



## Legislation Details (With Text)

**File #:** 2022-0234  
**Type:** Consent Calendar Item      **Status:** Passed  
**File created:** 2/28/2022      **In control:** Probation  
**On agenda:** 4/5/2022      **Final action:** 4/5/2022  
**Title:** Adult Pretrial Services Expansion  
**Sponsors:** Probation  
**Indexes:**  
**Attachments:** 1. Summary Report.pdf, 2. Budget Resolution.pdf, 3. Position Resolution, 4. Superior Court-Probation Agreement.pdf

Date	Ver.	Action By	Action	Result
4/5/2022	1	Board of Supervisors	Approved as recommended	Pass

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

**Title:**  
Adult Pretrial Services Expansion

### Recommended Action:

- A) Authorize the Chief Probation Officer to approve a professional services agreement with the Sonoma County Superior Court to expand Pretrial Services for the term July 1, 2021, through June 30, 2023, and to continue year-to-year agreements thereafter. Under this agreement, the Probation Department will enhance capacity to monitor pretrial clients in the community, which in turn, will improve public safety while reducing the number of inmates held in custody awaiting adjudication.
- B) Adopt a Resolution adjusting the FY 21-22 Probation Department budget to increase appropriations and reimbursement in the Pretrial Services Unit by \$499,971.
- C) Adopt a Resolution amending the Probation Department allocation list to reflect the addition of 1.0 FTE Probation Officer II and 1.0 FTE Probation Officer III, effective April 5, 2022.

(4/5<sup>th</sup> Vote Required)

### Executive Summary:

California Senate Bill 129 allocates ongoing funding to the Superior Courts for pretrial services in each county beginning in FY 21-22. Per the legislation, funding must expand services and may not supplant funding for current services. The Superior Court in Sonoma County received \$714,244 in FY 21-22, of which it allocated \$499,971 to the Probation Department, with similar funding levels anticipated in future years.

The Probation Department intends to use its allocation to add one Probation Officer II and one Probation Officer III, as well as associated services and supplies. Funding may also support additional training, extra

help, overtime, and technology projects needed for program expansion. As pretrial caseload sizes currently exceed recommended levels, increased staffing will improve caseload ratios and the department's ability to monitor defendants on pretrial release. This report requests approval to accept funding from the Superior Court and to increase the Probation Department's FY 21-22 budget and position allocations accordingly.

### **Discussion:**

Individuals arrested and charged with a crime may be incarcerated until trial or, at the discretion of the court, be allowed to remain in the community on pretrial release. Traditionally, courts have based the decision of pre-adjudication (pretrial) release partly on the ability of defendants to meet financial burdens of bond or bail, a system that may release dangerous defendants while incarcerating--at great cost to both taxpayers and arrested individuals' civil liberties--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 (the Public Safety Assessment) 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. Learn about the Public Safety Assessment at <https://advancingpretrial.org/psa/about/>. Once individuals are released to the community, Pretrial Services probation officers provide monitoring services including check-ins to ensure program compliance, automated reminders of upcoming court dates, and connections to recovery programs, housing resources, and mental health services.

Recognizing these benefits, California legislators have taken an increased interest in pretrial services recently. Senate Bill 10 (the Bail Reform Act of 2018) effectively eliminated cash bail and replaced the system with pretrial services consistent with Sonoma County's program. The bill also provided funding support. However, in November 2020, voters defeated Proposition 25, which repealed SB 10. In response, legislators passed Senate Bill 129, the Budget Act of 2021, which also provides pretrial funding, albeit at lower levels than those in SB 10. Additionally, SB 129 disallows supplantation, requiring instead that funds support program expansion.

As directed by the California Legislature, pretrial programs aim to increase the safe and efficient release of arrested individuals 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.

In FY 20-21 and 21-22, the Probation Department, under a state grant, expanded Pretrial Services. However, the court's increased usage of this program has outpaced the department's capacity, with caseload sizes recently growing to 100 individuals per probation officer, an excessive number, which limits the department's ability to properly monitor arrested individuals in the community. The requested positions would reduce caseloads to approximately 75 individuals per officer, improving the department's ability to quickly assess individuals and to monitor in the community those whom the court chooses to release. Adding these positions would also provide operational coverage during staff absences, thereby reducing overtime, which has been necessary recently to run the Pretrial Unit, a 12 hour per day, 365 day per year operation.

### **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:**

October 22, 2019: Board approval of Probation Department participation in the Pretrial Pilot Program and resolutions to increase staffing and budget

June 11, 2019: Board approval of the Probation Department's Program Change Request to partially fund Pretrial Services in FY 19-20

**FISCAL SUMMARY**

<b>Expenditures</b>	<b>FY 21-22 Adopted</b>	<b>FY22-23 Projected</b>	<b>FY 23-24 Projected</b>
Budgeted Expenses	0	\$499,971	\$499,971
Additional Appropriation Requested	\$499,971		
<b>Total Expenditures</b>	<b>\$499,971</b>	<b>\$499,971</b>	<b>\$499,971</b>
<b>Funding Sources</b>			
General Fund/WA GF			
State/Federal	\$499,971	\$499,971	\$499,971
Fees/Other			
Use of Fund Balance			
Contingencies			
<b>Total Sources</b>	<b>\$499,971</b>	<b>\$499,971</b>	<b>\$499,971</b>

**Narrative Explanation of Fiscal Impacts:**

Pretrial Services expansion has no expected General Fund impact in the current or future years. The state's FY 21-22 allocation will cover one-time costs, including personnel space needs at the pretrial office. We expect future-year allocations to cover the two requested probation officers, as well as associated services and supplies. Pending Board approval, the Probation Department and the Sonoma County Superior Court will enter into a service agreement articulating a commitment to provide and fund these positions on an ongoing basis.

<b>Staffing Impacts:</b>			
<b>Position Title (Payroll Classification)</b>	<b>Monthly Salary Range (A-I Step)</b>	<b>Additions (Number)</b>	<b>Deletions (Number)</b>
Probation Officer II	5,948.29 - 7,231.87	1.0 FTE	0
Probation Officer III	6,809.23 - 8,278.91	1.0 FTE	0

**Narrative Explanation of Staffing Impacts (If Required):**

The existing Pretrial Unit consists of 2.0 Probation Officer IVs (Supervisors) who oversee 1.0 Probation Assistant, 1.0 Senior Legal Processor, 2.0 Probation Officer IIs, and 4.0 Probation Officer IIIs. The requested additional 1.0 Probation Officer II and 1.0 Probation Officer III will be supervised by the existing Probation Officer IVs. The Probation Officer II and III positions do not supervise other job classes in the unit.

The new positions will relieve workloads of existing probation officers by reducing caseload size to more manageable levels, which in turn, will improve program effectiveness and public safety.

**Attachments:**

- Budget Allocation Resolution
- Position Allocation Resolution
- Superior Court-Probation Agreement

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

N/A