



SUMMARY REPORT

Agenda Date: 6/11/2019

To: Sonoma County Board of Supervisors
Department or Agency Name(s): Probation Department
Staff Name and Phone Number: David Koch, Probation: 565-2732
Vote Requirement: Majority
Supervisorial District(s): Countywide

Title:

Public Safety Realignment Implementation Plan for Fiscal Year 19-20

Recommended Actions:

Approve the Community Corrections Partnership's recommended Public Safety Realignment Implementation Plan for Fiscal Year 19-20. The Plan prioritizes public safety and supports rehabilitative services designed to reduce offenders' future involvement in the criminal justice system.

Executive Summary:

This report presents the Community Corrections Partnership's recommended Public Safety Realignment Implementation Plan for FY 19-20, discusses substantial cost increases compared to the current year plan, and presents results of a recent program evaluation.

Most programs in the recommended FY 19-20 budget largely or exclusively serve realigned offenders. An exception-the Pretrial program-primarily serves non-realigned populations but remains in the recommended FY 19-20 budget as a vital program that reduces incarceration time while protecting public safety. Additionally, on average, over half of participants at the Day Reporting Center-the hub of community-based offender programming and a key recommendation of the *Sonoma County Criminal Justice System Master Plan 2015 Update*-are non-realigned offenders. While the Community Corrections Partnership fully funds these programs in FY 19-20, projected realignment funding will be insufficient to sustain them beyond FY 20-21. Accordingly, this report reiterates previous requests for General Fund to partially support these vital public safety programs in the coming years.

Discussion:

2011 Public Safety Realignment

In response to a federal court order to reduce prison overcrowding, California's Public Safety Realignment Act (Assembly Bill 109) took effect October 1, 2011, and mandated sweeping changes to the criminal justice system by shifting the responsibility for managing select adult offenders from the state to each of the 58 counties. As of May 1, 2019, the Sonoma County Sheriff's Office and Probation Department supervise over 700 realigned offenders, comprising 269 inmates and 462 individuals in the community, who formerly would have been supervised by the California Department of Corrections and Rehabilitation.

State Funding

To assist counties in handling this increased workload, the state provides dedicated funding derived from a 1.0625% state sales tax. In earlier years, state revenues exceeded Community Corrections Partnership (CCP) expenses such that its fund balance grew to \$7.4 million in FY 15-16. Since then, expenses have exceeded revenues due to a change in the state's funding formula (developed by the statewide Realignment Allocation Committee), which reduced Sonoma County's share of statewide funding. Additionally, program expenses increased as the CCP endeavored to expand programming commensurate with the influx and needs of realigned offenders. As a result, fund balance is projected to shrink to \$4.1 million at the end of FY 18-19 and to the CCP's minimum target fund balance of \$1.0 million at the end of FY 20-21.

FY 19-20 Community Corrections Partnership Budget

Even as expenses have exceeded revenues, CCP-funded programming has not kept pace with the burdens of managing the realigned population. Against a backdrop of increasing expenses and state underfunding of true realignment program costs, last year, the CCP eliminated most programming that did not specifically address realigned offenders. (The Pretrial program, discussed below, is a notable exception.) Despite this reallocation, realignment-specific services remain underfunded.

Detention services in particular have reached a breaking point. While realigned offenders comprise approximately 25% of the inmate population, FY 18-19 CCP funding reimburses 6% of detention expenses. In prior years, the Sheriff's Office was able to supplement CCP funding with General Fund, but reduced General Fund allocations to the Sheriff's Office eliminated this solution. The Sheriff's Office sustained deep cuts to General Fund in FY 17-18 that resulted in a loss of 19 positions and now faces further cuts in FY 19-20. To help fill this gap and cover a greater portion of detention costs associated with realigned offenders, the CCP allocated an additional \$2.1 million toward detention in FY 19-20, which will cover 8.0 FTE Correctional Deputies and inmate healthcare.

The CCP also allocated an additional \$96,981 to the Public Defender's office for a 1.0 FTE Legal Secretary, who will provide support to the investigation unit in obtaining and processing electronic discovery, including body worn camera video and other documents needed to represent realigned clients in court.

Aside from these increased allocations for the Sheriff's Office and Public Defender, the CCP recommends no changes to current programming. Overall, the CCP's FY 19-20 recommended budget includes 67.5 full-time equivalent position allocations (up from 58.5 in FY 18-19) and \$16,476,999 in funding (up from \$13,706,066 in FY 18-19), as follows. Attachment 1 includes line-item detail.

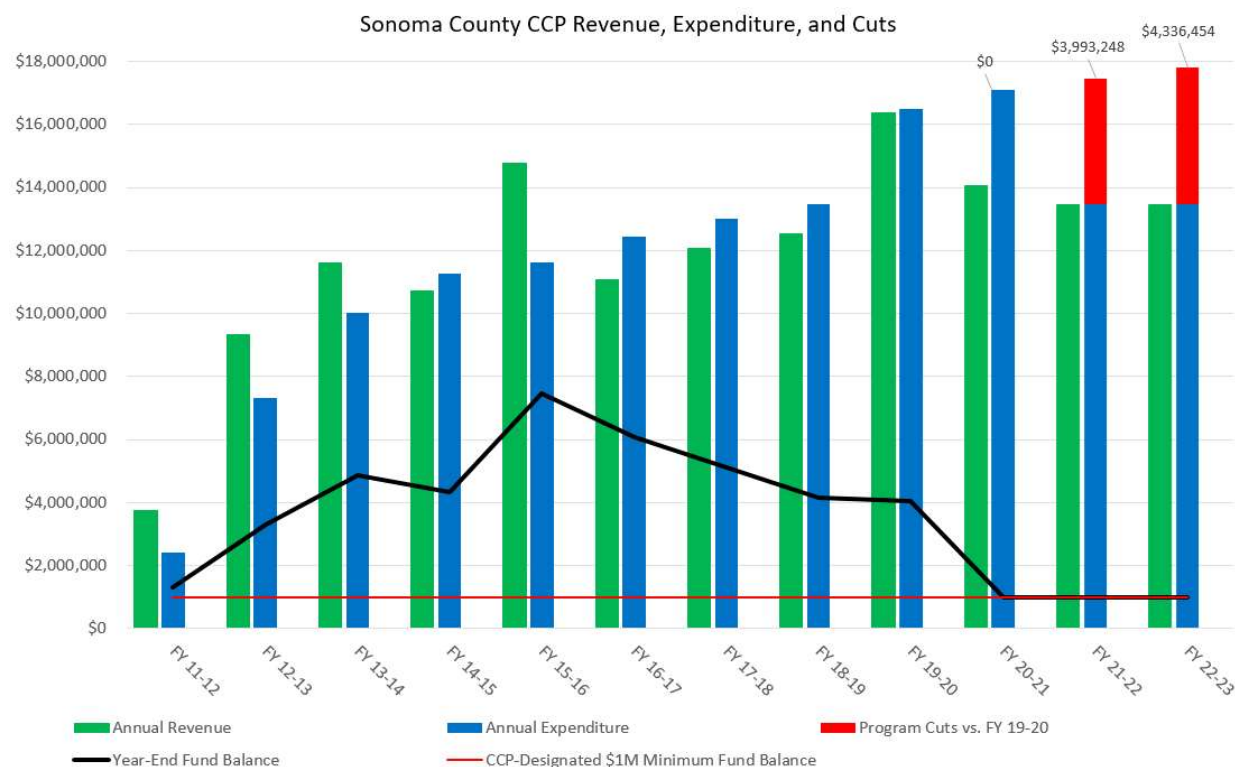
| Department | FY 18-19 Approved Budget | FY 19-20 Recommended Budget* | % Change FY 18-19 to FY 19-20 |
|-------------------|-------------------------------------|---|--|
| Sheriff | \$4,922,923 | \$7,101,432 | 44.3% |
| Probation | \$6,703,421 | \$7,095,085 | 5.8% |
| Health Services | \$1,039,386 | \$1,111,892 | 7.0% |
| District Attorney | \$366,637 | \$387,116 | 5.6% |

| | | | |
|---------------------|--------------|--------------|-------|
| Public Defender | \$226,314 | \$329,368 | 45.5% |
| Human Services | \$275,185 | \$279,906 | 1.7% |
| Superior Court | \$97,200 | \$97,200 | 0.0% |
| County Counsel | \$50,000 | \$50,000 | 0.0% |
| Information Systems | \$25,000 | \$25,000 | 0.0% |
| TOTAL | \$13,706,066 | \$16,476,999 | 20.2% |

* Departments included their allocations in their respective recommended County budgets.

While the CCP recommends substantial budgetary increases to continue mandated public safety services, it is cognizant that the FY 19-20 recommended budget is unsustainable. Indeed, a projected \$4.0 million in program cuts will be necessary in FY 21-22, assuming current revenue projections. Of note is that this magnitude of cuts would be necessary in FY 20-21 rather than FY 21-22 absent the extraordinary level of FY 18-19 public safety growth funds that Sonoma County expects to receive in November 2019. The state allocates this funding to counties to incentivize not incarcerating probationers-generally, the fewer probationers that a county sends to jail or prison, the greater its growth funding. While Sonoma County usually receives approximately 0.7% of statewide growth funds, it will receive 6.1% of FY 18-19 funds, or approximately \$4.1 million. This anomaly results from Sonoma County's excellent year-over-year improvements in reducing incarcerations between calendar year 2016 and 2017. Unfortunately, the current low level of incarceration ensures that year-over-year improvements of this magnitude will not continue in future years. Therefore, FY 19-20 growth (received in November 2020) is projected to return to 0.7% of statewide funds, or approximately \$600,000.

The chart below shows the CCP's revenues, expenditures, and projected program cuts in the coming years.



The projected necessary cuts in FY 21-22 and beyond would be highly detrimental to Sonoma County's public safety system. In order to address the known structural imbalance in ongoing AB109 funding and expenditures for existing programs, the Community Corrections Partnership has adopted a framework that relies on Tiers in order to prioritize annual funding priorities:

- Tier 1: Specifically for realigned offenders.
- Tier 2: Clearly assists with County's criminal justice system overall, but may not directly or exclusively impact AB 109 offenders.
- Tier 3: Provides ancillary benefits to criminal justice in Sonoma County.

It is likely that the CCP will use this existing framework as a starting point for evaluating the necessary future program reductions. However, the actual process will be developed by the CCP in the upcoming fiscal year.

Consistent with prior years, the FY 19-20 Plan promotes evidence-based programming and upstream investments by using proven strategies to help offenders successfully complete supervision and reduce future involvement in the justice system. Furthermore, the Plan supports the strategic goals, guiding principles, and recommendations of the *Sonoma County Criminal Justice System Master Plan 2015 Update* that was adopted by the Board in December 2015. The 2015 Master Plan update was led by the Criminal Justice Council and its members from various county departments, the Superior Court, and local law enforcement agencies. The 2015 update was needed to account for the sweeping changes to the criminal justice system resulting from 2011 Realignment. While there are no immediate plans to update the *Criminal Justice System Master Plan*, the need may arise over the next few years, depending on the outcome of statewide bail reform and other initiatives impacting the local criminal justice system.

Continuing these vital services in the coming years will require additional funding. Accordingly, Probation has made concerted efforts to secure alternative funding, resulting in these recent successes:

- Probation, in partnership with the Community Development Commission and InterFaith Shelter Network, secured \$4 million in state funding for transitional housing. Funding began last year and provides an additional 39 critically needed beds to Probation's inventory for up to ten years. Because of this funding, Probation has not sought to increase the number of CCP-funded beds, which remains at 26.
- This year, the Day Reporting Center's drug and alcohol program, operated by California Human Development, became state-certified for Drug Medi-Cal reimbursement which is now reducing the CCP's expenses for contractor-provided substance use disorder services.
- Also this year, the Probation Department and the Sheriff's Office secured two important grants. The \$750,000 "Improving Reentry for Adults with Co-occurring Substance Abuse and Mental Illness" grant will provide treatment and case management inside and outside the jail to assist offenders in transitioning into the community. The \$750,000 "Justice and Mental Health Collaboration Program" grant will provide an 8-bed house and intensive case management for individuals who, absent this program, would likely remain in jail during pretrial proceedings. Both programs are expected to improve chances for offenders to successfully live in the community, thereby reducing incarceration time and costs.

Despite these successes, additional support will be necessary to sustain programming. Therefore, the Probation Department has submitted Program Change Requests, discussed further below, seeking General Fund support for CCP-funded programming that primarily targets non-realigned offenders. Chief Koch and the rest of the CCP Executive Committee look forward to working with the County Administrator's Office and the Board to fund Sonoma County's critical public safety programs.

Program Highlights

Pretrial Services

Description of Pretrial Services. Traditionally, courts have based decisions of release from pre-adjudication incarceration partly on defendants' ability to meet financial burdens of bond or bail, a system that may release dangerous defendants while incarcerating those who pose little risk to the community. By contrast, under the Pretrial program, a collaboration between the Sheriff's Office, the Probation Department, and the Superior Court, release decisions consider defendants' risk of 1) failing to appear in court, and 2) posing a threat to public safety. By using a validated assessment tool to predict these risks, the program protects the public and allows lower-risk defendants to continue productive, law-abiding activities, regardless of financial status, while awaiting adjudication.

Informed by these assessments, the Superior Court determines appropriate levels of pretrial supervision, which can range from monthly check-ins at the Probation Office for low-risk defendants to field visits from a Probation Officer coupled with GPS monitoring for higher-risk defendants to detention for defendants who cannot be safely supervised in the community.

Results of Pretrial Services. The Court began using pretrial services in January 2015, and the program has grown rapidly, soaring from 689 pretrial grants in calendar year 2015 to 2,119 grants in calendar year 2018, as judges increasingly embrace this risk-based approach. As shown in the table below, the program has proven largely successful as measured by failures to appear and new criminal referrals.

| Pretrial Outcome | # Successful Outcomes | % Total Releases |
|---------------------------|-----------------------|------------------|
| No Failures to Appear | 1,495 | 85% |
| No New Criminal Referrals | 1,479 | 84% |

Outcomes of Pretrial Release Terminations (Out of 1,765 Exits from January through December 2018)

Of 286 new criminal referrals in 2018, most (73%) were misdemeanor charges, and 27% were for felonies. Considering all 1,765 individuals whose pretrial grant ended in 2018, only 3% ended due to a new felony.

Funding of Pretrial Services. Funding has become an increasingly imminent concern as recommended programming will likely exhaust the CCP's \$4.1 million fund balance in FY 20-21, and projected revenue from the state will be insufficient to continue the same level of programming in future years. Of note is that less than 1% of the defendants participating in pretrial services are AB 109 offenders-the very population CCP funds are expected to serve. By contrast, all other major CCP programs primarily or exclusively serve AB 109

offenders. Therefore, absent additional funding, pretrial services will likely be reduced or face complete elimination in FY 21-22.

Bail reform legislation (Senate Bill 10), which will be in the hands of California voters in November 2020, may prevail and provide at least partial funding for the associated mandated pretrial services. Additionally, the Superior Court and Probation are seeking grant funding to support pretrial operations. Amid the current uncertainty, the Probation Department continues to request General Fund support for this program, consistent with Chief Koch's May 2018 letter to Administrator Bratton and the department's March 2019 Program Change Request. These documents suggested a blended funding approach in which CCP would continue to fund a portion of program costs. If Senate Bill 10 prevails, a full fiscal and programmatic recommendation will be developed in conjunction with county criminal justice partners and the Court. Even though the CCP agreed to fully fund Pretrial in FY 19-20, the decision to fund additional Sheriff's Office staff to properly manage the incarcerated AB 109 offender population creates serious budget challenges going forward that will deplete established reserves. As such, a modicum of General Fund support may be requested for FY 19-20, with state and General Fund revenues anticipated to fund Pretrial Services in future years. Probation's full Program Change Request for one-time bridge funding support for the Pretrial Services program has been included in the Board's FY 19-20 budget materials as **PCR ID # 27011100-PC13**.

The Sheriff's Office and Probation Department agree that cuts to pretrial services would increase incarceration rates, force early releases from jail, and increase overall costs to Sonoma County compared to less expensive and more rehabilitative community supervision alternatives. With AB 109-specific programs expected to consume all state funding after FY 20-21, we continue to request General Fund support for this program.

"We currently have 434 inmates out of custody on some form of pretrial release. This is significant because without pretrial, we would be exceeding our capacity and incurring additional custody costs of approximately \$74,700 per day."

-Sonoma County Sheriff's Office, May 2019

Day Reporting Center

Description of the Day Reporting Center. Serving as the central point of evidence-based programming and structure for felony offenders, the Day Reporting Center (DRC) provides a detention alternative for adults who meet the program criteria. The Probation Department collaborates with the Sheriff's Office, the Department of Health Services, and the Human Services Department to provide seamless, offender-engaged reentry services that begin in custody, continue through supervision, and transition offenders to ongoing community-based supports and services when supervision ends. Services include life skills, vocational skills, substance abuse treatment, and Cognitive Behavioral Intervention, a program developed in collaboration with the University of Cincinnati Corrections Institute. The program includes 55 group sessions where participants take accountability for past actions, learn new ways to handle difficult and risky situations, and create a support system and plan for success.

The DRC currently serves approximately 200 participants, well above the design capacity of 150 participants.

Evaluation of the Day Reporting Center. Last year, the Probation Department reported that an initial study of program effectiveness was underway by the evaluation firm Resource Development Associates. That study is now complete. Following are the three main questions the study pursued and a summary of the associated results. The entire report appears as Attachment 2.

1. To what extent are programs and services offered within the DRC having the desired impact on addressing individual needs?

Cognitive Behavioral Intervention and Aggression Replacement Training Curricula: Results showed statistically significant increases in participants' self-reported use of prosocial skills following Aggression Replacement Training curriculum and decreases in pro-criminal attitudes following the Cognitive Behavioral Intervention curriculum. No statistically significant change occurred in cognitive distortions or aggression levels.

Employment: From August 2015 through September 2018, 292 DRC participants attended employment workshops and/or received individualized job search guidance at the DRC through Job Link. Of these 292 individuals, 26% were placed in jobs. Job placement data were self-reported by individuals who attained employment and may be underreported.

2. To what extent is level of participation in the DRC associated with a decrease in recidivism?

The study looked at whether more hours of programming (dosage) were associated with lower recidivism rates during the two-year period following termination of programming. Participants were placed into one of the following four groups: fewer than 10 hours of programming, up to 29 hours, up to 59 hours, and more than 59 hours⁽¹⁾. The typical overall DRC program duration is approximately 6 months.

The study found that DRC participants with higher dosage levels were less likely to recidivate within two years compared to participants with lower dosage levels. In fact, DRC participants that received high dosage were 58% less likely to recidivate than DRC participants who received less than ten hours. The probability of recidivating within two years was approximately 25% for those in the high dosage group, compared to about 60% for those with less than ten hours of course completion.

The report notes that factors other than DRC participation could explain these favorable outcomes and warrant further study. These preliminary results, however, are encouraging.

It is important to note that the "high" level of programming used in this study (more than 59 hours) falls far short of the recommended levels of intervention in criminal justice literature for high-risk individuals (200-300 hours), and additional DRC programming may be necessary to further improve recidivism outcomes. The DRC is still quite new and has been operated by the Probation Department only since January 2015. Studies like this one will inform process improvements.

3. To what extent is participation in the DRC associated with a decrease in recidivism compared to individuals that do not participate in the DRC?

To compare the outcomes of DRC participants to individuals on probation who did not participate in the DRC, the study identified a sample of the DRC participant population and a comparison group of non-DRC

individuals on probation with similar characteristics to try to isolate the impact of the DRC.

Researchers were unable to find a statistically significant difference between the recidivism rates of DRC participants and the comparison group of non-DRC participants. However, the report notes that unobserved differences between the comparison and treatment group may explain the recidivism outcomes. In particular, anecdotal evidence suggests that probation officers may refer their higher-risk cases to the DRC, who, in turn, are more likely to recidivate than cases not referred to the DRC. Isolating this possible explanation will require further study.

Funding of the Day Reporting Center. While the CCP has historically funded most DRC expenses, it is important to note that half of participants are non-realigned offenders who, absent the DRC, would be supervised solely by General Fund allocation Probation Officers.

As described in Probation's March 2019 Program Change Request, the Department's FY 19-20 recommended budget includes existing ongoing General Fund support to the DRC of \$240,787 to fund the following positions: 1.0 FTE of Probation Assistant, 0.3 FTE of Adult Division Director II, and program support from a Program Planning and Evaluation Analyst equating to approximately 0.4 FTE. This support amounts to 12% of the DRC's recommended budget of \$1,978,771.

In light of the budgetary challenges described above, the Probation Department's Program Change Request requested additional General Fund support of \$419,906, which would increase total support to approximately 33% of the overall program costs. Probation's full Program Change Request for increased ongoing General Fund support for the DRC has been included in the Board's FY 19-20 budget materials as **PCR ID # 27011100-PC11**.

Day Reporting Center Participant Comments:

"Just having somewhere to be accountable to, and another group of people that are geared toward success and positivity, is helpful."

"I'm still sober because of you."

"Through the DRC I achieved having a job."

"It is a great place to get on your feet again, they have been helpful and understanding."

"My partner and friends have noticed a difference in how I treat everyone."

"Without you guys I would not be sober today."

"CBI [Cognitive Behavioral Intervention] has taught me how to deal with risky situations."

"They helped me get a job where I am the kitchen manager."

"It's like a refresher course from street life to everyday society...slowing down, thinking things through,"

seeing it through to the end.”

“[The DRC] actually helped me get to a point where I had the desire to stay sober. If I wasn’t on probation, I wouldn’t have that desire.”

Detention Services

Home Confinement. The CCP funds the staff needed to oversee the Sheriff’s Office electronic monitoring program. This program has been essential in helping the Sheriff’s Office manage the population of the adult detention facilities by allowing qualified inmates to serve their sentences in the community. In calendar year 2018, the program placed 470 inmates into home confinement-saving 15,178 custody days, with 96% of participants successfully completing their sentences in-home.

Inmate Programs. The CCP funds the cost of the Inmate Programs Sergeant and approximately 19% of inmate education and development programs offered in the Sheriff’s Office adult detention facilities. The Programs Sergeant continues to improve and expand inmate programs and services. Over the last year, general education, one-on-one tutoring, and independent study opportunities were expanded. Detention also continues to provide tablet-based programming, canine intervention therapy, puppy training, mental health services, and a state grant-funded in-house felony restoration-to-competency program.

DUI Court Support

Description of the DUI Court Program. The DUI Treatment Court is a recommendation of the Criminal Justice Master Plan, and a dedicated Probation Officer III is an essential program component. Program goals are to reduce recidivism and alcohol abuse among non-violent adult DUI offenders, and increase the likelihood of successful rehabilitation.

The program targets offenders with one or two prior convictions, and first-time offenders who exhibit high-risk behaviors. It includes intensive supervision, weekly judicial reviews, continuous alcohol monitoring devices, and alcohol treatment services. An interdisciplinary team of Superior Court staff, treatment providers, representatives of the District Attorney and Public Defender offices, County treatment providers, and probation professionals administer the program. Program participants attend counseling sessions, self-help meetings, and the County Drunk Driver Program and are subject to regular random drug and alcohol testing.

The Probation Officer’s duties include monitoring compliance with conditions of probation, linking participants to county services, providing guidance to increase the likelihood of success, conducting random alcohol testing, and when necessary, arresting participants for violations.

Funding of DUI Court Support. Although this program almost exclusively treats offenders not subject to AB 109, beginning in FY 13-14, the Community Corrections Partnership (CCP) began allocating AB 109 funding to a DUI Court Probation Officer to support the overall goals of the County’s criminal justice system. Probation’s full Program Change Request for increased ongoing General Fund support of \$187,130 for the DUI Court Probation Officer has been included in the Board’s FY 19-20 budget materials as **PCR ID # 27011100-PC06**.

Program Highlights Conclusion

We are encouraged by these program highlights and will continue studying program performance. Guided by study results, the CCP will allocate funding focused on reducing recidivism and improving public safety. We will deliver additional study results to the Board in the coming years.

Footnotes

- (1) Hours include only dosages received at the DRC. Future studies may also include other treatment, such as the evidence-based "Effective Practices in Community Supervision" sessions that participants may perform with their assigned Probation Officers.

Prior Board Actions:

08/16/2011 - 05/08/2018: The Board approved the CCP's Annual Realignment Implementation Plan and Budget.

December 2015: The Board adopted the *Sonoma County Criminal Justice System Master Plan 2015 Update*

FISCAL SUMMARY

| Expenditures | FY 18-19 Adopted | FY19-20 Projected | FY 20-21 Projected |
|------------------------------------|-----------------------------|--------------------------|---------------------------|
| Budgeted Expenses | \$13,706,066 | \$16,476,999 | \$17,098,794 |
| Additional Appropriation Requested | | | |
| Total Expenditures | \$13,706,066 | \$16,476,999 | \$17,098,794 |
| Funding Sources | | | |
| General Fund/WA GF | | | |
| State/Federal | \$12,513,728 | \$16,373,469 | \$14,055,281 |
| Fees/Other | | | |
| Use of Fund Balance | \$1,192,338 | \$103,530 | \$3,043,513 |
| Contingencies | | | |
| Total Sources | \$13,706,066 | \$16,476,999 | \$17,098,794 |

Narrative Explanation of Fiscal Impacts:

All County departments with AB 109-funded programs incorporated their portion of the realignment budget into their respective FY 19-20 departmental budgets. Sonoma County's FY 19-20 projected funding sources are as follows:

| Funding Source | FY 19-20 Funding |
|---|-------------------------|
| Main AB 109 Subaccount | \$12,108,902 |
| District Attorney/Public Defender Subaccount | \$395,668 |
| CCP Survey Compensation | \$150,000 |

| | |
|--|---------------------|
| Main AB 109 FY 18-19 Growth Received in FY 19-20 | \$4,090,972 |
| 10% Main AB 109 Growth to Local Innovation Subaccount | (\$409,097) |
| District Attorney/Public Defender FY 18-19 Growth Received in FY 19-20 | \$41,138 |
| 10% District Attorney/Public Defender Growth to Local Innovation Subaccount | (\$4,114) |
| TOTAL FY 19-20 Funding | \$16,373,469 |

This funding plus fund balance of \$103,530 will fund recommended FY 19-20 expenditures of \$16,476,999.

The FY 20-21 projection will use all available funds (less a \$1 million fund balance). Therefore, continuing all recommended programming in FY 21-22 will require a projected \$4.0 million in additional funding.

| Staffing Impacts: | | | |
|---------------------------------|--|---------------------------|---------------------------|
| Position Title (Payroll) | Monthly Salary Range (A - I Step) | Additions (number) | Deletions (number) |
| | | | |
| | | | |
| | | | |

Narrative Explanation of Staffing Impacts (If Required):

For FY 19-20, the CCP recommends funding for 67.5 full-time equivalent positions, an increase of 9.0 positions from the approved FY 18-19 budget, comprising 8.0 Sheriff's Office Correctional Officers and 1.0 Public Defender Legal Secretary. The Sheriff's Office and Public Defender addressed staffing impacts separately in their respective budget requests.

Attachments:

1. CCP FY 19-20 Line-item Budget
2. Day Reporting Center Outcome Evaluation

Related Items "On File" with the Clerk of the Board:

2015 Criminal Justice Master Plan Update