



COUNTY OF SAN DIEGO

AGENDA ITEM

BOARD OF SUPERVISORS

GREG COX
First District

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Second District

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Third District

RON ROBERTS
Fourth District

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Fifth District

DATE: October 12, 2010

02

TO: Board of Supervisors

SUBJECT: IMPLEMENTATION OF SAN DIEGO COUNTY REENTRY COURT PROGRAM (DISTRICT: ALL)

SUMMARY:

Overview

It has become increasingly clear to law enforcement, the Courts, legislature, and the public that many criminal offenders rotate in and out of State prisons, presenting a significant public safety and public health risk to the residents of California. Historically, felons released from California state prison to parole supervision recidivate and return back to prison at a rate of 70 percent within the third year of release, the vast majority with substance abuse and mental health issues. In an earlier effort to proactively contend with the community impacts posed by the revolving door of recidivism, on June 13, 2006 (2), and April 13, 2010 (4), the Board approved and provided support for innovative efforts that increase offender accountability and combat the impacts of recidivism.

Recently, the California Department of Corrections and Rehabilitation (CDCR) implemented Senate Bill x3 18 which among several other public safety reforms, enacted a system of “non-revocable” parole, expanded incentive credits for inmates, and allowed for the creation of reentry courts. The San Diego County District Attorney, Sheriff, Probation Department, Public Defender and Health and Human Services joined with the Superior Court, and the San Diego Police Department to respond to these changes in the law and to collaborate on a local reentry initiative. This collaborative worked to secure an award of a grant to the local Superior Court for \$1,500,000 from the California Emergency Management Agency (CalEMA), funded by the American Recovery and Reinvestment Act of 2009 (ARRA), to operate a reentry court to serve approximately 250 non-violent Parolees over a two year period. We continue to seek additional grants and awards for reentry services and are currently in negotiations with the CDCR for resources to expand the reentry court.

This request is to authorize the acceptance of a grant award from the Superior Court to the Health and Human Services Agency of \$1,174,367, amend the related expenditure contracts that distribute a portion of the grant funds to other participating community-

SUBJECT: IMPLEMENTATION OF SAN DIEGO COUNTY REENTRY COURT PROGRAM (DISTRICT: ALL)

based agencies, appropriate Public Safety Group's Fiscal Year 2009-2010 Fund Balance of \$150,000 to the Probation Department to fund one Probation Officer, and to appropriate \$2,350,000 of Public Safety Group's Fiscal Year 2009-2010 Fund Balance to fund future reentry services.

Recommendation(s)

SUPERVISOR GREG COX, SUPERVISOR RON ROBERTS, DISTRICT ATTORNEY BONNIE M. DUMANIS, AND SHERIFF WILLIAM D. GORE

1. Approve and authorize the Director of the Health and Human Services Agency, to accept American Recovery and Reinvestment Act (ARRA) funds for the parolee reentry court program via the Superior Court in the amount of \$1,174,367 for Fiscal Year 2010-11 through September 30, 2012.
2. In accordance with Board Policy A-87, Competitive Procurement, and Administrative Code Section 401, authorize the Director of the Department of Purchasing and Contracting to amend existing contracts to increase funding and to amend these contracts up to five years for reentry services, including but not limited to treatment, rehabilitation and referral services, subject to the availability of funds; and to amend the contract as required to reflect changes to services and funding allocations, subject to the approval of the District Attorney, Sheriff, Chief Probation Officer, Public Defender and the Director of the Health and Human Services Agency, as appropriate. Waive the advertising requirement of Board Policy A-87.
3. Authorize the Chief Administrative Officer, or his designee(s), including the District Attorney, Sheriff, Chief Probation Officer, Public Defender and the Director of the Health and Human Services Agency, to complete and submit documentation necessary to apply for and receive funding from state and federal agencies and private organizations for programs supporting re-entry of offenders into San Diego county communities. For this limited purpose, waive the provision of Board Policy B-29 that requires prior approval of grant applications and acceptance of grant awards. If any of the grants and/or funding sources requires an increase in net General Fund costs, staff will return to the Board to request specific approval to accept the funds.
4. Authorize the Chief Administrative Officer, or his designee(s), including the District Attorney, Sheriff, Chief Probation Officer, Public Defender and the Director of the Health and Human Services Agency, to execute any agreements between the County of San Diego and state and federal agencies or private organizations providing re-entry funding and to enter into any related contracts, amendments, or extensions to provide reentry services

SUBJECT: IMPLEMENTATION OF SAN DIEGO COUNTY REENTRY COURT PROGRAM (DISTRICT: ALL)

5. Establish appropriations of \$150,000 in the Probation Department for salaries and benefits for the Reentry Court program based on Public Safety Group's Fiscal Year 2009-10 fund balance available. (4 VOTES)
6. Approve the request to add one staff year (one position) in Fiscal Year 2010-11 in the Probation Department to perform tasks relating to offender supervision and authorize the Department of Human Resources to appropriately classify the position.
7. Establish appropriations of \$2,350,000 in the District Attorney's Office management reserves to support programs promoting reentry and re-integration of offenders into San Diego County communities based on Public Safety Group's Fiscal Year 2009-10 fund balance available. (4 VOTES)

Fiscal Impact

District Attorney: The funds for this request are not included in the Fiscal Year 2010-12 Operational Plan. If approved, this request will provide resources of \$2,350,000 to support future programs promoting reentry and re-integration of offenders into San Diego County communities. The funding source is the Public Safety Group's Fiscal Year 2009-10 fund balance available. There will be no additional staff years.

Probation Department: The funds for this request are not included in the Fiscal Year 2010-2012 Operational Plan. If approved, this request will result in costs and revenue of \$150,000 in Fiscal Year 2010-2011. The funding source is the Public Safety Group's Fiscal Year 2009-2010 fund balance available. This amount will cover the cost of one additional staff year.

Health and Human Services Agency: The funds for this request are included in the Fiscal Year 2010-2012 Operational Plan. If approved, this request will result in costs and revenue of \$1,174,367. The funding source is a grant from the San Diego Superior Court from ARRA funds provided by CalEMA. There will be no change in net General Fund costs and no additional staff years.

Business Impact Statement

N/A

Advisory Board Statement

N/A

BACKGROUND:

The California budget crisis has forced the state to address how to effectively reduce prison overcrowding, recidivism, and related costs. The California prison system was built to house 80,000 inmates but currently holds 165,000. As a result, in January 2009, a federal three-judge panel acknowledged that California prison overcrowding was in violation of the Constitution of the United States of America and ordered the early release of an estimated 38,000 to 46,000

SUBJECT: IMPLEMENTATION OF SAN DIEGO COUNTY REENTRY COURT PROGRAM (DISTRICT: ALL)

inmates. A request has been made for the U.S. Supreme Court to review the three-judge panel's ruling. California's prison problems are also tied to recidivism. When parolees commit crimes, they not only burden the state's overtaxed prison system, they create new victims and compromise public safety. California's recidivism rate is 70 percent, the nation's highest.

Inmates from San Diego County represent about 7.5 percent of California's prison population and approximately 8,000 offenders were released back to our community during 2009. Prosecuting, incarcerating and supervising these offenders cost taxpayers millions of dollars. Ninety-five percent of offenders sent to prison return to San Diego County communities. The actions taken by the state as a result of the fiscal reality of the state budget crisis, coupled with a court-ordered reduction in the prison population, will increase the number of offenders in communities. It has also created an emergence of a movement in favor of treating, rather than incarcerating non-violent offenders and a host of other public safety reforms.

In October 2009, Governor Arnold Schwarzenegger signed Senate Bill x3 18, authored by Senator Denise Ducheny (D-San Diego), which allows for the expansion of specialty courts, specifically reentry courts for parolees to receive highly-structured supervision, treatment and offender accountability rather than being returned to prison for violations that may be related to those needs. Studies have demonstrated that many crimes committed by offenders are rooted in alcohol and drug addictions. When untreated inmates with addictions are released back into communities, they usually return to their friends, their habits and their crimes.

Senate Bill x3 18 also enacted a system of "summary" or "non-revocable" parole for certain parolees. Individuals who are placed on non-revocable parole will only be returned to prison if they are arrested for and convicted of a new offense. They will also not be eligible for the specialty courts provisioned under the new law, and thus become the responsibility of local law enforcement. Parolees on the non-revocable parole do remain subject to warrantless searches by the police. Currently, there are approximately 900 individuals on non-revocable parole in San Diego County.

Anticipating the local impacts to public safety and public health of the justice system reforms, on April 13, 2010 (4), at the recommendation of District Attorney Bonnie M. Dumanis; the Board authorized Ratification and Application for Federal Grants For Offender Reentry Services which provided support for innovative efforts to combat the impacts of recidivism. The San Diego County District Attorney, Sheriff, Probation Department, Public Defender and Health and Human Services Agency (San Diego County Reentry Partners), joined with the Superior Court and San Diego Police Department to collaborate on a reentry initiative. The reentry initiative focuses on cost effective, evidence based strategies that leverage the interdependencies of government and the community in holding offenders accountable and safeguarding public safety and public health.

Studies by the nation's leading criminal justice research agencies have shown that drug treatment with accountability in concert with other services and programs, is a more cost effective way to deal with drug offenders and prevent future crimes. Understanding the importance of reducing

SUBJECT: IMPLEMENTATION OF SAN DIEGO COUNTY REENTRY COURT PROGRAM (DISTRICT: ALL)

recidivism, San Diego County was at the forefront of reentry and on June 13, 2006 (2) the Board initiated the state's first and only comprehensive, multidisciplinary, evidence-based reentry program. Implementation of San Diego County's Senate Bill 618 (SB 618) Reentry Program Multiagency Plan introduced evidence-based practices to prepare offenders for a more successful reentry into their communities. The San Diego SB 618 Prisoner Reentry Program enrolled its first candidate in 2007, and currently has over 560 active participants and early indications of a recidivism rate of about 20 percent. The state spends, on average, \$47,000 per year to house an inmate. Treatment for the same inmate on average ranges from \$5,000 to \$15,000 per year, and may generate potential savings to taxpayers.

Leveraging the lessons learned from the SB 618 program and the efforts of the reentry initiative collaborative, the Superior Court was awarded a \$1,500,000 grant from the CalEMA, using funds derived from the ARRA, for the operation of the San Diego Parolee Reentry Court (Reentry Court) to serve approximately 250 participants over a two year period. Approximately \$1.1 million of the award will be used by the Health and Human Services Agency to provide treatment, rehabilitative and referral services for the reentry court participants with the remaining amount to be used for court services. Public Safety Group fund balance will be used for salary and benefits for one probation officer who will perform tasks related to offender supervision. If the funding for this position is not renewed, the position will be deleted.

Reentry court participants will enter the Reentry Court program with the development of a case plan that addresses the rehabilitation needs of the participant. The participant will follow a four phase plan that requires regular drug tests, scheduled reentry court appearances and individual growth in treatment/employment/school/pro-social activities. It is anticipated that successful participants will graduate from Reentry Court during a 12 to 18 month period.

Modeled after drug court, the reentry court intends to build upon existing reentry programs and collaborative court practices to establish a comprehensive, multi-jurisdictional approach that responds to past challenges, current opportunities and prospective strategies to ensure safer communities. Like drug court, reentry court is designed to help people with addictions facing criminal charges get through treatment and recover from their addiction. Their basic premise is to leverage the authority of the criminal justice system to keep participants in treatment. Consistent with the goals of the Legislature and CalEMA grant award, the goals of the Parolee Reentry Court are to: (1) reduce parolee recidivism, (2) reduce revocation of parole, (3) utilize evidence-based rehabilitative programming, and (4) collect relevant data regarding participant progress and overall program success and promote public safety.

With your approval to accept this grant we are taking the necessary steps to make reentry court a reality and continue to protect the residents of San Diego County. This is yet another stride in dealing with offenders that may benefit from treatment and rehabilitation instead of continuing the revolving door to prison even further. We must continue to work together in the future to identify additional sources of funding. We continue to seek additional grants and awards for reentry services and are currently in negotiations with the California Department of Corrections

SUBJECT: IMPLEMENTATION OF SAN DIEGO COUNTY REENTRY COURT PROGRAM (DISTRICT: ALL)

and Rehabilitation for resources to expand Reentry Court. It is anticipated that this expansion would serve an additional 100 parolees annually for a three year period.

Linkage to the County of San Diego Strategic Plan

The actions recommended by this letter will advance the Safe and Livable Communities initiative in the County of San Diego Strategic Plan to improve public safety by implementing a plan to prepare non-violent felony offenders for successful reentry into the community.

Respectfully submitted,

GREG COX
Supervisor, First District

RON ROBERTS
Supervisor, Fourth District

BONNIE M. DUMANIS
District Attorney

WILLIAM D. GORE
Sheriff

ATTACHMENT(S)
N/A

SUBJECT: IMPLEMENTATION OF SAN DIEGO COUNTY REENTRY COURT PROGRAM (DISTRICT: ALL)

AGENDA ITEM INFORMATION SHEET

REQUIRES FOUR VOTES: Yes No

WRITTEN DISCLOSURE PER COUNTY CHARTER SECTION 1000.1 REQUIRED
 Yes No

PREVIOUS RELEVANT BOARD ACTIONS:

April 13, 2010 (4), Chief Administrative Officer, District Attorney & Chief Probation Officer: Ratification and Application for Federal Grants For Offender Reentry Services.

June 13, 2006 (2), Implementation of San Diego County SB 618 Reentry Program Multiagency Plan.

BOARD POLICIES APPLICABLE:

B-29, Fees, Grants, Revenues Contracts- Department Responsibility for Cost Recovery

A-87, Competitive Procurement

BOARD POLICY STATEMENTS:

In accordance with Board Policy B-29, the District Attorney certifies that the grant funded programs in this request would be worthy of expenditure of County funds in the absence of external funding. These programs are instrumental in curtailing the cycle of recidivism into the state prison system. Additionally, a waiver of B-29's provision requiring prior approval of grant applications and acceptance of grant awards is requested in order to allow San Diego County Reentry Partners to seek and obtain grants.

A-87, Competitive Procurement - Recommendation #2 is extending existing contracts; therefore, approval to waive the advertising requirement of Board Policy A-87 is requested.

MANDATORY COMPLIANCE:

N/A

ORACLE AWARD NUMBER(S) AND CONTRACT AND/OR REQUISITION NUMBER(S):

N/A

ORIGINATING DEPARTMENT: Greg Cox, Supervisor, First District
Ron Roberts, Supervisor, Fourth District
District Attorney's Office
Sheriff's Department

SUBJECT: IMPLEMENTATION OF SAN DIEGO COUNTY REENTRY COURT PROGRAM (DISTRICT: ALL)

OTHER CONCURRENCE(S): Health and Human Services Agency
Probation Department
Public Defender
Purchasing and Contracting

CONTACT PERSON(S):

Michelle Bush	Arlene K. Smith
_____ Name	_____ Name
619-531-4393	619-531-3082
_____ Phone	_____ Phone
619-271-1351	619-271-1351
_____ Fax	_____ Fax
D-421	D-421
_____ Mail Station	_____ Mail Station
Michelle.bush@sdcca.org	Arlene.smith@sdcca.org
_____ E-mail	_____ E-mail