

MEMORANDUM:

FY 2019-2020 AB 109 Policy & Budget Recommendations

Community Advisory Board to the Contra Costa County Community Corrections Partnership

TO: Contra Costa County Community Corrections Partnership – Executive Committee

FROM: Community Advisory Board to the Contra Costa County Community Corrections Partnership

DATE: November 2, 2018

SUBJECT: Proposed AB 109 Policy & Budget Recommendations for FY 19-20

Summary

The Community Advisory Board (CAB) to the Community Corrections Partnership (CCP) submits the following policy and budget recommendations to the Executive Committee of the CCP for consideration and adoption while the Partnership deliberates its final allocations for the FY 2019-2020 AB 109 budget cycle. Each year, the CAB makes recommendations with a commitment to strengthen the implementation of AB 109 public safety realignment and enhance local efforts to improve the County's criminal justice system.

In previous years, both the full CCP and individual members have supported CAB recommendations to include:

- The creation of the County's first Office of Reentry and Justice
- Increased funding for community-based reentry programming
- Increased capacity for expanding pre-release planning activities
- The creation of capacity-building and reentry innovations funds

While the CAB recognizes the positive direction taken by the CCP to enhance the County's reentry system, we also acknowledge that its future success relies on ongoing investment in innovative solutions with a proven track record of reducing recidivism, increase access to needed services, and support successful reintegration.

Over the last year, CAB members have participated in a number of planning processes administered by the County to identify strategic activities and opportunities to strengthen and build upon the foundation laid by AB 109 funded initiatives and programs. The recommendations outlined in this memorandum are guided by the strategies identified in the BOS adopted Reentry Strategic Plan (2018-2023), the BOS adopted Racial Justice Taskforce Recommendations, feedback from community-based service providers and County agency representatives, and previously submitted CAB recommendations to the CCP.

To that end, the CAB proposes the following budget recommendations to CCP's Executive Committee.

Proposed Budget Recommendations for FY 19-20

1. Institutionalize the Office of Reentry and Justice

With the Office of Reentry and Justice's (ORJ) pilot phase coming to a close with less than a year remaining, CAB is recommending the CCP support making the Office a permanent entity beginning in FY 2019-2020. CAB also supports ORJ's funding request of \$829,859, and recommends an additional \$135,035 to support expanding the capacity of the Office by hiring a full-time Administrative Assistant (1

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FTE; Classification Code – JWXD) to provide administrative services to ensure efficient operation of the Office, and an Administrative Services Assistant III (1 FTE; Classification Code – APTA) to manage fiscal responsibilities for contracted services (including service provider contracts) as was originally proposed by CAB in May 2016. This would bring their total requested amount FY 19-20 to \$964,894.

It goes without saying that ORJ has played a significant role in steering the County to make great strides to improve our local justice system and enhance our reentry work overall. Given the various roles and responsibilities this Office hold, it is imperative that decision-makers consider the future growth of the field of reentry and justice reform our County will be engaged in, the subject matter expertise needed to carry this work forward, and whether ORJ is sufficiently resourced to tackle current and future obligations.

In addition to the Office's current FY18-19 workplan – which includes approximately 20 or more projects (as reported to this body during the September 7 meeting), the implementation of the County's newly adopted Reentry Strategic Plan and Stepping Up Initiative, development and support of the newly formed Racial Justice Taskforce and soon-to-be formed Criminal Justice Coordinating Council, and the launching of its planned evaluation activities, indicates a great need for increased staffing support to ensure successful execution of the Office's various oversight, planning, research and administrative duties and responsibilities. CAB urges CCP to fully fund, and thus fully staff ORJ.

2. Establish a Housing Innovations Fund

Housing continues to be a deciding factor in whether a justice-involved person successfully reintegrates back into society or will be gripped by a cycle of recidivism and homelessness. Considering the state's housing crisis, in addition to limited resources to address the County's lack of affordable housing, we have a collective obligation and commitment as local custodians of AB 109 implementation to ensure we are investing in what works and break the cycle of recidivism. CAB believes that by investing in a housing first approach and expanding the number of housing resources for individuals who are returning to Contra Costa County communities after incarceration, we are fulfilling our commitment to justice reinvestment.

CAB recommends the CCP establish a Housing Innovations Fund with an initial allocation of \$800,000. This would be in addition to the \$1.1 million currently allocated for community-based housing services. The Housing Innovations Fund would support housing programs and services that would meet the various housing needs of the reentry population currently being served through AB 109 funded programs in the County.

Presently, AB 109 funding supports emergency shelter, 90-day transitional living in clean and sober environments, and rental assistance. However, our reentry system is under resourced in providing safe housing for formerly incarcerated women, and women with children, housing for reentry clients with families, permanent supportive housing for reentry clients with a disabling condition, more than 90-day transitional living options, or temporary housing for reentry clients who can secure permanent housing but are awaiting access.

CAB recognizes the need to enlist local housing experts to design and support procurement of evidence-based housing services that will address the needs of the population, and will ensure that our housing

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resources are distributed cost-effectively. Because of the Health, Housing, and Homeless Services Division (H3) of Contra Costa Health Services' expertise in building a quality service delivery system for the County's homeless population, as well as the Office of Reentry and Justice's authority and oversight of reentry-focused programming and initiatives throughout the County, CAB proposes both agencies serve as potential administrators of the Fund. CAB is confident in their ability to develop policies and protocols for quality assurance and steward the Housing Innovation Fund ethically and responsibly.

3. Fund Transportation Services for Jail Releases

A recent analysis – conducted by County Health Services and the Sheriff's Office Custody Bureau during their weeklong Rapid Improvement Event in March – of daily rate of releases and release times showed that of the average daily releases (from 65-70 releases per day) from our local county jails, a significant number of those individuals are released during hours outside of normal business hours (8am – 5pm), and their ability to access services available outside the normal business hours are severely limited due to lack of readily accessible transportation.

It was also found through the Pre-Release Planning Pilot that a significant number of participants who were released with transition plans failed to connect to outside resources coordinated for them prior to release. One of the many contributing factors to the lack of connection is immediate access to transportation. Based on the County's Office of Education's observations – which is the agency implementing the Pre-Release Planning Pilot -- the bridge to services secured through pre-release planning is transportation. Often, services are coordinated prior to release, but participants are challenged with finding a way to get to them, and therefore access is severely limited.

As a result of these findings, CAB recommends establishing a transportation service specifically targeting jail releases at peak hours throughout the day to transport individuals from the three detention facilities to safe, County supported community settings with on-site services such as H3's Care Centers, Warming Centers, or the Reentry Success Center, as examples. CAB envisions the service to operate in tandem with the Pre-Release Planning Pilot and leverage the County's existing homeless outreach service, multi-service locations and other community-based reentry services. Specifically, CAB recommends setting aside up to \$150,000 to be used for implementing and operating a transportation service for jail releases to facilitate care coordination.

CAB acknowledges there are various approaches that are currently being explored by different agencies and discussions are underway. Therefore, CAB does not wish to explicitly endorse a particular method, however, we'd like to recognize the Sheriff's Office Custody Bureau, County Office of Education, H3, ORJ, and Detention Health Services as possible administrators for this new service.

With this added support, the potential for enhanced service coordination and increased, effective communication and connection between participants, out of custody service providers, and in-custody programs and services is great, and ultimately improves the jail-to-community continuum.

4a. Institutionalize the Early Representation Program County-wide

CAB recognizes CCP's forward-thinking by investing in the highly successful Early Representation program now established in partnership with the Antioch and Richmond Police Departments, and California Highway Patrol. Prior to the Early Representation (EarlyRep) program, the failure to appear (FTA) rate was 57% in misdemeanor cases coming from the Antioch Police Department. Based on recent

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statistics, that number has been reduced to 17% -- a 40% decline. In West County, for misdemeanor cases from the Richmond Police Department, this number has been reduced from 52% prior to the program to 20% after the EarlyRep Program launched.

According to the Public Defender, a major factor contributing to as many as 99% of FTAs result from the fact that upon citation, a hearing date 6 weeks out is provided; however, currently the prosecutor's office is not filing charges until well past that date. In the interim, a person's address to receive hearing notices may have changed or otherwise may not be aware of the new hearing date. By missing the hearing date, however, an arrest warrant will be issued causing significant negative consequences for involved individuals. The Early Representation program mitigates this problem by making the defendants aware of the hearing date.

CAB views the Early Representation program as a necessary fix to reducing the enormous amount of resources expended by justice system actors – from law enforcement agencies to the courts – and prevent the collateral damage to individuals who would otherwise be incarcerated as a result of a failure to appear. CAB recommends the CCP further its investment in the EarlyRep program by fully funding the existing EarlyRep program with Richmond Police Department – which its current funding source is set to expire in February of 2019. This ensures that the program is not disrupted in the current fiscal year, and is sustained overtime. CAB recommends the total requested amount of \$219,292 for mid-year allocation and full FY 2019-2020 allocation be approved.

4b. Expand Holistic Defense

Additionally, CAB also recognizes that in light of the state's Supreme Court ruling in the Humphrey case, the new Mental Health Diversion Law (AB 1810), and the soon to be enacted California Bail Reform law, now more than ever, local defense attorneys will carry the weight of release planning to advise the courts on appropriate and safe pre-trial releases. Though CAB is in favor of reducing our local pre-trial population within our County's jails, we also understand the need for clinical expertise and assessment to ensure that populations experiencing mental health and behavioral health issues are connected to the services they need in anticipation of release.

According to the Public Defenders Office, its total number of cases are estimated at 19,000 a year, to include a majority of clients who experience some level of mental health or substance use disorder needs. Many others are also challenged with facing problems relating to poverty, homelessness, trauma and other complications that require sufficient service coordination and connections in order to reduce recidivism. Housing Social Workers within the Public Defenders Office will fill a significant service gap particularly as diversion efforts continue to expand to reduce the number of individuals with mental health needs out of the criminal justice system.

Therefore, CAB joins the Racial Justice Taskforce in supporting this recommendation and the Public Defenders Office proposal for 2 FTE clinically licensed Social Workers, and recommends the CCP approve funding in the amount of \$191,996.

5. Match Drug Medi-Cal Waiver Resources to Expand the County's Detoxification and Recovery/Aftercare Services

The County has a unique opportunity to utilize state resources offered through the Drug Medi-Cal Waiver to expand locally the much needed behavioral health services to support individuals struggling

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with co-occurring disorders or substance abuse. The AODS Division of the County's Health Services Department is currently administering a procurement process for expanding detoxification services and residential treatment for specialized populations. However, CAB believes more can be done to support the expansion of and access to more behavioral health services, with a particular emphasis on recovery and after care services for both AB 109 probationers and the expanded population.

CAB recommends the CCP provide match funding to expand detoxification services, and invest in expanding recovery and after care services to include quality recovery-focused housing, relapse prevention, recovery coaches, and other ancillary services as defined in the County's Drug Medi-Cal Organized Delivery System (DMC-ODS) Implementation Plan. These resources would be administered by the Behavioral Health – AODS Division.

Proposed Policy Recommendations

1. Improve AB 109 budget development, reporting, and meaningful analysis of "budget to actuals"

In December 2016, CAB presented to the CCP its key findings on uses of AB 109 funding with a set of recommendations to improve budget planning and reporting and encourage analysis and public discussion of AB 109 fund uses. The intention of our analysis and recommendations was to foster public trust by ensuring AB 109 funding is applied with the same objectives in mind as articulated in the AB 109 Public Realignment legislation. Key findings included:

- **Over and Under Spending.** There were many examples of agencies under spending approved line items and yet receiving the same or higher approved budgets in the subsequent year as result of the *status quo* approach to budgeting
- **Supplantation.** The *status quo* directive has resulted in substantial spending other than as approved e.g., use of AB109 funds to offset costs of existing staff and positions
- **Inconsistent financial recording** and tracking practices for reporting and inconsistent uses of approved funds.
- **No linking to outcomes and impacts.** The *status quo* directive has prevented linking of funding to outcomes/impacts.

To that end, CAB recommends addressing the above concerns by adopting and implementing the following actions:

- **Adopt CAB recommended Budget Request Template Form (Attachment A)** – CAB is requesting again that the CCP take action by directing staff to replace the current "status quo" budget request form with CAB's proposed budget request template (see Attachment A) as a standardized form for all agencies funded by or applying for AB 109 funding.

This form instructs agencies to produce due-diligence renewal requests based on prior-year budget-to-actual reporting (including any unspent balances) and offer justification for requests of changes in funding allocation. Additionally, the form includes an updated budget narrative section for gathering supplemental information to assist in tracking use of approved funds. Additional information may include a more detailed explanation of costs calculations,

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justifications for staffing levels, quantification of funded services, existing service utilization rates, etc.

The information gathered by adopting our template will not only increase fiscal transparency, but will also fully inform CCP Executive Committee members as they take part in budget planning and decision-making for future fiscal years, provide direction for course-correction if necessary, and ultimately, fulfill their fiduciary duty to ensure AB 109 funds are managed responsibly and effectively.

- **Establish a bi-annual budgetary review process of AB 109 spending** – There are several reasons for establishing a public budget review process outside the CCP’s annual budget cycle. For starters, it provides an opportunity for CCP members to meaningful engage in public discussions about analyses of AB 109 spending trends and outcomes.

The current budget cycle only offers an opportunity for the CCP Executive Committee to consider and approve budget requests for the upcoming fiscal year, thus leaving little to no room for a study of and discussion about past and current funding allocations, impact of currently assumed spending patterns on the service population and the system as a whole, as well as considering the local fiscal impact of state and federal policy changes on various parts of the reentry and criminal justice system.

CAB supports any effort by the CCP to create a process that allows for more informed discussion and decision-making as it relates to budgetary actions.

- **Adopt CAB recommended Budget Summary Template (Attachment B)** – To support analysis of AB 109 spending and the implementation of the aforementioned bi-annual budgetary review process, CAB also recommends adopting the proposed budget summary form. The purpose of this document is to provide up to date information on budget-to-actuals for all AB 109 funded entities. In gathering this information, it lays the foundation for analysis of use of funds on a more frequent basis and will support budgetary planning for future years.