



## Legislation Text

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**File #:** 2020-0403, **Version:** 1

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**To:** Sonoma County Board of Supervisors  
**Department or Agency Name(s):** Probation Department  
**Staff Name and Phone Number:** Christine Williams, 565-2145  
**Vote Requirement:** Majority  
**Supervisorial District(s):** All

**Title:**

Agreement with BI Incorporated for Electronic Monitoring

**Recommended Action:**

Authorize the Chief Probation Officer to execute a professional services agreement with BI Incorporated to operate adult offender and pretrial electronic monitoring programs for a one-year term for \$600,000, retroactively effective on April 1, 2020, with the option to execute a one-year renewal for a maximum two-year agreement value of \$1,200,000.

**Executive Summary:**

On March 21, 2017, the Board authorized the Sheriff and the Chief Probation Officer to jointly execute an agreement with BI Incorporated to operate an adult offender and pretrial electronic monitoring program for a three-year term with two additional one-year options, effective April 1, 2017, in an amount not to exceed \$1,711,367. Rather than execute the first one-year extension, the Probation Department is requesting Board approval to execute a new one-year agreement for the following reasons:

1. Expenses under the existing agreement have almost reached the not-to-exceed amount.
2. The services that BI Incorporated provides to the Sheriff's Office are quite different from those provided to the Probation Department. Therefore, the two departments have determined that the joint contract should be separated into two contracts.
3. The Probation Department wishes to use a BI Incorporated service, SmartLINK, which was not available when the current agreement was approved. This application will increase probation officers' ability to monitor electronic monitoring participants remotely, thereby reducing physical contact and potential exposure to the Coronavirus.

Electronic monitoring benefits the community by providing an alternative for offenders and individuals awaiting trial who otherwise might be incarcerated at a much greater expense or who might be released into the community without the safety of continuous monitoring.

**Discussion:**

Sonoma County's electronic monitoring program for adults serves probationers and defendants released from incarceration during the pre-adjudication period. BI Incorporated provides various devices to communicate

with those under supervision, monitor their alcohol intake, and determine their locations. On average, the Probation Department uses electronic monitoring to oversee 85 probationers and 127 defendants on pretrial release each month.

### Probationer Supervision

The Probation Department uses electronic monitoring to assist in supervising probationers, either as an intermediate sanction in response to violations of supervision conditions or as imposed by the Superior Court as a condition of release from custody. State Assembly Bill 109 Realignment revenue will fund this service.

### Pretrial Monitoring

Pretrial monitoring allows the Superior Court to release defendants from custody while awaiting trial. The program aims to protect public safety while reducing unnecessary incarceration and its associated costs. The Court began using pretrial services in January 2015, and a major expansion is currently underway as Sonoma County deploys \$5.7 million in state grant funding recently secured by the Sonoma County Superior Court in partnership with the Probation Department.

Defendants eligible for pretrial release are reviewed using an objective screening assessment, which considers factors such as the nature of the offense committed, previous violations during pretrial release, and previous convictions. Informed by these assessments, the Court decides whether to detain or release defendants and determines appropriate levels of pretrial supervision. Individuals granted pretrial release are then monitored by a probation officer to enforce law-abiding behavior and appearance for court hearings. In many cases, the Court's conditions of release include electronic monitoring. State Assembly Bill 109 Realignment revenue, along with the Superior Court's recent grant, will fund this service.

### Request for Proposals

In October 2016, the Sonoma County Sheriff's Office and the Probation Department jointly issued a request for proposals to solicit bids from vendors interested in providing electronic monitoring equipment and services. Proposals were received from three firms, and the proposal evaluation committee unanimously selected BI Incorporated for a contract that terminated on March 31, 2020.

Rather than exercise the first of two one-year extensions approved by the Board, Probation requests approval to execute a new one-year agreement with BI Incorporated retroactively effective on March 31, 2020. This contract will be separate from the Sheriff's Office contract with BI incorporated and will include use of the company's SmartLINK application, which is installed on the cell phones of those being monitored and allows probation officers to securely conduct mobile-to-mobile video conferences, send messages, and determine locations of those being monitored, allowing for a greater degree of remote case management. This application offers a potential economical alternative to the current electronic monitoring equipment for lower-risk monitoring participants. For example, while BI Incorporated's least expensive electronic monitoring equipment costs \$5.96 per day, SmartLINK costs as little as \$2.40 per day. The application can also be used together with traditional electronic monitoring to reduce physical contact between probation officers and those being monitored, a key consideration in the Probation Department's response to the Coronavirus.

During the one-year contract, the Probation Department plans to issue a request for proposals, possibly jointly with the Sheriff's Office, to select the County's electronic monitoring provider beginning on April 1, 2021. The requested one-year extension will be executed only if unforeseen circumstances delay the request for proposals process, or if a competing supplier is selected, we may execute a short agreement extension to allow for transition time between suppliers.

### Conclusion

Approval of the proposed agreement with BI Incorporated will allow the Probation Department to continue its electronic monitoring operations, which facilitate oversight of probationers, thereby improving community safety. Additionally, electronic monitoring reduces unnecessary incarceration and its associated costs and helps manage the jail population by providing the Superior Court a safer option to allow defendants to remain in the community while awaiting adjudication.

### **Prior Board Actions:**

03/21/2017: Board approval of BI Incorporated electronic monitoring contract

01/12/2016: Board approval of amendment to electronic monitoring contract with BI Incorporated

03/25/2014: Board approval of BI Incorporated electronic monitoring contract

04/17/2012: Board approval of G4S Justice Services electronic monitoring contract

### **FISCAL SUMMARY**

<b>Expenditures</b>	<b>FY 19-20 Adopted</b>	<b>FY 20-21 Projected</b>	<b>FY 21-22 Projected</b>
Budgeted Expenses	168,971	716,227	314,803
Additional Appropriation Requested			
<b>Total Expenditures</b>	<b>168,971</b>	<b>716,227</b>	<b>314,803</b>
<b>Funding Sources</b>			
General Fund/WA GF			
State/Federal	168,971	716,227	314,803
Fees/Other			
Use of Fund Balance			
Contingencies			
<b>Total Sources</b>	<b>168,971</b>	<b>716,227</b>	<b>314,803</b>

### **Narrative Explanation of Fiscal Impacts:**

Expenditures of \$168,971 for electronic monitoring in the last quarter of FY 19-20 are included in the Probation Department's adopted budget of \$675,882 for probationer supervision and pretrial monitoring. The Probation Department anticipates increased use of electronic monitoring in FY 20-21 as the pretrial expansion program is implemented. FY 20-21 costs were included in the Probation Department's Recommended Budget. State Assembly Bill 109 Realignment revenue and pretrial expansion grant funding will cover these costs.

### **Staffing Impacts:**

<b>Position Title (Payroll Classification)</b>	<b>Monthly Salary Range (A-I Step)</b>	<b>Additions (Number)</b>	<b>Deletions (Number)</b>

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

None

**Attachments:**

BI Incorporated Agreement

**Related Items “On File” with the Clerk of the Board:**

None