



November 19, 2012

Alameda County Board of Supervisors  
County of Alameda Public Administration Building  
1221 Oak Street #536  
Oakland, CA 94612

Dear Board of Supervisors:

We urge you to VOTE NO on the Community Corrections Partnership Executive Committee's ("CCPEC") proposed allocation of Year Two Realignment funds at the Board's November 20, 2012 meeting (Item 30(B)).

The ACLU is deeply concerned by the lack of transparency in the process by which the proposed budget came in front of the Board. The Board is poised to vote on the allocation of nearly \$29 million in realignment funds with little to no opportunity for public comment. The proposed budget item was added to the agenda as an addenda on Friday, just three days (and only one business day) before the vote is set to take place. The proposed budget never went in front of the Board's Public Protection Committee. This is significant because, as the first forum for public safety matters, the public would have been given an initial opportunity for comment in front of members of the Board. The lack of notice and opportunity for public comment on a vote this significant is unacceptable.

Even more egregious is the lack of transparency in the proposed budget itself. Rather than presenting a line itemization or breakdown of its proposed budget, the CCPEC has submitted a short letter requesting that the Board allocate nearly \$24 million (over 80% of the County's entire realignment budget) to unspecified "detention and community supervision activities." *See* Letter from Acting Chief Probation Officer LaDonna Harris to Board of Supervisors, dated November 6, 2012. Aside from \$5.7 million requested for staffing in the Sheriff's Office and Probation Department (*see* Agenda Items 30(D) and (E)), there is absolutely no indication of how the remainder of the money (approximately \$18 million) will be used in support of the County's "detention and community supervision activities."

Given this lack of specificity, it is impossible to know whether the County is using the funds for legitimate means, or whether it is allocating money to non-realignment-related priorities in violation of the realignment statute.

MICHELLE A. WELSH, CHAIRPERSON | DENNIS McNALLY, AJAY KRISHNAN, FARAH BRELVI, ALLEN ASCH, VICE CHAIRPERSONS | KENNETH SUGARMAN, SECRETARY/TREASURER  
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Why is the CCPEC proposing to spend unspecified millions on “detention” when the County’s jail population is down from last year<sup>1</sup> and when the County could further decrease its custody costs by introducing a more robust pretrial program to lower its high rate of pretrial incarceration?<sup>2</sup> This is just one of many questions that should be answered before the CCPEC’s budget request is approved. Counties are required to use their realignment dollars to fund programs and services consistent with realignment’s legislative intent – namely to reinvest criminal justice resources to community corrections programs and evidence-based practices proven to reduce reliance on incarceration and recidivism rates – and not to supplant other funding for public safety services.<sup>3</sup> The CCPEC and Board of Supervisors should be undertaking research and allocating money to strategies and programs proven to reduce reliance on incarceration and reduce recidivism rather than wasting money on detention and supervision models that encourage business as usual.

We urge the Board to reject the CCPEC’s vague proposed budget for 2012-13 realignment funds. We request the Board to instruct the CCPEC to prepare a budget that details funding allocations, and that such allocations be consistent with Realignment’s legislative intent.

Given the significant expenditure of public funds and critical public safety decisions involved, we request that the Board direct the CCPEC to allow for a reasonable period of public notice and comment on the proposed budget in advance of any vote on it.

Sincerely,



Micaela Davis  
Criminal Justice and Drug Policy Attorney  
ACLU of Northern California

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<sup>1</sup> See Jail Populations: Quarter 2, 2011 Versus Quarter 2, 2012, available at <http://www.bscc.ca.gov/programs-and-services/fso/resources/jail-profile-survey> (showing 13% decrease in Alameda County jail population from the Second Quarter of 2011 to the Second Quarter of 2012).

<sup>2</sup> See Average Daily Population for California County Jails April-June 2012, available at <http://www.bscc.ca.gov/programs-and-services/fso/resources/jail-profile-survey> (showing 69% of Alameda County’s jail population from April to June 2012 to be un-sentenced).

<sup>3</sup> See Cal. Const. Art. 13, §§ 36(c)(2) and (8); Cal. Gov. Code §§ 30029.07(e)(1)(E) and (e)(2); Cal. Penal Code §§ 17.5 and 3450.