



Legislation Text

File #: 2022-0499, **Version:** 1

To: Board of Supervisors of Sonoma County
Department or Agency Name(s): Probation Department
Staff Name and Phone Number: David Koch, 565-2732
Vote Requirement: 4/5th
Supervisorial District(s): Countywide

Title:

Extension of Judicial Council Pretrial Pilot Program

Recommended Action:

- A) Authorize the Chief Probation Officer to retroactively amend a professional services agreement with the Sonoma County Superior Court for pretrial services. The original agreement covered the term August 1, 2019, through June 30, 2021, with funding not to exceed \$3,012,908. The amendment extends the term through June 30, 2022, and increases funding by \$437,732 for a total not-to-exceed amount of \$3,450,640. Under the agreement, the Probation Department performs evidence-based pretrial risk assessments and monitors individuals whom the Court has released from custody pending their adjudication. Services improve public safety and reduce incarceration costs by assessing individuals booked into custody and recommending the release of individuals whose assessments indicate low risk for committing criminal activity or failing to appear for court dates.
- B) Adopt a Resolution adjusting the FY 21-22 Probation Department budget to increase appropriations and reimbursement in the Pretrial Services Unit by \$437,732.

(4/5th Vote Required)

Executive Summary:

California's FY 19-20 budget earmarked \$75 million to the Judicial Council to launch and evaluate two-year pretrial pilot projects in local trial courts. As directed by the Legislature, the projects aim to increase the safe and efficient release of arrestees before trial; use the least restrictive monitoring practices possible while protecting public safety and ensuring court appearances; validate and expand the use of risk assessment tools; and assess any disparate impact or bias.

The Judicial Council initiated a competitive process to allocate funds, and the Sonoma County Superior Court, in collaboration with the Probation Department, submitted a proposal. On August 9, 2019, the Judicial Council announced its intention to award \$5,748,000 to expand Sonoma County's current pretrial program. The Superior Court used approximately 41% of this funding for Court Commissioners, web developers, program analysts, and legal processors, and allocated the other 59% to the Probation Department primarily for probation officers and assistants, along with pass-through funding for the Information Systems Department to implement a new public safety assessment tool.

In August 2021, the Judicial Council informed Sonoma County that additional one-time funding was available for pretrial pilot projects, from which the Superior Court allocated an additional \$437,732 to the Probation

Department. This report requests retroactive approval to accept this additional funding and to increase the Probation Department's FY 21-22 budget accordingly.

Discussion:

Bail versus Pretrial

Individuals arrested and charged with a crime may be incarcerated until trial or instead allowed to remain in the community during this time, depending on the Superior Court's decision. Traditionally, courts have based the decision of pre-adjudication (pretrial) release 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 their communities. By contrast, under a pretrial services program, release decisions consider defendants' risk of 1) posing a threat to public safety, and 2) failing to appear in court. By using a validated assessment tool to predict these risks, the program protects the public and allows lower-risk defendants--regardless of financial status--to remain in the community while awaiting adjudication. Defendants who cannot be safely supervised in the community remain incarcerated.

Pretrial Program

The Sonoma County Superior Court began using pretrial services, funded by the Community Corrections Partnership with 2011 Public Safety Realignment funding, in 2015, and the program has grown over the years. Currently, there are over 600 individuals on pretrial release in Sonoma County.

With the objectives of increasing reliance on risk-based decision-making and expanding the use of pretrial release, the Sonoma County Superior Court and Probation Department collaborated on a proposal for Judicial Council funding via a competitive \$75 million Pretrial Pilot Program. The proposal proved successful and provided \$5,748,000 in funding through June 30, 2021. With this funding, Sonoma County sought to 1) increase use of pretrial release, 2) implement the least restrictive interventions and monitoring practices necessary to ensure public safety and minimize failures to appear, 3) adopt a validated, transparent pretrial risk assessment tool, 4) assess and reduce racial, ethnic, and gender bias in the pretrial system, and 5) build stronger collaboration and data exchange among the justice partners.

In August 2021, the Judicial Council informed the Sonoma County Superior Court that additional one-time funding was available for the 16 Pretrial Pilot counties, including ours. The Court accepted Sonoma County's allocation and provided an additional \$437,732 to the Probation Department to continue pilot services. Due to an administrative oversight, the Probation Department did not bring this additional funding to the Board's attention, and now seeks retroactive approval to accept it.

More recently, Senate Bill 129 made additional ongoing funding available for *all* counties to either initiate or expand pretrial services. On April 5, 2022, the Board authorized the Probation Department to enter a new agreement with the Superior Court to accept \$499,971 annually from this new source, which will fund two new probation officers and related costs. This expanded capacity was urgently needed, as caseload sizes for pretrial probation officers currently approach 100 individuals, well above recommended levels.

Strategic Plan:

Since its inception in 2015, Sonoma County's pretrial program has steadily grown such that the number of

individuals on pretrial release has exceeded, at times, the number of individuals housed at the Main Adult Detention Facility. Absent this program, many lower-risk individuals--as determined by the Public Safety Assessment and confirmed by Superior Court judges--would remain incarcerated. The scale and effectiveness of pretrial services makes it the department's primary solution to the County's Strategic Objective of reducing the jail population while protecting public safety.

This item directly supports the County's Five-year Strategic Plan and is aligned with the following pillar, goal, and objective.

Pillar: Healthy and Safe Communities

Goal: Goal 5: Continue to invest in public safety so that residents and visitors feel safe in our community.

Objective: Objective 4: Expand detention alternatives with the goal of reducing the jail population, from pre-pandemic levels, by 15% at the end of 2022, while simultaneously reducing recidivism amongst the supervised offender population.

Prior Board Actions:

April 5, 2022: The Board authorized the Chief Probation Officer to approve a professional services agreement with the Sonoma County Superior Court to expand pretrial services through June 20, 2023.

October 22, 2019: The Board authorized the Chief Probation Officer to approve a professional services agreement with the Sonoma County Superior Court for pretrial services through June 20, 2021.

June 11, 2019: The Board approved the Probation Department's Program Change Request to partially fund Sonoma County's pretrial program in FY 19-20.

FISCAL SUMMARY

| Expenditures | FY 21-22 Adopted | FY22-23 Projected | FY 23-24 Projected |
|------------------------------------|-----------------------------|------------------------------|-------------------------------|
| Budgeted Expenses | \$2,832,057 | \$0 | \$0 |
| Additional Appropriation Requested | \$437,732 | | |
| Total Expenditures | \$3,269,789 | \$0 | \$0 |
| Funding Sources | | | |
| General Fund/WA GF | | | |
| State/Federal | \$3,269,789 | \$0 | \$0 |
| Fees/Other | | | |
| Use of Fund Balance | | | |
| Contingencies | | | |
| Total Sources | \$3,269,789 | \$0 | \$0 |

Narrative Explanation of Fiscal Impacts:

Budgeted expenses represent the FY 21-22 approved budget for all pretrial services provided by the Probation Department. For FY 21-22, the Community Corrections Partnership (CCP) agreed to cover any budgeted

pretrial expenses not funded by other sources. Accordingly, the requested additional funding of \$437,732 will offset CCP expenses by the same amount. Accounting for previous pretrial pilot funding, as well as the additional funding requested here, the CCP's FY 21-22 share of expenses is projected to be \$2,293,168.

Staffing Impacts:

| Position Title (Payroll Classification) | Monthly Salary Range (A-I Step) | Additions (Number) | Deletions (Number) |
|------------------------------------------------|----------------------------------------|---------------------------|---------------------------|
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Narrative Explanation of Staffing Impacts (If Required):

N/A

Attachments:

- Amendment to Pretrial Pilot Agreement
- Pretrial Pilot Extension Budget Resolution

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

N/A