



County of Sonoma Agenda Item Summary Report

Agenda Item Number:
(This Section for use by Clerk of the Board Only.)

Clerk of the Board
575 Administration Drive
Santa Rosa, CA 95403

To: Board of Supervisors of Sonoma County

Board Agenda Date: July 31, 2012

Vote Requirement: 4/5

Department or Agency Name(s): Probation & County Administrator's Office (CAO)

Staff Name and Phone Number:

Robert Ochs, Probation: 565-2732

Terri Saunders, CAO: 565-3782

Supervisory District(s):

Countywide

Title: Public Safety Realignment Fiscal Year 2012-13 (Year 2) Recommended Plan

Recommended Actions:

- 1) Accept the Community Corrections Partnership's (CCP) recommended Public Safety Realignment Plan for Fiscal Year 2012-13 (Year 2).
- 2) Adopt a resolution adjusting the FY 2012-2013 Budget, increasing revenues to reflect receipt of State funding for Probation, Sheriff, Health Services, Human Services, and Information Systems Departments for a total of \$3,469,525, and set up contingencies in the amount of \$1,286,941 (4/5 vote).
- 3) Adopt a resolution amending position allocation lists to add 16.85 time-limited FTE positions as follows: 5.0 FTE positions for Probation; 7.0 FTE positions for the Sheriff; 2.85 FTE positions for Health Services; and 2.0 FTE positions for Human Services (4/5 vote).

Executive Summary:

As Sonoma County transitions into the second year of Public Safety Realignment, continued funding for many positions and programs will be required to maintain the current level of services. Additionally, the Community Corrections Partnership (CCP) recommends funding new positions and programs to augment select services commensurate with increased need, and to meet needs not addressed in the initial Fiscal Year (FY) 2011-12 Plan. The recommended FY 12-13 Plan supports evidence-based programming and upstream investments, and is consistent with the guiding principles and recommendations of Sonoma County's Criminal Justice Master Plan (CJMP). Various departments' FY 12-13 approved budgets included funding for portions of the FY 12-13 Realignment Plan, and additional budget and positions were subsequently added during the supplemental process. The recommended actions and resolutions of the subject Board Item specifically address the requested budget adjustments and position allocation changes that, when added to the existing approved budget and supplemental, will equal the full funding and staffing needed to meet the CCP's recommended Public Safety Realignment Plan for FY 12-13.

Background – Legislation Overview and Impact

In 2011, the California Legislature passed and the governor signed AB109 and AB117, which specify new local responsibilities for managing certain adult offender populations. Assembly Bill 109, also known as the Public Safety Realignment Act, took effect October 1, 2011, and mandated sweeping changes to California’s Criminal Justice Systems. This legislation specifies new responsibilities for managing adult offenders in California and applies to two distinct groups of offenders going forward. The first group, known as the Post Release Community Supervision population (PRCS), consists of offenders incarcerated for offenses classified as non-violent and non-serious, and excludes high risk sex offenders, third-strike offenders, and mentally disordered offenders. The second group consists of so-called “non-non-non” offenders. The Realignment Act changed the penal code and sentencing laws so that offenders whose current or past offenses are non-violent, non-serious, or non-sex related, will serve their sentences locally. Local sentences have included combinations of county jail detention, mandatory supervision by Probation, and a variety of detention alternatives. The statutes also place a high-value on evidence-based practices, those research-tested principles and programs that can lead to recidivism reduction among offenders. The CCP used the CJMP as a framework for its recommendations, and created organizing principles consistent with the CJMP. This includes a focus on evidence-based programming and upstream investments.

As required by the legislation, Sonoma County established a Community Corrections Partnership (CCP) to lead planning efforts. The Chief Probation Officer chairs the committee which includes the District Attorney, the Sheriff, the Presiding Judge (or designee), the Public Defender, Director of Mental Health, and Santa Rosa Chief of Police.

Realignment Year 1 CCP Planning Efforts

On November 1, 2011, the Board of Supervisors approved the CCP’s recommended Interim Public Safety Realignment Implementation Plan for FY 2011-12, which delineated the County’s response for meeting the mandates of the Public Safety Realignment. The State began releasing PRCS offenders to the supervision of Sonoma County Probation starting October 1, 2011, and will continue to release PRCS as they become eligible. The State projected, prior to implementation of Realignment, that at full implementation Sonoma County will have approximately 400 additional offenders in the local system at any point in time, including offenders supervised in the community and those incarcerated in the County jails.

From November 2011 through the present, the CCP and its sub-committees have continued planning efforts and conducted twelve meetings focused on: 1) exploring new programming alternatives (such as pre-trial services), 2) identifying and prioritizing data collection and analysis work, and 3) developing the recommended FY 12-13 plan and budget. In order to develop the recommended Plan, the CCP and its sub-committees solicited proposals, recommendations, and inputs from various stakeholders and County departments. The CCP and its sub-committees collaborated closely with—and received direct inputs from—the following departments: Probation, Sheriff, Health Services, Human Services, County Counsel, District Attorney, and Information Systems. Additionally, community based organizations have participated in the CCP and sub-committees. Through constant collaboration and active participation in the planning process, these stakeholders played an influential role in shaping the decisions and recommendations of the CCP. The CCP planning efforts will continue into the next fiscal year, along with continued engagement with Community Based Organizations (CBOs).

Synopsis of Year 1 Realignment Implementation and Year 2 Plan

During the initial nine (9) month period of Realignment, a total of 241 PRCS offenders were transferred to Sonoma County. Over the same period of time, a total of 133 individuals in Sonoma County were sentenced pursuant to Penal Code (P.C.) 1170(h). Of these individuals, 52% received split sentences with jail and Mandatory Supervision components, and 48% received jail-only sentences. As of May 30, 2012, there were 106 inmates serving their sentence in the County Detention Facilities under P.C. 1170(h). Prior to Realignment, many or most of these inmates would have served their sentence in a State prison. As a result of the increased population, the Sheriff re-opened a vacant housing unit at the North County Detention Facility in March 2012. As part of its Year 2 Plan, the CCP recommends continued funding for the NCDF jail unit through Fiscal Year 2012-13 to handle the Realignment population.

To mitigate unnecessary increases in jail populations, the CCP and criminal justice partners recommend funding an assortment of in-custody and out of custody programming and detention alternatives for offenders. The core in-custody evidence-based programming elements—such as mental health treatment, Starting Point, GED preparation/ testing, anger management, conflict resolution, and others—help provide inmates with key rehabilitation services and support. The CCP also recommends adding a new Probation Officer III to conduct risk assessments of jail inmates using a validated risk assessment tool; the assessment will identify risk factors that will be used to guide and facilitate programming, both in the jail and upon release to supervision. The CCP also recommends continued funding for detention alternatives, such as Electronic Monitoring and Supervised Adult Crews (SAC), to reduce jail populations. Electronic Monitoring is a critical tool used by law enforcement to increase public safety when releasing certain inmates early and it provides a cost-effective detention alternative for Sonoma County to manage its jail population. SAC also frees up existing jail beds by providing an alternative to custody for work release and other eligible inmates.

Of the total 241 PRCS individuals transferred to Sonoma County, 175 were still on active supervision status by the Probation Department as of June 30, 2012. A new Realignment supervision unit was created in September 2011 to manage PRCS and Mandatory Supervision caseloads. The Probation Officer positions were filled incrementally as the year progressed in order to maintain the 1:40 ratio as the PRCS and MS populations grew. As of June 30, 2012, 5.0 FTE Probation Officers manage a combined caseload consisting of 175 PRCS and 12 MS offenders. In addition to experiencing a larger than expected influx of PRCS, Probation records show that a significant 72% of all PRCS released to Sonoma County have been classified as a “high risk” to reoffend. These high risk individuals require rigorous community supervision. For Year 2, the CCP recommends changing the supervision ratio from 1:40 to 1:35, in order to better monitor high-risk offenders and help ensure public safety. Based upon its latest projections, the Probation Department anticipates that it will be responsible for supervising a combined total of 325 PRCS and MS offenders by June 2013, thereby creating need to add more Probation Officers in FY 12-13 to manage the growing caseload.

The CCP’s Year 2 Plan also includes out of custody evidence-based programming and services for the Realignment populations. The Day Reporting Center (DRC) serves as the central point of programming and structure for the PRCS and Mandatory Supervision populations, and it is considered to be a fundamental component the CCP’s Interim Realignment Plan. Sonoma County contracted with Behavioral Interventions to run the DRC in January 2012. The DRC serves as a detention alternative to traditional incarceration for adult offenders who meet the criteria for the program. The DRC provides a variety of services, such as substance abuse treatment, a cognitive behavioral intervention program, life skills, and vocational skills. Establishment and continued operation of the DRC is also consistent with the guiding principles of the Sonoma County

Criminal Justice Master Plan, which recommended that the County develop a DRC as a non-residential correctional option that requires offenders to check-in regularly and participate in a variety of treatments based on individualized case plans. A successful DRC will ultimately help reduce recidivism through the use of evidence-based practices targeted at the criminogenic needs of participating offenders, and in the long run it will help save future costs to the County by reducing jail populations and demands for health and human services. The DRC has served an average daily client population ranging from 90 – 100 individuals, close to its maximum capacity of 100 clients. Based upon the Probation Department's latest DRC population forecasts, the CCP recommends raising the support tier from 100 to 150 daily clients effective August 2012, and further increasing the limit from 150 to 200 daily clients effective January 2013.

Implementation of a full-service Pre-Trial Services program was also a key recommendation of Sonoma County's CJMP. A Pre-Trial Services program would serve a core system function by providing a universal front-end screening for all persons booked into jail, supporting jail management, reducing pre-trial failure, and facilitating efficient case processing. Consistent with the CJMP, the CCP initially identified Pre-Trial Services as a priority area in its Interim Plan, and now recommends implementation in Year 2. The CCP hired a Consultant to study Pre-Trial Services and to present a recommendation for its potential program structure and implementation approach. The CCP decided to implement a hybrid Pre-Trial Services program with two components: the assessment component, which will operate as a function of the Classification Unit in the Main Adult Detention Facility; and the supervision component, which will operate as a supervision unit of the Probation Department. The benefits of Pre-Trial Services include increased system efficiency; risk-based decision-making that assists the system in identifying the appropriate outcome for each defendant; expedited access to available services; and increased effectiveness by reducing pre-trial failure (both in new arrests and failures to appear).

AB 109/AB 118 Funding Allocation

For FY 12-13, the overall statewide AB 109 budget has more than doubled to \$842.9 million, compared with \$354.3 million in FY 11-12. The methodology for calculating the funding allocations to the counties has also changed. The new methodology adopted for FY 12-13 is expected to also be used for determining next year's FY 2013-14 funding allocation; however, it is not considered permanent and will be subject to revision in future years. Under the new methodology, Sonoma County's final FY 12-13 allocation is \$9,027,377. The County will receive an additional \$150,000 from the state to cover Year 2 planning costs, for a grand total FY 12-13 state funding allocation of \$9,177,377.

Summary of Financial and Staffing Impacts

The CCP's recommended FY 12-13 Realignment Plan for Sonoma County requires funding for Probation, Sheriff, Health Services, Human Services, District Attorney, County Counsel, and Information Systems departments. The recommended budget assumes receipt of \$9,177,377 from the state, plus a projected carry-over of unspent FY2011-12 realignment funds of \$1,201,744, providing a total of **\$10,379,121** for financing the Year 2 Plan. Of this total budget, the CCP recommends that **\$9,092,180** be used to fund Year 2 programs and services, and **\$1,286,941** be reserved as a contingency fund for unanticipated impacts of managing the realigned population. The proposed Realignment budget assumes no use of Sonoma County General Fund dollars. Table 1 summarizes the CCP's recommended FY 12-13 Realignment Plan and associated budget by major program element, and it provides context for this requested budget adjustment in relation to the approved FY 12-13 budget and supplemental:

Table 1: FY 2012-13 Realignment Budget by Program and Budget Phase

| Sum of Y2 Budget | | Budget Cycle | FY 12/13 | FY 12/13 | Requested | Total Major |
|--|-------------------|--------------------|----------|------------------|--------------------|---------------------|
| Major Program | Department | FY 12/13 | Approved | Supplemental | Budget | Programs |
| | | Budget | Budget | Budget | Adjustment | |
| <input type="checkbox"/> Supervision | Probation | \$1,534,048 | | \$137,789 | \$241,614 | \$1,913,451 |
| | Sheriff | \$212,390 | | | | \$212,390 |
| Sub-Total | | \$1,746,438 | | \$137,789 | \$241,614 | \$2,125,841 |
| <input type="checkbox"/> Custody | Sheriff | \$1,091,262 | | | \$13,708 | \$1,104,970 |
| Sub-Total | | \$1,091,262 | | | \$13,708 | \$1,104,970 |
| <input type="checkbox"/> In-Custody Prog/Det Alt | Health Services | \$0 | | | \$758,632 | \$758,632 |
| | Probation | \$105,600 | | | \$146,996 | \$252,596 |
| | Sheriff | \$305,207 | | \$146,693 | \$225,550 | \$677,450 |
| Sub-Total | | \$410,807 | | \$146,693 | \$1,131,178 | \$1,688,678 |
| <input type="checkbox"/> Out of Custody – Prog/Det Alt | Health Services | \$435,000 | | | \$231,975 | \$666,975 |
| | Human Services | \$10,000 | | | \$262,989 | \$272,989 |
| | Probation | \$1,102,875 | | | \$747,245 | \$1,850,120 |
| Sub-Total | | \$1,547,875 | | | \$1,242,209 | \$2,790,084 |
| <input type="checkbox"/> Data Management | ISD | \$75,000 | | | \$60,200 | \$135,200 |
| Sub-Total | | \$75,000 | | | \$60,200 | \$135,200 |
| <input type="checkbox"/> Other Programs | County Counsel | | | | \$15,000 | \$15,000 |
| | District Attorney | | | | \$90,000 | \$90,000 |
| | Probation | | | \$466,791 | \$190,000 | \$656,791 |
| | Sheriff | | | | \$485,616 | \$485,616 |
| Sub-Total | | | | \$466,791 | \$780,616 | \$1,247,407 |
| Total Major Programs | | \$4,871,382 | | \$751,273 | \$3,469,525 | \$9,092,180 |
| Contingency Reserve | | | | | \$1,286,941 | \$1,286,941 |
| Grand Total w/ Contingency | | \$4,871,382 | | \$751,273 | \$4,756,466 | \$10,379,121 |

In order to fully implement the FY 12-13 plan, the CCP recommends a total position allocation of 44.1 Full-Time Equivalent (FTE) positions for Realignment; of this total, 16.85 FTEs are funded through this budget adjustment. Please refer to Table 2 below for details of the positions required to support the CCP's recommendation for FY 12-13 Realignment programming.

Table 2: FY 2012-13 Realignment FTE Allocation by Program and Budget Phase

| Major Program | Department | FY 12/13 | FY 12/13 | Requested FTE | Grand Total |
|-------------------------------|-------------------|--------------|------------------|-------------------|--------------|
| | | Approved FTE | Supplemental FTE | Allocation Change | |
| Supervision | Probation | 9.00 | 1.00 | 4.00 | 14.00 |
| | Sheriff | 1.00 | | | 1.00 |
| Sub-Total | | 10.00 | 1.00 | 4.00 | 15.00 |
| Custody | Sheriff | 6.00 | | 1.00 | 7.00 |
| Sub-Total | | 6.00 | | 1.00 | 7.00 |
| In-Custody Prog/Det Alt | Health Services | 2.15 | | 1.85 | 4.00 |
| | Probation | 0.00 | | 1.00 | 1.00 |
| | Sheriff | 2.00 | 1.00 | 0.00 | 3.00 |
| Sub-Total | | 4.15 | 1.00 | 2.85 | 8.00 |
| Out of Custody – Prog/Det Alt | Health Services | 1.60 | | 1.00 | 2.60 |
| | Human Services | | | 2.00 | 2.00 |
| | Probation | 0.00 | | 0.00 | 0.00 |
| Sub-Total | | 1.60 | | 3.00 | 4.60 |
| Data Management | ISD | | | 0.00 | 0.00 |
| Sub-Total | | | | 0.00 | 0.00 |
| Other Programs | County Counsel | | | 0.00 | 0.00 |
| | District Attorney | | 0.50 | | 0.50 |
| | Probation | | 3.00 | 0.00 | 3.00 |
| | Sheriff | | | 6.00 | 6.00 |
| Sub-Total | | | 3.50 | 6.00 | 9.50 |
| Grand Total | | 21.75 | 5.50 | 16.85 | 44.10 |

Attachment A to this Board Item, titled “Sonoma County Community Corrections Partnership Recommended Public Safety Realignment Plan for Fiscal Year 2012-13”, contains detailed descriptions and justifications for all programs and service elements that comprise the Year 2 Plan, and thus provides an overall context for this budget adjustment. Attachment A also provides insights into the experiences and accomplishments of the criminal justice partners during the first nine (9) months of Realignment implementation (October 2011 – June 2012). The two attached resolutions provide the necessary budget and position allocation change authority.

Board of Supervisors Actions and Alternatives

The legislation mandates that the plan is deemed accepted by the Board of Supervisors unless the Board rejects the plan by a 4/5ths vote. If the Board were to reject the plan, it could provide input and feedback on the plan before it is referred back to the CCP.

Steps Following Approval:

Probation will seek Board approval within the next month to modify existing contract agreements for the Day Reporting Center and Consultant support. The CCP recommends reserving \$1,286,941—equal to 12% of the total Year 2 Realignment funding—as a contingency reserve to cover unanticipated expenditures in FY 12-13. The CCP has identified programs that may be potential candidates to receive contingency funding, should the

need arise: opening a second County jail unit in the final quarter of FY 12-13 (\$300,000); hiring an additional Sheriff Legal Processor (\$40,000); and funding for the DUI Court, should grants not materialize (\$180,000). Contingency funds may only be allocated for specific identified needs in the future and will require approval of the CCP and the Board of Supervisors.

Prior Board Actions:

The Board approved the CCP’s FY 11-12 Interim Realignment Plan on November 1, 2011. The County’s FY 12-13 Recommended Budget, approved by the Board in June, assumed funding to continue Realignment funded programs.

Strategic Plan Alignment: Goal 1: Safe, Healthy, and Caring Community

Fiscal Summary - FY 12-13

| Expenditures | | Funding Source(s) | |
|---------------------------|----------------------|----------------------|----------------------|
| Budgeted Amount | \$ 5,622,655 | County General Fund | \$ 0 |
| Add Appropriations Req'd. | \$ 3,469,525 | State/Federal | \$ 9,177,377 |
| Held in Contingency | \$ 1,286,941 | Fees/Other | \$ 0 |
| | \$ 0 | Use of Fund Balance | \$ 1,201,744 |
| | \$ 0 | Contingencies | \$ 0 |
| | \$ 0 | | \$ |
| Total Expenditure | \$ 10,379,121 | Total Sources | \$ 10,379,121 |

Narrative Explanation of Fiscal Impacts (If Required):

The total requested appropriation for all departments and all funds equals \$7,873,739; however, due to the pass through of funds from Probation and Sheriff’s special revenue funds to general fund (and Health and Human Special Revenue Funds), the net total appropriation adjustment is \$3,469,525. The recommended budget assumes use of \$1,201,744 in unspent surplus FY 11-12 Realignment funds. The estimated recurring annualized cost for continuing all programs and services recommended as part of the Realignment Plan is \$10,136,948 (in FY 12-13 dollars). Refer to the executive summary and Exhibits “A” – “E” in the Attachment A Recommended Year 2 Plan for annualized cost and other pertinent budget details.

Staffing Impacts

| Position Title (Payroll Classification) | Monthly Salary Range (A – I Step) | Additions (Number) | Deletions (Number) |
|--|--------------------------------------|-----------------------|-----------------------|
| Probation Officer III | \$5,151 - \$6,261 | 4.0 | 0.0 |
| Probation Officer IV | \$6,193 - \$7,527 | 1.0 | 0.0 |
| Sub-Total Probation | | 5.0 | 0.0 |
| Cook | \$3,040 - \$3,694 | 1.0 | 0.0 |

| | | | |
|---|---------------------|--------------|------------|
| Correctional Deputy II | \$3,868 - \$4,702 | 6.0 | 0.0 |
| Sub-Total Sheriff | | 7.0 | 0.0 |
| Licensed Clinical Social Worker | \$5,269 - \$6,405 | 1.50 | 0.0 |
| Psychiatric Nurse | \$6,177 - \$7,511 | 0.10 | 0.0 |
| Staff Psychiatrist | \$13,180 - \$16,022 | 0.25 | 0.0 |
| Alcohol and Other Drug Services Specialist | \$4,694 - \$5,706 | 1.0 | 0.0 |
| Sub-Total Health Services | | 2.85 | 0.0 |
| Employment and Training Program Coordinator | \$4,694 - \$5,706 | 1.0 | 0.0 |
| Eligibility Worker II | \$3,622 - \$4,403 | 1.0 | 0.0 |
| Sub-Total Human Services | | 2.0 | 0.0 |
| Grand Total | | 16.85 | 0.0 |

Narrative Explanation of Staffing Impacts (If Required):

All positions included in this request are time-limited and will expire on June 30, 2016.

Probation- In response to an increase in Post Release Community Supervision (PRCS) and 1170(h) populations, the CCP recommends additional funding for 3.0 FTE Probation Officers III and 1.0 FTE Probation Officer IV. Hire dates will be staggered throughout the fiscal year to maintain a 35:1 supervision ratio. Add 1.0 FTE Probation Officer III assigned to conduct risk assessments of jail inmates using a validated risk assessment tool (assumed start date 8/15/2012).

Sheriff – Add 1.0 FTE Cook to support the additional North County Detention Facility (NCDF) jail unit. Add 6.0 FTE Correctional Deputies to support the Pre-trial Services program for a period of six (6) months, with an assumed hire date of January 1, 2013.

Health Services - The requested position allocation change will add 1.50 FTE Licensed Clinical Social Worker, 0.10 FTE Psychiatric Nurse, and 0.25 FTE Staff Psychiatrist to support “1370” Restoration Services to provide evidence-based interventions to restore inmates to competence and enable their participation in the legal process. Add 1.0 FTE Alcohol and Other Drug Specialist to provide referral and case management for those individuals who are determined to need substance use disorders services.

Human Services - Add 1.0 FTE Employment & Training Program Coordinator and 1.0 FTE Eligibility Worker II starting 10/1/2012 to provide services in collaboration with the Probation and Health Services.

Attachments:

Attachment A - Public Safety Realignment Plan for Year 2; Resolution 1 Realignment budget adjustments; and Resolution 2 amending departmental position allocation lists.

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

Not applicable.