THE CITY OF SAN DIEGO

REPORT TO THE CITY COUNCIL

DATE ISSUED: March 10, 2014 REPORT NO. 14-025

ATTENTION: Public Safety and Livable Neighborhoods Committee
Agenda of:

SUBJECT: City of San Diego AB109 Update

SUMMARY

THIS IS AN INFORMATION ITEM ONLY. NO ACTION IS REQUIRED ON THE PART OF THE COMMITTEE OR THE CITY COUNCIL.

BACKGROUND

In March 2011, Assembly Bill 109 – the Public Safety Realignment Act - was signed by California Governor Jerry Brown. The law, which took effect October 1, 2011, was influenced by a mandate to reduce the overcrowding population in the California prison system. Under this realignment, individuals sentenced for non-serious, non-violent and non-sex offenses must serve their sentences in county jails instead of state prison. Thousands of prisoners sentenced prior to AB109, for non-violent offenses were released early. The responsibility for the supervision of those released was transferred to the probation department of their respective counties. These subjects are considered Post Release Community Supervision Probationers (PRCS) or Post Release Offenders (PRO's). Additionally, since October 2011, subjects convicted of non-violent felony crimes, who would have previously been sent to prison, are now sentenced to county jail. Upon release from jail, these subjects are categorized as Mandatory Supervision Offenders (MSO's).

To assist counties with the management of both PRO's and MSO's under the AB109 umbrella, a series of "Trailer Bills" was passed. Essentially, the program is funded with a dedicated portion of state sales tax revenue and Vehicle License Fees (VLF) outlined in trailer bills AB118 and SB89.

In 2013, the City of San Diego's share of funds was determined to be $1.5 million. Of this, $1.2 million was designated for patrol divisions to manage their PRO population, while the remaining $300 thousand funded other AB109 related programs and equipment.

SDPD/Probation AB109 Management Program

Together with the County of San Diego Probation Department, the Department designed a program to manage approximately one thousand AB109 probationers residing in the City. The program, although not limited to compliance checks, is primarily focused on random visitations of AB109 probationers by SDPD and probation officers, to ensure adherence to their respective probation conditions.

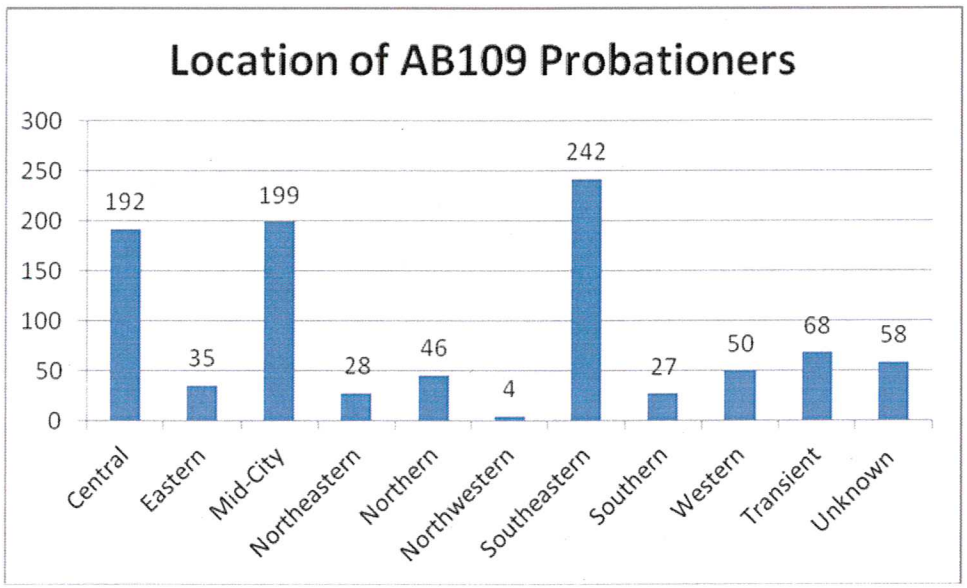
Utilizing analysts from the Department, Probation Department and Sheriff's Department, a list of AB109 probationers, including their address of record if known, was compiled. All nine San Diego Police Divisions, and the 290 Unit (Sex Registrant Unit), selected a representative to manage their PRO population and corresponding funds. The program was implemented in October 2013.

SDPD Divisional Allocation of AB109 Funds

According to the San Diego County Post Release Offender (PRO) division fact sheet, 949 of the nearly 2,200 AB109 subjects in the county reside in the City of San Diego. This number fluctuates slightly on a monthly basis as probationers' status and location changes.

Each division's allocation of the total grant funds is based on the percent of AB109 subjects residing within that command. The allocations of funds are periodically revised to ensure all SDPD divisions maintain their compliance check schedules throughout the duration of the program. Future funding for AB109 projects are being explored at this time.

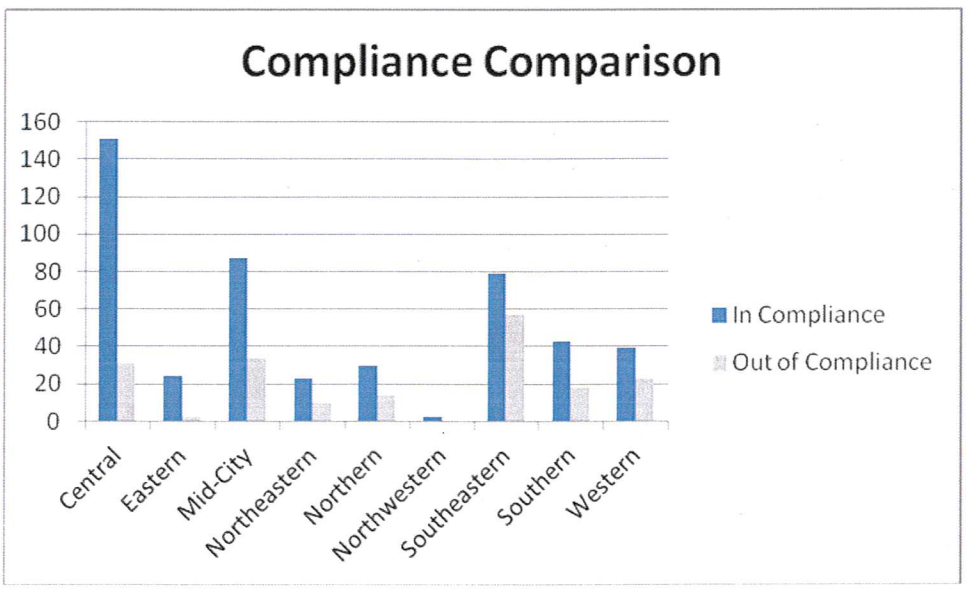
Division	Subjects	% of Total	Grant Funds	
Central	192	20.2%	$240,000	
Eastern	35	3.7%	$42,000	
Mid-City	199	21.0%	$252,000	
Northeastern	28	3.0%	$36,000	
Northern	46	4.8%	$60,000	
Northwestern	4	0.4%	$12,000	
Southeastern	242	25.5%	$300,000	
Southern	27	2.8%	$36,000	
Western	50	5.3%	$66,000	
Transient	68	7.2%	$84,000	
Unknown	58	6.1%	$32,000	(72K – 40K to 290Unit)
290 Unit (Sex Offenders)	33	N/A	$40,000	Citywide Distribution
Total	**949**	**100.0%**	**$1,200,000**	



Compliance Inspection Results

From October 2013 through February 2014, the San Diego Police Department, with the assistance of the San Diego County Probation Department, has conducted a total of 731 AB109 compliance inspections. Although the majority of these contacts have been residential visits, a small percentage of subjects have been contacted in public.

A total of 196 AB109 probationers were found to be out of compliance due either to a technical violation or a new criminal charge. This represents a 26.8% out of compliance ratio. In addition to those AB109 probationers found to be out of compliance, 149 non-AB109 subjects were arrested for a variety of misdemeanor and felony charges.



Commercial Burglary Investigation

In the fall of 2013, a commercial burglary series targeting cash registers in closed restaurants was identified. Over 70 cases occurring in Mid-City, Eastern, Western, Northern and Northeastern divisions were linked to the series. Many of the businesses were victimized multiple times. With the assistance of the Crime Laboratory, DNA and fingerprint evidence was processed, resulting in the identification of an AB109 subject involved in the series. A team of officers and detectives from all of the affected commands was formed to conduct surveillances of suspected offenders and their potential targets. Utilizing the Department's Crime Analysis Unit, a list of potential targets was compiled and disseminated to the various teams. On November 23, 2013, Northeastern Officers interrupted a burglary in progress at one of the predetermined locations, resulting in the capture of 3 burglary suspects. One of the suspects was in fact the same AB109 subject identified earlier by the Lab. The ensuing investigation included the service of multiple search warrants uncovering a major drug and identity theft ring, and recovery of numerous firearms.

Significant violent incidents related to the AB109 population.

Although AB109 subjects are categorized by the state as non-violent offenders, there remains a propensity for violence on the part of some PRO's. From October 2013 through February 2014, there have been over a dozen violent incidents related to AB109 subjects. All of these incidents confirm the need to remain vigilant during our encounters with this population.

Included in these incidents are:

1. On October 24, 2013, Mid-City and Southeastern officers attempted to conduct a traffic stop and arrest a male for a felony warrant. The suspect refused to stop and led the officers on a pursuit. He ran from his vehicle into a canyon. San Diego Police Officer Tim Bell chased the suspect into a long drainage tunnel where he attempted to place him under arrest. During the encounter, the suspect produced a .40 cal pistol and shot Officer Bell multiple times. Bell sustained significant injuries to his arm and leg, and one round was stopped by Bell's bullet-proof vest. The suspect was captured minutes after the shooting and the weapon he used was recovered nearby. The gun was determined to be part of the loss in a recent burglary. The suspect was found to be an active AB109 probationer.

2. On October 26, 2013, Central Division officers responded to a disturbance at 17th and K Street. While attempting to contact one of the suspects involved in the disturbance, the suspect violently resisted. During the ensuing struggle, the suspect battered an officer injuring the officer's face and arms. The suspect, an active AB109 probationer, was arrested for assaulting a police officer and booked into jail.

3. On October 26, 2013, Southeastern officers arrested a suspect for attempted murder. The suspect attempted to carjack a 40 year old female and stabbed her in the neck and head during the assault. Several days earlier, the same suspect viciously attacked a female and her toddler as they exited a bus in Southern Division. The victim covered her child with

her body and sustained facial fractures from the blunt force trauma. The suspect (AB109) was in jail for the attempted carjack when he was identified as the suspect in the second case.

4. On November 6, 2013, Gang Suppression Team Officers (GST) were involved in a pursuit through Western, Central, and Mid-City divisions, which continued through La Mesa and El Cajon. During the pursuit, the occupants of the vehicle threw a black bag from the car on Highway 163 at I-8. Both suspects ran from the vehicle and were captured by GST officers. A loaded .357 magnum revolver, ammunition and a ski mask were recovered from the black bag. One of the suspects was identified as a parolee while the other was identified as an AB109 probationer and documented gang member.

5. On December 4, 2013, an AB109 probationer was arrested by Central Division officers for robbing a pedestrian.

6. On December 31, 2013, GST officers attempted to contact several Emerald Hills gang members, including one subject on AB109 probation, as they gathered around a parked car. The AB109 subject ran from officers and was eventually caught and detained. A stolen loaded handgun and ski mask were found in the vehicle. The subject was arrested for the AB109 violation and weapon charges.

7. On January 8, 2014, 14 subjects, including an AB109 probationer, were arrested for human trafficking. The gang and prostitution investigation was conducted by the SDPD Vice Unit and the FBI.

8. On January 22, 2014, an AB109 subject was a passenger during a traffic stop and found to have felony warrants. When the officers attempted to arrest the suspect, he fought with the officers. When the suspect was taken into custody, a loaded .45 caliber pistol was found in his waistband.

Shelley Zimmerman
Chief of Police