "**Mandatory Supervision**"

- Two periods together cannot exceed the maximum possible sentence
- Length of sentence didn't change
- Supervised by Probation

Persons committing a new serious or violent offense or who have a prior for same or who must register as a sex offender are either placed on probation or sent to state prison.

**Serious Penal Code 1192.7
Violent Penal Code 667.5(a)**

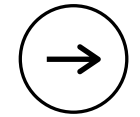




Exclusions:

Over 70 crimes are excepted from the Local Prison rule – will go to state prison even if nonviolent and non-serious .

Examples of Non-, Non-, Non-Offenses



- Involuntary manslaughter
- Commercial burglary with serious bodily injury
- Extortion or forgery
- Possession of sawed-off shotgun
- Theft over \$950 or vehicle theft
- Receiving stolen property (over \$950)
- Drug sales/possession for sale

Now Misdemeanors:

- Possession of Drugs
- multiple petty thefts



Release from Prison: Parole or Probation

Before AB 109 Realignment

All persons released from state prison before Realignment were placed on Parole and supervised by state parole officers.

After AB 109 Realignment

If the committing offense was non-serious, nonviolent the person coming out of prison is placed on Post Release Community Supervision (PRCS) and supervised by Probation.

- 6 month/1 year/~~3 years~~ (2 years with AB 1950) max. supervision
- Priors can be serious and violent
- Conditions similar to parole conditions

Violations



PRE-REALIGNMENT PAROLE VIOLATION

Parole revocations were handled by state parole and any resulting custody time was served in the state prison.

POST-REALIGNMENT PAROLE VIOLATION

Parole revocations (all enforcement) are now handled locally in our courts and any custody time, with minor exception, is served in county jail.

PRCS VIOLATION

PRCS violations are also handled by our courts and custodial time for violations of PRCS are also served in county jail.

Six month maximum revocation – 50% credit



The “Realigned Population” is defined as people charged with/convicted of low-level felony offenses, who were previously eligible to be supervised, incarcerated or adjudicated by the state, who are now supervised, incarcerated or adjudicated by local authorities.

Defining who comprises the realigned population is necessary to set funding parameters and drive effective corrections and re-entry policy.



Realignment Eligibility

- Post Release Community Supervision (PRCS)
- Individuals charged with or under supervision for an 1170(h) eligible offense
 - Mandatory Supervision
 - Deferred Entry of Judgement

Alameda County

- Formal probation (not court probation)
- Pre-trial status
- Special court participants with felony convictions



Community Corrections Partnership

CA State Senate Bill 678, The California Community Corrections Incentives Act of 2009, established the CCP.

Executive Committee

CA State Assembly Bill 109, the California Public Safety Realignment Act of 2011, expanded the role of the CCP through the establishment of an Executive Committee.

Purpose

The CCP was tasked with developing a **Realignment plan**. The CCPEC was tasked with **oversight, implementation and assessment of that plan**, including providing the Alameda County Board of Supervisors with **AB 109 funding recommendations**.

CCPEC Workgroups & Advisory Board

Community Advisory Board:

The CAB shall advise and make recommendations to the Alameda County Community Corrections Partnership Executive Committee (CCPEC) by...

- providing input
- assessing
- reviewing data
- advising CCPEC
- reviewing
- recommending
- encouraging



Programs and Services Workgroup

Ensure availability of, and access to, effective, results-oriented services for Realignment populations from the continuum of charging through successful reentry

Fiscal and Procurement Workgroup

Develop an annual Realignment allocation plan and procedures for effective and efficient procurement

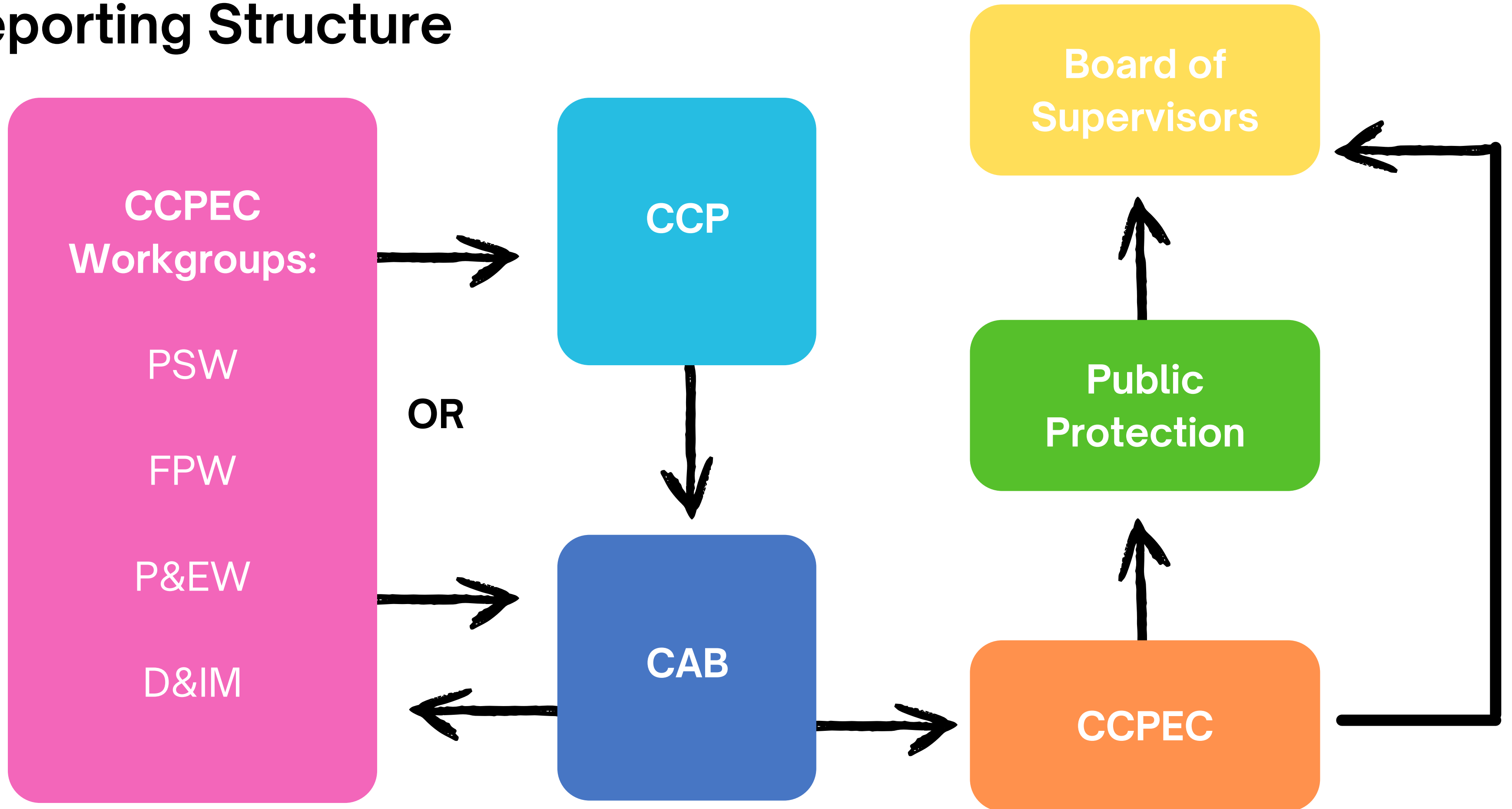
Process and Evaluation Workgroup

Define and develop the plan for, implementation, and evaluation of, Realignment activities in Alameda County

Data & Information Workgroup

Design and develop a comprehensive, integrated data management system that allows tracking of individuals, outcomes, and costs

Alameda County Realignment/Reentry Reporting Structure



CAB Guidelines

- CAB members agree to participate in up to 2 meetings per month (CCPEC & CAB)
- Review materials & complete working group projects
- BOS is the final decision making authority
- CAB may not take positions on candidates
- Serve a min. of 1 year; max. 6 in 1-year increments, at Board's discretion



Membership	Officers	Officers / Meeting Notice
<p>Represent the gender, ethnic, racial, sexual orientation, religious, and geographic diversity of Alameda County</p>	<p>The officers of the CAB shall be the Chair, Vice-Chair and Secretary</p>	<p>CAB's regular meetings shall be accessible to the public and held monthly from January through December</p>
<p>A minimum of five (5) CAB members shall be formerly incarcerated</p>	<p>Chair shall conduct meetings, develop and distribute agendas in collaboration with the Reentry Coordinator</p>	<p>The regular meetings shall be held at a time and location to be determined by the CAB. Chair or Vice-Chair must be present</p>
<p>Filling a CAB vacancy requires a 2/3 vote of the existing CAB members at any regular or specially noticed CAB meeting</p>	<p>The Chair shall serve on the CCPEC as the non-voting, <i>ex officio</i> member, and attend all CCPEC meetings</p>	<p>Agendas for each meeting shall be emailed to the CAB members at least 72-hours before each regular meeting</p>
<p>Miss 4 meetings, resign (Clerk of Board & CAB), .2/3 maj. vote for behavior detrimental to CAB/Realignment</p>	<p>The Vice-Chair shall act for the Chair in his or her absence</p>	<p>Special meetings called by Chair or majority to ensure timely and effective input on Realignment planning or other urgent matters</p>



CAB membership should have the **expertise** necessary to make recommendations on issues **related to reentry**... give priority to CAB nominees who have a **willingness to work collaboratively with CCP stakeholders and meet the following criteria:**

- Expertise in areas impacting the reentry population: physical and mental health, education, employment, housing, family reunification and legal services
- Representatives of **community groups**
- **Service providers** working with the reentry population
- People with **expertise about the criminal justice system including advocates for alternative methods** such as community courts and restorative justice
- **Formerly incarcerated individuals and their family members**
- **Crime victims** and their family members
- Members of the **business community** with expertise on reentry and employment
- Members or leaders of **faith-based organizations** that serve the reentry population
- Other Interested community individuals.

Principles of Parliamentarian Procedure

- Justice & courtesy for all
- Do one thing at a time
- Majority rules
- The minority has rights
- The purpose is to evaluate, not obstruct it
- It's not personal, it's protocol

*Parliamentary procedure, refers to the **rules of democracy**—that is, the commonly accepted way a group of people come together, present and discuss possible courses of action, and make decisions.*

Parliamentary procedure also defines what duties people typically have when they are elected president or secretary.

1... State the Motion

"Mr./Madam Chairperson, I move that. . . ."

2... Second

Another member seconds the motion, "**I second...**" A second does not mean the person agrees with the motion, just that they think the Board should consider it.

3... Chair States the Motion

The chair says, "**It is moved and seconded that . . .**" and then reads the motion to the members. By then asking, "**Is there any discussion?**"

How to Make a Motion

Members have the right to make motions during a meeting almost any time no other business is pending. **The chair's responsibility is to know whether it is in order to entertain a particular main motion.** When you're ready to make your motion, be sure no one else has the floor, and then stand up and say, Mr./Madam Chairperson.

4... Debate

The chair recognizes the member who made the motion by saying, **“The chair recognizes the member...”** The member now has the floor to explain his motion and the reasons behind its creation. Other members may then take the opportunity to seek recognition of the chair to speak for or against the motion.

5... Vote

The chair asks the members if they want to adopt the motion and holds a roll-call vote. Presenting exactly what the members are being asked to decide in a clear manner is very important. The chair should be very deliberate about incorporating the actual language of the motion.

6... Chair Announces Results

“The ayes have it and the motion carries (or ‘is adopted’)” or “The noes have it and the motion is lost (or ‘fails’).” The chair also needs to tell the assembly what will happen as a result of the vote

The Brown Act:

Guiding Principle

The **Public's** business must be conducted in **public**, with ample opportunity for **public** participation.

Open Meeting Rule: “All meetings of the legislative body of a local agency shall be **open and public**, and all persons shall be permitted to attend any meeting of the legislative body of a local agency.”

The CAB is Subject to the Brown Act

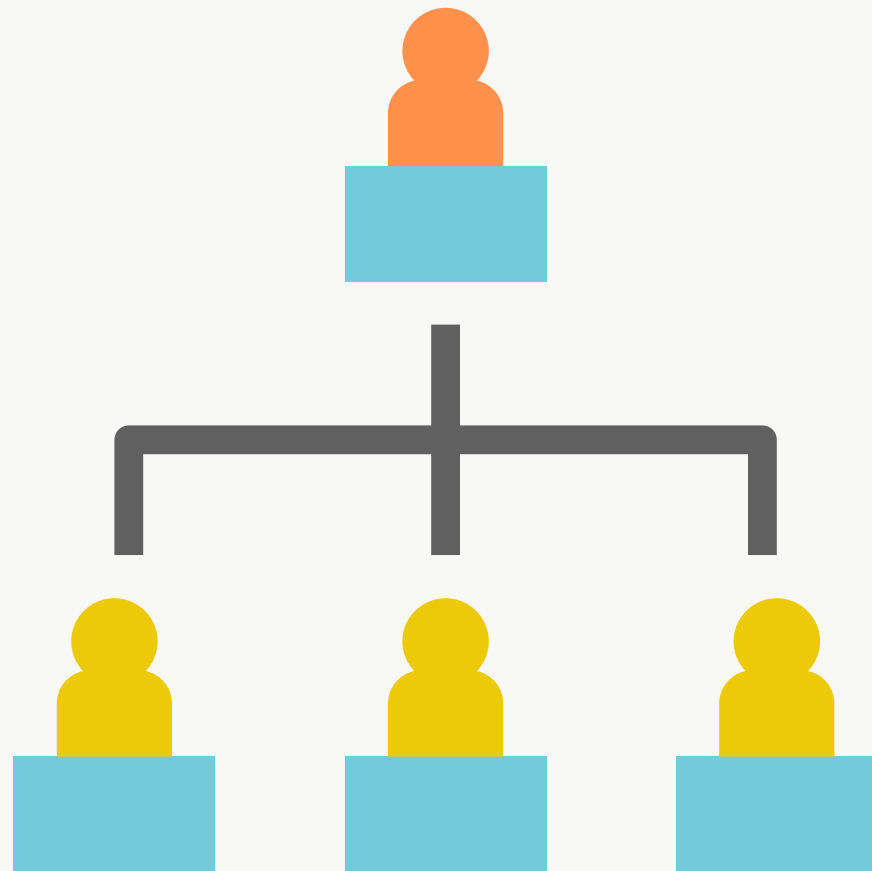
- **Boards or any body created by formal action of the Board of Supervisors + standing sub-committees**

Formation of CAB and Operating Guidelines approved by BOS on April 22, 2014

Operating Guidelines, Article 5, Section 1: Open public meetings shall be conducted in accordance with the provisions of the “Brown Act” (Government Code Secs. 54950)

- **Exception: Ad hoc committees made up of less than a quorum of the body**

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Ad Hoc Committee

TASK

- Charged with a specific task
- Purely advisory

MEMBERS

- Comprised solely of members
- Less than a quorum (of body or standing sub-committee)

TIME

- Limited duration
- Meeting schedule was not fixed by formal action
- Committee dissolved when their specific task is completed

Closed Session

Meetings

EXPRESS AUTHORIZATION

Meetings must be open to the public unless the **Brown Act specifically authorizes the Board to meet in "closed session"**. The standard is NOT whether the subject matter is *sensitive, embarrassing, controversial or private*. It is VERY unlikely that the CAB will ever have any closed session matters.

PROCESS

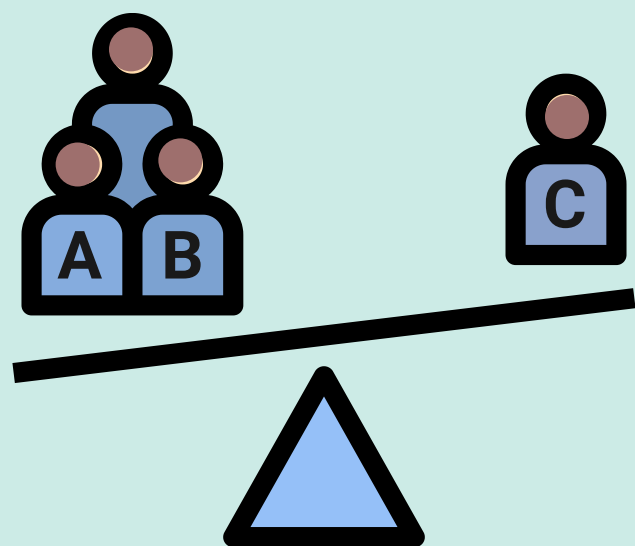
Discuss any plans to hold a closed session with the office of the County Counsel prior to placing a closed session on the agenda. Only Board members and necessary support staff may be present at closed session meetings.

What is a Meeting?

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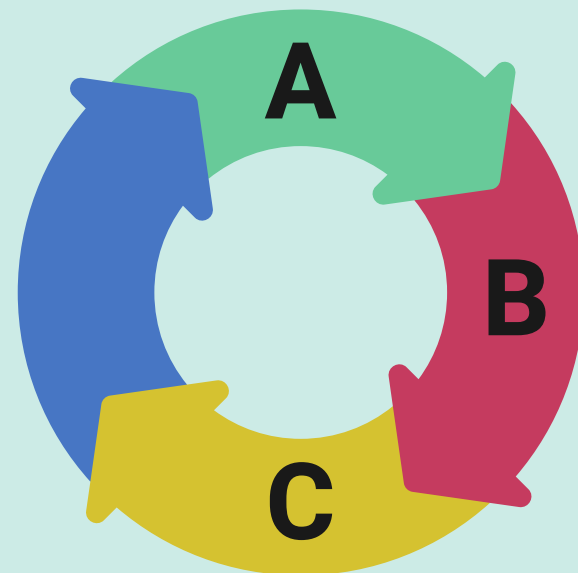
MAJORITY OF MEMBERS

A meeting occurs whenever a **majority** of the members of the Board or committee come together at the same time or place



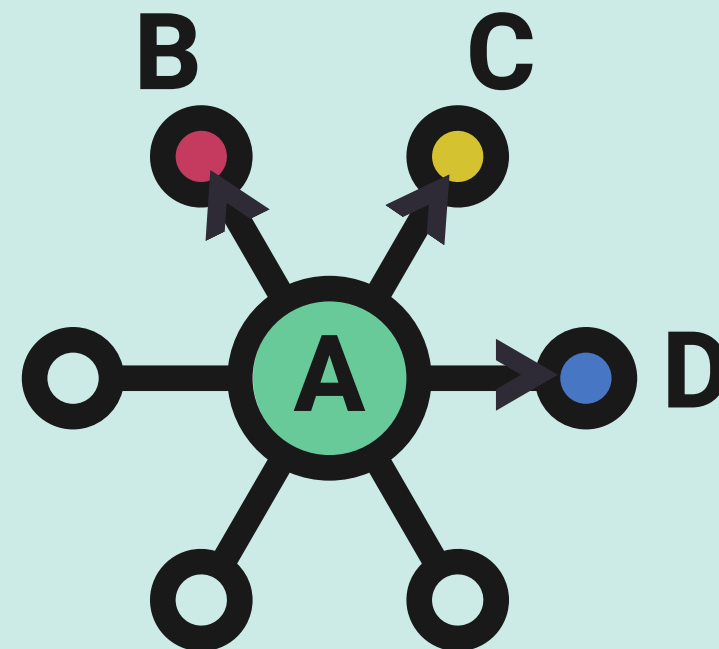
CHAIN MEETING

“Chain” meetings: Member A talks to member B, who talks to Member C...



HUB-AND-SPOKE MEETING

“Hub-and-Spoke” meetings: A talks to B, then C, then D...



- RETREATS
- SOCIAL GATHERINGS
- "NETWORKING" BEFORE/AFTER MEETINGS
- COMMUNICATING VIA TEXT, EMAIL, PHONE OR SOCIAL MEDIA

What is **NOT** a Meeting?

ATTENDANCE OF A MAJORITY OF CAB MEMBERS AT:

- Regional, state, national conferences
- Local meetings open to the public
- Social, recreational, ceremonial event not sponsored by or for the body

PROVIDED, NO COLLECTIVE DISCUSSION OF CAB BUSINESS TAKES PLACE

What to Avoid:

- **Discussion among members about CAB business** outside of a public meeting
- **Responding directly to any communication regarding CAB business that is made, posted, texted, emailed or shared by any other member of CAB**

GOVERNMENT CODE SEC. 54952.2



Meeting Location & Time

LOCATION

Meetings (virtual and in-person) must be held within Alameda County -- quorum must be inside the County.

VIRTUAL*

When hosting a virtual meeting, each member's location must be identified on the agenda and open to the public, and an agenda must be posted at each location.

DATE & TIME

For the CAB, regular meetings shall be held at a time and location to be **determined by the CAB**. The CAB shall hold special meetings, as necessary, to ensure timely and effective input on Realignment planning or for other urgent matters. Special meetings may be called by the Chair or by a majority of the CAB members, but a quorum is required for any action to be taken.

WHY DOES IT MATTER?

The CAB may not discuss and may not act on items not on the agenda **or** that are beyond the reasonable scope of the agenda description or CAB's authority.

CLOSED SESSION

Must be noted on the agenda; Not allowed unless specifically authorized

REGULAR MEETING

Agendas must be posted at least 72 hours* in advance of the meeting

EXCEPTIONS

Exception when there is an immediate need to avoid serious injury to the public's interest **or** when an item continued from previous agenda + last meeting was within the last 5 days

SPECIAL MEETING

Special meeting agendas must be posted at least 24 hours* in advance of the meeting

AGENDA ITEMS

Agendas must describe each item to be considered in enough detail that a person of ordinary intelligence could determine whether the item is of interest to them

Meeting Minutes

Meeting minutes should include:

- CAB Members **Attendance**: All members, not just those present
- A copy of the **rollcall vote**, and any **actions** taken at the meeting
- Minutes shall be posted for a minimum of 10 days in a public place *as soon after the meeting as possible*.

The **Secretary** is the recording officer of the Board and the custodian of its records.



Voting

"ACTION"

"Action" means a **collective decision** made by a **majority of the members** of a legislative body, a **collective commitment or promise** by a majority of the members of a legislative body **to make a positive or a negative decision, or a vote** by a majority of the members of a legislative body when sitting as a body or entity, upon a motion, proposal, resolution, order or ordinance.

VIRTUAL MEETING

All votes taken during a tele-conferenced meeting shall be by rollcall.

QUORUM

A quorum shall be 50% of the total number of filled CAB positions. A quorum is required for any action to be taken. Majority vote of the quorum required for action.

ROLL-CALL VOTING

The legislative body of a local agency shall publicly **report any action taken and the vote or abstention on that action of each member present** for the action.

2/3 VOTE

Filling a CAB vacancy/removing CAB member requires a 2/3 vote of the existing CAB members at any regular or special meeting

Rights of the Public:

Speech & Access

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- **Attend meetings** - meetings must be open and public with limited exceptions; unruly speakers may be excluded from the forum
- **Access the CAB agenda** and all documents distributed to the CAB
- **Audio/video record** meetings and to inspect any recordings of the meeting made by the agency - agency has to keep recording for 30 days
- **Attend without conditions** (e.g., cannot mandate members of the public register/identify themselves)
- **Address the CAB** at all meetings *before conclusion of the discussion or the Board takes action if specific comment* - no right to a response
- **Equal time & may criticize** policy, body and CAB members - "up to" 3 min

Criminal Penalties

WILLFUL VIOLATION OF THE BROWN ACT

- Action taken in violation of Brown Act
- Member intends to deprive the public of information to which the public is entitled

MISDEMEANOR

- Punishable by imprisonment in the county jail not exceeding six months, or
- By fine not exceeding one thousand dollars (\$1,000), or
- By both

Other Potential Penalties

- **Invalidation of action taken**
- Injunction or declaratory relief to stop or prevent violations
- Disciplinary action
- Prevailing plaintiff may get attorneys' fees and/or costs
- Referral to grand jury for disclosing closed session discussion

THANK YOU!!!

Any Question?

