



County of Monterey

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Board Report

File #: A 22-203, **Version:** 1

- a. Approve and authorize the Chief Probation Officer to sign a Memorandum of Understanding (MOU) with the Superior Court of California, County of Monterey to implement and expand the Pre-trial Services Program under SB129 for the retroactive term of November 1, 2021 through June 30, 2024; and
- b. Authorize the Chief Probation Officer to sign up to three (3) future amendments to this MOU to extend the term without significant change to the scope of work.

RECOMMENDATION:

It is recommended that the Board of Supervisors:

- a. Approve and authorize the Chief Probation Officer to sign a Memorandum of Understanding (MOU) with the Superior Court of California, County of Monterey to implement and expand the Pre-trial Services Program under SB129 for the retroactive term of November 1, 2021 through June 30, 2024; and
- b. Authorize the Chief Probation Officer to sign up to three (3) future amendments to this MOU to extend the term without significant change to the scope of work.

SUMMARY:

California Senate Bill 129 amended the Budget Act of 2021 to provide \$140 million in funding (\$70 million of one-time funding and \$70 million of ongoing funding) to the Judicial Council for Superior Courts statewide beginning in FY 2021-22 for “the implementation and operation of ongoing court programs and practices that promote the safe, efficient, fair, and timely pretrial release of individuals booked into jail. The purpose of this funding is to provide courts with information and resources to support: (a) judicial officers in making pretrial release decisions that impose the least restrictive conditions; and (b) implementation of appropriate monitoring practices and provisions for released individuals.”

For the period of November 1, 2021 through June 30, 2024, the Superior Court of California, County of Monterey (Superior Court) allocated up to \$972,503 in one-time funding to be spent by June 30, 2024, and a funding amount of up to \$678,391 in FY 2021-22 to the Probation Department, with future annual funding levels to the Probation Department anticipated in the amount of \$531,534. The allocations may not supplant funding for current services and are for the Probation Department to implement and expand appropriate monitoring practices and pretrial services programs for released individuals. The MOU noted herein is retroactive to November 1, 2021, due to the timing of the released program requirements and considerations necessary by the Superior Court and Probation related to contracting for the services in accordance with the legislation.

DISCUSSION:

Individuals arrested and charged with a crime may be incarcerated until trial or, at the discretion of the court, be allowed to remain in the community on pretrial release. Traditionally, courts have based the decision of pre-adjudication (pretrial) release partly on the ability of defendants to meet financial burdens of bond or bail, a system that may release dangerous defendants while incarcerating--at great cost to both taxpayers and arrested individuals' civil liberties--those who pose little risk to their communities. By contrast, under a pretrial services program, release decisions consider defendants' risk of 1) posing a threat to public safety, and 2) failing to appear in court. By using a validated tool to assess these risks, the program protects the public and allows

lower-risk defendants--regardless of financial status--to remain in the community while awaiting adjudication.

Once individuals are released to the community, Pretrial Services probation officers provide monitoring services including check-ins to ensure program compliance, automated reminders of upcoming court dates, and connections to recovery programs, housing resources, and mental health services.

As directed by the California Legislature, pretrial programs aim to increase the safe and efficient release of arrested individuals before trial; use the least restrictive monitoring practices possible while protecting public safety and ensuring court appearances; validate and expand the use of risk assessment tools; and assess any disparate impact or bias.

For the current year, Probation is using existing appropriations and departmental vacancies with redirection of staff to begin program ramp up and implementation under the new legislation. For the upcoming FY 2022-23, the Probation Department has included in the department's Recommended Budget new positions that are fully funded by SB129. The positions consist of: one (1) Deputy Probation Officer II, two (2) Probation Aides and one (1) Office Assistant II, as well as associated services and supplies. Funding may also support additional training, one-time purchases related to staff office workstations and vehicles, and technology projects needed for program expansion. The new staffing will facilitate release decisions, increase the department's ability to monitor defendants on pretrial release and provide for the fulfillment of the mandated services under the legislation.

OTHER AGENCY INVOLVEMENT:

The Office of County Counsel-Risk Management has reviewed the MOU and approved as to legal form.

FINANCING:

The Superior Court's FY 21-22 allocation of ongoing and a portion of the one-time funding to Probation will cover program costs of up to \$915,919 in the current fiscal year. It is anticipated that future-year ongoing allocations will fully cover the new Probation positions, as well as a portion of associated services and supplies. Pending Board approval, the Probation Department and the Superior Court will enter into the MOU confirming the commitment to provide and fund these positions on an ongoing basis. These expenditures will be made within the existing FY 21-22 appropriations limits and there is no cost to the County General Fund with the recommended action. Amounts for remaining years of the MOU will be included in each respective Recommended Budget with no impact to the General Fund.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

This recommendation supports the Board of Supervisors Strategic Initiatives in the area of Public Safety to create a safe environment for people to achieve their potential, leading businesses and communities to thrive and grow while reducing violent crimes. This is accomplished with the creation of a sustainable comprehensive approach to reducing violence by implementing best practices, crime prevention and justice system efficiencies

- Economic Development
- Administration
- Health & Human Services
- Infrastructure
- Public Safety

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Attachment: MOU- Superior Court - SB129 Pre-trial Services Program 2021- 2024