

AGENDA
Joint Meeting of the
**COMMUNITY CORRECTIONS PARTNERSHIP/
COMMUNITY CORRECTIONS PARTNERSHIP
EXECUTIVE COMMITTEE**

June 1, 2018

8:00 A.M. to 10:00 A.M.

50 Douglas Drive, 2nd Floor, Martinez
Probation Department

1. Welcome / Announcements
2. Public comment on any item under the jurisdiction of the Committee and not on this agenda (speakers may be limited to two minutes).
3. CONSIDER approving Record of Action from the December 1, 2017 meeting. **(Page 4)**
4. CONSIDER accepting the FY 2017/18 Third Quarter Financial Report for the Community Corrections allocation of AB 109 Public Safety Realignment revenue. **(Timothy Ewell, Committee Staff) (Page 13)**
5. CONSIDER accepting the FY 2016/17 AB 109 Annual Report and forward recommendation of its acceptance to the Board of Supervisors. **(Lara DeLaney, Office of Reentry and Justice) (Page 15)**
6. CONSIDER approving the proposal to consolidate the Reentry Network contracts into a single contract of \$978,200, to be awarded to HealthRIGHT 360 for FY 2018-19. **(Donte Blue, Office of Reentry and Justice) (Page 66)**
7. CONSIDER accepting the report on the countywide Pretrial Justice System and Pretrial Program. **(Donte Blue, Office of Reentry and Justice) (Page 68)**
8. CONSIDER appointing a member of the Community Corrections Partnership to the Quality Assurance Committee. **(Donte Blue, Office of Reentry and Justice) (Page 124)**

9. CONSIDER approving an Incentives Program policy to be used by the Office of Reentry and Justice in managing contracts for the community programs.
(Donte Blue, Office of Reentry and Justice) (Page 125)
 10. Next Meeting - Friday, September 7, 2018 at 8:00 AM
 11. Adjourn
-

The Community Corrections Partnership (CCP) will provide reasonable accommodations for persons with disabilities planning to attend CCP Committee meetings. Contact the staff person listed below at least 48 hours before the meeting. Any disclosable public records related to an item on a regular meeting agenda and distributed by staff to a majority of members of the CCP Committee less than 96 hours prior to that meeting are available for public inspection at 50 Douglas Drive, Suite 201, Martinez, CA, during normal business hours, 8 am - 12 Noon and 1-5 pm. Materials are also available on line at

<http://www.co.contra-costa.ca.us/3113/Community-Corrections-Partnership-CCP>

Public comment may be submitted via electronic mail on agenda items at least one full work day prior to the published meeting time.

For additional information, contact: Cindy Nieman, Committee Staff, Phone (925) 313-4188 cindy.nieman@prob.cccounty.us

Glossary of Acronyms, Abbreviations, and other Terms (in alphabetical order):

Contra Costa County has a policy of making limited use of acronyms, abbreviations, and industry-specific language in its Board of Supervisors meetings and written materials. Following is a list of commonly used language that may appear in oral presentations and written materials associated with Board meetings:

AB	Assembly Bill	HIPAA	Health Insurance Portability and Accountability Act
ABAG	Association of Bay Area Governments	HIV	Human Immunodeficiency Syndrome
ACA	Assembly Constitutional Amendment	HOV	High Occupancy Vehicle
ADA	Americans with Disabilities Act of 1990	HR	Human Resources
AFSCME	American Federation of State County and Municipal Employees	HUD	United States Department of Housing and Urban Development
AICP	American Institute of Certified Planners	Inc.	Incorporated
AIDS	Acquired Immunodeficiency Syndrome	IOC	Internal Operations Committee
ALUC	Airport Land Use Commission	ISO	Industrial Safety Ordinance
AOD	Alcohol and Other Drugs	JPA	Joint (exercise of) Powers Authority or Agreement
BAAQMD	Bay Area Air Quality Management District	Lamorinda	Lafayette-Moraga-Orinda Area
BART	Bay Area Rapid Transit District	LAFCo	Local Agency Formation Commission
BCDC	Bay Conservation & Development Commission	LLC	Limited Liability Company
BGO	Better Government Ordinance	LLP	Limited Liability Partnership
BOS	Board of Supervisors	Local 1	Public Employees Union Local 1
CALTRANS	California Department of Transportation	LVN	Licensed Vocational Nurse
CaiWIN	California Works Information Network	MAC	Municipal Advisory Council
CaiWORKS	California Work Opportunity and Responsibility to Kids	MBE	Minority Business Enterprise
CAER	Community Awareness Emergency Response	M.D.	Medical Doctor
CAO	County Administrative Officer or Office	M.F.T.	Marriage and Family Therapist
CCCFPD	(ConFire) Contra Costa County Fire Protection District	MIS	Management Information System
CCHP	Contra Costa Health Plan	MOE	Maintenance of Effort
CCTA	Contra Costa Transportation Authority	MOU	Memorandum of Understanding
CDBG	Community Development Block Grant	MTC	Metropolitan Transportation Commission
CEQA	California Environmental Quality Act	NACo	National Association of Counties
CIO	Chief Information Officer	OB-GYN	Obstetrics and Gynecology
COLA	Cost of living adjustment	O.D.	Doctor of Optometry
ConFire	(CCCFPD) Contra Costa County Fire Protection District	OES-EOC	Office of Emergency Services-Emergency Operations Center
CPA	Certified Public Accountant	OSHA	Occupational Safety and Health Administration
CPI	Consumer Price Index	Psy.D.	Doctor of Psychology
CSA	County Service Area	RDA	Redevelopment Agency
CSAC	California State Association of Counties	RFI	Request For Information
CTC	California Transportation Commission	RFP	Request For Proposal
dba	doing business as	RFQ	Request For Qualifications
EBMUD	East Bay Municipal Utility District	RN	Registered Nurse
ECCFPD	East Contra Costa Fire Protection District	SB	Senate Bill
ECCRPC	East Contra Costa Regional Planning Commission	SBE	Small Business Enterprise
EIR	Environmental Impact Report	SRVRPC	San Ramon Valley Regional Planning Commission
EIS	Environmental Impact Statement	SWAT	Southwest Area Transportation Committee
EMCC	Emergency Medical Care Committee	TRANSPAC	Transportation Partnership & Cooperation (Central)
EMS	Emergency Medical Services	TRANSPLAN	Transportation Planning Committee (East County)
EPSDT	State Early Periodic Screening, Diagnosis and Treatment Program (Mental Health)	TRE or TTE	Trustee
et al.	et alii (and others)	TWIC	Transportation, Water and Infrastructure Committee
FAA	Federal Aviation Administration	VA	Department of Veterans Affairs
FEMA	Federal Emergency Management Agency	vs.	versus (against)
F&HS	Family and Human Services Committee	WAN	Wide Area Network
First 5	First Five Children and Families Commission (Proposition 10)	WBE	Women Business Enterprise
FTE	Full Time Equivalent	WCCTAC	West Contra Costa Transportation Advisory Committee
FY	Fiscal Year		
GHAD	Geologic Hazard Abatement District		
GIS	Geographic Information System		
HCD	(State Dept of) Housing & Community Development		
HHS	Department of Health and Human Services		

County of Contra Costa
OFFICE OF THE COUNTY ADMINISTRATOR
MEMORANDUM

COMMUNITY CORRECTIONS PARTNERSHIP

3.

Meeting Date: 06/01/2018
SUBJECT: RECORD OF ACTION - December 1, 2017
FROM: David Twa, County Administrator
DEPARTMENT: County Administrator

RECOMMENDATION:

APPROVE Record of Action from the December 1, 2017 meeting.

BACKGROUND:

County Ordinance requires that each County body keep a record of its meetings. Though the record need not be verbatim, it must accurately reflect the agenda and the decisions made in the meeting.

DISCUSSION:

Attached for the Partnership's consideration is the Record of Action for its December 1, 2017 meeting.

FISCAL IMPACT (if any):

No fiscal impact. This item is informational only.

Attachments

December 2017 - Record of Action

*****RECORD OF ACTION*****

**Joint Meeting of the
COMMUNITY CORRECTIONS PARTNERSHIP/
COMMUNITY CORRECTIONS PARTNERSHIP
EXECUTIVE COMMITTEE**

December 1, 2017

8:00 A.M. to 11:00 A.M.

**651 Pine Street – 1st Floor Room 107, Martinez
Board of Supervisors' Chambers**

Present: Todd Billeci, County Probation Officer
Diana Becton, District Attorney
David O. Livingston, Sheriff-Coroner
Devorah Levine, Victim's Representative
David J. Twa, County Administrator
Donna Van Wert, Workforce Development Board Director
Fatima Matal Sol, Alcohol & Other Drugs Director
Allwyn Brown, Richmond Police Chief
Kathy Gallagher, Employment & Human Services Director
Lynn Mackey (for Sakata), Deputy Superintendent
Ellen McDonnell (for Lipetzky), Deputy Public Defender
Stephen Nash, Superior Court Executive Officer

Absent: Cynthia Belon, Behavioral Health Services Director
Roosevelt Terry, Community Based Programs Representative

Staff Present: Timothy M. Ewell, Committee Staff
Lara DeLaney, Office of Reentry and Justice
Donte Blue, Office of Reentry and Justice

1. Welcome / Announcements

Convene - 8:03 AM

2. Public comment on any item under the jurisdiction of the Committee and not on this agenda (speakers may be limited to two minutes).

The Committee received public comment.

3. APPROVE Record of Action from the November 3, 2017 meeting.

Approved as presented

Motion: Richmond Police Chief Allwyn Brown,

Second: Superior Court Executive Officer Stephen Nash

AYE: County Probation Officer Todd Billeci, Alcohol & Other Drugs Director Fatima Matal Sol, County Administrator David J. Twa, Deputy Superintendent Lynn Mackey (for Sakata), District Attorney Diana Becton, Employment & Human Services Director Kathy Gallagher, Richmond Police Chief Allwyn Brown, Superior Court Executive Officer Stephen Nash, Victim's Representative Devorah Levine, Workforce Development Board Director Donna Van Wert

Other: Behavioral Health Services Director Cynthia Belon (ABSENT), Community Based Programs Representative Roosevelt Terry (ABSENT), Deputy Public Defender Ellen McDonnell (for Lipetzky) (ABSTAIN), Sheriff-Coroner David O. Livingston (ABSTAIN)

Passed (10-0-4)

4. ADOPT a fiscal year 2018/19 AB 109 budget and forward to the Board of Supervisors' Public Protection Committee for review.

FY 2018/19 Budget Vote No. 1 (Executive Committee only)

1. Fund all Baseline budget requests as proposed with a minimum increase of 4% over the fiscal year 2017/18 allocation, with the exception of Detention Health Services and the Public Defender.

2. Fund all Program Modification budget requests as proposed with the exception of Detention Health Services and Public Defender.

Motion: County Probation Officer Todd Billeci

Second: Sheriff-Coroner David O. Livingston

AYE: County Probation Officer Todd Billeci, Deputy Public Defender Ellen McDonnell (for Lipetzky), District Attorney Diana Becton, Employment & Human Services Director Kathy Gallagher, Richmond Police Chief Allwyn Brown, Sheriff-Coroner David O. Livingston

Other: Superior Court Executive Officer Stephen Nash (ABSTAIN)

Passed (6-0-1)

FY 2018/19 Budget Vote No. 2 (Executive Committee only)

1. Fund the fiscal year 2018/19 Detention Health Services allocation at 4% above the fiscal year 2017/18 Baseline allocation.

Motion: Employment & Human Services Director Kathy Gallagher,

Second: Deputy Public Defender Ellen McDonnell (for Lipetzky)

AYE: County Probation Officer Todd Billeci, Deputy Public Defender Ellen McDonnell (for Lipetzky), District Attorney Diana Becton, Employment & Human Services Director Kathy Gallagher, Richmond Police Chief Allwyn Brown, Sheriff-Coroner David O. Livingston

Other: Superior Court Executive Officer Stephen Nash (ABSTAIN)

Passed (6-0-1)

FY 2018/19 Budget Vote No. 3 (Executive Committee only)

1. Fund the fiscal year 2018/19 Public Defender allocation at 4% above the fiscal year 2017/18 Baseline allocation, not including the Stand Together CoCo allocation, which remains at \$500,000 for fiscal year 2018/19; and

2. Fund the following Program Modification Requests as requested: a) \$62,137 for Reentry Coordination, b) \$175,434 for Failure to Appear (FTA) program and 3) \$97,771 for the Pre-Trial Services program

Motion: Sheriff-Coroner David O. Livingston,
Second: Deputy Public Defender Ellen McDonnell (for Lipetzky)

AYE: County Probation Officer Todd Billeci, Deputy Public Defender Ellen McDonnell (for Lipetzky), District Attorney Diana Becton, Employment & Human Services Director Kathy Gallagher, Richmond Police Chief Allwyn Brown, Sheriff-Coroner David O. Livingston

Other: Superior Court Executive Officer Stephen Nash
(ABSTAIN)

Passed (6-0-1)

5. APPOINT the following individuals to the Community Advisory Board:

1. Kaleana Johnson 2. Sandra White

Approved as presented

Motion: County Probation Officer Todd Billeci,
Second: Employment & Human Services Director Kathy Gallagher

AYE: County Probation Officer Todd Billeci, Alcohol & Other Drugs Director Fatima Matal Sol, County Administrator David J. Twa, Deputy Public Defender Ellen McDonnell (for Lipetzky), Deputy Superintendent Lynn Mackey (for Sakata), District Attorney Diana Becton, Employment & Human Services Director Kathy Gallagher, Richmond Police Chief Allwyn Brown, Sheriff-Coroner David O.

Livingston, Superior Court Executive Officer
Stephen Nash, Victim's Representative Devorah
Levine, Workforce Development Board Director
Donna Van Wert

Other: Behavioral Health Services Director Cynthia Belon
(ABSENT), Community Based Programs
Representative Roosevelt Terry (ABSENT)

Passed (12-0-2)

6. Next meeting - Friday, March 2, 2018 at 8:00 AM
7. Adjourn

Adjourned - 8:43 AM

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County of Contra Costa
OFFICE OF THE COUNTY ADMINISTRATOR
MEMORANDUM

COMMUNITY CORRECTIONS PARTNERSHIP

4.

Meeting Date: 06/01/2018
SUBJECT: FY 2017/18 Third Quarter Financial Report
FROM: David Twa, County Administrator
DEPARTMENT: County Administrator

RECOMMENDATION:

ACCEPT the FY 2017/18 Third Quarter Financial Report for the Community Corrections allocation of AB 109 Public Safety Realignment revenue.

BACKGROUND:

At the March 1, 2013 meeting the Partnership changed the process for reviewing and approving reimbursement requests by departments. Specifically, reimbursement requests now receive administrative review by the County Administrator's Office and are reimbursed with the Partnership receiving quarterly financial reports summarizing revenue and reimbursements for review. The quarterly reports are to coincide with the quarterly meeting schedule of the Partnership.

DISCUSSION:

Below is a summary of FY 2017/18 Third Quarter Revenue, Expenditures and Fund Balance for the community corrections portion of AB 109 Public Safety Realignment funding:

Revenue

To date, the County has received **nine allocations** of community corrections funding from the State totaling **\$16,334,183** and the **FY 2016/17 Growth allocation** of **\$1,195,045**. Of the Growth Amount, **\$119,505, or 10% of the amount received, was transferred to the Local Innovation Sub-Account** pursuant to statute. In Contra Costa County, the Office of Reentry and Justice makes recommendations to the Board of Supervisors as to how the Local Innovation Sub-Account is allocated. The County began the year with a fund balance of **\$27,402,385**.

Expenditures

To date, **\$19,455,723** in expenditure reimbursements have been made for AB109-related programming and capital projects, including \$2,500,000 for the West County Reentry, Treatment and Housing Facility project. A summary of claim requests by department is included in Attachment A.

FISCAL IMPACT (if any):

No impact. This report is informational only.

Attachments

Attachment A: FY 2017/18 Q3 Financial Report

FY 2017/18 Q3 FINANCIAL REPORT SUMMARY

**FUND 115300 COUNTY LOCAL REVENUE FUND
2982 LOCAL COMMUNITY CORRECTIONS**

ATTACHMENT A

Prepared on 5/25/2018

SOURCES:	<u>PROJECTED</u>	<u>YTD</u>	
BEGINNING FUND BALANCE FY 2017/18	\$ 27,402,385	\$ 27,402,385	
REVENUES FY 2017/18:			
2017/18 Base Allocation	\$ 23,342,798	\$ 16,334,183	9 Payments Received
2016/17 Growth Allocation	\$ 1,195,045	\$ 1,195,045	Rec'd 11/20/17
10% Growth transfer to Local Innovation	\$ (119,505)	\$ (119,505)	Trsf'd 1/8/2018
2017/18 TOTAL SOURCES	\$ 51,820,723	\$ 44,812,108	
 USES:			
DISBURSEMENTS: Reimbursements To Depts.		\$ 16,955,723	
PENDING CLAIMS: Submitted, Not Yet Processed		\$ -	
ONE-TIME: West County Reentry Treatment & Housing Facility		\$ 2,500,000	
2017/18 TOTAL USES		\$ 19,455,723	
2017/18 FUND BALANCE AVAILABLE		\$ 25,356,385	

Realignment Plan Budget Status

	<u>FY 17/18 Budget</u>	<u>FY 17/18 Claimed/Received</u>	<u>FY 17/18 Pending Claims</u>	<u>Budget Balance</u>	<u>Variance</u>
Sheriff's Office	\$ 8,244,697	\$ 5,299,827	\$ -	\$ 2,944,870	64%
Probation <i>(includes Pre-Trial)</i>	\$ 3,586,920	\$ 2,310,986	\$ -	\$ 1,275,934	64%
Behavioral Health Services	\$ 2,379,668	\$ 1,319,088	\$ -	\$ 1,060,580	55%
Detention Health Services	\$ 1,097,784	\$ 962,877	\$ -	\$ 134,907	88%
District Attorney	\$ 1,665,973	\$ 1,200,810	\$ -	\$ 465,163	72%
Public Defender <i>(includes Pre-Trial & Stand Together CoCo)</i>	\$ 2,401,003	\$ 1,610,092	\$ -	\$ 790,911	67%
Workforce Development Board	\$ 208,000	\$ 199,109	\$ -	\$ 8,891	96%
CCC Police Chief's Association	\$ 542,880	\$ 338,061	\$ -	\$ 204,819	62%
County Administrator	\$ 717,600	\$ 593,018	\$ -	\$ 124,582	83%
Community Programs	\$ 4,867,201	\$ 3,027,275	\$ -	\$ 1,839,926	62%
Superior Court	\$ 208,421	\$ 94,582	\$ -	\$ 113,839	45%
	\$ 25,920,147	\$ 16,955,723	\$ -	\$ 8,964,424	65%

County of Contra Costa
OFFICE OF THE COUNTY ADMINISTRATOR
MEMORANDUM

COMMUNITY CORRECTIONS PARTNERSHIP

5.

Meeting Date: 06/01/2018
SUBJECT: AB 109 Annual Report for FY 2016-17
FROM: David Twa, County Administrator
DEPARTMENT: County Administrator

RECOMMENDATION:

1. ACCEPT the FY 2016/17 AB 109 Annual Report; provide input to staff on any additional information to be included; and
2. RECOMMEND its acceptance by the Board of Supervisors.

BACKGROUND:

The County Administrator's Office has commissioned the preparation of an AB 109 Annual Report since FY 2014-15. The reports have been prepared by the County's contracted data collection and evaluation firm, Resource Development Associates (RDA), in collaboration with the County's Office of Reentry and Justice and all AB 109-funded County departments/agencies/divisions, the Superior Court, and community-based organizations engaged in reentry service provision.

At its May 23, 2018 meeting, the Public Protection Committee received and reviewed the report and recommended its adoption by the Board of Supervisors.

DISCUSSION:

The AB 109 Annual Report provides an overview of AB 109-related activities undertaken in Contra Costa County during the fiscal year 2016/17, with a focus on understanding the impact of AB 109-funded County departments, divisions, programs, and contracted service providers. Toward this end, this report describes the volume and type of services provided by all of the County's AB 109 partners over the course of the year. The FY 2016-17 AB 109 Annual Report is Attachment A.

Contra Costa County has responded to AB 109 Public Safety Realignment in a manner that has allowed the County to provide supervision and services to the AB 109 population, while building a collaborative reentry infrastructure to support the reentry population's successful reintegration into the community. The County has followed best practice models in establishing access to services through the West County Reentry Success Center's "one-stop" model and the Central & East Reentry Network's "no wrong door" approach.

During the 2016/17 Fiscal Year a number of key changes and investments further refined the County's approach to AB 109, as well as reentry more generally. These included:

- Contracting with HealthRIGHT360 to operate the Central-East Reentry Network of Services in order to improve coordination and service delivery;
- Establishing the Office of Reentry and Justice as a 2.5 year pilot of the County Administrator's Office to align and advance the County's public safety realignment, reentry, and justice programs and initiatives;
- Development of a Pre-release Planning Pilot Program to create a more seamless custody-to-community reentry process; and
- Increasing investments in housing services and supports to address the rising cost of housing.

Note: Regarding the information in the report relative to the number of Post Release Community Supervision (PRCS) DA-initiated revocations (Figure 15, page 19), which was reported to be 368 clients revoked in FY 2016-17, staff are reviewing this number for accuracy, as Probation had reported the total PRCS client population to be 670. This concern was raised by the Chief of Probation upon review of the

draft Plan.

FISCAL IMPACT (if any):

The contract to prepare the Annual Report was in the amount of \$15,000. The contract was funded by the AB 109 allocation to the County Administrator's Office of Reentry and Justice for FY 2017-18.

Attachments

Attachment A: FY 2016-17 AB 109 Annual Report

Public Safety Realignment in Contra Costa County

AB 109 Annual Report for Fiscal Year 2016/17



Report prepared by Resource Development Associates (RDA)





Community Corrections Partnership of Contra Costa County

Todd Billeci, Chief Probation Officer, Chair	Donna Van Wert, Workforce Development Director
David Livingston, Sheriff of Contra Costa County	Roosevelt Terry, Community Based Organizations Representative
Allwyn Brown, Richmond Police Chief, Rep. of Police Chiefs' Association	Kathy Gallagher, Employment and Human Services Director
Mark Peterson, District Attorney (<i>res.</i>)	Cynthia Belon, Behavioral Health Director
Stephen Nash, Superior Court designee	David J. Twa, County Administrator
Robin Lipetzky, Public Defender	Fatima Matal Sol, Alcohol and Other Drugs Director
Devorah Levine, Victim's Representative	Karen Sakata, County Superintendent of Schools

Staff Assigned to CCP

Timothy M. Ewell, Senior Deputy County Administrator
 Lara DeLaney, Office of Reentry and Justice Acting Director
 Donte Blue, Office of Reentry and Justice Deputy Director



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Contra Costa County
Public Safety Realignment Annual Report: FY 16/17

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Introduction to the Report

This report provides an overview of AB 109-related activities undertaken in Contra Costa County during the fiscal year 2016/17, with a focus on understanding the impact of AB 109-funded County departments, divisions, programs, and contracted service providers. Toward this end, this report describes the volume and type of services provided by all of the County's AB 109 partners over the course of the year.

As context for these activities, the report begins with an overview of the legislative impact of AB 109 on California counties and a discussion of Contra Costa County's response to Public Safety Realignment. This is followed by an in-depth look at the AB 109-related supervision and services provided by each of Contra Costa County's AB 109-funded departments, divisions, and programs, as well as the cross-departmental Pre-trial Services program.¹ The County departments, divisions, and programs included in this report, listed in alphabetical order, are:

- Behavioral Health Services
- Health Services: Detention Health Services
- District Attorney's Office
- Office of the Public Defender
- Pre-trial Services
- Probation Department
- Sheriff's Office
- Workforce Development Board

After summarizing the implementation and impact of AB 109 across County departments, divisions, and programs, this report describes the services provided by AB 109-contracted community based organizations. Finally this report concludes with an overview of AB 109 population outcomes and a discussion of the County's AB 109 priorities moving forward.

A Note on Data

The report development team worked with each County AB 109-funded department, division, and program, as well as 11 community-based organizations ("CBOs") contracted to provide AB 109 services, to obtain the data necessary for the following report. Because data were collected across a variety of agencies that track AB 109 client measures differently, we caution against making direct comparisons from figures across agency sections. Moreover, because each agency has a separate data system and tracks AB 109 client data disparately, some measures such as the percentage of the AB 109 population

¹ Contra Costa County also provides \$200,405 in AB 109 funding to the County Superior Court to support courtroom operations. This funding pays for two courtroom clerks to expedite case file processing and data entry.



Contra Costa County

Public Safety Realignment Annual Report: FY 16/17

under supervision with new criminal charges and/or convictions during FY 16/17 could not be calculated without tracking individuals across departments, divisions, and programs.



Realignment in Contra Costa County

Legislative Impacts of AB 109

Largely a response to prison overcrowding in California, the Public Safety Realignment Act (Assembly Bill 109 (“AB 109”)) was signed into law in 2011, taking effect on October 1, 2011. AB 109 transferred the responsibility of supervising specific lower-level incarcerated individuals and parolees from the California Department of Corrections and Rehabilitation (“CDCR”) to counties, realigning three major areas of the criminal justice system. Specifically, AB 109:

- ❖ Transferred the location of incarceration for individuals incarcerated for lower-level offenses (specified non-violent, non-serious, non-sex offenders) from state prison to local county jail and provided for an expanded role for post-release supervision for these individuals;
- ❖ Transferred the responsibility for post-release supervision of individuals incarcerated for lower-level offenses (those released from prison after having served a sentence for a non-violent, non-serious, and non-sex offense) from the state to the county level by creating a new category of supervision called Post-Release Community Supervision (“PRCS”);
- ❖ Shifted the responsibility for processing certain parole revocations from the state Parole Board to the local court system; and
- ❖ Shifted the responsibility for housing revoked supervision clients affected by the above changes from CDCR to county detention facilities.

There are three new populations for which the County is now responsible for housing and supervising, all classified under AB 109. These populations include:

- ❖ **Post-Release Community Supervisees:** County Probation Departments now supervise a specified population of incarcerated individuals discharging from prison whose commitment offense was non-violent and non-serious.
- ❖ **Parolees:** Parolees – excluding those serving life terms – who violate the terms of their parole serve any detention sanction in the local jail rather than state prison. In addition, as of July 1, 2013 local courts are now responsible for parole revocation hearings for parolees who violate the terms of their parole, rather than the state Parole Board.
- ❖ **1170(h) Sentenced defendants:** Individuals convicted of non-violent or non-serious felonies serve their sentence under the jurisdiction of the county instead of state prison. Sentences are now



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served either in county jail, on felony probation or on a split sentence (where part of the term is served in jail and part under supervision by the county Probation Department).

In addition to transferring the responsibility of housing and supervising these populations from the state to the County, AB 109 also required that the County use AB 109 funding towards building partnerships with local health and social service agencies and community based services to provide supportive services designed to facilitate the successful reentry and reintegration of AB 109 individuals into the community and reduce the likelihood that they would recidivate.

Contra Costa County's Approach to Public Safety Realignment

After the enactment of AB 109, the Executive Committee of Contra Costa County's Community Corrections Partnership ("CCP") developed an AB 109 Public Safety Realignment Implementation Plan approved by the County's Board of Supervisors. During the first two years of Public Safety Realignment, the County focused on absorbing the impacts of AB 109 across County departments, divisions, and programs using data to inform decision making around how best to prepare for housing and supervising the AB 109 population. During this time Contra Costa County also established an AB 109 Operational Plan and worked towards developing a coordinated reentry infrastructure, emphasizing the use of evidence based practices ("EBPs") for serving the AB 109 reentry population.

In the years since then, Contra Costa County's approach to AB 109 implementation has largely centered on developing formalized partnerships between different law enforcement agencies, as well as partnerships between law enforcement agencies and health or social service agencies, such as Behavioral Health Services ("BHS") and AB 109-contracted community-based organizations ("CBOs"). For instance, the Sheriff's Department and Probation have increased coordination with each other so that Deputy Probation Officers ("DPOs") have greater access to County jails than they did prior to AB 109. Probation has also increased communication and collaboration with BHS and AB 109-contracted CBOs resulting in a greater number of referrals to reentry support services that are in place to help returning citizens successfully reintegrate into the community.

During the 2016/17 Fiscal Year a number of key changes and investments further refined the County's approach to AB 109, as well as reentry more generally. These included:

- ❖ Contracting with HealthRIGHT360 to operate the Central-East Reentry Network of Services in order to improve coordination and service delivery;
- ❖ Establishing the Office of Reentry and Justice as a 2.5 year pilot of the County Administrator's Office to align and advance the County's public safety realignment, reentry, and justice programs and initiatives;
- ❖ Development of a Pre-release Planning Pilot Program to create a more seamless custody-to-community reentry process; and
- ❖ Increasing investments in housing services and supports to address the rising cost of housing.



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RDA utilized the annual report template developed previously to compile the following FY 2016/17 AB 109 Annual Report.





County Department, Division, and Program Impacts (FY 16/17)

Public Safety Realignment shifted the responsibility of housing and supervising certain individuals incarcerated for lower-level offenses from the state to the County, and also required that the County use AB 109 funding towards building partnerships between County departments, divisions, and programs to provide coordinated and evidence-based supervision of, and services for, the AB 109 reentry population. The sections below summarize how AB 109 has impacted County departments, divisions, and programs by highlighting the volume and types of supervision and services provided to the AB 109 population across the County.

Behavioral Health Services

Table 1: Funding Allocation for BHS

Program Expenditure	FY 15/16	FY 16/17
Staff	\$ 1,011,070	\$ 1,092,651
Operating	\$ 903,646	\$ 1,150,781
Total	\$ 1,914,716	\$ 2,243,433

The BHS Division combines Alcohol and Other Drugs Services (“AODS”), the Homeless Program, Forensic Mental Health Services, and Public Benefits into an integrated system of care. BHS partners with clients, families, and community-based organizations to provide services to the AB 109 population. While BHS provided services for the reentry population prior to the start of AB 109, Realignment resulted in an increased focus on and funding for serving these clients. The sections below demonstrate the number of AB 109 individuals receiving services from each department, division, and program over the course of the 2016/17 fiscal year.

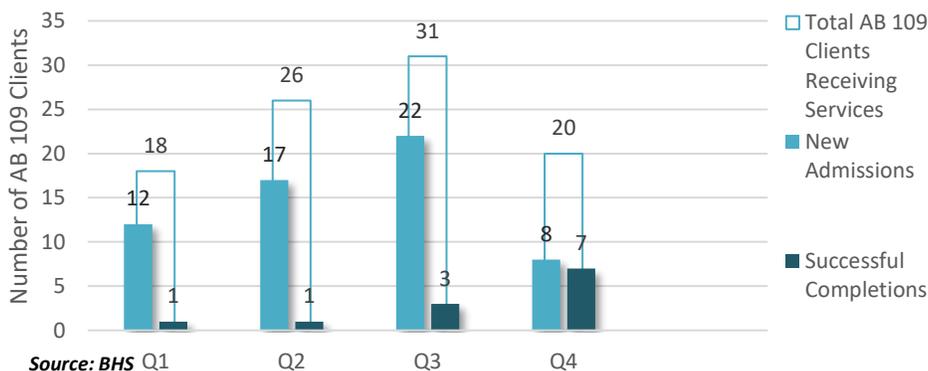
Alcohol and Other Drugs Division

The AODS division of BHS operates a community-based continuum of substance abuse treatment services to meet the level of care needs for each AB 109 client referred. As shown in Figure 1, AODS provided outpatient services to an increasing number of AB 109 clients throughout the first three quarters of FY 16/17. During the entire FY, 59 clients were admitted to outpatient treatment and 12 successfully completed outpatient treatment services.



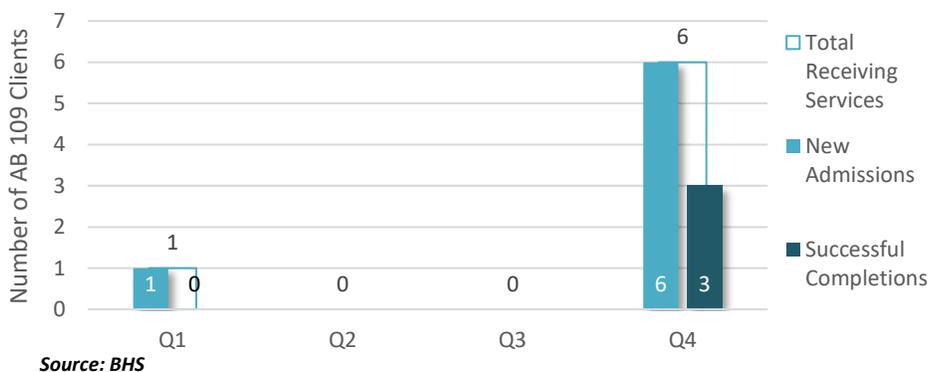
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Figure 1: Outpatient Treatment Services



For AB 109 clients in need of acute withdrawal services, AODS provides residential detoxification treatment. During FY 16/17, AODS providers admitted 7 AB 109 clients to residential detox. As shown in Figure 2, 3 clients successfully completed residential detox during that year.

Figure 2: Residential Detoxification Services

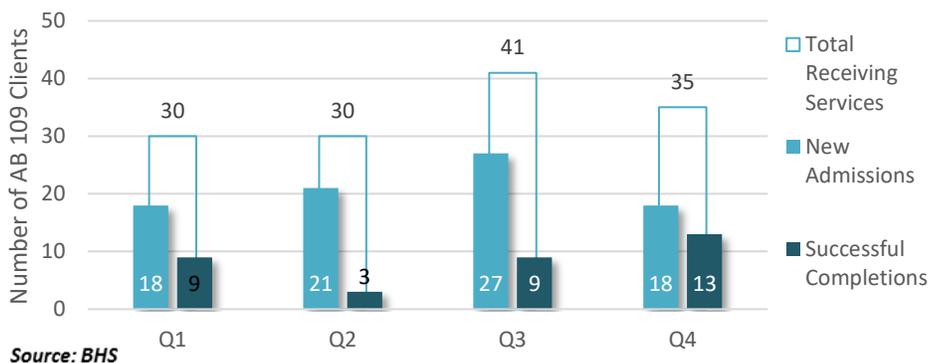


AODS also provides residential substance abuse treatment to clients on AB 109 supervision. As shown in Figure 3, AODS provided residential treatment services to an increasing number of AB 109 clients for the first three quarters of the year. During FY 16/17 the County admitted 84 AB 109 clients to residential treatment, and 34 clients successfully completed residential services. Additionally, the number of clients completing services increased in the fourth quarter.





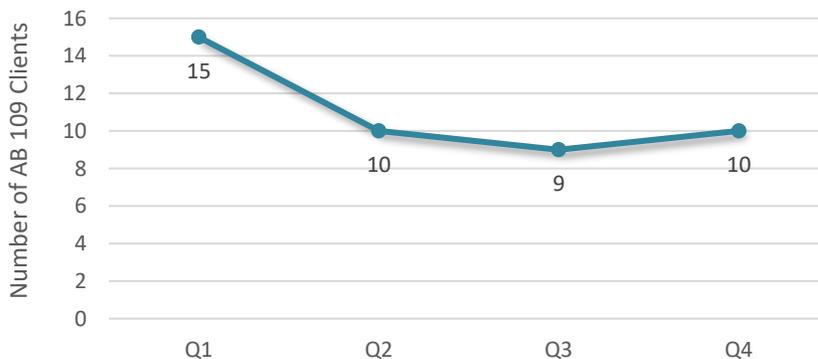
Figure 3: Residential Treatment Services



Homeless Program

In FY 16/17, the County’s Homeless Program² served 15 AB 109 individuals in the first quarter, 10 in the second, 9 in the third, and 10 in the fourth, as shown in Figure 4.

Figure 4: AB 109 individuals provided Homeless Services



The total number of bed-nights utilized by the AB 109 population are provided in Figure 5 below, which shows 1,615 bed-nights were utilized both in and out of the county during the fiscal year.

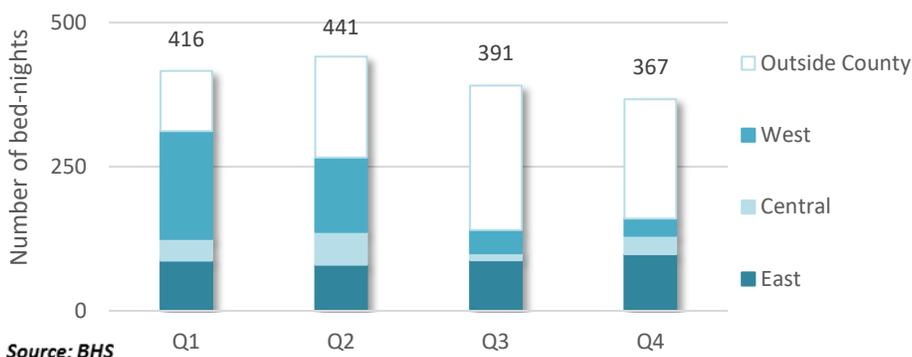
² Although the County’s Homeless Program is listed in the Behavioral Health Services section of this report, please note that Homeless Services are actually provided through the Homeless Program’s association with the Health, Housing, and Homeless Services Division.





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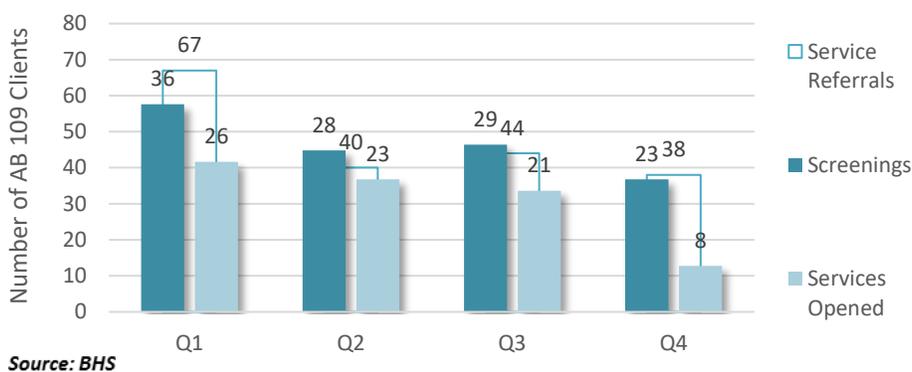
Figure 5: Total bed-nights utilized by AB 109 population



Mental Health Division

Forensics Mental Health collaborates with Probation to support successful community reintegration of individuals with co-occurring mental health and substance related disorders. Services include assessment, groups and community case management. As indicated in Figure 6, Probation referred 189 AB 109 clients to Fornesic Mental Health services, of whom 116 received mental health screenings, and from which 78 opened services.

Figure 6: Clients referred to, screened for, and received Forensic Mental Health services



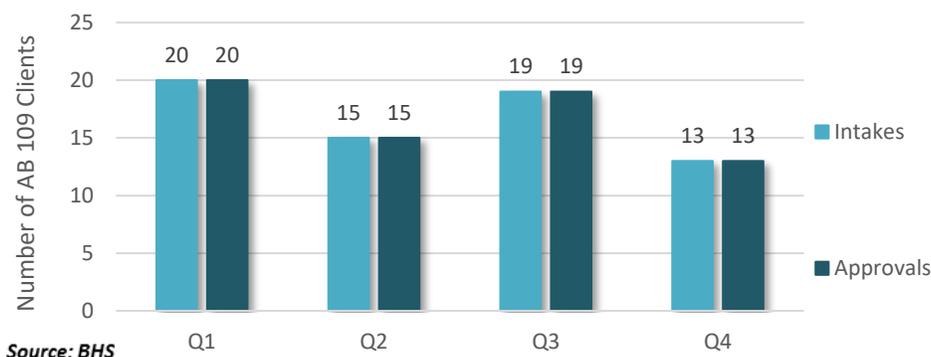
Public Benefits

BHS also assists AB 109 clients with applying for public benefits, including Medi-Cal, General Assistance, CalFresh, and Social Security Disability Income/Supplemental Security Income (“SSDI/SSI”). Figure 7 displays the number of AB 109 clients assisted with applications for Medi-Cal in FY 16-17, and the number of applications approved by the State.





Figure 7: Medi-Cal intakes and approvals



In contrast, no data was available on whether AB 109 clients were assessed for or enrolled in other benefits, such as General Assistance, CalFresh, and SSDI/SSI benefit applications than Medi-Cal applications. Given that such data was available in prior years, it is not clear why BHS was unable to provide it for this year.

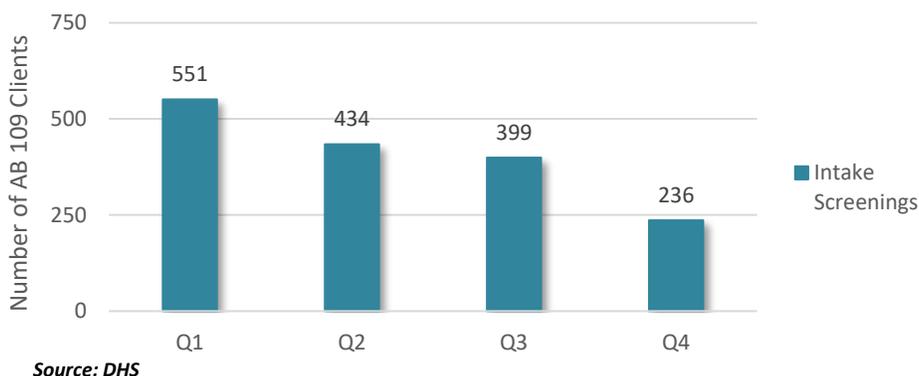
Health Services: Detention Health Services

Table 2: Budget Allocation for DHS

Program Expenditure	FY 15/16	FY 16/17
Staff	\$ 1,055,562	\$ 1,055,562
Total	\$ 1,055,562	\$ 1,055,562

Contra Costa County’s Detention Health Services Department (“DHS”) provides health care to all incarcerated individuals – including AB 109 individuals – housed within the County. DHS provides in-custody access to nurses, doctors, dentists, mental health clinicians, and psychiatrists who provide medical and mental health care for all AB 109 individuals in custody. The County’s detention facilities provide basic health screenings to all new individuals in custody, including AB 109 individuals. Figure 8 displays the number of AB 109 individuals who were provided intake health screening across each quarter of FY 16/17.

Figure 8: DHS needs assessments and intake screenings for AB 109 inmates

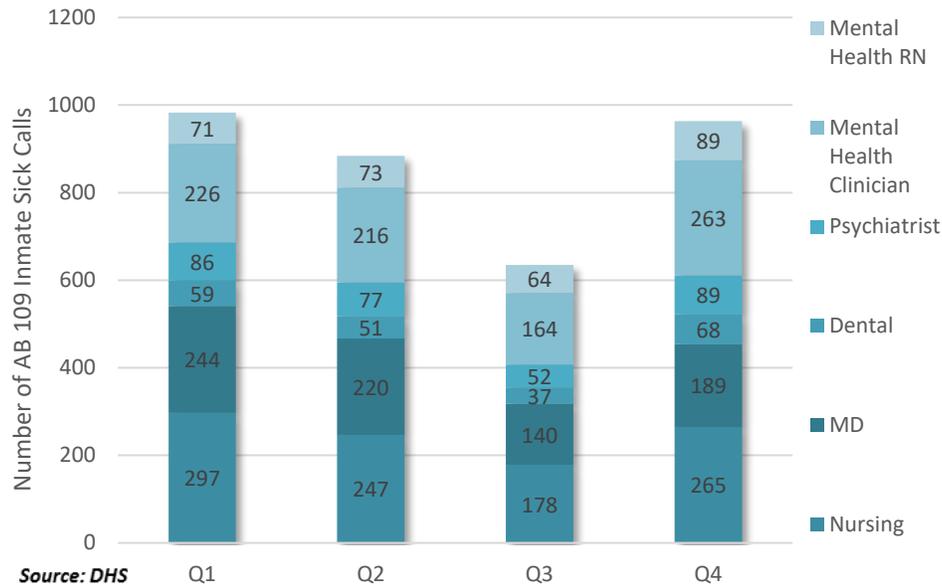




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In addition to these screenings, DHS provides an array of health-related services to all individuals incarcerated in the County's detention facilities, including physical, behavioral, and dental care. Figure 9 displays the distribution of sick calls (e.g., in-person appointments) provided for AB 109 individuals in FY 16/17.

Figure 9: Types of DHS sick calls for AB 109 inmates



District Attorney's Office

Table 3: Budget Allocation for the DA FY 16/17

Program Expenditure	Current FY 16/17
Salaries & Benefits: Victim Witness Program	\$ 87,434
Salaries & Benefits: Arraignment Program	\$ 592,516
Salaries & Benefits: Reentry/DV Program	\$ 606,169
Salaries & Benefits: ACER Clerk	\$ 89,624
Salaries & Benefits-Add (1) Gen'l Clerk	\$68,059
Ceasefire Coordinator Program	\$110,000
Operating Costs	\$ 82,995
Total	\$ 1,636,797

Table 4: Budget Allocation for the DA FY 15/16

Program Expenditure	FY 15/16
Salaries & Benefits:	\$ 1,122,727
Operating Costs	\$ 134,189
Total	\$ 1,256,916



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The District Attorney’s Office (“DA”) functions to protect the community by prosecuting crimes and recommending sentences intended to increase public safety. Certain felony charges, if convicted, result in AB 109 sentences. As shown in both Figure 10 and Figure 11 below, only 148 of all convicted felonies in the County in FY 16/17 —fewer than 10% overall—resulted in AB 109 sentences.

Figure 10: Number of AB 109 sentences as a percentage of all felony sentences, by FY 16/17 quarter

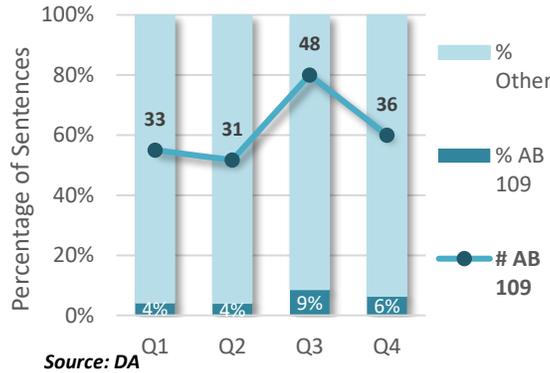
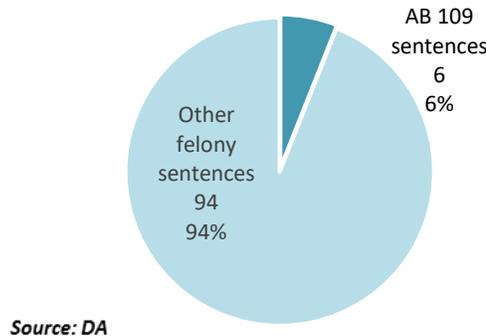


Figure 11: Number of AB 109 sentences as a percentage of all felony sentences, all FY 16/17



The Court may sentence a convicted AB 109 individual to either local custody or a split sentence, which entails local incarceration followed by Probation supervision. Increasing evidence shows that split sentences lead to better outcomes, and the County’s District Attorney has been a statewide leading advocate for split sentences. As shown in both Figure 12 and Figure 13, 100% of AB 109 sentences in the County were a combination of custody and supervision. Sentences labeled “Supervision” are instances where individuals were sentenced to custody and supervision as well; in these instances, individuals were released upon sentencing after receiving credit for time served prior to their sentence.



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Figure 12: Types of sentences as a percentage of all AB 109 sentences, by FY 16/17 quarter³

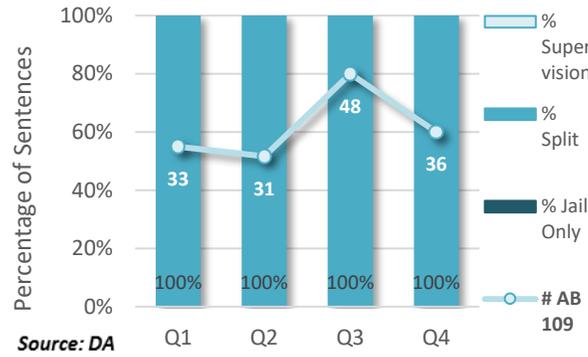
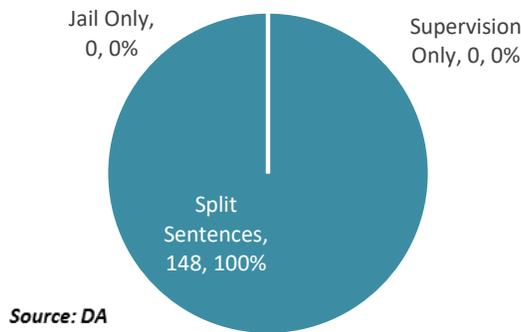


Figure 13: Types of sentences as a percentage of all AB 109 sentences, all FY 16/17³



Additionally, the DA can initiate supervision revocations for probation and parole violations. Figure 14 and Figure 15 illustrate the number of AB 109 supervision revocations in FY 16/17, by AB 109 classification types.

Figure 14: Types of AB 109 supervision revocations, by FY 16/17 quarter



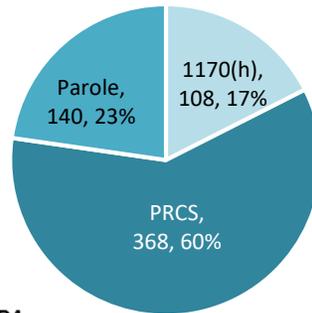
³ Only includes new 1170(h) sentences.





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Figure 15: Types of supervision revocations as a percentage of all AB 109 revocations, all FY 16/17



Source: DA

Office of the Public Defender

Table 5: Budget Allocation for the PD FY 16/17

Program Expenditure	Current FY
Salaries & Benefits: Clean Slate/ Client Support	\$ 316,930
Salaries & Benefits: ACER Program	\$ 697,958
Salaries & Benefits: Reentry Coordinator	\$ 257,399
Salaries & Benefits: Failure to Appear Program	\$ 151,080
Total	\$ 1,423,367

Table 6: Budget Allocation for the PD FY 15/16

Program Expenditure	FY 15/16
Salaries & Benefits	\$ 1,166,572
Total	\$ 1,166,572

The main role of the Public Defender within AB 109 implementation is to provide legal representation, assistance, and services for indigent persons accused of crimes in the County. Before the adjudication process begins, the County's AB 109 funds enable the Office of the Public Defender to provide paralegal and attorney staffing for the Arraignment Court Early Representation ("ACER"), the Pre-trial Services ("PTS") programs, and the Early Representation Program. Both the ACER and PTS programs are designed to reduce the County's custodial populations; by ensuring the presence of attorneys at defendants' initial court appearances, ACER is intended to increase the likelihood that appropriate defendants will be released on their own recognizance ("OR") for the duration of the court process and allow for the expedited resolution of cases. PTS supports reduced Pre-trial detention by providing judges with greater information with which to make bail and Pre-trial detention decisions, and by providing Pre-trial supervision of individuals who are deemed appropriate for release. The Early Representation Program is designed to lower the Failure to Appear (FTA) rate by providing early representation services to those who receive misdemeanor citations from the Antioch Police Department.

County AB 109 funds also support a social worker who provides social service assessments and referrals for clients needing additional support and prepares social history reports for court proceedings. The Office

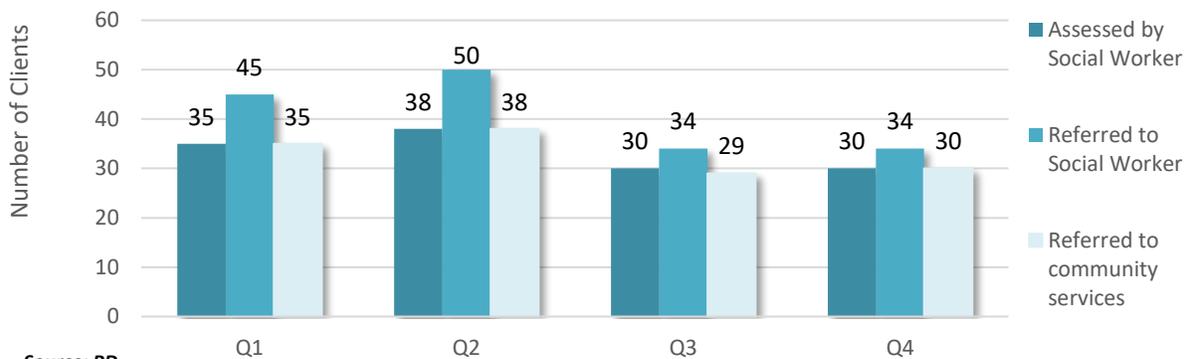


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also provides a suite of post-conviction Clean Slate services including advocacy for expungement and record sealing, obtainment of certificates of rehabilitation, motion for early termination, and petitions for factual innocence.

During FY 16/17, the social worker in the Office of the Public Defender assessed 133 defendants for social service needs and referred 132 of these individuals to community-based services intended to help address identified needs.

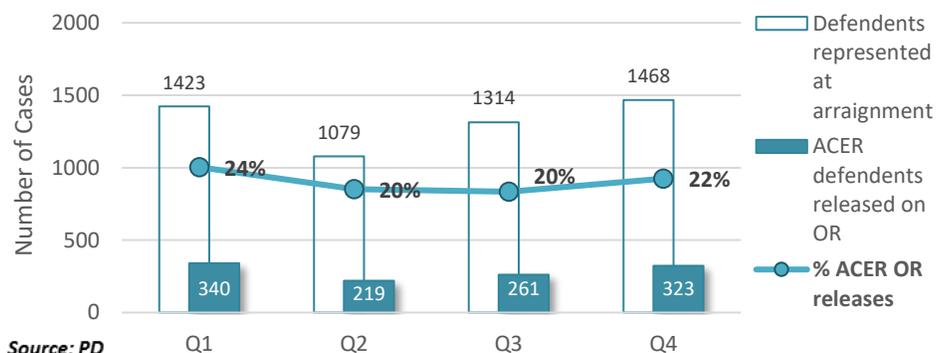
Figure 16: Clients referred to Social Worker by PD and community service providers by Social Worker



Source: PD

The ACER collaboration between the Office of the Public Defender and the District Attorney’s Office has resulted in thousands of defendants receiving representation at arraignment and does appear to facilitate both Pre-trial releases and early case resolution. As Figure 17 shows, more than 5,284 defendants were represented at arraignment though the ACER program; of these between approximately 20% and 24% were released on their own recognizance.

Figure 17: Number and percentage of clients released on OR, by FY 16/17 quarter



Source: PD

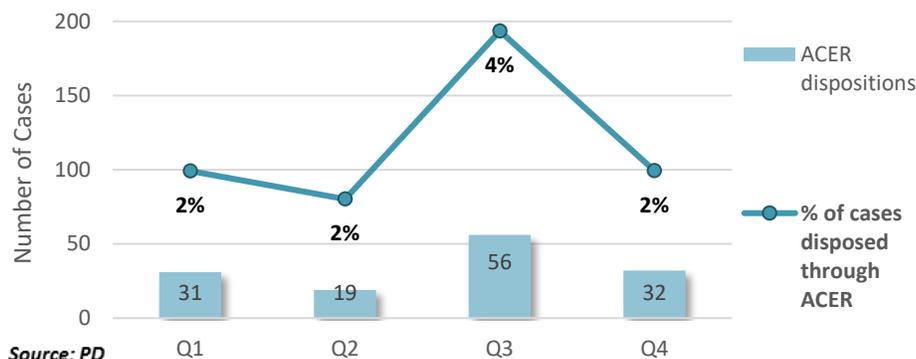




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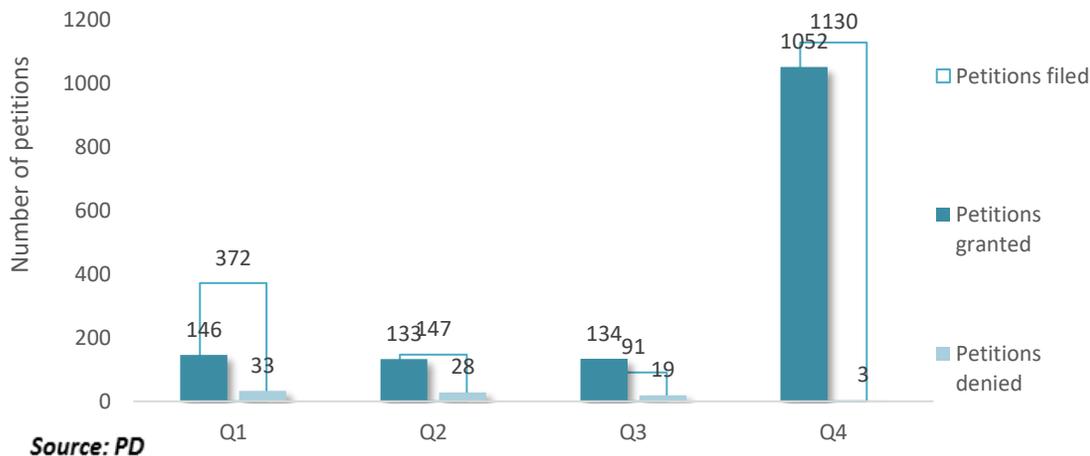
A smaller but still sizeable percentage of criminal cases were also disposed through ACER. Across the year, 138 cases were disposed at arraignment, comprising between 2% and 4% of all cases that went through the ACER process.⁴

Figure 18: Number and percentage of ACER dispositions, by FY 16/17 quarter



In addition to these services, the Office of the Public Defender dedicated significant efforts to Clean State services. As Figure 19 shows, the Office of the Public Defender filed 1,740 Clean Slate petitions. Over the same period of time, 1,465 Clean Slate petitions were granted and 83 were denied⁵. (Due to time lags between the filing of petitions and the review thereof, the number of petitions ruled on does not align with the number filed.)

Figure 19: Clean Slate petitions filed, granted, or denied, by FY 16/17 quarter



⁴ This includes only felony cases resolved at arraignment and does not include misdemeanor or probation violations resolved by the ACER attorneys.

⁵ This estimate only includes expungement dismissal petitions and not Proposition 47 Felonies.





Pre-trial Services

Table 7: Budget Allocation for PTS FY 16/17

Program Expenditure	FY 16/17
Salaries & Benefits	\$ 866, 863
Operating Costs	\$75, 497
Total	\$ 942, 360

Table 8: Budget Allocation for PTS FY 16/17

Program Expenditure	FY 15/16
Salaries & Benefits: Probation	\$ 678,056
Salaries & Benefits: Public Defender	\$ 149,182
Operating Costs	\$ 10,197
Total	\$ 837,435

PTS is a collaboration between the Office of the Public Defender, the District Attorney, Sheriff’s Office, Probation, and the Court that is aimed at reducing the pre-trial custody population. Paralegals screen all eligible individuals scheduled for arraignment, and qualifying clients are then assessed for risk utilizing a validated assessment tool. The numbers of PTS clients assessed for risk, and then released pre-trial following the assessment are shown below in Figure 20.

Figure 20: PTS clients assessed for pre-trial risk, by FY quarter 16/17



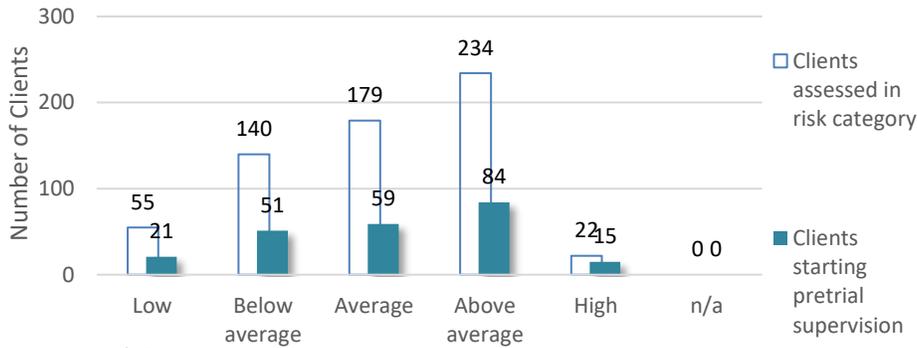
There are five categories of risk: low, below average, average, above average, and high, although some clients are screened for Pre-trial assessment but do not receive a score due to a lack of necessary information available at the time of assessment. Figure 21 displays the distribution of risk levels in FY 16/17, showing that most of clients scored above average during this period. Clients assessed as average or above average risk were more likely to be released onto pre-trial supervision than clients who were average risk and below.





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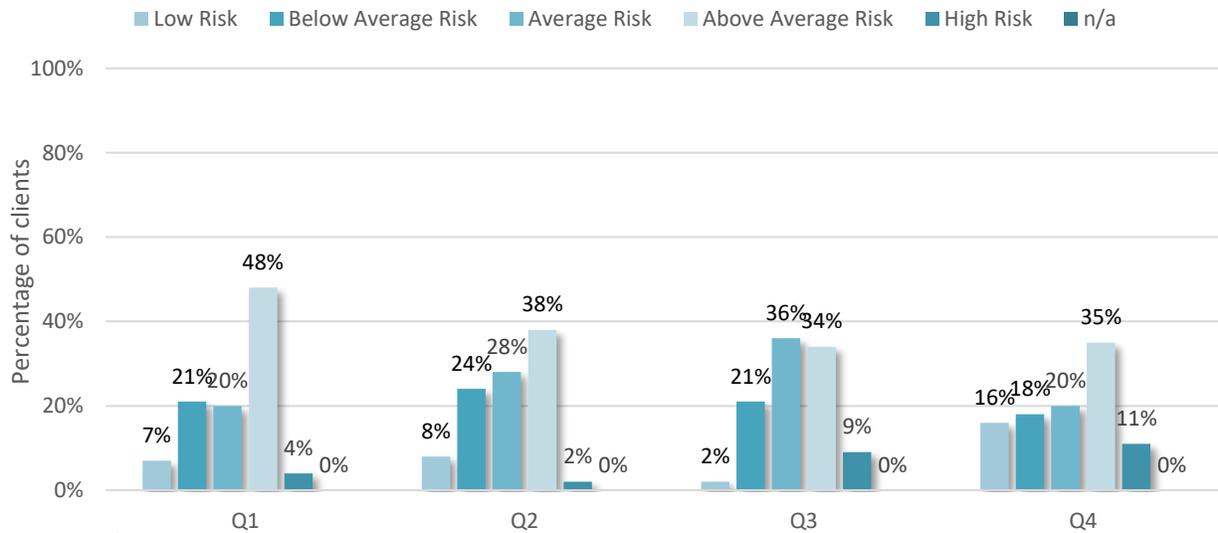
Figure 21: Assessed pre-trial risk levels, all FY 16/17



Source: Probation

Figure 22 demonstrates that throughout FY 16/17, the Court did release a higher proportion of above average risk clients, with the exception of quarter 3 when a higher proportion of average risk clients were released.

Figure 22: Risk-level distribution of clients starting pre-trial supervision, by quarter



Source: Probation

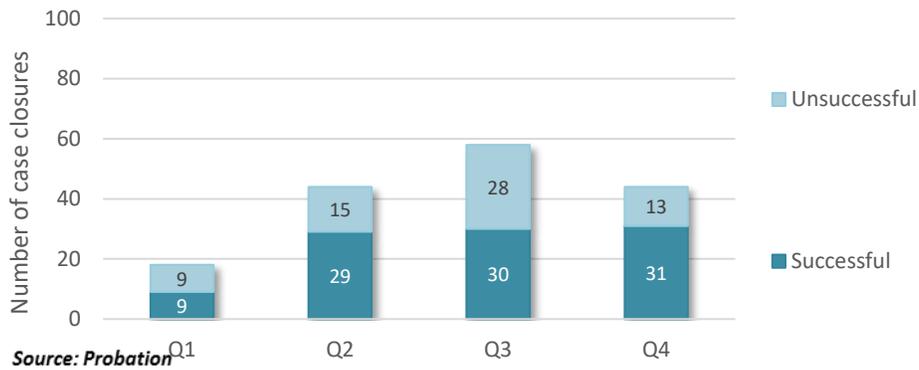
As Figure 23 shows, among all individuals under pre-trial supervision whose case closed during FY 16/17, most successfully closed their cases, meaning that clients successfully appeared at their court dates and were not charged with any new offense while going through the court process. Because going through the court process can take months or years, the number of individuals whose pre-trial supervision cases closed is smaller than the number of individuals who started pre-trial supervision over the year.





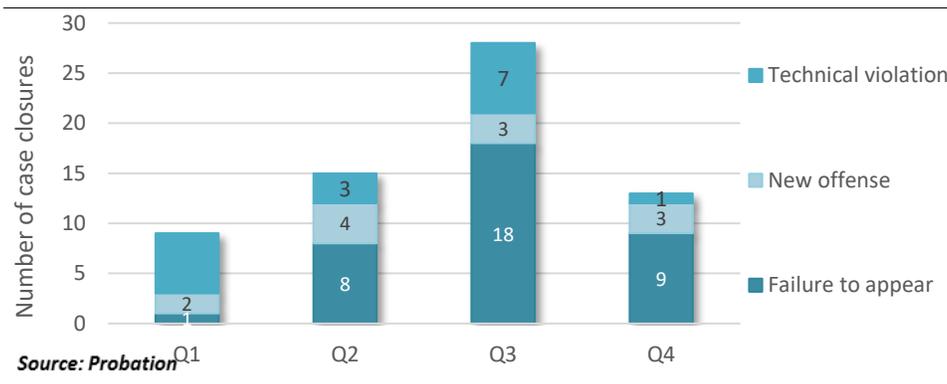
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Figure 23: Pre-trial supervision case closures, by quarter



Despite overall success of PTS clients, a sizeable minority of clients do not successfully complete the program. As Figure 24 shows, this is usually due to a client’s failure to appear at his/her court date, although this is sometimes due to a client being charged with a new criminal offense or being returned to custody for a technical violation of the terms of pre-trial supervision.

Figure 24: Unsuccessful pre-trial supervision case closures, by type, by quarter



Probation Department

Table 9: Budget Allocation for Probation

Program Expenditure	FY 15/16	FY 16/17
Salaries & Benefits	\$ 2,256,596	\$ 2,489,970
Operating Costs	\$ 269,934	\$ 294,173
Total	\$ 2,526,531	\$ 2,784,143

The Probation Department’s primary role in AB 109 is to supervise and support the reentry of AB 109 clients, including PRCS and 1170(h) individuals with mandatory supervision as part of their sentences, upon their return from custody to the community. As part of this process, AB 109 DPOs assess their clients





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for both criminogenic risk factors and for general reentry needs, and then refer interested clients to a range of supportive services.

There were a total of 374 AB 109 Supervision cases during FY 16/17. Between new supervision cases and continuing supervision cases, there were 1,153 AB 109 cases supervised by the County Probation Department during the same time period. As Figure 25 and Figure 26 show, PRCS cases continue to be a substantial proportion of both new supervises and the overall AB 109 probation supervision population, in contrast to early state projections that estimated a reduction in new PRCS cases overtime.

Figure 25: Newly processed AB 109 cases, by classification, by quarter

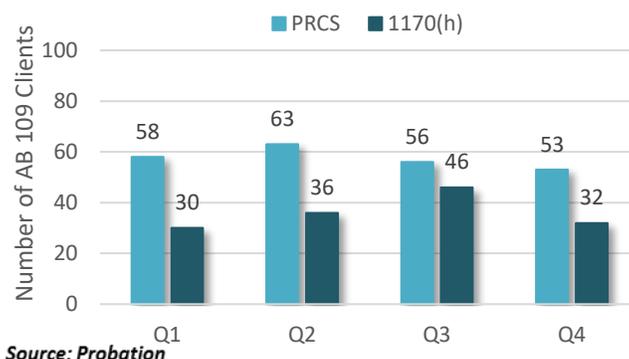
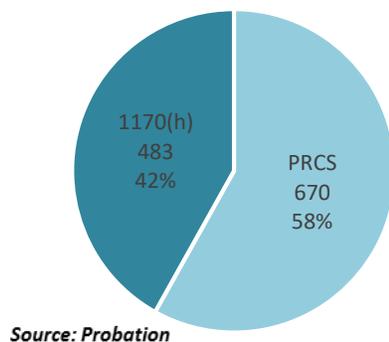


Figure 26: Total AB 109 cases under supervision during FY 16/17

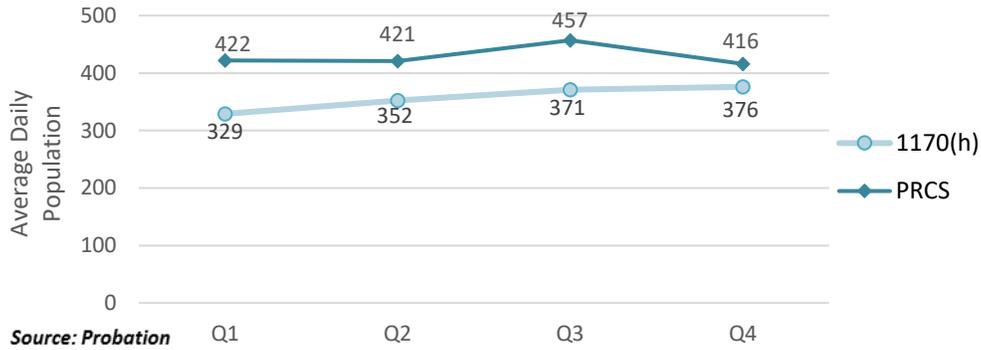


PRCS clients also continue to make up a substantial proportion of the average daily number of AB 109 clients under County supervision, as demonstrated in Figure 27.



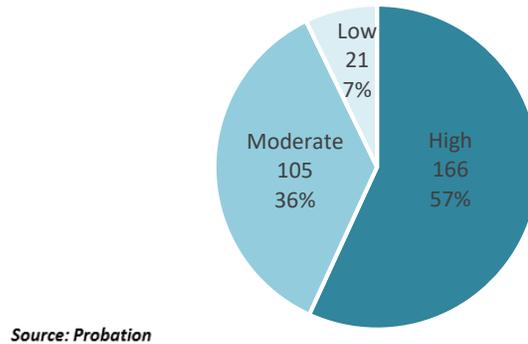
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Figure 27: Average AB 109 population under County supervision, by classification, by quarter



A DPO conducts an interview and uses the Correctional Assessment and Intervention System (“CAIS”) risk assessment tool, an evidence based risk assessment tool used to determine each client’s risk for recidivism and associated risk factors, to determine each AB 109 client’s appropriate level of supervision intensity upon entering County supervision. Figure 28 indicates the distribution of recidivism risk for all AB 109 clients given an initial CAIS risk assessment during FY 16/17.

Figure 28: Initial CAIS risk levels, all FY 16/17

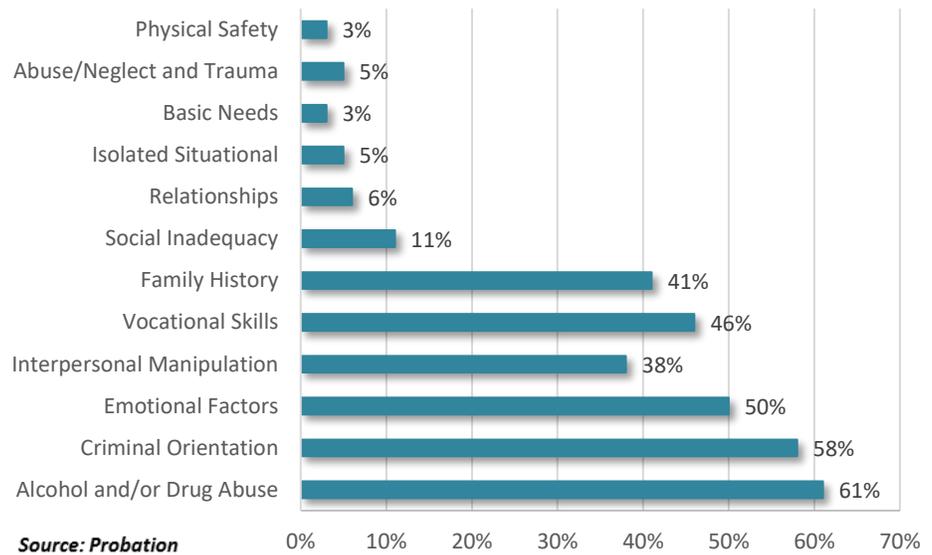


The majority of AB 109 Probation clients were assessed to have a variety of overlapping needs that are associated with a risk for future involvement in criminal activities. As shown in Figure 29, the most common risk factor among AB 109 Probation clients is alcohol and/or drug use, followed closely by criminal orientation.



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Figure 29: AB 109 supervision population CAIS-assessed needs, all FY 16/17



Sheriff's Office

Table 10: Sheriff's Office Budget Allocation FY 16/17

Program Expenditure	FY 16/17
Salaries & Benefits	\$ 5,983,717
Inmate Food/Clothing/Household Exp	\$ 456, 250
Monitoring Costs	\$ 55, 000
IT Support	\$ 40, 000
Vehicle Maintenance/ Depreciation	-
Behavioral Health Court Operating Costs	\$ 80, 500
Transport Bus Maintenance	-
"Jail to Community" Program	\$ 200, 000
Inmate Welfare fund re: FCC Ruling	\$ 731, 000
WCDF Capital Projects	-
Total	\$ 7,546,467

Table 11. Sheriff's Office Budget Allocation FY 15/16

Program Expenditure	FY 15/16
Staffing	\$ 5,558,565
Operating Costs	\$ 833,507
Total	\$ 6,392,072

The Sheriff's Office primary role in AB 109 implementation is to provide safe and secure housing for all incarcerated individuals, including AB 109 individuals. The Sheriff's Office operates the County's three detention facilities—Marsh Creek Detention Facility ("MCDF"), West County Detention Facility ("WCDF"), and Martinez Detention Facility ("MDF").



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Over the course of FY 16/17, there were 1,345 AB 109-related bookings or commitments into the County’s three detention facilities. Figure 30 - Figure 32⁶ show the number of AB 109 bookings into each County detention facility during each quarter of the year, with a breakdown of AB 109 population types. As these figures demonstrate, Parolees make up most AB 109 bookings across the County’s detention facilities.

Figure 30: AB 109 bookings, by type – Martinez Detention Facility

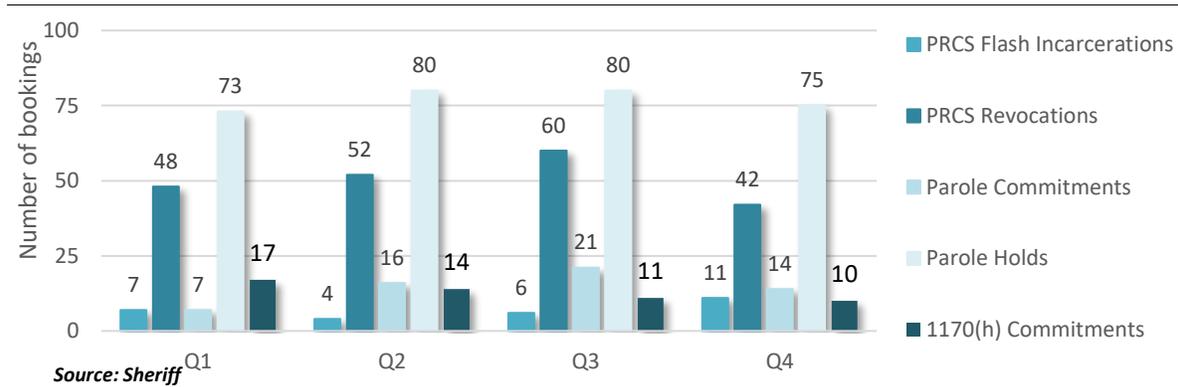
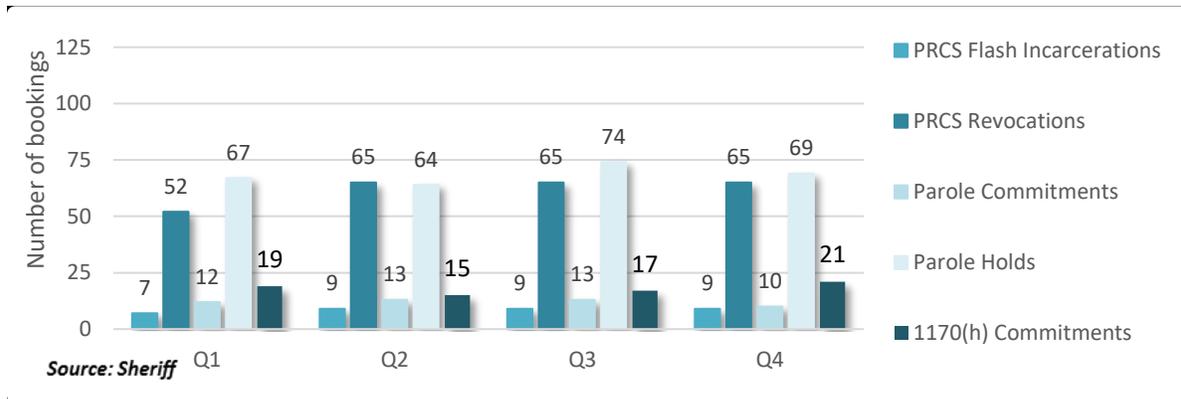


Figure 31: AB 109 bookings, by type – West County Detention Facility



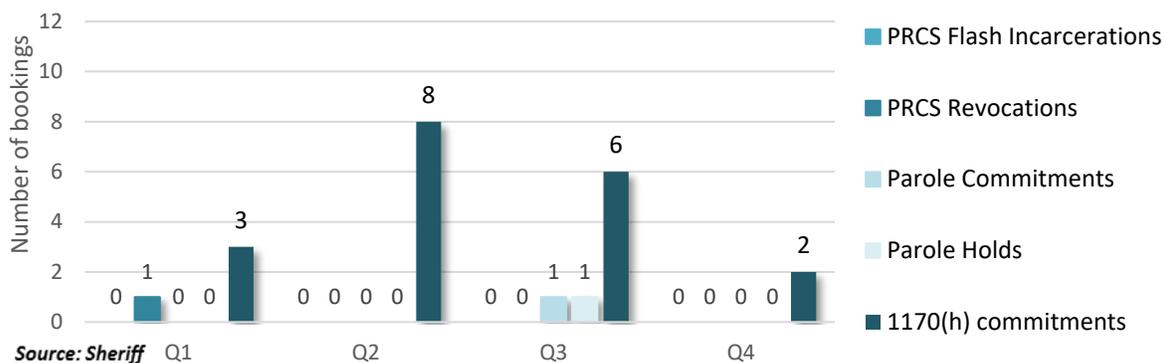
⁶ One parolee may be counted in multiple categories. Parole Commitment numbers may be duplicated in Parole Hold numbers. This can be seen in MCDF Q3. An inmate was booked on a Parole Hold during Q3 and was then sentenced on that Parole Hold. The data reads 1 Parole Hold and 1 Parole Commitment however it is the same inmate. The majority of Parole Commitments are counted as such in the Parole Hold numbers.





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Figure 32: AB 109 bookings, by type – Marsh Creek Detention Facility



Despite the relative high total number of AB 109 bookings and commitments that occurred over the year, AB 109 individuals in custody still make up a very small percentage of the County’s average daily incarceration population. As demonstrated in population.

Figure 33, over the course of the year, AB 109 individuals comprised 5% of the County’s average daily custodial population.

Figure 33. Average daily jail population, AB 109 vs. non-AB 109

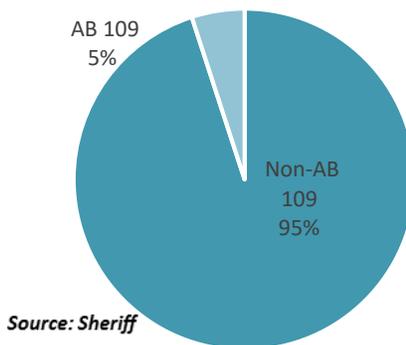


Figure 34 through Figure 36 show the average percentage of AB 109 individuals in each of the County’s detention facilities, as well as the number of AB 109 individuals in custody who are serving new 1170(h) sentences versus parole holds or commitment.



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Figure 34: Average daily AB 109 population – Martinez Detention Facility

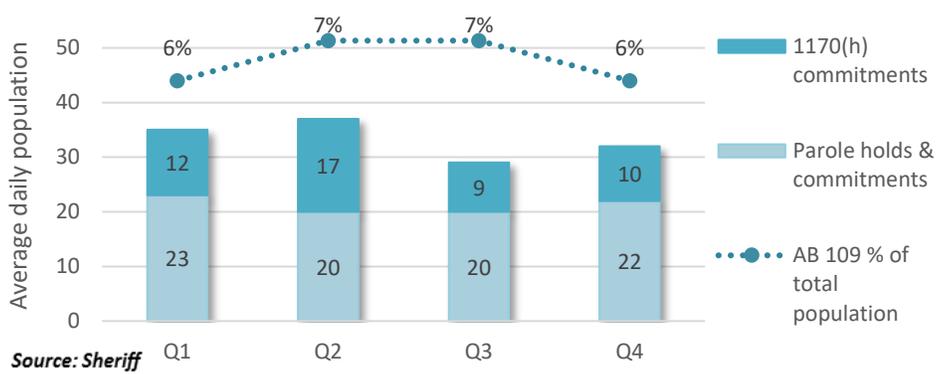


Figure 35: Average daily AB 109 population – West County Detention Facility

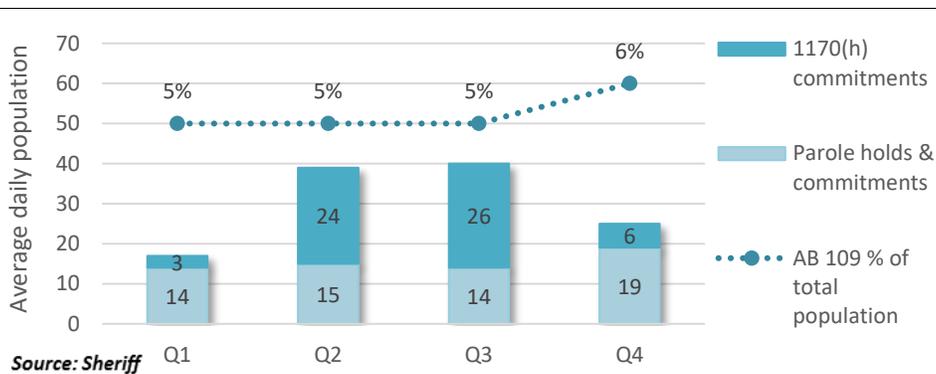
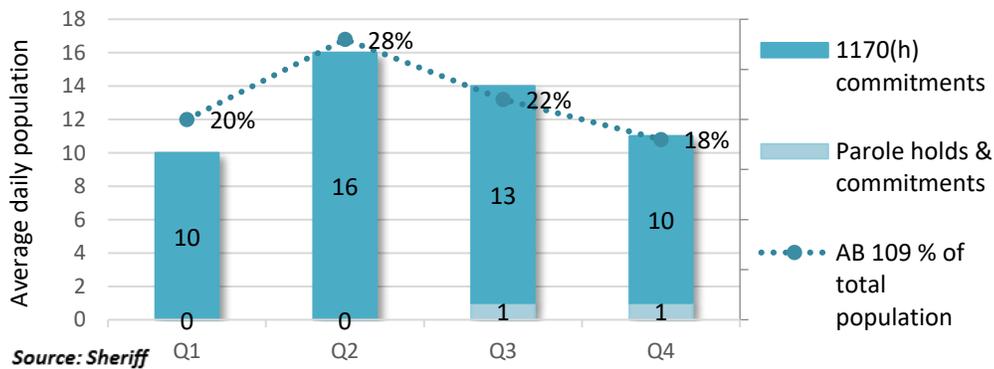


Figure 36: Average daily AB 109 population – Marsh Creek Detention Facility

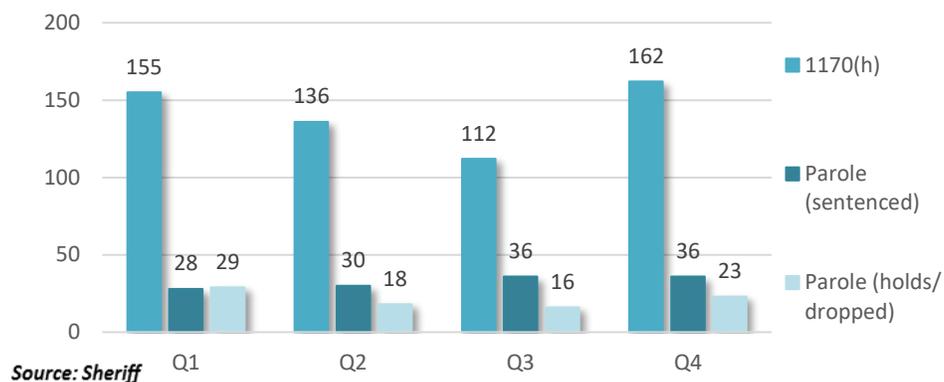


While parolees make up a larger percentage of the AB 109 incarcerated population, on average 1170(h) individuals spend much longer time in custody than the parole population (who can be committed to County jail for up to six months for a parole violation). Notably, despite the fact that AB 109 allows for much longer sentences in local custody than was previously possible, AB 109 individuals serve, on average, much less than a year in jail.



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Figure 37: Average custodial time served by AB 109 clients, by population type⁷



⁷ Quarterly averages are based on first day of custodial sentence. In FY 16/17 Q3 two of 22 individuals served/are serving sentences over 1,000 days, inflating that quarter's average. Additionally, several individuals on 3056 holds have other charges preventing parole or the courts from dropping their hold. This makes each quarter's average time served for 3056 holds/dropped appear larger than is typical.



Workforce Development Board

Table 12: Budget Allocation for the WDB

Program Expenditure	FY 15/16	FY 16/17
Salaries & Benefits	\$ 94,990	\$ 161,639
Overhead Costs	\$ 105,010	\$ 38,361
Total	\$ 200,000	\$ 200,000

The role of the Workforce Development Board (“WDB”) in Contra Costa County is to strengthen local workforce development efforts by bringing together leaders from public, private, and non-profit sectors to align a variety of resources and organizations to help meet the needs of businesses and job seekers.

To date, the WDB’s primary role in AB 109 implementation has been to broker opportunities for the AB 109 reentry population and to coordinate with AB 109 partners to ensure they are aware of and are able to effectively access services and resources available for the AB 109 reentry population. To that end the WDB has identified 207 employer partnerships that are appropriate for the AB 109 population; they have also conducted a number of on-site recruitments and career fairs that AB 109 reentry clients, as well as other reentry individuals, can attend. The WDB has also met with Goodwill and Rubicon to create a process for AB 109 participants to co-enroll in the Workforce Innovation and Opportunity Act (WIOA).

The WDB hosted its first Fair Chance Employer Summit in collaboration with the Office of Reentry & Justice in FY 16/17. The summit brought together employers and community partners to expand employment opportunities for previously incarcerated individuals. During the summit, 18 companies signed a Fair Chance Business Pledge.

Unfortunately, the WDB does not currently track the number of AB 109 clients who have utilized their services.



Community Based Service Providers

Shared values/approach (EBPs, TIC approach, etc.)

Contra Costa County's reentry approach is centered on developing an integrated and supportive service system comprised of AB 109-contracted community-based organizations, public agencies, and the broader community. The system serves as a collaborative partnership that aids individuals, families, and their support system in achieving successful reentry and reintegration back into the community. AB 109-contracted CBOs play a large role in the reentry infrastructure, providing a range of services from housing assistance and employment services to mentorship and family reunification. When working successfully, the County's reentry services are part of a continuum that begins at the point an individual enters the justice system and continues through successful reintegration.

In the County's 2011 Reentry Plan, County and community stakeholders agreed to the following set of principles:

- ❖ The County seeks to provide increased awareness about the value of formerly incarcerated individuals and their loved ones to their communities.
- ❖ Individuals are more likely to experience success when they are part of a supportive, integrated system. Reentry and reintegration begin while the individual is incarcerated.
- ❖ While leaving room for innovation, evidence-based practices are utilized when developing programs and policies.
- ❖ Collaboration, coordination, information, and communication are critical to the success and sustainability of Contra Costa County's reentry infrastructure.
- ❖ The good of the community comes before one's self and/or organizational interests.

While these principles have not been explicitly tied to AB 109, they are nonetheless founding principles upon which much of the County's AB 109 work has been built.

Overview of AB 109 community partnerships

Table 13: Contracted Allocations

Service	FY 15/16	Current FY
West County Reentry Success Center	\$ 433,000	\$ 503,943
Central & East Network	\$ 800,000	\$ 820,000
Employment Support and Placement	\$ 2,000,000	\$ 2,000,000
Short and Long-Term Housing Access	\$ 500,000	\$ 1,030,000
Peer and Mentoring	\$ 110,000	\$ 110,000
Legal	\$ 80,000	\$ 150,000
Family Reunification	\$ 90,000	\$ 90,000
Total	\$ 4,013,000	\$ 4,703,943



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In FY 14/15, Contra Costa County launched the Central & East Network Reentry System of Services (Network) for Returning Citizens to help connect AB 109 clients to a diverse array of AB 109-contracted and County reentry support providers.

In FY 15/16, the County established the Reentry Success Center (Center) in West County, a “one-stop” center that helps link reentry clients to both County and community-based services. Both the Center and the Network link AB 109 individuals to organizations that provide services within the categories recommended by the Community Advisory Board (CAB): Employment Support and Placement Services, Short and Long-Term Housing Access, Peer and Mentoring Services, Legal Services, and Family Reunification Services. Table 13 above lists the CCP-approved budget recommendations made by the CAB.

The following sections illustrate the budget allocations for each service category, as well as the program-specific outcomes achieved by the community-based organizations.

West County Reentry Success Center

Table 14: Budget Allocation for “Center” FY 16/17

Program Expenditure	FY 16/17
Staff	\$ 243,411
Consultants and Subcontractors	\$ 50,000
Occupancy	\$ 107, 554
Office and Communications	\$ 43, 598
Transportation & Travel	\$ 2, 100
Indirect	\$ 57, 480
Total	\$ 503,943

Table 15: Budget Allocation for Reentry Success Center FY 15/16

Program Expenditure	FY 15/16
Total	\$ 433,000

The West County Reentry Success Center (Reentry Success Center) serves as a central hub that provides a place for learning, capacity building, and access to information and services for justice involved individuals who are reentering the community. The mission of the Reentry Success Center is to gather effective resources into one accessible and welcoming hub of integrated services (e.g., family reunification, financial responsibility, education, employment, health and wellness, housing, legal aid, and public benefits) in order to foster healing, justice, safety, and lifelong liberty for the people of Contra Costa County.⁸ The Reentry Success Center opened doors to new members in November of 2015, and has developed deep partnerships with the Office of the Public Defender, Men and Women of Purpose, Bay

⁸ Further The Work: Strengthening Nonprofits and their Partners. (2014). *A Design and Implementation Plan for a West County Reentry Resource Center*. Retrieved January 4, 2017 from <http://www.co.contra-costa.ca.us/DocumentCenter/View/30064>



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Area Legal Aid, the African American Health Conductors, and Rubicon since then in an effort to connect the reentry population to experts who can help provide them with critical reentry services.

The Reentry Success Center dedicated significant time and resources in FY 15/16 implementing a Salesforce database and training partners to successfully utilize the software. The database tracks all referrals, including those made by Probation, as well as program specific outcomes measures (e.g., retrieving identification card, completing homeless court, successfully entering employment services), in order to allow partners to easily view who each client is working with. This has helped to reduce referrals to redundant services, and also allowed for less room for members to fall through the cracks without receiving the necessary support for successful reentry.

Central & East Network Reentry System of Services

Table 16: Budget Allocation for “Network”

Program Expenditure	FY 15/16	FY 16/17
Total	\$ 800,000	\$ 820,000

Similar to the West County Reentry Resource Center, the Central & East Network Reentry System of Services (“the Network”) functions to connect AB 109 clients in Central and East County to a diverse array of AB 109-contracted reentry support providers. Dubbed the “No Wrong Door” (NWD) Network, the foundational element of the Network is that there are multiple entry points and varied opportunities for engagement made available to returning citizens seeking reentry services

During FY 15/16 the Network was managed by an independent contractor, and staffed by three contracted Field Operation Coordinators who served to connect members of the AB 109 reentry population to AB 109-contracted CBOs. The County experienced some challenges with this model, and contracted a single organization – HealthRight360, in November 2016.

Fast Eddie’s Automotive

Fast Eddie’s provides workforce development skills and automotive technical training for AB 109 individuals referred to the program. They have contracted with the County to provide employment support and employment placement opportunities for AB 109 clients. Fast Eddie’s received \$65,000 amount out of the Network’s \$820,000 to provide these services.

Table 17: Fast Eddie’s: Program-Specific Outcomes

Fast Eddie’s	Number of AB 109 Clients	Number of Other Clients	Total Number of Clients
Referred to services	16	41	57
Enrolled in services	6	11	17
Provided Service Provision Plan	10	13	23
Participated in 1 module	10	11	17





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Participated in 2 modules	10	11	17
Participated in 3 modules	4	11	15
Participated in 0 modules	0	2	2
Completed 1 module	6	10	16
Completed 2 modules	6	9	15
Completed 3 modules	4	9	13
Completed Auto Training Program		4	4
Completions			
Total participants no longer in program due to court or criminal involvement	1	1	2
Total participants no longer in program due to lack of engagement	2	1	3
Other reasons:			
Needs could not be met	0	2	2
Death	0	1	1

Mz. Shirliz Transitional

Mz. Shirliz Transitional provides clean and sober transitional housing and support services to formerly incarcerated individuals. Support services include mentoring, weekly house meetings, and connections to local organizations for other needed services. Clients are required to attend NA/AA meetings through NA and AA a minimum of 3 times per week. Most clients arrive at Mz. Shirliz employed or working with partner agencies to find employment. Mz. Shirliz received \$150,000 out of the Network's \$820,000 budget to provide these services.

Table 18: Mz. Shirliz Transitional: Program-Specific Outcomes

Mz. Shirliz Transitional	Number of AB 109 Clients	Number of Other Clients	Total Number of Clients
Referred to services	25	16	41
Enrolled in services	6	8	14
Assessed pre-release for post-release service needs	0	0	0
Provided a service provision plan	0	0	0
Received housing counseling	4	3	7
Received rent payment assistance	0	0	0
Received rental deposit assistance	0	0	0
Received utility payment assistance	0	0	0
Moved in to transitional housing	6	10	16
Received transportation assistance	0	0	0
Received credit counseling	0	0	0
Received legal services	0	0	0
Received job finding assistance	0	0	0
Received case/care management	0	0	0
Received clothing support	1	0	1
Received court support	0	0	0
Attended recovery meetings	6	8	14



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Completions			
Total participants no longer in program due to failure to meet program requirements	1	3	4
Total participants no longer in program due to court or criminal involvement	0	0	0
Total participants no longer in program due to lack of engagement	0	0	0
Total participants no longer in program due to absconding	0	0	0
Total participants no longer in program due to relocation or case transfer	0	0	0
Successfully completed the program	1	0	1
Other reasons:			
Probation revoked	0	0	0
Needs could not be met	0	0	0
Disagreement with rules/persons	0	0	0
Death	0	0	0
Other	0	1	1

Men and Women of Purpose

Men and Women of Purpose (“MWP”) provides employment and education liaison services for the County jail facilities, for which the program facilitates employment and education workshops every month at the County’s jails and works with Mentor/Navigators to assist the workshop participants with the documentation required to apply for employment, education, and other post-release activities. MWP also provides pre- and post-release mentoring services for West County using the organization’s evidence-based program Jail to Community model. The program provides one-on-one mentoring, as well as weekly mentoring groups that focus on employment and recovery. Men and Women of Purpose received \$50,000 out of the Network’s \$820,000 budget to provide these services.

Table 19. Men and Women of Purpose: Program-Specific Outcomes

MWP	Number of AB 109 Clients	Number of Other Clients	Total Number of Clients
Referred to Men and Women of Purpose (Employment and Placement Services)	35	80	115
Participated in workshops	34	49	83
Enrolled pre-release	36	27	63
Enrolled post-release	27	38	65
Learned of program through pre-release workshop attendance	32	60	92
Assessed pre-release for post-release service needs	65	54	119
Provided Service Provision Plan	45	53	98
Obtained documents successfully:	59	98	157
Birth certificate	13	5	18
California ID	28	69	97
Social Security Card	22	30	52
California Driver’s License	51	108	159



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Completions			
Total participants who successfully completed program	59	98	157
Total participants no longer in program due to failure to meet program requirements	16	31	48
Total participants no longer in program due to court or criminal involvement	13	21	34
Total participants no longer in program due to lack of engagement	14	22	36
Total participants no longer in program due to absconding	8	6	14
Total participants no longer in program due to relocation or case transfer	3	1	4
Other reasons:			
Probation revoked	3	1	4
Needs could not be met	13	9	22
Disagreement with rules/persons	14	18	32
Death	0	1	0

Reach – Employment and Education Services

Centering their program services on women, Reach Fellowship International (“Reach”) provides weekly employment and education workshops in West County Detention Facility (“WCDF”), in addition to pre- and post-release one-on-one case management. Reach provides employment and education liaison services to female returning citizens in fulfillment of the County’s Reentry into the Community Program and also acts as a lead information specialist for County jail facilities for the AB 109 program. Finally, Reach also conducts workshops to introduce employment and educational opportunities to participants, to assist incarcerated and returning citizens with obtaining the paperwork required for those opportunities, and to screen participants for employment and educational preparedness. Reach received \$50,000 out of the Network’s \$820,000 budget to provide these services.

Table 20: Reach Fellowship: Program-Specific Outcomes (Education and Employment Liaison)

Reach Fellowship	Number of AB 109 Clients	Number of Other Clients	Total Number of Clients
Referred to services	30	17	47
Enrolled in services	39	138	177
Participated in workshops	23	127	150
Enrolled pre-release	14	111	125
Enrolled post-release	13	39	52
Learned of program through pre-release workshop attendance	18	111	129
Assessed pre-release for post-release service needs	15	110	125
Provided Service Provision Plan	22	67	89
Obtained documents successfully:	13	43	56
Birth certificate	0	0	0
California ID	10	34	44





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Social Security Card	3	7	10
California Driver's License	0	2	2
Completions			
Successfully completed	13	64	77
Total participants no longer in program due to failure to meet program requirements	3	11	14
Total participants no longer in program due to court or criminal involvement	5	19	24
Total participants no longer in program due to lack of engagement	6	16	22
Total participants no longer in program due to absconding	4	12	16
Total participants no longer in program due to relocation or case transfer	8	16	24

Employment Support and Placement Services

Table 21: Budget Allocations for Employment Support and Placement Services

	Previous FY 15/16	FY 16/17
Goodwill Industries	\$ 600,000	\$ 900,000
Rubicon	\$ 1,400,000	\$ 1,100,000
Total	\$ 2,000,000	\$ 2,000,000

Goodwill Industries

The Bridges to Work program of Goodwill Industries of the Greater East Bay ("Goodwill") facilitates the County's Employment Support and Placement Services to provide employment support and placement services in Central County. Participants can engage in up to 90 days of transitional, paid employment at local Goodwill stores or other partner agencies, in addition to receiving job search assistance for competitive employment opportunities. Goodwill also serves as a service hub for other providers.

Table 22: Goodwill Industries: Program-Specific Outcomes

Goodwill Industries	Number of AB 109 Clients	Number of Other Clients	Total Number of Clients
Referred to services (Q1-Q4)	229	119	348
Enrolled in services (Q1-Q4)	108	113	221
Assessed pre-release for post-release service needs	0	0	0
Provided a service provision plan	108	113	221
Obtained unsubsidized employment	51	97	148
Obtaining subsidized transitional employment	96	91	187
Obtaining subsidized on-the-job training	96	91	187
Completions			
Total participants who successfully completed program	51	97	148
Total participants no longer in program due to failure to meet program requirements	57	16	73



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Total participants no longer in program due to court or criminal involvement	14	7	21
Total participants no longer in program due to lack of engagement	43	9	52
Total participants no longer in program due to absconding	0	0	0
Total participants no longer in program due to relocation or case transfer	0	0	0

Rubicon

Rubicon provides employment support and placement services, integrated with other supports, to AB 109 participants in East County and West County. Rubicon's program for AB 109 participants is 3 years and includes pre-release engagement, job readiness workshops, educational and vocational training, transitional employment, individualized career coaching, legal services, financial stability services, and domestic violence prevention and anger management. In addition to helping clients gain employment, Rubicon focuses on developing career paths and continues to provide support after a client attains their first job. To provide a continuum of services, Rubicon partners with a number of other organizations through formal subcontracts, including vocational training partners, AB 109 providers, and other community-based organizations.

Table 23: Rubicon: Referrals, Enrollments, and Completions

Rubicon	Number of AB 109 Clients
Referrals	574
Enrollments	151
Completions	
Total participants no longer in program due to failure to meet program requirements	1
Total participants no longer in program due to court or criminal involvement	1
Total participants no longer in program due to lack of engagement	37
Total participants no longer in program due to relocation or case transfer	1
Other reasons:	
Substance Abuse	4
Death	1
Other	1

Short and Long-Term Housing Access

Table 24: Budget Allocations for Short and Long-Term Housing Access Services

	FY 15/16	FY 16/17
SHELTER, Inc.	\$ 720,000	\$ 980,000
Reach Fellowship International	-	\$ 50,000
Total	\$ 720,000	\$1,030,000



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SHELTER Inc.

SHELTER, Inc. operates the County's AB 109 Short and Long-term Housing Access Program. This program assists incarcerated and formerly incarcerated persons who are referred to them under the AB 109 Community Programs to secure and maintain stabilized residential accommodations. Shelter, Inc. provides a two-phased approach to clients seeking housing assistance. Before the program refers clients to the Housing Services section, the staff conducts social service assessments/intake procedures to ensure that clients will have success. The program places the majority of their clients into transitional housing situations (such as room or apartment shares) to allow them time to develop the resources for stable housing.

Table 25: SHELTER, Inc.: Program-Specific Outcomes

SHELTER, Inc.	Number of AB 109 Clients
Referred to services	277
Enrolled in services	104
Provided a service provision plan	104
Completions	
Total participants no longer in program due to failure to meet program requirements	10
Total participants no longer in program due to court or criminal involvement	1
Total participants no longer in program due to lack of engagement	4
Total participants no longer in program due to absconding	0
Total participants no longer in program due to relocation or case transfer	0
Successfully completed the program	8

Reach – Housing

REACH Housing provides housing placement services to formerly incarcerated women at their Naomi House facility. Additional services include support groups, employing training, anger management, and parenting classes. REACH Housing also partners with other local county homeless agencies to provide additional housing opportunities to their cliental. REACH housing provided no services to AB 109 clients in FY 16/17.

Table 26: Reach Fellowship: Program-Specific Outcomes (Housing Services)

Reach Fellowship	Number of AB 109 Clients	Number of Other Clients	Total Number of Clients
Referred to services	0	10	10
Enrolled in services	0	7	7
Participated in workshops	0	6	6
Enrolled pre-release	0	5	5





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Enrolled post-release	0	6	6
Learned of program through pre-release workshop attendance	0	5	5
Assessed pre-release for post-release service needs	0	5	5
Received housing counseling	0	7	7
Received rent payment assistance	n/a	7	7
Received utility payment assistance	n/a	7	7
Moved into transitional housing	n/a	7	7
Received transportation assistance	n/a	7	7
Received credit counseling	n/a	3	3
Received legal services	n/a	2	2
Received job finding assistance	n/a	2	2
Received case/ care management	n/a	7	7
Provided Service Provision Plan	n/a	7	7
Completions			
Successfully completed program	n/a	4	4
Total participants no longer in program due to failure to meet program requirements	n/a	3	3
Total participants no longer in program due to court or criminal involvement	n/a	2	2
Total participants no longer in program due to lack of engagement	n/a	1	1
Total participants no longer in program due to absconding	n/a	0	0
Total participants no longer in program due to relocation or case transfer	n/a	0	0
Other reasons:			
Probation revoked	n/a	0	0
Needs could not be met	n/a	2	2
Disagreement with rules/persons	n/a	1	1
Death	n/a	0	0
Other	n/a	0	0

Peer and Mentoring Services

Table 27: Budget Allocations for Peer and Mentoring Services

	FY 15/16	FY 16/17
Men and Women of Purpose	\$ 110,000	\$ 110,000
Total	\$ 110,000	\$ 110,000

Men and Women of Purpose

Men and Women of Purpose (“MWP”) provides peer and mentoring liaison services for the County jail facilities, for which the program works with Mentor/Navigators to assist the workshop participants with the documentation required to apply for employment, education, and other post-release activities. MWP also provides pre- and post-release mentoring services for West County using the organization’s evidence-based program Jail to Community model. The program provides one-on-one mentoring, as well as weekly mentoring groups that focus on employment and recovery.





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Table 28: Men and Women of Purpose: Program-Specific Outcomes

MWP	Number of AB 109 Clients	Number of Other Clients	Total Number of Clients
Referred to Men and Women of Purpose (Peer and Mentoring Services)	41	107	148
Enrolled in services	31	82	113
Provided a service provision plan	35	99	134
Participated in one-on-one mentoring	36	95	131
Participated in group mentoring	61	108	169
Learned of program through pre-release workshop attendance	22	98	120
Completions			
Total participants no longer in program due to failure to meet program requirements	15	29	44
Total participants no longer in program due to court or criminal involvement	13	46	59
Total participants no longer in program due to lack of engagement	12	42	54
Total participants no longer in program due to absconding	4	11	15
Total participants no longer in program due to relocation or case transfer	3	2	5
Successfully completed program	31	44	75
Other reasons:			
Probation revoked	4	2	6
Needs could not be met	17	14	31
Disagreement with rules/persons	7	8	15
Death	1	0	
Other	0	0	

Legal Services

Table 29: Budget Allocations for Legal Services

	FY 15/16	FY 16/17
Bay Area Legal Aid	\$ 79, 619	\$ 150, 000
Total	\$ 79, 619	\$ 150, 000

Bay Area Legal Aid

Bay Area Legal Aid (“BayLegal”) provides legal services for AB 109 clients and educates them about their rights and responsibilities. The legal services BayLegal provides include: obtaining or retaining housing, public benefits, and health care, financial and debt assistance, family law, and obtaining driver’s licenses. The program provides post-release legal check-ups for each client to identify legal barriers that are able to be remediated, educates clients about early termination of probation, and assists with fines, and attorneys are also able to meet individually with clients in both jail and prison prior to their release.





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Table 30: Bay Area Legal Aid: Program-Specific Outcomes

Bay Legal	Number of AB 109 Clients
Referred to services	86
Enrolled in services	127
Assessed pre-release for post-release service needs	8
Provided a service provision plan	4
Obtained RAP sheet review	4
Obtain/review driving record	60
Received housing barrier assistance	11
Received public benefits barrier assistance	9
Received healthcare barrier assistance	4
Received assistance with financial health	6
Received information/referral in court matters	16
Received information/referral in family law matters	9
Received employment barrier assistance	35
Completions	
Total participants no longer in program due to failure to meet program requirements	0
Total participants no longer in program due to court or criminal involvement	0
Total participants no longer in program due to lack of engagement	0
Total participants no longer in program due to absconding	0
Total participants no longer in program due to relocation or case transfer	0

Family Reunification

Table 31: Budget Allocations for Family Reunification Services

	Previous FY	Current FY
Center for Human Development	\$ 90,000	\$ 90,000
Total	\$ 90,000	\$ 90,000

Center for Human Development

The Center for Human Development (“CHD”) operates the Community and Family Reunification Program (“CFRP”) for Contra Costa County’s AB 109 Community Programs’ Mentoring Program, providing reunification services to returning citizens, their families, and friends, in addition to providing community support throughout Contra Costa County. Services include large and small group pre-release presentations and workshops at West County Detention Facility and Marsh Creek Detention Facility. CHD also provides post-release large and small group presentations and workshops to returning citizens at partner agencies and other locations throughout the County.

Table 32: Center for Human Development: Program-Specific Outcomes

CHD	Number of AB	Number of	Total Number
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	109 Clients	Other Clients	of Clients
Referred to services	18	10	28
Enrolled in services	43	32	75
Assessed pre-release for post-release service needs	43	32	75
Provided a service provision plan	43	32	75
Participated in family skills building	43	32	75
Participated in family reunification	43	32	75
Reunited with partner			
No. who reunited with children and family	2	1	3
Participated in general parenting class			
Completions			
Successfully completed program	1	0	6
Total participants no longer in program due to failure to meet program requirements	3	1	4
Total participants no longer in program due to court or criminal involvement	2	0	2
Total participants no longer in program due to lack of engagement	11	2	13
Total participants no longer in program due to absconding	1	0	1

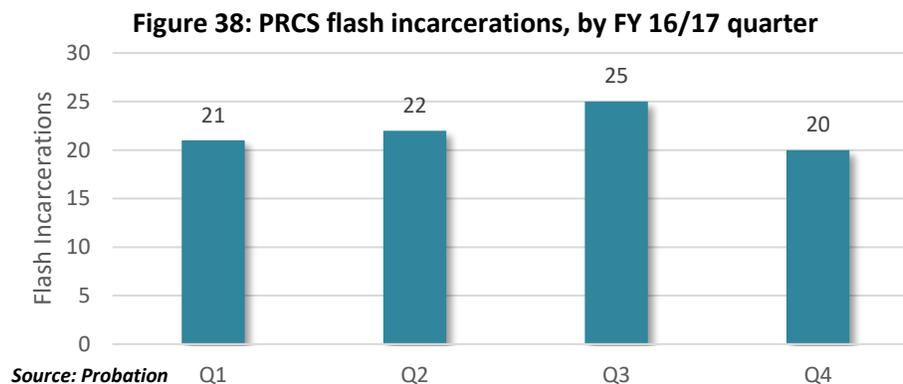


AB 109 Population Outcomes

Over the course of FY 16/17 there were a total of 1,153 AB 109 clients under supervision at some point in time. Of these 1,153 AB 109 clients, 206 individuals successfully completed the terms of their Probation during the fiscal year. The following sections demonstrate the number of AB 109 clients who violated the terms of their supervision and served flash incarcerations and/or had their probation revoked, as well as the number of clients with new criminal charges filed against them and/or new criminal convictions during the fiscal year.

Violations

Probation officers use graduated sanctions with AB 109 clients. For instance, when clients have dirty drug tests they are typically referred to inpatient or outpatient treatment rather than having their supervision term revoked, and returned to custody. This allows them to receive treatment without further justice involvement. AB 109 Probation Officers may also use flash incarcerations of up to ten days in county jail for PRCS clients. This serves as an intermediate sanction where individuals must serve a short period of time in county jail, but do not have further criminal charges filed against them. Figure 38 shows that the number of flash incarcerations imposed on PRCS clients⁹ ranged from 20 to 25 flash incarcerations per quarter.



Of the 483 1170(h) Probation cases¹⁰ under supervision over the course of FY 16/17, approximately 18% of AB 109 cases (88) were revoked from probation. Among the PRCS population the percentage was lower, as 13% of PRCS cases were revoked from probation.

⁹ One client may receive multiple flash incarcerations. The total number of flash incarcerations does not represent the total number of unique individuals who received flash incarcerations.

¹⁰ One case does not necessarily represent one individual. One individual may receive 1170(h) status more than once in a given fiscal year.



Figure 39: Percentage and number of 1170(h) cases revoked in FY 16/17

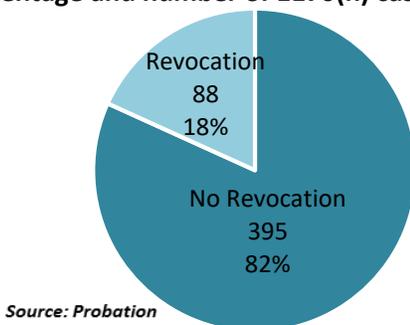
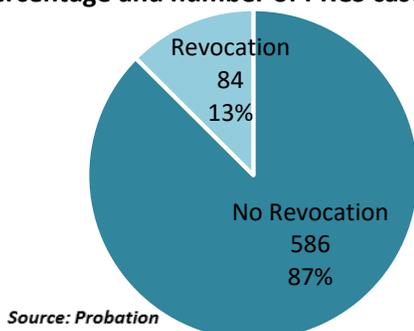


Figure 40: Percentage and number of PRCS cases revoked in FY 16/17

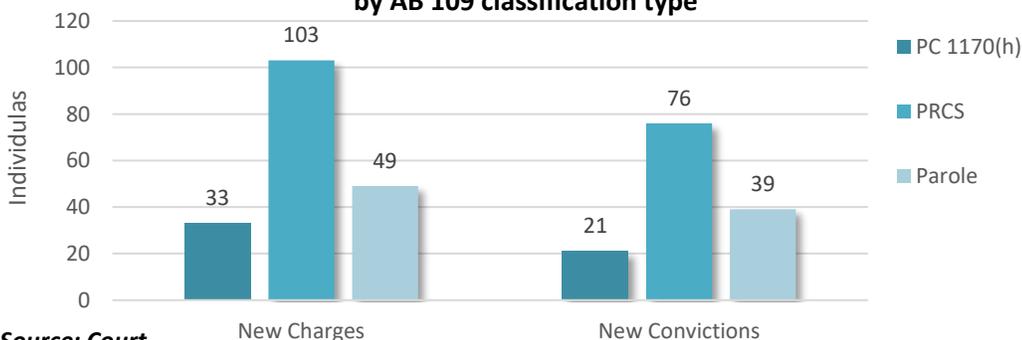


New Charges and Convictions

Figure 41 below shows the number of AB 109 individuals with new charges filed against them during FY 16/17, as well as the number of AB 109 individuals who were convicted of a new criminal offense during FY 16/17. Because the court does not have a record of individuals currently under AB 109 supervision, Figure 41 includes all individuals who have ever been supervised or sentenced under AB 109, including those not currently under County supervision, who had new charges filed and/or new criminal convictions during FY 16/17.

The percentage of the AB 109 population with new charges or criminal convictions during FY 16/17 is not calculated because the court does not have a record of all individual under AB 109 supervision. As a result, there is no way to calculate this percentage without tracking individuals across data systems.

Figure 41: AB 109 clients with new charges and/or new criminal convictions during FY 16/17, by AB 109 classification type





Looking Ahead

Contra Costa County has responded to Public Safety Realignment in a manner that has allowed the County to provide supervision and services to the AB 109 population, while building a collaborative reentry infrastructure to support the reentry population's successful reintegration into the community. The County has followed best practice models in establishing access to services through the West County Reentry Success Center's "one-stop" model and the Central & East Network Reentry System's "no wrong door" approach. The launch of the Office of Reentry and Justice (ORJ) in January 2017 is evidence that the County sees its Public Safety Realignment, reentry, and justice work as a high priority.

In FY 17/18, the County will undertake a comprehensive planning process to develop a Reentry Strategic Plan to guide the County's reentry system as a whole, including but not limited to AB 109-funded services. As the County has continued to implement Public Safety Realignment, the need for an inclusive reentry system that provides access to individuals regardless of their AB 109 status has become apparent, with the County granting approval to expand access to AB 109-funded services to any returning resident. The five-year strategic plan will begin with a needs assessment to identify key strengths and needs in the reentry system. This needs assessment will build on recommendations born from AB 109 evaluations over previous years. The County will then engage stakeholders in defining priority areas, goals, and strategies to address gaps and needs in the reentry system. The Reentry Strategic Plan will serve as the County's guiding document for reentry programs and services for 2018-2023.

County of Contra Costa
OFFICE OF THE COUNTY ADMINISTRATOR
MEMORANDUM

COMMUNITY CORRECTIONS PARTNERSHIP

6.

Meeting Date: 06/01/2018
SUBJECT: Consolidation of the Reentry Network Contracts
FROM: David Twa, County Administrator
DEPARTMENT: County Administrator

RECOMMENDATION:

1. APPROVE the ORJ's proposal to consolidate the five contracts that make up the East and Central Country Reentry Network, into a single contract of \$978,200, to be awarded to HealthRIGHT 360 with the Network services sub-contracted to the current providers.

BACKGROUND:

In FY 14-15, the County sought to execute nine separate contracts to implement the plan for the East/Central County Networked System of Services. Four of these nine "Network" contracts were for members of the management team, and five were for services that included employment and education document retrieval (one contract for men, one contract for women), transitional housing, entrepreneur development, and specialized employment in auto body and mechanical repair. While the single contractor approach that same year for the West County Reentry Resource Center has been pretty stable since inception, this multi-contractor approach for the Network has evolved over time.

The entrepreneur development service was cut after the first year, bringing the number of Network contracts to eight. During this same time, the automotive program was narrowed to automotive repair training only, and another RFP process was conducted for both transitional housing and to replace a member of the management team. The following year, another RFP process was undertaken to replace the four network management contracts with a single contract to provide management services for the Network. This change brought the number of Network contracts to five. For the current fiscal year, having reach the third year of programming for the Network, an RFI & RFP process were conducted for gender responsive jail transition services for women, education and employment documentation for men, and specialized automotive repair training.

Presently, the County is in contract with HealthRIGHT 360 for Network management services, Mz Shirliz Transitional for transitional housing, Fast Eddie's Automotive for automotive repair training, Men and Women of Purpose for educational and employment document retrieval services for men, and Centerforce for gender responsive jail transition planning services for women. If endorsed, this proposal would result in the county awarding a single contract of \$978,200 for FY 18-19 to HealthRIGHT 360 for the Network's management and the delivery of of the Network's services through sub-contractor relationships with each of these entities.

In preparation this item for consideration by the Community Corrections Partnership, the item was considered and endorsed unanimously by the Community Advisory Board at its general meeting in February 2018. The Office of Reentry and Justice (ORJ) has also informed each of the impacted contractors about this proposal, as well as the the broader AB 109 administrator's group, and no objections to the proposal are known by ORJ at this time.

DISCUSSION:

In making this recommendation, the ORJ has discussed this proposal with all of the current contracted agencies to consider the impact this change would have on each agency, and also how this change would impact programmatic effectiveness and administrative efficiencies.

HealthRIGHT 360 has informed the ORJ of a willingness to take on this expanded role and agreed to sub-contract with the four current Network service providers at no less than the amount of the provider's current contracts with the County, and this will minimize the impact this change will have on these agencies and their programs. This arrangement, however, would be subject to each provider's performance during the contract year as it relates to the services being provided. That is to say HealthRIGHT 360 should be expected to intervene where a sub-contractor's delivery of services put HealthRIGHT 360 in any danger of breaching their agreement to deliver such services on behalf of the County.

This additional layer of quality assurance provided by HealthRight 360 gives the ORJ confidence that this change will increase the Network's overall effectiveness. Furthermore, this proposal furthers the goal of integrating services in ways that are difficult to achieve with a number of unconnected independent contracts. The ORJ also feels that consolidating the Network contracts would create administrative efficiencies by reducing the number of contracts to develop and manage, and RFP processes to execute. This single contractor approach has worked well for the ORJ's administration of the West County Reentry Resource Center (operating as the Reentry Success Center), and the ORJ would anticipate this approach would be equally proper for the Network.

Finally, with the ORJ expecting to go to RFP for the Network management contract for FY 2019-20 this consolidation will provide an opportunity to test whether this process should continue to offer the services through individual contracts, or present them as an opportunity for a single contract.

Attachments

No file(s) attached.

County of Contra Costa
OFFICE OF THE COUNTY ADMINISTRATOR
MEMORANDUM

COMMUNITY CORRECTIONS PARTNERSHIP

7.

Meeting Date: 06/01/2018
SUBJECT: Report on Pretrial Justice System and Pretrial Program
FROM: David Twa, County Administrator
DEPARTMENT: County Administrator

RECOMMENDATION:

1. ACCEPT a report written by Dr. Michael Jones, on behalf of Justice System Partners, after an assessment of the County's pretrial justice system and Pretrial Services program.

BACKGROUND:

In March 2014, the Pretrial Services program began in the County as a joint effort of the Public Defender, Probation, Sheriff, District Attorney, and Superior Court. Each of these entities, along with the Office of Reentry and Justice, have representation on a workgroup that helps guide the implementation of this program. The program uses a slightly modified version of the Virginia Pretrial Risk Assessment Instrument (VPRAI), to guide structured decisions on recommendations made to the court on whether a detained defendant should remain in custody or be released with certain conditions pending a trial or other resolution of criminal charges that have been filed against them. The VPRAI seeks to help guide these decisions by helping identify what may be driving a defendant's risk to either fail to appear for court or commit a new crime so that appropriate conditions of release can be given that help mitigate identified risks.

DISCUSSION:

In implementing this program, the workgroup has sought out technical assistance from the Crime and Justice Institute of Community Resources for Justice, and ultimately had this same organization conduct a validation study of the VPRAI as it is used in the program (see Nov. 2016 CCP agenda packet). Given this validation study and the numerous developments concerning pretrial justice and bail reform that have occurred since the program's initial implementation, the workgroup recently agreed to work with Justice System Partners to assess the County's pretrial justice system and program. This assessment began in September 2017, concluded in February 2018, and the final report was presented to the County in May 2018.

REPORT SUMMARY:

The report provides findings and recommendations concerning 12 legal and evidence based practices, as well as 13 resources needed to support such practices. Strengths of the County's pretrial system noted in the report included:

- A pretrial assessment tool is used by pretrial staff.
- Cases appear to progress efficiently.
- Experienced prosecutors and public defenders provide information to the judge for pretrial decision-making.
- Judges use the results of the assessment to guide release conditions.
- Pretrial risk management, informed by pretrial risk, occurs for select defendants.
- Some useful pretrial performance measures are tracked and shared with system stakeholders.

While notable opportunities for improvement include:

- Pretrial release and detention decisions can be restored to the domain of judges, such that decisions

can be more consistent with the law and evidence-based practices and are deliberate and intentional.

- The support for training, coaching, and professional networking for all pretrial practitioners can be increased.
- A locally validated, actuarial pretrial risk assessment tool can be implemented.
- The number of defendants who are ordered to certain pretrial release conditions that have little to no empirical support for their effectiveness in achieving desired pretrial outcomes can be reduced.
- Disparate pretrial functions can be consolidated into one agency.
- The jail's, court's, and Probation Department's pretrial information systems can be replaced with ones that contain more comprehensive data needed for understanding the local pretrial system's functioning.

The report also includes an "Appendix G" that describes a discussion session in April 2018 between Dr. Mike Jones and local pretrial system stakeholders. This appendix identifies an agreement by the group to adopt the following goals to guide further development of the Pretrial Services program:

1. Maximize law-abiding behavior and public safety;
2. Maximize court appearance; and
3. Maximize pretrial release (and minimize costly detention).

The appendix also included a discussion on the choice of a risk assessment instrument that would best fit the County's long-term goals for this program. Included as part of this discussion was the desire to seek out and possibly implement the Laura and John Arnold Foundation's Public Safety Assessment (PSA). The appendix further noted the group's intent to apply for foundation funded technical assistance to implement the PSA that will become available later this year.

Finally, the appendix identified a variety of next steps that included implementation opportunities for both the short-term:

- Eliminate the list (the "DQ List") that disqualifies certain defendants from being assessed because of very serious charges
- Convene local law enforcement, prosecution, defense, and court representatives to establish a reliable and accurate schedule for first appearance hearings for persons who receive a citation (and as necessary who are booked into jail), and ensure that changes to court dates are always communicated to defendants.
- Apply for technical assistance to implement the PSA when the Laura and John Arnold Foundation begins to accept applications (likely later in 2018).
- Add a judge as a standing member of the Pretrial Work Group.

And the longer-term:

- Develop a decision-making framework that includes a matrix of presumptive release conditions. This framework and matrix would provide judges with guidelines for assigning the least restrictive release conditions that have support from empirical research in reducing pretrial misconduct.
- Convene a work group of local law enforcement and detention officials to develop countywide guidelines for police officers and deputies to decide when to divert, cite, or book individuals.
- Consolidate pretrial functions of risk management (and risk assessment to the extent needed, depending on the level of automation of the assessment tool) into one agency and provide staff with needed infrastructure (e.g., case management system; training on legal and evidence-based pretrial practices; branding, signage, and forms).
- Reprogram, or replace if needed, the jail's and court's information system to ones that both support day-to-day operations and allow for comprehensive measurement of pretrial process and outcome measures.

Attachments

Pretrial Justice System and Pretrial Program Assessment in Contra Costa County, California

**by
Michael R. Jones**

**courtesy of
Justice System Partners**

May 2018



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Citation: Jones, M. R. (2018). Pretrial Justice System and Pretrial Program Assessment in Contra Costa County, California. South Easton, MA: Justice System Partners.



Executive Summary

Contra Costa County, California, is located in the northeast portion of the San Francisco Bay Area. It is primarily suburban with an estimated 2017 population of over 1.1 million residents.

County policymakers requested an assessment of the County's pretrial justice system to identify opportunities to more closely align current pretrial policies and practices with those that are legal and evidence-based, cost-effective, and that will best enable local policymakers to instill a culture of continuous system improvement. This report summarizes the assessment's findings and recommendations.

Overall, the County's pretrial justice system, as of February 2018, has several strengths that are consistent with evidence-based practices that facilitate a more fair, effective, and efficient pretrial system. These strengths include:

- A pretrial assessment tool is used by pretrial staff.
- Cases appear to progress efficiently.
- Experienced prosecutors and public defenders provide information to the judge for pretrial decision-making.
- Judges use the results of the assessment to guide release conditions.
- Pretrial risk management, informed by pretrial risk, occurs for select defendants.
- Some useful pretrial performance measures are tracked and shared with system stakeholders.

In addition to these strengths, several opportunities for program and system improvement exist. These opportunities include:

- Pretrial release and detention decisions can be restored to the domain of judges, such that decisions can be more consistent with the law and evidence-based practices and are deliberate and intentional.
- The support for training, coaching, and professional networking for all pretrial practitioners¹ can be increased.
- A locally validated, actuarial pretrial risk assessment tool can be implemented.
- The number of defendants who are ordered to certain pretrial release conditions that have little to no empirical support for their effectiveness in achieving desired pretrial outcomes can be reduced.
- Disparate pretrial functions can be consolidated into one agency.
- The jail's, court's, and Probation Department's pretrial information systems can be replaced with ones that contain more comprehensive data needed for understanding the local pretrial system's functioning.

¹ For this report, all policymakers, decision-makers, and staff are collectively referred to as "practitioners."



Introduction

Contra Costa County, California, is located in the northeast portion of the San Francisco Bay Area. It is primarily suburban with an estimated 2017 population of over 1.1 million residents. The county seat is the city of Martinez.

In the fall of 2017, the County contracted with Justice System Partners (JSP) for a pretrial justice system and pretrial program assessment. JSP is a nonprofit organization that works with state and local partners to help improve the safety and quality of life for justice system-involved individuals and communities using evidence-based strategies that rely on data-based decisions and practices. JSP works with jurisdictions using a holistic, data-driven approach to understanding criminal justice system populations and practices, identifying areas for improvement, and proposing solutions to make systems more efficient and effective. For more information about JSP, visit www.justicesystempartners.org. Dr. Michael R. Jones performed the assessment for JSP.

Contra Costa County formed the Pretrial Services program in early 2014 to provide two pretrial functions: (1) pretrial risk assessment, and (2) pretrial risk management, to the county's criminal courts. These functions were primarily administered through the Probation Department, Sheriff's Office, and Office of the Public Defender. Stakeholders from these and other County agencies adapted pretrial policies and practices over the ensuing years, and by 2017, County officials decided to have the local pretrial justice system and program evaluated to identify which practices are compatible with legal and evidence-based pretrial practices (see VanNostrand, 2007) and which practices provide opportunities for improvement.

This report summarizes the findings and recommendations from the pretrial assessment and reflects the status of policies and practices as of February of 2018.² All findings are interpreted and all recommendations are made within the context of legal and evidence-based pretrial practices and Dr. Jones's expertise.³ In addition, the legal and evidence-based pretrial practices mentioned in this report are largely consistent with recommendations in three recent reports written for California jurisdictions, which may also be relevant for Contra Costa County's pretrial efforts (see California Judicial Branch, Pretrial Detention Work Group, 2017; Harvard Law School, 2017; Californians for Safety and Justice & Crime and Justice Institute, 2015).

Stakeholders in many jurisdictions find it useful to organize their collaborative system improvement efforts by understanding the criminal justice system as a process involving multiple key decision points. These decision points are moments when the policies and practices of the

² Some policies and practices may have changed beginning in March of 2018 in response to the California Supreme Court's *In Re Humphrey* decision.

³ Legal and evidence-based pretrial practices are largely derived from U.S. Supreme Court rulings; empirical research, most of which has been conducted since 2013; and national pretrial "best practices" (e.g., American Bar Association, 2007; Smart Pretrial's Key Elements (<http://www.pretrial.org/smartpretrial/>); and National Institute of Corrections (2017)). Dr. Jones has been providing pretrial justice technical assistance and training and performing pretrial-related research and consultation since 2008.



different system agencies and their staff affect the criminal case processing, outcomes, and the resources of other agencies. These policies can be written or unwritten and can occur at the agency or staff-person level. For example, the criminal justice system can be understood as having seven decision points:⁴

1. Arrest Decision
2. Booking Decision
3. Pretrial Release Decision
4. Charging Decision
5. Adjudication Decision
6. Sentencing Decision
7. Modification of Sentence Decision

This report covers the third decision point - Pretrial Release.

The overall intention of this report is to provide local pretrial policymakers and staff with information on opportunities to more closely align current pretrial policies and practices with those that are legal and evidence-based, cost-effective, and that will best enable local policymakers to instill a culture of continuous system improvement.

The report's focus is on policies and programmatic practices that, if changed, would enable local decision-makers to maximize the effectiveness and efficiency of the system at the pretrial release decision point. Opportunities for improving the local justice system at other decision points, such as law enforcement's decisions to arrest (to criminally charge) or to book a person into jail, and the prosecutor's decision to charge (who and how), although important, are beyond the scope of this report.

References used throughout the report are listed in a reference section at the end of the report. Data analyses and other data-related information are included in the appendices.

⁴ See Cushman, R. C. (2002). Guidelines for Developing a Criminal Justice Coordinating Committee. Washington, DC: National Institute of Corrections. Page 17.



Method

Dr. Jones synthesized information from the following sources to make the findings and recommendations:

- Individual and small-group meetings with various justice system decision-makers and staff⁵
- Observation of practices (jail booking area and first appearance hearings in Martinez, pretrial monitoring intake)
- Data on persons on monitored pretrial release, provided by the Probation Department
- Data on jail inmates, provided by the Sheriff's Office
- Reference documents, policies and procedures documents, and data reports
- Reports written by other consultants.

Dr. Jones performed data analyses on the provided jail and pretrial services data.⁶

⁵ Appendix A lists the persons and/or agencies who participated in the meetings. In-person meetings occurred during Dr. Jones' on-site visit in December of 2017; a telephone meeting occurred in January of 2018; and the pretrial planning session occurred during Dr. Jones' on-site visit in April of 2018.

⁶ Appendices B and C present the findings from the analyses of the jail and pretrial services data, respectively.



Findings and Recommendations

The ensuing findings and recommendations are organized by specific legal and evidence-based pretrial practices (e.g., prompt first appearance, defense representation) or the resources needed to support those practices (e.g., staffing, training, information systems). If practitioners were to implement any of the recommended policies and practices, they should discuss the extent to which certain changes are interdependent with other changes. That is, the implementation of a practice to achieve a certain improvement in effectiveness or efficiency may depend on the simultaneous implementation of other practices. For example, the maximization of results from the implementation of a pretrial assessment tool and risk-informed pretrial monitoring depends on the cessation of the use of a money bail schedule and in-court money-bail setting practices for almost all defendants.

The legal and evidence-based pretrial practices separately discussed in this report are:

1. Release on citation is preferred over arrest and booking into jail for all nonviolent misdemeanor and felony offenses.
2. Diversion/deflection of potential defendants is used as much as possible.
3. Experienced prosecutors screen criminal cases before arraignment.
4. Arraignments are prompt.
5. Defense counsel represents defendants at arraignment.
6. Release practices are characterized by:
 - a. presumptions of release on recognizance or promise to appear;
 - b. the use of least restrictive and individualized pretrial release conditions designed to provide reasonable assurance of court appearance and law-abiding behavior/public safety;
 - c. guidance for which information and risk factors to use is provided to judges making release decisions;
 - d. the use of a locally validated actuarial pretrial risk assessment instrument is used to guide decisions about pretrial release conditions.
7. Detention practices are guided by federal and state constitutional law and state statutes, consider risk relevant to flight and/or public safety, and do not use pretrial release conditions, whether financial or non-financial, to effectuate pretrial detention.
8. Financial release conditions, including amounts on warrants, are not used or are rarely used.
9. Judges provide written records of the reasons for imposing any limitations on pretrial freedom, up to and including pretrial detention.



10. Speedy trials occur.
11. Practices for handling victims and victim's rights are in place, and practices don't interfere with defendants' rights.
12. System-level performance measures are collected, analyzed, and shared with all relevant stakeholders to help assure that practices are legal and evidence-based.

The resources needed to support these legal and evidence-based pretrial practices separately discussed in this report are:

1. A collaborative group of stakeholders employs evidence-based decision-making to ensure a high functioning pretrial system.
2. The jurisdiction's purposes and goals for pretrial release and detention are articulated, and key terms and phrases are used accurately.
3. Pretrial stakeholders demonstrate necessary leadership, have the requisite knowledge and expertise, and have the needed training and coaching.
4. Pretrial policymakers and staff are aware of relevant state- and national-level initiatives, legislation, and trends. Pretrial policymakers and staff participate in statewide and national venues for professional networking, information-sharing, and training.
5. A plan and/or practices for engaging the public and media exist.
6. A plan and/or practices for engaging special interest groups exist.
7. Pretrial services functions (risk assessment, risk management) exist, and they are consistent with the law and guided by research.
 - a. Pretrial risk assessments are performed on all defendants and include the use of an actuarial pretrial risk assessment tool that is locally validated and periodically re-validated.
 - b. Pretrial risk management is guided by defendants' degree of pretrial risk and research on its effectiveness.
 - c. Defendants' risk is re-assessed, and release conditions are modified when the circumstances influencing their risk changes.
8. The agencies that provide pretrial services functions have an operationalized mission for these functions.
9. Staffing and funding for pretrial services functions are adequate.



10. Management has the required pretrial knowledge and expertise and provides training and coaching to the staff members performing the pretrial functions.
11. Guidelines for responding to defendants' positive and negative behavior are articulated and adhered to.
12. Defendants' positive and negative behavior is reported to the sentencing court prior to sentencing.
13. Performance measures specific to the pretrial services functions are collected, analyzed, and shared with all relevant stakeholders.

Legal and Evidence-Based Pretrial Practices

Release on citation is preferred over arrest and booking into jail for all nonviolent misdemeanor and felony offenses.

Finding

Local practitioners report that the passage of Proposition 47 has, over the past few years, resulted in substantially fewer persons charged with misdemeanors being booked into the local jail, and instead, many of these persons are given citations. Practitioners also report that local law enforcement agencies currently pay a higher booking fee for each misdemeanor-charged person they book into jail compared to a felony-charged person. This practice may reduce the number of bookings and increase the number of misdemeanor citations issued.

In California, the Sheriff's Office has statutory authority⁷ to cite-and release certain defendants booked into the jail. This practice is common in Contra Costa County. As seen in Table B3 (Appendix B, third table), for defendants who leave jail on pretrial status, the most common pretrial release mechanism is cite and release (38%). There does not appear to be disagreement over these releases when they pertain to persons whom municipal law enforcement agencies have arrested and the Sheriff's Office releases.

Practitioners report that one issue is a mismatch between the date and time of the defendants' court dates and when the court is ready for these defendants' hearings. That is, defendants show-up for court at the date and time listed on their citation but their case has not yet been docketed. Oftentimes the case is later docketed, but the defendants are unaware and do not appear. Subsequently, some of these defendants are issued warrants for failure to appear. Practitioners report that this system inefficiency causes a lot of confusion for defendants and unnecessarily creates failures to appear and arrest warrants. The County's Smart Defense/early representation project has begun taking steps by working with two law enforcement agencies to remedy this issue and includes practices to remind defendants of their forthcoming court dates. Court date

⁷ See California Penal Code §§853.6.



reminders is a highly effective and relatively low-cost practice to substantially improve court appearance for released defendants whether they are cited or booked into custody.

Practitioners also report that for some cases (number unknown), the case is not docketed in the court because the District Attorney's Office has not yet filed a case with the court. This also prevents these defendants from receiving court date reminders.

Finally, practitioners report that the county's many law enforcement agencies have not convened to determine whether commonly shared guidelines or criteria for deciding which defendants to cite or book can be developed. Such criteria reportedly exist within each agency and/or at the officer level.

Recommendation

It is recommended that law enforcement agencies continue to issue citations to as many defendants as possible instead of booking them into jail, especially those persons whom the Sheriff's Office will cite and release shortly after booking. This practice helps reduce the demand on jail and court resources.

It is recommended that representatives from the municipal law enforcement agencies, the Sheriff's Office, and the District Attorney's (DA) Office convene to consider developing countywide, written citation and booking standards/guidelines that provide law enforcement officers and deputies with criteria (e.g., statutory requirements, charge severity and type, likelihood of continuation of the offense, ability to make a positive identification) to guide their decisions about whom to cite and whom to book into jail. This would promote more consistency across agencies. The Sheriff's Office's cite and release criteria can serve as a reference or starting point for the discussion to develop a countywide standard. It is possible that many of the individuals who are cited and released from jail could be cited by the arresting officer or deputy instead of first being booked into jail. This shift in practices could result in resource savings further downstream in the pretrial justice process.

It is recommended that the problem of the mismatch between citations' court date and time and the court's readiness be remedied as soon as possible, whether through existing projects or in addition to them. This mismatch causes unnecessary system inefficiency with court re-docketing and the issuance of warrants and may contribute to these defendants' and their family members' disengagement from the local justice system. Representatives from the municipal law enforcement agencies, the Sheriff's Office, the District Attorney's Office, Public Defender's Office, and the court should convene soon to address this issue.

Diversion/deflection of potential defendants is used as much as possible.

Finding

Practitioners report that there are several initiatives that focus on diverting or deflecting persons from involvement with the criminal justice system. For example, practitioners participate in or



use suggested practices from Stepping Up and the Sequential Intercept Model, Crisis Intervention Training (CIT) for law enforcement, Law Enforcement Assisted Diversion (LEAD), Operation Ceasefire, and other programming such as diversion through the DA's Office and specialty courts.

Recommendation

It is recommended that the kinds of diversion and deflection practices listed above be continued to the extent that they achieve desired goals, such as reducing the number of persons processed through the traditional criminal justice system while maintaining public safety and the integrity of the law. These diversion and deflection practices are an integral part of a legal and evidence-based pretrial justice system. Practitioners may find it helpful to measure and report, if not already done, relevant performance measures to evaluate the impact of these practices. If these practices are achieving desired outcomes, then they should be expanded, if possible, and they should be integrated with law enforcement's decision to cite and release or book into jail custody, such that law enforcement has a continuum of options for more effectively and efficiently responding to and servicing persons who do not need to be in pretrial jail custody.

Experienced prosecutors screen criminal cases before arraignment.

Finding

The DA's Office has assigned experienced staff attorneys at arraignment hearings. These attorneys have the results of the pretrial risk assessment for some, but not all, defendants for whom the court makes pretrial decisions. If prosecutors file charges, then they typically do so within two business days of defendants' booking into jail. If they do not file charges, then defendants in custody are released from jail. As seen in Tables B3 and B4, 27% of persons who leave jail on pretrial-related reasons do so because charges are not filed or charges are dismissed, and this occurs for persons charged with a misdemeanor or a felony. The District Attorney's Office may or may not file charges at later date.

Practitioners report that defendants who are already released from jail by posting money bail through a commercial bail bondsman and for whom prosecutors do not file charges lose their non-refundable payment to the bondsman and may carry outstanding debt to the bondsman. Practitioners report that a frequent reason for the DA's Office not filing charges promptly is a large backlog of cases.

Recommendation

It is recommended that arraignment hearings occur for all persons booked into custody so the judicial officer can make a pretrial release-or-detention and/or release conditions decision (discussed later). To provide the judicial officer with updated charging information, it is recommended the DA's Office continue to staff arraignments with experienced attorneys. It is important that these attorneys, prior to arraignment, review law enforcement's charging documents for both misdemeanor and felony cases so they can inform the court and jail prior to



or by the time of the arraignment hearing whether the DA’s Office will be dropping the case, not filing at this time, or likely increasing or decreasing the severity and/or number of charges. This practice will enable the court to have more accurate information about the defendant’s charges, which is an important factor in the judges’ decisions about pretrial release and detention and about pretrial release conditions. In addition, this practice would also help prevent the many defendants who post money bail through a commercial bail bondsman and whose case is not filed from losing that money. As discussed later, it is recommended that defendants not be provided the option of posting money bail from the jail, prior to arraignment. As seen in Table B3, for defendants who leave jail on pretrial status, the second most common pretrial release mechanism after cite and release is commercial money bail at 24%.

It is also important that the prosecuting attorneys at the arraignment hearings provide information that is useful to the judge deciding pretrial release and detention and the conditions of release, and that the information presented and requests made are consistent with legal and evidence-based pretrial practices. Specifically, the pretrial outcomes of public safety/law-abiding behavior and court appearances would likely be improved when attorneys request, and judges order, release conditions that empirical research has shown improve such outcomes (e.g., increasing the intensity of pretrial monitoring as defendants’ pretrial risk increases rather than increasing the amount of a secured financial condition). As discussed later, the pretrial release condition of secured money bail does not improve pretrial law-abiding/public safety outcomes, and it is lawfully unrelated to public safety.

Arraignments are prompt.

Finding

Practitioners report that arraignments occur within two business days of defendants’ booking into jail. Arraignment hearings occur daily on weekdays, except holidays, in several different courts. The hearings primarily consist of arraignments, with other hearing-types occasionally mixed in. There do not appear to be case processing delays because of how arraignments are docketed.

Recommendation

It is recommended that the daily weekday arraignments continue as docketed. Additionally, to reduce unnecessary jail use and to increase the promptness of arraignments, some jurisdictions that use a weekend on-call duty judge who reviews probable cause also have that judge hold arraignments and/or set pretrial release conditions during the weekend and holidays for defendants who meet certain charge (often lower level) and risk (often lower level) criteria.

Defense counsel represents defendants at arraignment.

Finding

An attorney from the Public Defender’s Office is present to represent defendants at all arraignments unless defendants are represented by a private defense attorney or alternate defense



counsel. Similar to the prosecuting attorneys, the defense attorneys have the results of the pretrial risk assessment for some, but not all, defendants for whom the court makes pretrial decisions. The defense attorneys often have their clients enter a plea to the charges, and they request certain pretrial release conditions for those clients in custody. The Office's paralegals who have interviewed all in-custody and walk-in defendants are almost always present at the hearings to provide information to the defense attorneys.

Recommendation

It is recommended that the Public Defender's Office continue to staff arraignments with defense attorneys. When defense attorneys are present, along with prosecuting attorneys, judges have more balanced information when needed to assist them in making more informed pretrial decisions.

It is also important that the defense attorneys at the arraignment hearings continue, to the extent they already are, to provide information that is useful to the judge deciding pretrial release and detention and the conditions of release, and that the information presented and requests made are consistent with legal and evidence-based pretrial practices. Specifically, the pretrial outcomes of public safety/law-abiding and court appearance would likely be improved when attorneys request, and judges order, release conditions that empirical research has shown improve such outcomes (e.g., increasing the intensity of pretrial monitoring for defendants as their pretrial risk increases rather than increasing the amount of a secured financial condition as defendants' pretrial risk increases).

Release practices are characterized by:

- **presumptions of release on recognizance or promise to appear;**
- **the use of least restrictive and individualized pretrial release conditions designed to provide reasonable assurance of court appearance and law-abiding behavior/public safety;**
- **guidance for which information and risk factors to use is provided to judges making release decisions;**
- **the use of a locally validated actuarial pretrial risk assessment instrument is used to guide decisions about pretrial release conditions.**

Finding

The pretrial release practices in Contra Costa County for defendants booked into jail, when the Sheriff's Office cite and release is not used, are heavily determined by money bail. The courts have provided the jail with two separate money bail schedules – one for misdemeanor charges and one for felony charges. These schedules are 15 to 21 pages in length and list many statutory codes, the descriptions of the charges, and corresponding money bail amounts. All misdemeanor schedule amounts are a mathematical factor of \$500 and range from \$500 to \$25,000. All felony schedule amounts are a mathematical factor of \$1,000 and range from \$5,000 to \$5,000,000. Judges from the local court review and/or revise the schedules annually.



For booked defendants who are not cited and released, jail staff refer to the money bail schedule and inform defendants of the total money bail amounts they must pay to be released from jail on pretrial status. The money bail amounts for each charge are summed to generate a total money bail amount. If defendants and/or their families or friends have access to the required amount of money, they can post the designated amount personally or through a bail bondsman. If they cannot pay, then the defendants remain in jail until the arraignment hearing.

During arraignments, if a pretrial assessment was completed on defendants, the bond-setting judge, the prosecuting attorney, and the defense attorney receive the pretrial assessment report completed by the Probation Department. The pretrial assessment incorporates the second edition of the Virginia Pretrial Risk Assessment Instrument (VPRAI) and contains release conditions recommendations based on defendants' risk scores. The VPRAI is an actuarial (statistically-based) pretrial assessment tool from the state of Virginia.

During arraignments, judges order some defendants released on their own recognizance with non-financial release conditions, such as pretrial monitoring. More commonly, though, they order defendants to be released contingent upon payment of a secured financial condition. The amounts of these financial conditions may be generated from the scheduled amount or increased or decreased by the judge.

Defendants released from jail on cite and release do so with a promise to appear. Some defendants are released on their own recognizance. If judges later remove a secured financial condition and order defendants released on their own recognizance, then this practice may account for the approximately two-week average time frame for defendants to leave the jail on recognizance, as seen in Table B5. Most defendants who leave jail pretrial not on cite and release do so by posting a secured financial condition as set by a money bail schedule.

The use of scheduled money bail amounts in the jail prevents the use of individualized and least restrictive release conditions. The ordering of scheduled money bail amounts in court during arraignment also prevents the use of least restrictive release conditions for many defendants.

The use of the VPRAI is an attempt to provide judges with research-based information on factors that are associated with pretrial risk.⁸ The use of pretrial monitoring is an attempt to use risk-informed and least restrictive release conditions.

Recommendation

The use of money bail schedules and the ordering of secured money bail during arraignments interferes with typical pretrial justice goals of maximizing public safety and law-abiding behavior, maximizing court appearance, and maximizing pretrial release and minimizing pretrial detention. The use of secured money bail functionally creates two justice processes – one for persons with access to money and one for persons without this access. That is, persons with access to money are allowed to pay money and leave jail, thus bypassing any decision-makers'

⁸ Discussion of the use of the VPRAI occurs later in this report.



attempts to mitigate pretrial risk through research-based release conditions (e.g., court date reminders, pretrial monitoring) or through pretrial detention; persons without access to money remain in jail or are released at a later date if the secured money bail condition is removed and pretrial monitoring is ordered.

Therefore, it is recommended that practitioners replace their use of the money bail schedules and the use of secured money bail conditions during arraignments with practices that are legal and evidence-based. Specifically, pretrial justice goals have a much greater likelihood of being achieved if practitioners were to use a collaboratively developed pretrial decision-making framework, which includes a release conditions grid that uses defendants' pretrial risk scores and other important information (e.g., current charges) to guide the consistent use of research-based, non-financial release conditions. Secured money bail is not needed in such a framework and grid. The multi-agency Pretrial Work Group would be an ideal entity for drafting a framework and grid. This draft should then be reviewed and approved by all criminal docket judges and senior staff from the District Attorney's Office, Public Defender's Office, and the agency providing pretrial monitoring.

Detention practices are guided by federal and state constitutional law and state statutes, consider risk relevant to flight and/or public safety, and do not use pretrial release conditions, whether financial or non-financial, to effectuate pretrial detention.

Finding

The pretrial detention practices in Contra Costa County, similar to the release practices, are heavily determined by money bail. It appears that when judicial officers decide not to release a defendant, they set a secured money bail in a very high amount. Occasionally, judicial officers order the defendants detained without bail when defendants are charged with one or more very serious or violent felonies.

The lawfulness of the practice of detaining defendants via secured money bail or by denying bail without a "due process" hearing has recently been addressed in California and other states.⁹

Recommendation

Regarding the lawfulness of using secured money bail to detain defendants, whether intentionally or unintentionally, it is recommended that local practitioners consult with the California Judicial Council and/or the California Attorney General for guidance, if relevant. Regarding the effectiveness using secured money bail to detain defendants, it is recommended that local practitioners replace secured financial release conditions with either (a) denial of release for defendants whom judges determine should remain in jail pretrial because these defendants meet statutory criteria for pretrial detention, or (b) non-financial release conditions

⁹ The legal issues associated with these practices are described in detail elsewhere. See Harvard Law School (2016) and Schnacke (2017). In addition, case law affecting these issues is currently emerging in state and federal courts in California and other states. For example, the 2018 California Court of Appeal decision in *In Re Humphrey* may require change to Contra Costa County's pretrial release and detention practices.



that will not detain releasable defendants or unnecessarily delay their release. These latter two practices will likely enhance both the public safety and law-abiding and court appearance outcomes of the county's pretrial system compared to current money-based practices. Additionally, these latter practices restore the pretrial release and detention decision to within judges' authority and discretion rather than defendants' access to money and/or the business interests of bail bondsmen.

Financial release conditions, including amounts on warrants, are not used or are rarely used.

Finding

As discussed above, secured financial conditions are frequently used during jail booking via the money bail schedules and during arraignments when judges order financial conditions. In addition, practitioners report that judges frequently set secured financial conditions on arrest warrants, sometimes in response to law enforcement officers' requests. This practice of setting money bail on warrants, similar to a money bail schedule, allows defendants to post money bail from jail prior to pretrial risk assessment and arraignment. When this occurs, defendant's pretrial release or detention and release conditions is essentially random because they are determined by defendants' access to money rather than a judge's individualized, deliberate, and intentional decision based on more comprehensive information, including an assessment of risk available to the judge at arraignment.

Recommendation

It is recommended that judges replace the setting of financial release conditions on warrants with no-release/no-bail holds for the defendants for whom they want risk assessment completed and for whom they may want to set non-financial, research-based release conditions prior to these defendants' release from jail custody, or for whom they may later deny pretrial release altogether. For the remaining defendants, judges may choose to summon those persons into court or to authorize cite and release from the jail. The practice of ceasing to set money bail amounts on warrants similarly restores the pretrial release decision to within judges' authority and discretion rather than defendants' access to money and/or the business interests of bail bondsmen.

Judges provide written records of the reasons for imposing any limitations on pretrial freedom, up to and including pretrial detention.

Finding

This author was not able to observe a sufficient number of hearings to determine whether judges adhere to this practice. In one arraignment hearing for a defendant charged with murder, the judge cited the relevant statutory code and said the defendant is being held without bail. Practitioners report that in most instances when money bail is set, rationale or justification for the amount set is not provided.



Recommendation

It is recommended that judges make, within the parameters of the law, deliberate and intentional pretrial release or detention decisions. When judges intentionally decide defendants shall be detained because of the higher severity of the charges and the unmanageable risk the defendants may pose, and when they deny release to these defendants, then there is no chance the defendants may be released through access to money. Public safety and the integrity of the law are thus enhanced.

When judges intentionally decide a defendant must or shall be released because of the lower severity of the charges and the manageable risk the defendant may pose, and when the judges do not set a secured financial condition that cannot be or is not posted, then there is little chance releasable defendants can unnecessarily be detained in jail for pretrial purposes.¹⁰ Public safety, the integrity of the law, and the minimization of jail costs are thus enhanced.

Speedy trials occur.

Finding

Practitioners reported that nearly all in-custody and out-of-custody defendants' cases move efficiently and within established parameters. Delays in case processing do not appear to contribute to unnecessary pretrial jail use.

Recommendation

It is recommended that cases continue to move efficiently. If in the future cases begin to take longer to reach disposition, especially for in-custody defendants, then practitioners should collaborate to identify and remedy the causes.

Practices for handling victims and victim's rights are in place, and practices don't interfere with defendants' rights.

Finding

Practitioners report that victims are notified of arraignments for domestic violence and felony cases. Practitioners did not report any difficulties with addressing victims' rights or that practices relevant to victim involvement interfere with defendants' rights.

¹⁰ Some defendants may still be detained for other reasons, such as charges from another case or if they are sentenced to jail on another case.



Recommendation

It is recommended that current practices be continued to the extent they provide victims the opportunity to participate in all case proceedings as required by law. If victims have information relevant to judges' pretrial release or detention decision or release conditions decisions, then they can either provide their information or request to a neutral, third-party victims' advocate or to the DA's Office prior to arraignment or appear in arraignment court if they desire.

System-level performance measures are collected, analyzed, and shared with all relevant stakeholders to help assure that practices are legal and evidence-based.

Finding

Contra Costa pretrial practitioners have some of the data they need to evaluate the effectiveness and efficiency of their pretrial justice system. Outcome and process data are available from the Probation Department's pretrial services assessment and monitoring functions. That is, when defendants are ordered to pretrial monitoring, their risk categorizations, court appearance rates, law-abiding rates, and technical compliance rates are tracked. The Sheriff's Office also tracks basic information about defendants who participate in the Custody Alternative Program (CAF) for electronic monitoring and/or continuous alcohol monitoring.

However, important pretrial data on defendants who are not monitored in these ways are not measured, analyzed, and reported to decision-makers. Indeed, practitioners reported that the court's information system is not able to generate these data without much manual labor involved. Thus, judges and other practitioners cannot know essential pretrial measures such as pretrial release and detention rates, court appearance rates, and public safety/law-abiding rates for defendants who post money bail or are cited and released. Until these outcomes are tracked, information to justify the continuation of these practices cannot exist.

As seen in Appendix B, the jail's information system has some data relevant for determining the characteristics of defendants who are released on pretrial status, such as basic demographics, charges, the amount of money bail, the mechanism for release, and time to release.

The jail's information system is antiquated. The type and quality of pretrial-related information is very limited. Jail staff reported that the data they provided were the best data available. Those data are limited in some ways, preventing useful analyses. For example, the data do not allow an accurate determination of the money bail amounts that defendants must post or that they have posted to leave jail on pretrial status. When this information is known, practitioners can determine the extent to which defendants with certain categories of charges and pretrial risk remain in jail because they have not posted their money bail while similar defendants do leave jail because they post their money bail.

The flow chart below was created to provide practitioners with (a) a better understanding of how defendants are processed through the pretrial justice system when practitioners make decisions about the cases, and (b) a useful illustration into which data on the volume of defendants at each



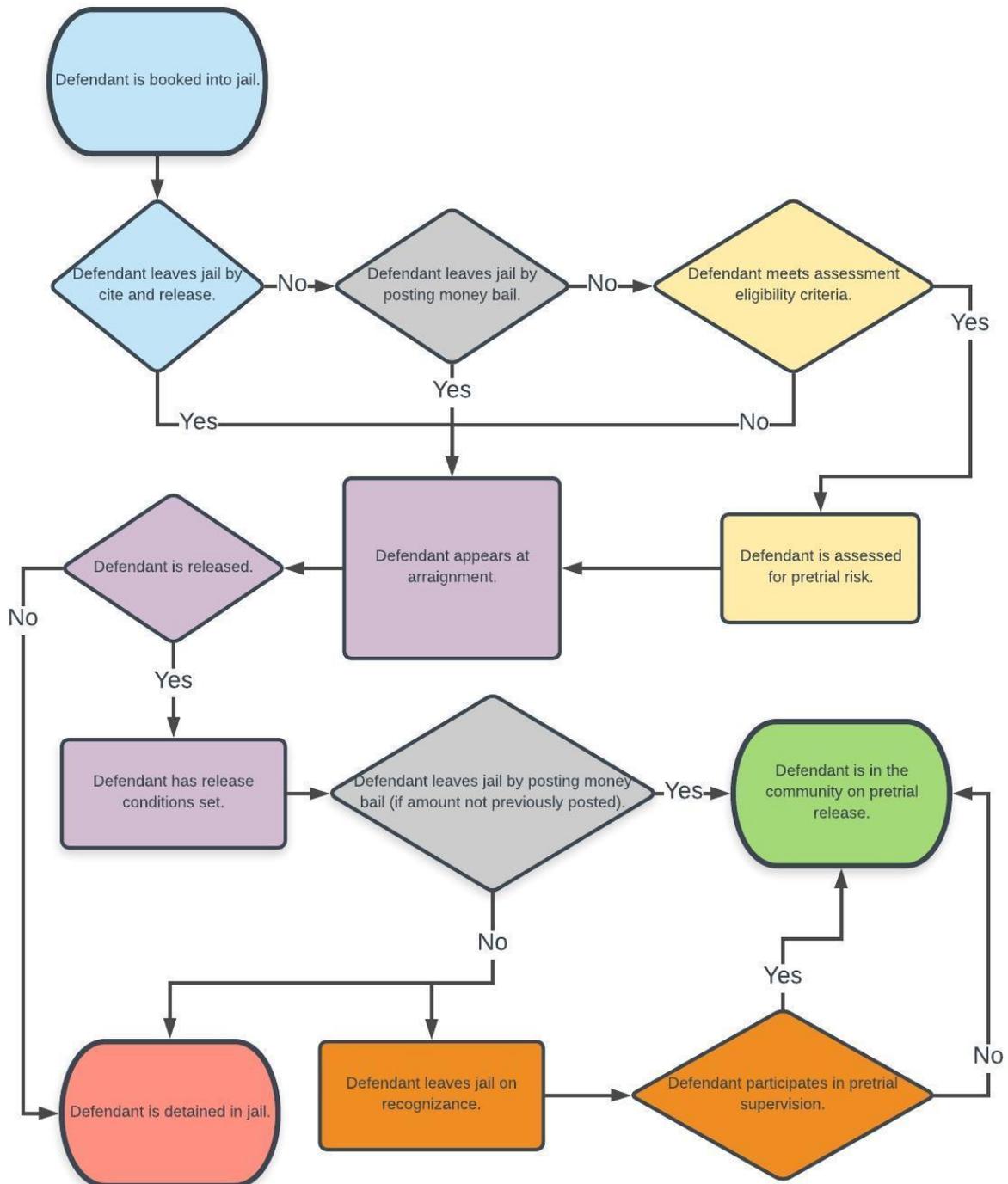
event and decision can be tracked in the future. The flow chart contains the main events and decisions relevant to Contra Costa County's current pretrial practices as described in this report's findings and recommendations.

Specifically, the colored boxes correspond to events or decisions that are influenced by various persons or agencies:

- Blue: law enforcement officers/Sheriff's Office staff
- Gray: commercial bail bondsman/other financial release
- Yellow: pretrial assessment staff
- Purple: judicial officers
- Orange: pretrial monitoring staff/other non-financial release
- Green: an end-result of pretrial release
- Red: an end-result of pretrial detention



*Contra Costa County Pretrial Case Flow
May 2018*





Recommendation

It is recommended that information systems/databases that have the capacity for the extraction of data needed to generate essential pretrial measures be acquired. Appendix D has a list of seven essential measures that all practitioners should use to monitor the effectiveness and efficiency of their pretrial justice system. Additional measures can also be helpful; for further information, see National Institute of Corrections (2011).

When pretrial practitioners have data on the volume of inmates who are processed through the various events and decisions, they will be equipped with information to evaluate the extent to which they use the legal and evidence-based practices described in this report and the extent to which they are missing opportunities for doing so (e.g., when defendants' pretrial risk is not assessed; when defendants post money bail and avoid assessment and/or community-based monitoring).

The data for this analysis are not currently available from the court's, jail's, and Probation's pretrial services information systems. Based on practitioners' statements about the current amount of missing or unreliable data in these information systems, a variety of programmed data inquiries would not be able to generate the information needed. Much manual labor would also be required.

Therefore, it is recommended that if practitioners would like to know the extent to which legal and evidence-based pretrial practices exist as measured by case volume, a separate data collection and analysis process take place. Specifically, it is recommended that a staff person perform a time-limited, one-time case tracking initiative to measure the flow of defendants through the pretrial case process previously depicted. Tracking approximately 300 defendants who are consecutively booked into jail should be sufficient to illustrate how many of them proceed through the various pathways in the pretrial case flow. The tracking of certain characteristics of these persons would also be informative, such as their age, gender, race/ethnicity, top charge level and type, money bail amount, reason for no assessment, and pretrial monitoring level and type. The average length of time between major events (e.g., booking, arraignment, pretrial release mechanism) can also be tracked.

Appendix E lists data fields that potentially can be incorporated into a new jail information system when one is obtained.



Resources to Support Legal and Evidence-Based Practices

A collaborative group of stakeholders employs evidence-based decision-making to ensure a high functioning pretrial system.

Finding

Contra Costa County has several standing committees that oversee a component of, or project within, the local justice system. The most relevant for pretrial functions are: (a) the Community Corrections Partnership (CCP), which consists of the system's agency heads and oversees funding to the agencies performing pretrial services functions; (b) the County Board of Supervisor's Public Protection Committee that oversees policies and procedures of local justice system agencies; (c) the Pretrial Work Group, which consists of mostly managers and/or supervisors from most, but not all (e.g., municipal law enforcement and judicial are not represented) agencies that make pretrial case processing decisions; and (d) the Racial Justice Task Force that works on policies concerning racial disparities at various decision points in the local justice system, including pretrial-related decision points.

Practitioners report that these committees provide the executive-level and operational support needed to manage the various components of the local pretrial justice system.

Recommendation

It is recommended that these committees continue to monitor the functioning of the local pretrial justice system, and its various components. These committees should request from the relevant agencies regular reports of pretrial performance measures. These committees in turn should help the agencies obtain the administrative and financial support needed to develop and maintain the information systems that contain the data needed for these measures.

It is also recommended that a senior staff member from a municipal law enforcement agency and a judicial representative become standing members of the Pretrial Work Group. Representatives from these agencies would gain better understanding and provide valuable perspectives on pretrial issues and potential solutions, as well as serve as conduits for communicating with their colleagues, the public, and the media.

The jurisdiction's purposes and goals for pretrial release and detention are articulated, and key terms and phrases are used accurately.

Finding

Practitioner's report that the County has an overall criminal justice strategic plan. There is, however, no specific plan or agreed-upon systemic goals pertaining to pretrial justice.

Regarding the use of key terms and phrases, overall, because pretrial services have been operational in the county for four years, many practitioners are familiar with most pretrial terms



and phrases. However, many practitioners still equate the term “bail” with “money.” This definition does not match the historical and legal (e.g., U.S. Supreme Court) uses of the term “bail,” which is defined as “release.” Financial release conditions are not typically involved in that definition. Nonetheless, equating “bail” with “money” is common in California overall because current California statutes are inconsistent, defining bail as “money” in some instances and as “release” (which is historically and legally correct) in others.

Recommendation

It is recommended that practitioners collaborate to develop a commonly agreed-upon set of goals for the local pretrial justice system. These goals would serve as the ultimate standards for evaluating the effectiveness of all pretrial practices and decisions. Many jurisdictions have, for example, set as their three pretrial goals:

1. Maximize law-abiding behavior and public safety
2. Maximize court appearance
3. Maximize pretrial release (and minimize costly detention)

Additionally, it is recommended that practitioners continue and expand their appropriate use of pretrial terms and phrases. The Pretrial Justice Institute (2015) provides a useful glossary. In particular, to the extent that practitioners continue to equate “bail” with “money,” their implementation of legal and evidence-based pretrial practices will be hindered, new case law and potential California statutory revisions will be confusing, and communication with the public and media will be difficult.

Pretrial stakeholders demonstrate necessary leadership, have the requisite knowledge and expertise, and have the needed training and coaching.

Finding

Practitioners report that they and their colleagues are interested in the functioning of the pretrial justice system and can make the decisions necessary to improve the system. Many members of the Pretrial Work Group attended the Pretrial Justice Institute’s online Fundamentals of Pretrial Justice course in February of 2017. Occasions for training and ongoing coaching for other day-to-day practitioners (e.g., judges, agency heads and senior staff) has been limited.

Recommendation

It is recommended that agency heads, including those who oversee operations and/or funding of pretrial services functions, participate in trainings and/or information sessions so they can become more informed about the legal and evidence-based pretrial practices and help shape local goals and policies and programming to achieve those goals. In particular, it is recommended that all judges, prosecutors, defense attorneys, and pretrial services staff who are involved in pretrial release and detention decisions and release conditions decisions participate regularly (e.g., annually) in training and coaching opportunities to keep informed of the latest developments in the law and science for pretrial justice.



If local practitioners decide to make substantial changes to pretrial risk assessment and risk management practices, then those changes will present a good opportunity to incorporate additional practitioner participation and training. Furthermore, when all local practitioners use the same language and provide the same message to the public and media about pretrial policies and practices that were locally and collaboratively developed, then they have more transparent, consistent, and credible information for county citizens.

Pretrial policymakers and staff are aware of relevant state- and national-level initiatives, litigation, and trends. Pretrial policymakers and staff participate in statewide and national venues for professional networking, information-sharing, and training.

Finding

Practitioners report that they are aware of the pending California Senate Bill 10 and pending law suits over pretrial practices in nearby California counties and in other states (e.g., Harris County, Texas).

Recommendation

It is recommended that County practitioners continue to monitor and be involved with, to the extent necessary, Senate Bill 10 and any other state legislation. It is also recommended that they keep informed of and adjust local policies and practices pursuant to new case law that may emerge so that lawsuits in Contra Costa County can be avoided.

In addition, it is recommended that practitioners participate in nationally available opportunities and resources relevant to legal and evidence-based pretrial practices. For example, all local pretrial practitioners can avail themselves of the National Association of Pretrial Services Agencies (NAPSA) annual conference and the Pretrial Justice Institute's (PJI) free every-other-week e-newsletter and online community forum through its University of Pretrial. Many new publications, free webcasts, training opportunities, national trends, and state initiatives and events, including those in California, are provided through these resources.

When practitioners participate in conferences and online forums, they can network with their colleagues in other jurisdictions and become more informed of and learn from initiatives in other jurisdictions. For these reasons, it is further recommended that all practitioners (especially all judges, prosecutors, and public defenders who participate in arraignments and pretrial case processing decisions) in the county avail themselves of the resources above.

It is also recommended that County leadership encourage, provide funding for, and accommodate scheduling flexibility for pretrial services management and staff to participate in ongoing staff development and training. This support will better ensure that local practitioners are able to participate in the activities recommended here, and it will help the County further develop and maintain state-of-the-art and effective pretrial services programming.



A plan and/or practices for engaging the public and media exist.

Finding

Practitioners report that they have not had much interaction with the public or media around local pretrial practices, and that they do not have a plan for doing so.

Recommendation

It is recommended that agency heads and relevant County and Municipal Public Information Officers collaborate to develop a communications plan to deliver a consistent and informative message about local pretrial practices (e.g., why certain people must be released while others can be detained; what County agencies do to assess and manage released defendants' pretrial risk). Significant future improvements to local pretrial practices will provide an opportunity for this communications activity. See Pretrial Justice Institute (2017) for a valuable resource for engaging the public and media.

A plan and/or practices for engaging special interest groups exist.

Finding

Practitioners report that they have not had any, or very minimal, interaction with groups that have a political, financial, and/or other special interest in the county's pretrial justice system remaining similar to how it is today (e.g., largely money-based). Specifically, local bail bondsmen or representatives from state bail bonding associations or the large, national insurance companies that underwrite bail bonds have not initiated contact with local officials (usually elected officials). Practitioners also do not have a collaboratively developed plan for communicating a coherent, effective message if such contact with them were to be initiated.

Recommendation

It is recommended that a plan for communicating with such special interest groups be developed if practitioners engage in significant system improvement efforts. The Pretrial Work Group will be able to assist the CCP, Public Protection Committee, all judges, Board of Supervisors, and all other elected and appointed officials with information for these officials to develop speaking points that explain the rationale for any new policies and practices consistent with legal and evidence-based pretrial practices. It is very important that all agency heads and practitioners speak with a unified voice to any special interest groups, as well as during any media and citizen interactions that arise because of actions taken by special interest groups.



Pretrial services functions (risk assessment, risk management) exist, and they are consistent with the law and guided by research.

- **Pretrial risk assessments are performed on all defendants and include the use of an actuarial pretrial risk assessment tool that is locally validated and periodically re-validated.**
- **Pretrial risk management is guided by defendants' degree of pretrial risk and research on its effectiveness.**
- **Defendants' risk is re-assessed, and release conditions are modified when the circumstances influencing their risk changes.**

Finding

The Probation Department and the Public Defender's Office collaborate to perform pretrial risk assessment. The Public Defender's Office paralegal staff interviews defendants and sends that information to the Probation Department's pretrial services staff who score the VPRAI and generate a pretrial assessment report that includes a recommendation to detain a defendant or the conditions under which a person should be released. This report is sent to the court for arraignment hearings. The Probation Department's pretrial services staff and the Sheriff's Office's CAF staff provide risk management to released defendants. Thus, there are three agencies providing pretrial services functions.

An exclusion list for risk assessment exists, such that defendants with certain more serious charges are not assessed. All other felony defendants are assessed, when possible, and when defendants choose to participate. Misdemeanor defendants typically are not assessed. However, because judges still must set pretrial release conditions for almost all these defendants, they must do so without any information from the pretrial assessment for some defendants. Moreover, some defendants' criminal histories are so long that they are not available to the Probation Department in time to score the pretrial assessment tool. When this occurs, the Probation staff who assemble the pretrial assessments need to separately request it from another agency and do not always receive it in time to prepare the pretrial assessment prior to arraignment.

A recent report by an outside consultant indicated that the version of the VPRAI, as it is scored and used in Contra Costa County, could not be validated because of data limitations. The report explains that, as defendants' scores on the tool increases, their failures on pretrial release do not increase, as would be expected with a valid instrument. In addition, because several of the tool's items require an interview with the defendant, some assessments cannot be completed for a variety of reasons (e.g., defendant refuses to participate, defendant does not provide reliable information). Additionally, several practitioners have misconceptions about the nature of the VPRAI (e.g., what it measures and does not measure; why it contains certain information and not other information).

Pretrial risk management practices exist. Some defendants receive court date reminders for their upcoming court dates, and some defendants are monitored during pretrial release. For defendants who have been assessed, the nature and intensity of the risk management strategies are calibrated to the measured risk. However, the extent to which pretrial monitoring is solely focused on



managing specific, shorter-term pretrial risk and is distinct from the supervision of sentenced offenders is very important. It is not clear how well this distinction informs the pretrial monitoring practices in Contra Costa County. Moreover, many defendants who score as higher risk on the VPRAI are usually placed on electronic monitoring for the duration of the pretrial phase of their case when they qualify. Given the lack of research support for the benefit of electronic monitoring for pretrial defendants (see VanNostrand et al., 2011), the use of this release condition may be more expensive and excessive than is needed to achieve good pretrial outcomes for this group of defendants.

A few practical limitations may diminish defendants' performance on pretrial monitoring. For example, some defendants leave court without a written copy of their release conditions. Some defendants appear for their pretrial monitoring intake appointment before a copy of the court paperwork summarizing release conditions arrives at Pretrial Services. Furthermore, the pretrial officer does not have a data field to enter free-form case notes that would be useful for pretrial monitoring; the case notes are stored in a separate shared drive.

For defendants who have not been assessed, the ordered release conditions and nature and intensity of the risk management interventions cannot be calibrated to pretrial risk.

Finally, defendants' release conditions, including financial conditions, may be changed on a case-by-case basis when the defendants' charges or circumstances change. It is unclear whether the pretrial assessment tool is re-scored when it would be informative to do so.

Recommendation

It is recommended that the pretrial risk of 100% of defendants in the county for whom judges must make a pretrial release or detention decision and/or order release conditions be assessed for their risk of new criminal activity and for failure to appear. This includes those defendants who have very serious or violent charges, those who have misdemeanor or felony charges, and those who have extensive criminal histories. That is, every defendant should be assessed because every defendant could potentially be released.

It is recommended that the current pretrial assessment tool be replaced with a different tool that is valid for use with Contra Costa County defendants. This new tool could be a locally revised version of the VPRAI, a new tool developed using local data, or a different tool such as the Public Safety Assessment (PSA).¹¹

Because all these options have pros and cons, it is recommended that the Pretrial Work Group have further detailed discussions and decide on a course of action. Briefly, it appears that an attempt to develop a revised and valid version of the VPRAI would possibly exclude data on factors that are potentially predictive of pretrial behavior. A newly developed tool would require

¹¹ The Laura and John Arnold Foundation hosts a web site for the Public Safety Assessment. See <http://www.arnoldfoundation.org/initiative/criminal-justice/crime-prevention/public-safety-assessment/> for more information.



time-consuming, original data collection and analysis from an outside expert. Both of these options would require future, periodic, County-initiated re-validation efforts.

Although the implementation of the PSA would also require enhanced data access (e.g., national criminal history data), the PSA has multiple advantages. The PSA: (a) does not depend on defendant-provided information for scoring; (b) is objectively scored (i.e., no one agency has undue influence, intentional or unintentional, on scoring); (c) contains the factors that rigorous research has shown to be the most predictive of pretrial behavior and does not include weaker or non-predictive factors; (d) has the added feature of a violent behavior indicator; and (e) comes with additional guidance and tools for putting the PSA into practice through a decision-making framework and research-based release conditions.

It is recommended that the nature and intensity of all levels of pretrial monitoring be revisited for defendants who present all levels of pretrial risk to look for opportunities to use and focus research-based interventions on the defendants for whom the interventions would very likely have the most impact. The use of a locally validated pretrial assessment tool would likely be needed to enable the maximization of these pretrial risk management resources.

It is recommended that practitioners discuss and formalize the criteria by which defendants' pretrial risk is re-assessed. This assures that risk management strategies, up to and including pretrial detention, are used as cost-effectively as possible for defendants whose likelihood of pretrial risk changes while their case is pending.

The agencies that provide pretrial services functions have an operationalized mission for these functions.

Finding

Practitioners report that the Pretrial Work Group has a mission statement for the pretrial case processing it coordinates. The three agencies that provide pretrial functions do not have an operationalized mission for the pretrial functions they perform. Each agency may have its own overarching mission or purpose that may not necessarily include, or be in conflict with, the pretrial functions it provides.

Recommendation

It is recommended that practitioners consider consolidating the pretrial services functions within one agency to reduce inconsistencies, inefficiencies, conflicts, and confusion (internally among practitioners and externally to defendants, other stakeholders, and the public). This consolidation could occur within an existing agency or be done through the creation of a new agency specializing in the delivery of pretrial services. There would be numerous advantages and disadvantages for both options. Regardless, all practitioners, signage, logos and emblems, forms, and documents should refer to the agency (or unit within a larger agency) as the "pretrial services agency" or something similar. This distinguishes the agency's specialized functions and helps



provide clarity to defendants and their families, as well as to all system practitioners, victims, witnesses, the public, and the media.

It is recommended that when local practitioners discuss and decide on a future course of action regarding the administrative structure of the pretrial services functions, they also consider that most risk assessment and risk management functions (e.g., pretrial monitoring) nationally are adequately performed by non-sworn, civilian professionals. The use of sworn probation officers and Sheriff's deputies adds costs that aren't necessarily required. However, because these pretrial functions have been performed to date by these staff members, practitioners may decide to "grandfather" some current staff members for some time so these more experienced staff members can train and mentor new employees.

Staffing and funding for pretrial services functions are adequate.

Finding

In December 2017, practitioners indicated that, for the most part, the number and type of staff were adequate for the current volume and types of defendants who were assessed and monitored. Practitioners also reported in March 2018 that the California Supreme Court's Humphrey decision has increased several agencies' workloads such that previous staffing levels (e.g., for judges, prosecutors, public defenders) may no longer be sufficient given any new policies and practices of the local pretrial justice system.

Recommendation

It is recommended that staffing be reconsidered in conjunction with any new risk assessment and risk management policies and practices that are implemented. The number of defendants assessed, which assessment tool is used, the extent to which secured money bail is used, and the number and the type of defendants ordered to pretrial monitoring all influence the number and type of staff needed. After revisions to these practices are decided, then the number of staff and the amount of funding needed for a more effective and efficient pretrial justice system can be determined. These revised practices would also incorporate any requirements from the Humphrey decision.

Management has the required pretrial knowledge and expertise and provides training and coaching to the staff members performing the pretrial functions.

Finding

The Pretrial Work Group appears to be the major mechanism for coordinating training opportunities for local practitioners. Other relevant practitioners (all criminal docket judges; prosecutors and defense attorneys who participate in first appearance hearings) may not have adequate pretrial-specific knowledge and skills.



Recommendation

It is recommended that the Pretrial Work Group continue its function of coordinating training for all practitioners involved in the day-to-day operations of the pretrial justice system at the management and line-staff levels. It is recommended that all judges, prosecutors, defense attorneys, and staff performing pretrial functions obtain the requisite information about legal and evidence-based pretrial practices in general, including general information about pretrial risk assessment and risk management and specific information about the tools used locally. Ongoing coaching for these practitioners will help sustain pretrial practices that achieve desired system outcomes.

Guidelines for responding to defendants' positive and negative behavior are articulated and adhered to.

Finding

The Probation Department has policies and procedures for responding to defendants' positive and negative behavior. It is unclear to what extent these practices are adhered to, and what judges' responses are to violations of various release conditions.

Recommendation

It is recommended that after risk management practices are revised, for example, through a pretrial decision-making framework and release conditions grid collaboratively developed with input from all relevant stakeholder agencies (court, DA's Office, Public Defender's Office, Sheriff's Office, Probation Department, law enforcement agencies), then guidelines for responding to defendants' positive and negative behavior be revised. This revision allows practitioners to (a) agree on which violations will be reported to whom and by when and how they will be responded to, and (b) allocate detention and community-based monitoring resources to defendants for whom they could have the most impact.

Defendants' positive and negative behavior is reported to the sentencing judge prior to sentencing.

Finding

Practitioners report that defendants' positive and negative behavior is not routinely reported to the judge imposing a sentence for convicted defendants.

Recommendation

It is recommended that this information be provided to the judge who is imposing a sentence for convicted persons who were on pretrial monitoring prior to their conviction. The information should also be provided to the prosecutor and defense attorney who are involved at sentencing.



Information on defendants' performance during pretrial may help the judge make more informed decisions about which sentencing options would be most appropriate for particular defendants.

Performance measures specific to the pretrial services functions are collected, analyzed, and shared with all relevant stakeholders.

Finding

As seen in Appendix C, Probation's pretrial services' database has some data relevant for determining the characteristics of defendants who are on pretrial monitoring, such as the charges, assessed risk levels, recommended release conditions, amount of time spent on pretrial monitoring, and pretrial outcomes. Pretrial staff also reported that they have recently begun attempting to collect similar data for defendants assessed but not ordered to pretrial monitoring. These latter data are not yet sufficient for analysis.

When the pretrial services information system tracks case closures, pretrial staff can select from several options in the data field "Supervision End Type." The options designate which case closures are "successful" and "unsuccessful" and list a reason. Some options include "Successful – No Violations; Successful – With Violations; Successful - With FTA; Unsuccessful – Technical Violations; Unsuccessful - FTA; Unsuccessful – New Offense." These data are used to generate information for reports on the program's operations.

Finally, Probation Department staff, Sheriff's Office staff, and the Public Defender's Office staff provided this writer with various reports on pretrial performance measures, mostly generated from data from Probation's pretrial services database. Many of these reports provide data on measures that are useful for measuring the performance of components of the local pretrial justice system.

Recommendation

The information systems used by the highest functioning pretrial services agencies can store information from most of the data fields listed in Appendix F. It is recommended that the County collect information from these data fields for all defendants to evaluate the performance of all defendants placed on pretrial monitoring. Most of these data fields would also be applicable to a court's information system so that the performance of defendants not placed on pretrial monitoring can be tracked.

If County practitioners are not able to immediately collect the information described above for all defendants, it is recommended that ongoing performance measurement by the County continue for as many defendants as possible. When new policies and practices pertaining to risk assessment and risk management are developed, the opportunity to expand and improve the number and type of process and outcome measures will exist. The County should implement such performance measurement to evaluate the new policies and practices. At a minimum, both the pretrial services agency and the court will need a new and modernized information system



for performance measurement purposes (and for case management purposes for the pretrial services agency).

The information's system's labels of "successful" and "unsuccessful" may be useful for pretrial staff's internal use for case and workload management purposes. If so, then the use of these labels can be continued. However, it is recommended that the labels of "Successful Completions" or "Unsuccessful Completions" not be used for external reports of case closures, even when the sub-types are listed (e.g., with or without any FTAs) because the labels require a subjective value judgment and can be confusing to other agencies' practitioners and/or the public or media. Specifically, the use of these labels can perpetuate people's artificial "black and white" perceptions and thinking about defendants' performance on pretrial release, when in actuality, defendants' performance on pretrial release is on a continuum between "success" and the "lack of success" or "failure." The same overall message can be conveyed by externally reporting what actually happened from the defendants' perspective (e.g., the percentage of persons who had no FTAs, no new arrests, and no technical violations). As seen in Tables C5 and C6, the objective data are tracked and can be reported on a quarterly basis. Using the latter, objective descriptions of the data eliminate the potential for debates or over-simplified misunderstandings about which monitored cases are "successful" or "unsuccessful" and whether the pretrial monitoring function is "successful" or not.

It is also recommended that the pretrial services agency staff discuss with each stakeholder agency which performance measures are most valuable for evaluating the effectiveness and efficiency of the local pretrial justice system. Then, a single template for periodic reporting can be further refined to have maximum value to the local justice system.



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Appendix A

Meeting schedule during December 2017 and January 2018

Dec. 13th	
9:00 AM	Meet with Jill Ray of Supervisor Candace Andersen's office 309 Diablo Road, Danville, CA 94526
12:00 PM	Judges Meeting 725 Court Street, Martinez, CA
3:00 PM	Meet with District Attorney 900 Ward St., Floor 3, Martinez, CA
Dec. 14th	
8:00 AM – 10:00AM	Observe Jail Bookings and 1 st Appearances 1000 Ward Street, Martinez, CA
11:00 AM	Meet with Probation Chief and Asst. Chief 50 Douglas Dr., #200, Martinez, CA
1:00 PM	Meet with Public Defender 50 Douglas Dr., #200, Martinez, CA
2:00 PM	Meet with Sheriff's Office 50 Douglas Dr., #200 Martinez, CA
3:00 PM	Meet with Pretrial Supervisor and Deputies 50 Douglas Dr., #200, Martinez, CA
Dec. 15th	
8:00 AM	Observe Pretrial Report Process and Intake Appointment 50 Douglas Dr., 200, Martinez, CA
10:00 AM	Meet with County Administration (Donte Blue) 1122 Escobar St., Martinez, CA
Jan. 24th	
8:30 AM	Phone call with municipal police representatives



Meeting agenda for the pretrial planning session on April 26, 2018.

Agenda

1) 45 Minutes

Participants introduce one another.

Discuss why we are here.

Talk about our reactions to the report's findings and recommendations.

Do a session check-in.

Take a break.

2) 1 Hour

Discuss the pretrial system we want to create.
(Answer: "What do we want to do and why?")

Take a break.

3) 1 Hour, 45 Minutes

Brainstorm ideas for how this system can be created.
(Answer: "What can we do and how?")

Take a Break.

Decide specific next steps.
(Answer: "What will we do and when?")



Appendix B

Jail Pretrial Data Analysis

Purpose

The purpose of the jail pretrial data analysis is to use jail data to illustrate the impact of pretrial practices on the local jail and to indicate the prevalence of certain pretrial practices. For the pretrial justice system assessment, the jail data provide an objective source of information that complements other sources of information (e.g., stakeholder reports, observations, policy documents).

A one-day snapshot analysis provides information about pretrial inmates in jail custody on any given day.

An analysis of release data provides information complementary to the one-day snapshot, such as the types of pretrial release and length of time in jail custody.

Method

The Contra Costa County Sheriff's Office provided the data for the jail pretrial data analysis.

Two data sets were provided:

- (1) data on adult persons in Sheriff's custody on Friday, January 19, 2018;
- (2) data on adult persons released from Sheriff's custody during the 90-day period from October 21, 2017 to January 19, 2018.

January 19 Jail One-Day Pretrial Snapshot Data

Data on persons in each of the four facilities/programs were provided: the Martinez Detention Facility, the West County Detention Facility, the Marsh Creek Detention Facility, and the Custody Alternative Facility program. Only data on inmates in the Martinez and West County Detention Facilities were analyzed because these two facilities house pretrial inmates in a facility.

The data showed there were 1,477 inmates associated with these two facilities on January 19, 2018. One-hundred, two (102) inmates were removed from the data set because they were categorized as temporary releases,¹² leaving 1,345 inmates in the two facilities.

To establish a list of pretrial inmates, inmates who did not have any charges listed as 'open' were removed from the data set, leaving 1,094 inmates with at least one charge in 'open' status. Charges under federal court jurisdiction were also removed, leaving 881 inmates in the data set. A new data field for most serious charge was coded for inmates who had more than one charge.

¹² The Sheriff's Office categorizes temporary releases as persons who have a Contra Costa County court case and are, for example, in the state hospital for evaluation or treatment, released to another agency such as the U.S. Marshals, or are in state prison for evaluation or housing.



Because some manual coding was required prior to data analysis, a sample of 100 inmates was selected for analysis. The 100 inmates were randomly selected so that the results of the analyses would be generalizable to the entire pretrial inmate population.

90-Day Jail Pretrial Releases Data

Data on persons released from each of the four facilities/programs were provided. Only data on inmates from the Martinez and West County Detention Facilities were analyzed because these two facilities release inmates on pretrial status.

The data showed there were 5,433 inmates released from these two facilities during the 90-day period. Only inmates who were released on apparent¹³ pretrial status were retained in the data set, leaving 3,135 inmates. A new data field for most serious charge was coded for inmates who had more than one charge.

Data for these 3,135 inmates released from jail custody on pretrial status were analyzed.

Findings and Commentary

Sheriff’s Office staff reported that some one-day snapshot data in the jail’s information system is either missing or unreliable because of the very old age of the system. When the analyses identified a high amount of missing or inconsistent data for a data field, analyses of these data fields were not reported to avoid unreliable findings. The analyses below represent an estimate of characteristics of pretrial inmates on any given day.

January 19 Jail One-Day Pretrial Snapshot Analysis

Table B1

Demographic Characteristic	Percent or Average
Gender	
Male	87%
Female	13%
Age	32.9 years
Race/Ethnicity	
White	27%
Black	35%
Hispanic	33%
Other/Unknown	5%

¹³ Inmates who were released because of, for example, sentence served, transfer to state prison, or under another jail code (e.g., court order of release) that could include both sentenced and pretrial inmates were excluded from the analysis.



As seen in Table B1, the gender data above are typical for a jail population according to the Bureau of Justice Statistics.¹⁴ The average age data above are typical for a jail population in this author’s experience.

The race/ethnicity data above differ from that reported by the U.S. Census for Contra Costa County.¹⁵ The percentages of Black and Hispanic persons in jail custody appear to be higher than the percentages of Black and Hispanic persons residing in the county.¹⁶

Table B2

Case Processing Characteristic	Percent
Jail Facility	
Martinez	59%
West County	41%
Top Charge Level	
Felony	90%
Misdemeanor	8%
Other	2%
Top Charge Type	
Person	60%
Property	22%
Driving	5%
Drug	2%
Other	11%
Money Bail Amount	
\$2,500 to \$9,999	4%
\$10,000 to \$24,999	3%
\$25,000 to \$49,000	8%
\$50,000 to \$99,999	9%
\$100,000 to 199,999	10%
\$200,000 to \$499,999	8%
\$500,000 to \$999,999	12%
\$1,000,000 to \$9,999,999	20%
\$10,000,000 or more	2%
No Amount Specified	24%

As seen in Table B2, the charge data above indicate that most inmates with an open court case are much more likely to have a felony charge, and more likely than not to have a most serious charge that is a crime against a person.

¹⁴ See <https://www.bjs.gov/content/pub/pdf/ji15.pdf>

¹⁵ See <https://www.census.gov/quickfacts/fact/table/contracostacounty/california/PST045216>

¹⁶ Because of the limitations in the jail’s race and ethnicity data, formal comparisons between these data and census data were not made.



The money bail data above indicate that of the persons with a money bail amount specified, approximately half of them have total money bail amounts of \$100,000 or more. The remaining inmates are evenly split with either amounts less than \$100,000 or no amount specified. This pattern of data suggests that judicial officers are either (1) denying bail/release to defendants with violent or very serious charges, or (2) setting very high secured financial conditions of money bail with the intention that these defendants will not be able to post these amounts and will consequently remain in pretrial detention.

90-Day Jail Pretrial Releases Analysis

Sheriff's Office staff reported that some release data in the jail's information system is either missing or unreliable because of the very old age of the system. When the analyses identified a high amount of missing or inconsistent data for a data field, analyses of these data fields were not reported to avoid unreliable findings.

Table B3

Pretrial-Related Release Reason	Percent
Charges Not Filed or Dismissed	27%
Cited and Released	38%
Released on Recognizance	11%
Posted Commercial Money Bail	24%
Posted Cash Money Bail	<1%

As seen in Table B3, 27% of persons who leave jail for pretrial-related reasons do so because charges are not filed or charges are dismissed. For defendants who leave jail on pretrial status, the most common pretrial release mechanism is cite and release, followed by commercial money bail and then release on recognizance.

Table B4

Pretrial Release Reason	Charge Level		
	Misdemeanor	Felony	Other*
Charges Not Filed or Dismissed	37%	62%	1%
Cited and Released	97%	2%	1%
Released on Recognizance	80%	19%	1%
Posted Commercial Money Bail	53%	46%	1%
Posted Cash Money Bail**	57%	43%	0%

* Other includes infractions, civil charges, and unknown charges.

** Percentages may be unreliable because of very small numbers (total number = 7 persons).

As seen in Table B4, when charges are not filed against a person booked into jail, those persons have at least one felony charge 62% of the time.

Cite and release and personal recognizance releases are the primary mechanisms of pretrial release for defendants who do not have felony charges. The posting of money bail with a



commercial bail bondsman is about evenly split between defendants charged with at least one misdemeanor or at least one felony charge.

Overall, the pattern of results in Tables B3 and B4 indicates that when charges are not dismissed, jail inmates' charge level is very strongly related to the mechanism for pretrial release: Nearly all felony defendants who leave jail pretrial do so via posting commercial money bail, and most misdemeanor defendants who leave jail pretrial do so via cite and release, and less frequently do so via posting commercial money bail or on their own recognizance.

Table B5

Pretrial Release Reason	Average Length of Stay Until Release*
Charges Not Filed or Dismissed	13.5 days
Cited and Released	1.9 days
Released on Recognizance	13.7 days
Posted Commercial Money Bail	4.5 days
Posted Cash Money Bail**	1.2 days

* The length of stay is calculated from the date of booking into jail until the date of release. It not possible to know from the data provided to what extent any given inmate's length of stay was spent on pretrial or sentenced status. Thus, the length of stay data in Table B5 does not necessarily indicate inmates' pretrial lengths of stay.

** The average may be unreliable because of very small numbers (total number = 7 persons).

As seen in Table B5, the different release mechanisms are associated with differing amounts of time in jail custody. If the acknowledged data limitations are not influencing the lengths of stay, then defendants who are cited and released are leaving jail via this pretrial release mechanism in less than 2 days after booking.

Because Contra Costa defendants who leave jail via charges being dropped or dismissed may be taking approximately two weeks to be released, it is possible that the timing of certain aspects of case processing, such as the timing of prosecutorial review of charges or court docketing, takes two weeks to complete. Additional, more detailed case-level data exploration would be necessary to determine whether and to what extent this is occurring.

In most jurisdictions, in this author's experience, pretrial release on recognizance often takes an average of one to two days for most defendants. Because Contra Costa defendants who leave jail via release on recognizance may be taking approximately two weeks to be released, it is possible that these inmates have some other factor (most commonly a secured money bail amount they cannot post, in this author's experience) keeping them in jail for two weeks, and at the end of those two weeks, a judicial officer orders the defendants released on their own recognizance. Additional, more detailed case-level data exploration would be necessary to determine whether and to what extent this is occurring.



Appendix C

Pretrial Monitoring Data Analysis

Purpose

The purpose of the pretrial monitoring data analysis is to use pretrial monitoring data to illustrate the impact of pretrial practices on the pretrial monitoring function and to indicate the prevalence of certain pretrial practices. For the pretrial justice system and program assessment, the pretrial monitoring data help provide an objective source of information that complements other sources of information (e.g., stakeholder reports, observations, policy documents).

A one-day snapshot analysis provides information about persons on monitored pretrial release on any given day.

An analysis of cases-closed data provides information complementary to the one-day snapshot, such as the types of case closure, length of time under monitoring, and pretrial outcomes.

Method

The Contra Costa County Probation Department provided the data for the pretrial monitoring data analysis. Two data sets were provided:

- (1) data on adult persons on monitored pretrial release on Wednesday, November 1, 2017;
- (2) data on adult persons whose pretrial monitoring ended during the one-year period from July 1, 2016 to July 1, 2017.

November 1 One-Day Pretrial Monitoring Snapshot Data

Data on the 96 persons on monitored pretrial release on November 1 were analyzed.

One-Year Pretrial Monitoring Cases Closed Data

Data on the 236 cases closed from July 2016 to July 2017 were analyzed

Findings and Commentary

November 1 One-Day Pretrial Monitoring Snapshot Analysis

Probation Department staff reported that the one-day snapshot data from the pretrial services information system is very reliable. The analyses below represent an estimate of characteristics of defendants on monitored pretrial release on any given day.



Table C1

Case Characteristic	Percent
Top Charge Level Felony	100%
Top Charge Type Person Property Driving Drug Fraud Other or Unknown	12% 23% 14% 20% 3% 28%
Person Charge Subtype Violent Non-Violent	5% 95%
Labeled Pretrial Risk Level* Low Below Average Average Above Average High	13% 20% 37% 23% 7%

* Because the pretrial risk tool used in Contra Costa County to generate the risk level was shown in a previous report not to be statistically reliable for several possible reasons, these risk categories may not accurately indicate defendants' pretrial risk.

As seen in Table C1, all defendants on monitored pretrial release have at least one felony charge. Property and drug charges are the most common, followed by driving and person charges. Very few person-charges are violent in nature. The statistically reliable pretrial risk level of defendants on monitored pretrial release is unknown.

One-Year Pretrial Monitoring Cases Closed Analysis

Probation Department staff reported that the cases closed data from the pretrial services information system is very reliable.

Table C2

Pretrial Release Recommendation	Percent
Own Recognizance	<1%
Own Recognizance with Phone Reporting	<1%
Own Recognizance with Conditions	15%
Supervised Release with Conditions	59%
Supervised Release with Alcohol Monitoring	3%
Supervised Release with GPS	16%
No Pretrial Release	7%



As seen in Table C2, the pretrial services agency recommended that assessed defendants be released with conditions approximately 60% of the time and released with GPS or released on recognizance with conditions each approximately 15% of the time. Recommendations against pretrial release were made 7% of the time. Additional analyses (not depicted) revealed that as the labeled risk level increased, so did the recommended intensity of release conditions (from recognizance options, to monitored release with conditions, to monitored release with GPS, to no recommended release).

The practice of providing increasingly intense risk management strategies as defendants' risk levels increase is consistent with legal and evidence-based pretrial practices. The practice of recommending no pretrial release for any defendant is not consistent with legal and evidence-based practices. The release or detention decision is within the purview of a judge's discretion as guided by the law and is not within the domain of a pretrial services agency or solely within the scope of the type of pretrial risk measured by a pretrial assessment tool.

Table C3

Concurrence Between Recommendation and Court Order	Percent
Yes	93%
No	7%

As seen in Table C3, the pretrial services agency indicated that its release recommendations matched the court-ordered release conditions 93% of the time. This is within the upper limits of a 10 to 15% maximum non-concurrence rate recommended by many pretrial justice experts.

Table C4

Length of Time on Pretrial Monitoring*	Percent
1 day	7%
2 to 6 days	5%
7 to 30 days	13%
31 to 90 days	22%
91 days to 180 days	25%
181 or more days	28%

* The average length of time on pretrial monitoring is 136 days and the median is 97 days.

As seen in Table C4, approximately one-fourth of defendants are under pretrial monitoring, respectively, for (a) one month or less, (b) one to three months, (c) three to six months, and (d) six or more months. These time frames provide an indicator of how much time it takes to reach disposition of court cases for defendants under pretrial monitoring.



Table C5

Pretrial Monitoring Primary Outcome Measures	Percent
Court Appearance: Defendants with no failures to appear	77%
Public Safety/Law Abiding: Defendants with no new arrests*	92%

* Data on the nature of the charges for the new arrests are available from the Probation Department.

As seen in Table C5, almost 8 in 10 monitored pretrial defendants made all their court appearances, and approximately 9 in 10 defendants were not arrested for a new offense during monitored pretrial release. In this author’s experience, these percentages are similar to those reported by other pretrial services agencies nationwide. Moreover, these percentages are likely influenced by the risk level presented by the defendants under pretrial monitoring (i.e., generally, the larger number of higher risk defendants an agency monitors, the lower the agency’s measured pretrial success rates).

Table C6

Pretrial Monitoring Secondary Outcome Measures	Percent
Technical Compliance: Defendants with no technical violations	90%
Technical Violation Type	
Failure to Report	9%
Positive Drug/Alcohol Test	4%
SCRAM Failure	4%
GPS Failure*	70%
Other	13%

* GPS Failure refers to instances in which defendants had a violation after they initiated GPS monitoring. It does not include persons who did not begin GPS monitoring in the first place.

As seen in Table C6, 9 in 10 ten defendants under pretrial monitoring complied with their pretrial release conditions. When they did violate a release condition (other than for non-appearance or for a new arrest), a GPS violation was the reason 70% of the time. In this author’s experience, this is a relatively high percentage of compliance with technical conditions.

Table C7

Pretrial Monitoring Other Process Measure	Percent
Rejected from Sheriff’s Office’s Custody Alternative Program	11%

As seen in Table C7, 11% of defendants ordered to pretrial monitoring were rejected from the Sheriff’s Office’s Custody Alternative Program. Data on what happened to these defendants



(e.g., they remained in jail custody, they were monitored by the pretrial services agency without sheriffs' Office oversight, they posted commercial money bail) was not available.



Appendix D

Essential Pretrial Performance Measures

1. Number of Defendants for whom the data are being analyzed in the time period (e.g., during the project).

Breakdown by:

- demographic variables of age group, sex, race, and ethnicity
- charge-risk profile¹⁷

2. Release Rate - the percentage of booked (into jail) defendants who are released from jail prior to case disposition.

Breakdown by:

- demographic variables of age group, sex, race, and ethnicity
- charge-risk profile
- release condition(s) such as recognizance/non-financial, pretrial monitoring, unsecured financial, secured financial (cash, commercial surety, deposit to the court)

3. Time to Release - the average time to release from jail for defendants who are released pretrial.

Breakdown by:

- demographic variables of age group, sex, race, and ethnicity
- charge-risk profile
- release condition(s) such as recognizance/non-financial, pretrial monitoring, unsecured financial, secured financial (cash, commercial surety, deposit to the court)

4. Detention Rate - the percentage of booked defendants who are detained for the entire duration of the pretrial phase of their case.

Breakdown by:

- demographic variables of age group, sex, race, and ethnicity
- charge-risk profile
- reason for detention (held without bond, held on another charge or case)

5. Length of Detention - the average time detained/never-released defendants spend in jail until case disposition.

Breakdown by:

- demographic variables of age group, sex, race, and ethnicity
- charge-risk profile
- reason for detention (held without bond, held on another charge or case)

¹⁷ The charge-risk profile is a composite of the defendant's charge (level and/or category) and risk score (or risk category). This composite profile is more useful for analysis than the charge or risk score alone because the profile is what the court typically uses to guide its ordered type and intensity of risk management/monitoring and, to the extent permitted by law, its release-or-detention decisions; however, some states may initially have data only on charges or risk scores, so that data can be used temporarily.



6. Court Appearance Rate - the percentage of released defendants who appeared at all court appearances for which the court expected them to appear during the pretrial phase of their case.

Breakdown by:

- demographic variables of age group, sex, race, and ethnicity
- charge-risk profile
- release condition(s) such as recognizance/non-financial, pretrial monitoring, unsecured financial, secured financial (cash, commercial surety, deposit to the court)

7. Law Abiding Rate - the percentage of released defendants who were not arrested for or charged with a new crime during the pretrial phase of their case.

Breakdown by:

- demographic variables of age group, sex, race, and ethnicity
- charge-risk profile
- release condition(s) such as recognizance/non-financial, pretrial monitoring, unsecured financial, secured financial (cash, commercial surety, deposit to the court)
- the level (felony/misdemeanor) and type of the new charge. When the new charge type is a violent offense, this measure is also known as the public safety rate)



Appendix E

Jail Data Elements

When the following jail data elements are available in the jail's information system for each jail inmate, useful pretrial performance measures can be calculated.

- Person's name
- Person's unique ID number
- Person's booking number
- Date of birth
- Juvenile (Yes/No)
- Sex
- Race
- Ethnicity
- Employment status (No, Part-time, Full-time)
- City of residence
- State of residence
- Zip code of residence
- Date booked in
- Date of release
- Total # of hours in the facility (calculated as date of release minus date of book-in)
- Arresting agency
- Total number of charges
- Charges English descriptions
- Charges offense code (e.g., statutory)
- Charges offense class/level (Felony, Misdemeanor, Municipal, Traffic, etc.)
- Flag for the top (highest) charge
- Court of jurisdiction for each charge
- Disposition for each charge (Dismissed, Completed sentence, Posted bail, Court ordered release)
- Legal Status for each charge (Pretrial, Convicted, Sentenced, Contract, Hold, Probation violation, etc.)
- Reason for Release (Bonded out, Served sentence, Transfer, Early Release, etc.)
- Bond type set (Cash only, Surety, Recognizance)
- Bond amount set (measured in dollars, if any)
- Bond type posted (Cash only, Surety, Recognizance)
- Bond amount posted (measured in dollars, if any)
- Pretrial risk score or category
- Flag for Sentenced status (Yes/No)
- Sentence start date
- Flag for domestic violence (Yes/No)
- Flag for behavioral health issue (Yes/No)



Appendix F

Pretrial Services Data Elements

When the following pretrial services data elements are available in the pretrial agency's information system for each defendant assessed and/or monitored, useful pretrial performance measures can be calculated.

- Person's name
- Person's unique ID number
- Person's case number
- Date of birth
- Juvenile (Yes/No)
- Sex
- Race
- Ethnicity
- Employment status (No, Part-time, Full-time)
- City of residence
- State of residence
- Zip code of residence
- Date assessed
- Risk item score
- Risk score total
- Risk category
- Total number of charges
- Charges English descriptions
- Charges offense code (e.g., statutory)
- Charges offense class/level (Felony, Misdemeanor, Municipal, Traffic, etc.)
- Flag for the top (highest) charge
- Court of jurisdiction for each charge
- Date monitoring started
- Date monitoring ended
- Charges disposition (e.g., Dropped, Guilty, Sentenced)
- Specialty caseload designation (e.g., Domestic violence, High monitoring)
- Release conditions (e.g., Recognizance, Money bail and amount, court date notifications, monitoring)
- Failures to appear and dates
- New arrests and dates, including level and nature of charges
- (subdivided by case closure reason (court case adjudicated or dropped, release revoked, etc.)
- Technical violations and dates, including nature of violations



Appendix G

Summary of the Pretrial Planning Session, April 26, 2018

On April 26, eleven Contra Costa County staff members who are members of the County's Pretrial Work Group or who had been invited to the meeting convened to discuss and decide next steps for improving the county's pretrial justice system. All participants had assisted with the pretrial assessment and/or had read this report (Introduction through Appendix F) in preparation for the meeting. Michael Jones, consultant for Justice System Partners, facilitated the meeting.

Attendees were:

- Kuo-Chih (KC) Wen, Sheriff's Office
- Marry Hooker, Sheriff's Office
- Chrystine Robbins, Sheriff's Office
- Todd Billeci, Probation Department
- Genevieve (Genny) Maloney, Probation Department
- Jennifer Lunardi, Probation Department
- A.J. Lawrence, Probation Department
- Ellen McDonnell, Public Defender's Office
- Venus Johnson, District Attorney's Office
- Donté Blue, Office of Reentry and Justice
- Lara DeLanney, Office of Reentry and Justice

The meeting proceeded in three parts:

1. Discussion of the purpose and goals of the meeting and participants' comments, questions, and requested edits to the written report
2. Questions, answers, and decisions about options for pretrial risk assessment tools
3. Establishment of next steps for the Pretrial Work Group

Purpose, Goals, and Edits to the Written Report

Participants agreed that they want to establish guiding values and goals for the local pretrial justice system, use the report's findings and recommendations to make decisions and establish next steps for improving the local system, and decide which pretrial assessment tool they want to use.

Participants agreed that they would like to adopt the phrasing (or some similarly worded version) of the three pretrial justice goals used by many other jurisdictions and listed in this report. They are:

1. Maximize law-abiding behavior and public safety
2. Maximize court appearance
3. Maximize pretrial release (and minimize costly detention)

During a future meeting, the Pretrial Work Group can select the preferred wording and present it to other policy-level or advisory groups (e.g., Community Corrections Partnership).



Participants then requested several edits to the written report. These edits were incorporated into the final version.

Options for Pretrial Assessment Tools

A large portion of the meeting was dedicated to question and answer about the pros and cons of three different options for using a locally validated actuarial pretrial assessment tool. First, participants quickly ruled out the option of developing a new tool for Contra Costa County primarily because of the longer time frame and high degree of original data collection needed.

Secondly, participants then discussed the process for trying to validate the tool currently used, the Virginia Pretrial Risk Assessment Instrument (VPRAI; second version). They also decided that this option is not the first choice because of the longer time frame needed and possibility that analyses might reveal the instrument is not as predictive as desired for Contra Costa defendants.

Thirdly, participants discussed the features of the Laura and John Arnold Foundation's Public Safety Assessment (PSA). Participants decided that their first choice is the adoption of the PSA as the pretrial assessment tool for Contra Costa County because of the benefits and features of the PSA, such as the PSA:

- Was developed for use by any jurisdiction in the U.S.
- Is available at no cost
- Does not require a face-to-face interview with the defendant to score
- Can be scored quickly and with minimal staff effort
- Can be integrated into the jail booking process, ensuring that every newly booked defendant can be assessed
- Provides three scores on assessed defendants: likelihood of failure to appear; likelihood of being arrested for new criminal activity; and likelihood of being arrested for new violent criminal activity
- Has been integrated by a few software vendors into a pretrial case management system
- Will (likely) be publicly released in early summer of 2018, with accompanying technical assistance at no cost to jurisdictions.¹⁸

Currently and in the future, any jurisdiction also has the option to use its own funding sources to hire a qualified expert to assist with PSA implementation, if needed.

Participants expressed a desire to apply for Foundation-funded technical assistance when the Foundation begins to accept applications in 2018 (targeted for late summer or early fall). If Contra Costa County is not selected as a PSA implementation site, then local officials will explore the possibility of using local funding to obtain any needed technical assistance.

¹⁸ For more detailed information, see <http://www.arnoldfoundation.org/laura-and-john-arnold-foundation-seeks-partners-for-national-expansion-of-risk-assessment-field-shaping-research-agenda/>.



Next Steps

Beginning immediately, the Pretrial Work Group agreed to go through each of the report's recommendations and decide which ones they would like to implement in the short-term and which ones are better suited for longer-term implementation.

Some opportunities for implementation in the short-term:

- Eliminate the list (the "DQ List") that disqualifies certain defendants from being assessed because of very serious charges
- Convene local law enforcement, prosecution, defense, and court representatives to establish a reliable and accurate schedule for first appearance hearings for persons who receive a citation (and as necessary who are booked into jail), and ensure that changes to court dates are always communicated to defendants.
- Apply for technical assistance to implement the PSA when the Laura and John Arnold Foundation begins to accept applications (likely later in 2018).
- Add a judge as a standing member of the Pretrial Work Group.

Discussion in future Pretrial Work Group meetings will identify other changes to additional policies and/or practices that can be implemented in the short-term (e.g., cessation of the use of a money bail schedule; judges' adoption of a conscious, deliberate pretrial release-or-detention decision for all defendants such that defendants whom the judge intends to release are ordered released on recognizance with risk-informed non-financial release conditions, as appropriate, and defendants whom the judge intends to detain receive a due process hearing consistent with the Humphrey decision).

Some opportunities for implementation in the longer-term:

- Develop a decision-making framework that includes a matrix of presumptive release conditions. This framework and matrix would provide judges with guidelines for assigning the least restrictive release conditions that have support from empirical research in reducing pretrial misconduct.
- Convene a work group of law local law enforcement and detention officials to develop countywide guidelines for police officers and deputies to decide when to divert, cite, or book individuals.
- Consolidate pretrial functions of risk management (and risk assessment to the extent needed, depending on the level of automation of the assessment tool) into one agency and provide staff with needed infrastructure (e.g., case management system; training on legal and evidence-based pretrial practices; branding, signage, and forms).
- Reprogram, or replace if needed, the jail's and court's information system to ones that both support day-to-day operations and allow for comprehensive measurement of pretrial process and outcome measures.

In summary, the Pretrial Work Group plans to use this report to identify various local pretrial policies and practices that can be improved in the short-term and to identify policies and practices that will require additional planning and/or resources over the longer-term.

County of Contra Costa
OFFICE OF THE COUNTY ADMINISTRATOR
MEMORANDUM

COMMUNITY CORRECTIONS PARTNERSHIP

8.

Meeting Date: 06/01/2018
SUBJECT: Appointment of a Partnership member to the Quality Assurance Committee
FROM: David Twa, County Administrator
DEPARTMENT: County Administrator

RECOMMENDATION:

APPOINT a member of the Community Corrections Partnership to fill a vacancy on the Quality Assurance standing committee.

BACKGROUND:

At its August 2014 meeting, the Community Corrections Partnership (CCP) voted to create the Quality Assurance Committee (QAC) as a standing committee of the CCP. The QAC created as a three-member committee composed of one public safety member of the Partnership, one other member of the partnership, and the CCP Community Advisory Board Chair or Chair's designee. The purpose of Quality Assurance Committee was to provide routine reviews of the contractors, with activities that included, but are not necessarily limited to:

- Conducting site visits
- Hearing feedback from participants
- Development of a standardized rating check list
- Tracking progress of development and improvements to service delivery
- Receiving and reviewing contractors business strategies for customer engagement, customer retention and internal quality assurance measures
- Presenting status updates and recommendations to the full Community Corrections Partnership.

Then Partnership Chair, Probation Chief Philip Kader, volunteered to fill the public safety seat on the QAC, and he was joined by then Chief of the Behavioral Health Division of Health Services, Cynthia Belon, and then CAB Chair, Susun Kim.

DISCUSSION:

Since inception of the QAC, the CAB Chair has continuously served on the Quality Assurance Committee, and after the retirement of Phil Kader in 2016, the new Probation Chief, Todd Billeci, has served as the public safety Partnership representative. With Cynthia Belon's retirement this year, there is now a vacancy on the QAC that can be filled by any member of the Partnership.

Attachments

No file(s) attached.

County of Contra Costa
OFFICE OF THE COUNTY ADMINISTRATOR
MEMORANDUM

COMMUNITY CORRECTIONS PARTNERSHIP

9.

Meeting Date: 06/01/2018
SUBJECT: ORJ Incentives Program Policy
FROM: David Twa, County Administrator
DEPARTMENT: County Administrator

RECOMMENDATION:

1. APPROVE the Incentives Program policy to be used by the ORJ in managing contracts for the community programs.

BACKGROUND:

Frequently, contractors use incentives in the form of gift cards, bus passes and vouchers to encourage and support participation in reentry programs. Earlier this year, the Office of Reentry and Justice (ORJ) drafted a policy that would govern how such incentives were to requested, purchased, managed and distributed by contracted community programs. This policy was shared with the AB 109 administrator's group in February 2018 for commenting, and no substantive comments on the proposed policy were received. This policy is now submitted to the Community Corrections Partnership for consideration and approval.

DISCUSSION:

To ensure uniform practices, and necessary protocols are in place to prevent misappropriations of County funds, this policy governing the approval, purchase, management and distribution of incentives with a cash-value has been created by the ORJ. While the County is expressly prohibited from making gifts of public funds, public funds can be used for incentives if they promote a valid and substantial public purpose. Using the County's own internal policy concerning these incentives, the ORJ has created this policy to ensure that contractors who choose to provide incentives as part of their programs have adequate procedures in place that ensure the secure handling and distribution of incentives that have a cash-value.

Furthermore, this policy seeks to restrict incentives to a reasonable value, for retail purchases that are tangible goods, and for public transit. This policy prohibits the distribution of cash, or cash-like cards (i.e. Visa, Mastercard, etc.) and gift certificates for services. Finally, this policy also limits a program's distribution of incentives to \$250 for any person in a 12-month period (not including incentives for public transportation). Any request for the purchase of incentives with County funds would require prior written approval of the Director of the ORJ, or her designee.

Attachments

ORJ Incentive Program Policy



CONTRA COSTA COUNTY

Office of the Reentry and Justice

Incentive Program Guidelines

- I. APPLICABILITY.** These guidelines are applicable to all Office of Reentry and Justice Contractors that distribute program incentives, such as bus passes, gift cards and vouchers, purchased with County funds.
- II. AUTHORITY.** In accordance with the provisions of County Ordinance Code Section 24-4.008, the County Administrator has the authority and responsibility to establish and enforce purchasing policies, including the purchasing of incentives for certain County programs and services.

Article XVI, section 6 of the California Constitution prohibits the gift of public funds. However, if a gift card or voucher promotes a valid and substantial public purpose within the authorized mission of a public agency, the prohibition does not apply.

- III. PURPOSE.** The Office of Reentry and Justice's Budget, as adopted by the Board of Supervisors, includes budgetary provision for specific programs and services. Contractors may provide program incentives, such as bus passes, gift cards or vouchers, which are related to Office of Reentry and Justice programs or services.
- IV. POLICY.** The use of program incentives, such as bus passes, gift cards and vouchers, as a component of an Office of Reentry and Justice program or service may be authorized following approval of the Director of the Office of Reentry and Justice, or designee.
- V. AUTHORIZATION FOR PURCHASING INCENTIVES.** Director of the Office of Reentry and Justice, or designee, must authorize the utilization of County of County funds to purchase, or reimburse the purchase, of program incentives, such as bus passes, gift cards and vouchers. The Contractor must obtain written approval from the Director of the Office of Reentry and Justice, or designee, prior to purchase of any program incentives, such as bus passes, gift cards and vouchers, that are intended to be distributed as part of an Office of Reentry and Justice program or service.

The Request must:

1. Document how the proposed incentive program will effectively promote the interests of the County funded program or service.
2. Include the amount of County funds that will be used for the purchase of program incentives.
3. Identify the number, dollar value of each incentive, and type of incentives to

be purchased with County funds.

The Director of the Office of Reentry and Justice, or designee, will review the request and approve or deny it.

VI. PROCEDURES FOR PURCHASING, PAYING, AND DISTRIBUTING INCENTIVES.

1. An approved request for that specifies the number, amount and type of incentive must be attached to the contractor's demand in order for the expenditure to be paid. No expenditure will be paid that exceeds the limit specified on the approved contractor's document.
2. Gift cards shall not be distributed to contractor's employees.
3. Only gift cards or vouchers for department stores and other retail cards (e.g., Starbucks, Jamba Juice, etc.) qualify as non-cash awards. Such gift certificates, vouchers or cards must confer only the right to receive tangible personal property, not cash or the ability to reduce the balance due on the recipient's account with the merchant.
4. Visa, MasterCard, or American Express Gift Cards purchases are prohibited. Such gift cards closely resemble cash and could be "gifts of public funds."
5. The purchase of gift certificates for services is prohibited.
6. The value of the gift card, voucher, or incentive must be reasonable in relation to the actual or expected benefit.
7. No contractor may distribute more than a total of \$250 in incentives, not including those to be used for public transit, to any person in any 12-month period.
8. Contractors must have procedures in place on the secure handling and distribution of gift cards, bus passes, vouchers and other incentives. Procedures shall include, but not be limited to, the following:
 - a. Paying against a purchase order allows a contractor to track the amount paid so as not to exceed the authorized limit. Should a contractor choose to make payment on check, then some other method of tracking would need to be developed, e.g., insert an explanation in the description field.
 - b. Gift cards, vouchers, and other incentives should be treated as a form of cash. Contractors that purchase gift cards, vouchers and other incentives, must have a written procedure, approved by the Office of Reentry and Justice, on how to distribute, safeguard, and document their use that will provide sufficient oversight and security against any misuse or loss. The contractor will appoint a custodian to oversee the safeguarding and tracking

of these items. Gift cards, vouchers, and other incentives shall be kept in a locked and secure location with access limited to authorized personnel only. An incentive log (sample attached) shall be maintained that at least documents the following:

- Date received into inventory
 - Serial number of each item
 - Date issued
 - Client name or identification number
 - Reason for issuance
 - Monetary value
 - Client initials upon receipt
 - Custodian initials verifying client receipt
- c. Management should conduct periodic, unannounced audits of the log and inventory of gift cards, vouchers, and other incentives, no less than annually, to ensure that the undistributed items listed on the log correspond to the inventory on hand. All shortages must be reported when discovered to the Office of Reentry and Justice.

INCENTIVE CARD LOG

Contract: _____

Program Name: _____

Purchase Date	Type of Incentive (i.e. Target, etc.)	Giftcard Number	Issue Date	ClientName/ID	Reason for Issuance	Amount	Client Initial	Staff Initial
6/1/2009		5001-0000-0000-000 I	6/15/2009	***SAMPLE***	***SAMPLE***	\$10.00		
/ /			/ /					
/ /			/ /					
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