

MEMORANDUM

FY 2021-2022 Policy & Budget Recommendations

Community Advisory Board to the Contra Costa County Community Corrections Partnership

Introduction

The year 2020 has been one none of us will soon forget. Amid the widespread confusion, commotion, and constant change we have all experienced this year, the international pandemic and nationwide protests against racism have left limited opportunities to celebrate the fact our local jail population has hit lows the county hasn't experienced in decades (including a monthly average that dropped below 700 incarcerated individuals at one point).¹

In the midst of these ups and downs, CAB has done its best to continue support of the county's efforts to enhance public safety through innovation and a reliance on quality information. Since its inception in 2012, CAB has encouraged the Community Corrections Partnership (CCP) to prioritize investments into community-based services in its effort to realize the intentions of the AB 109 legislation from 2011.² In the face of the strong economic headwinds it was confronted with in 2020, the CAB applauds the CCP for successfully working through the first ever cuts to the Community Corrections budget and its commitment to protecting the important investments being made into our local community based service providers.

Each of CAB's Members and everyone from the constituencies CAB represents feel blessed to have just survived 2020.³ Looking forward, CAB is encouraged by the fact that the 10th anniversary of AB 109 is fast approaching and brings with it the chance to think about what the next 10 years could look like. To help chart this course, this document presents ten recommendations that seek to highlight opportunities for growth that promote transparency through shared accountability, are consistent with CAB's belief of keeping people in the community by investing in people in the community, and the community's desire to understand what works...to do more of that.

CAB Policy and Budget Recommendations

CAB has clearly and consistently established that its policy platforms are informed by the following:⁴

As County residents and representatives of the community, we want a fair and effective justice system in Contra Costa County. Our approach to policy rests on four pillars:

- *We want to invest in what works.*
- *We believe that true justice requires social justice.*
- *We believe that incarceration should serve as a last resort.*

¹ Jail data on average daily population (ADP) retrieved on 10/28/20 from: <https://app.smartsheet.com/b/publish?EQBCT=82b29a92ea9a4a0ea7aa480f1287e137>.

² See CAB Key Recommendations, presented to the CCP August 7, 2012.

³ At the time of this writing America continues to lead the world in COVID-19 deaths as the number of lives lost surges past 232,000 – including the 29 people who didn't survive the outbreak in nearby San Quentin Prison.

⁴ See item 5 of the CAB 9/10/20 agenda packet, retrieved on 10/20/20 from: https://www.contracosta.ca.gov/AgendaCenter/ViewFile/Agenda/_09102020-2911.

- *We believe that safety for all depends on justice for all.*

Building from these pillars CAB has made multiple recommendations over the past couple of years and would be remiss to not begin by acknowledging the progress the CCP has made on the issues raised. Firstly, CAB is thrilled to recognize that the county has taken the bold and momentous step of institutionalizing the ORJ and finding it a permanent home in the Probation Department. It is now time to build on the momentum and potential of this decision to ensure the ORJ is poised to maximize the effectiveness of the county's investments into reentry and public safety outcomes. Following CAB's recommendation that the county look to diversify the housing options available to returning residents, the Probation Department and Health, Housing, and Homeless Services Division of the Health Services Department (H3) forged a collaborative that resulted in significant investments being made into H3's Housing Security Fund and the provision of housing navigation services that are both aimed at improving the housing outcomes of Probation's clients. Since presenting the CCP with the findings and recommendations from its expenditure analysis in 2016,⁵ the CAB has made a series of recommendations to improve transparency, accountability, and meaningfulness embedded within the budgeting process. CAB greatly appreciates CCP responding to these series of recommendations by making changes to its budget request template, creating a standard expense reporting template for the public partners to use, and most recently agreeing to having a midyear expenditure review at its March meeting followed by an end of year review in September. CAB recognizes that this plan was derailed by the chaotic events of 2020, but fully expects that the CCP will make a good faith effort to honor its commitment to this bi-annual process to review the financials of the Partnership in 2021. While worthwhile progress has been made on issues related to the ORJ, housing, and the budget process, CAB's Policy and Budget Committee has identified several opportunities for growth in these areas.

The recommendations that follow are based upon the discussions CAB has had among its membership, with the public, and with various other stakeholders throughout the past year. Additionally, CAB surveyed AB 109 funded partners, and begins its recommendations with findings from this survey before making additional recommendations related to the ORJ, housing, and CCP budget process.

2020 CAB Survey

RECOMMENDATION #1:

Direct QAC to work with CAB to issue a joint annual survey each June to all public and private agencies receiving AB 109 funding, with the goal of reporting the survey's results (including agency participation) to the CCP on or around September, and the understanding that the CCP will consider an agency's failure to participate in this process when making its budget recommendations each December.

Recognizing the unprecedented nature of the moment, immediately following the shutdown of non-essential services by the County Public Health Officer, CAB's Program and Services Committee (P & S) partnered with the Office of Reentry and Justice (ORJ) to survey the more than 15 public entities and 10

⁵ See item 4 of the CCP 12/16/16 agenda packet, retrieved on 10/20/20 from: <https://www.contracosta.ca.gov/DocumentCenter/View/43697/CCP-Agenda-Packet-12-16-16>.

or so community-based partners that receive AB 109 funding. As stated by CAB, the goal of the survey was “to better understand the goals, challenges, and barriers to achieving the programmatic goals of” partner agencies/organizations to “inform the CAB’s recommendations to the Community Corrections Partnership” by providing it with “[a] better understanding of the needs and obstacles [these] programs face as well as their future direction.”⁶ Given the general importance of this scope, and its exponential importance in this moment, CAB was simultaneously encouraged by the 80% response rate of the community based partners and left somewhat somber and sullen by the underwhelming response rate of about 35% from the public entities.⁷ In the spirit of shared accountability and supporting processes that allow us all to do more of what is working, CAB submits this first recommendation.

RECOMMENDATION #2:

To address the affordable housing needs of the justice involved population, establish regularly reviewed metrics related to obtaining and maintaining permanent housing and allow this metric to drive future levels of AB 109 investments into housing resources.

Because the need for housing is such an ongoing area of concern, CAB believes that metrics in this area would help act as guideposts to the variety of efforts that are being undertaken to address this issue. The more clear the expectations of the CCP are, the better positioned the Partnership, and County more broadly, will be able to understand the underlying reasons for unmet housing needs. That is to say whether such unmet needs are the result of limited availability for affordable housing, insufficient dedicated funding, the misalignment of housing types to need, or some combination of these and other relevant concerns. Without a more structured approach to addressing the need for housing, it is likely this will remain an area where those in need will continue to confront barriers to their reentry success.

RECOMMENDATION #3:

The CCP should encourage the Probation Department to establish a Pandemic Emergency Fund to address the emergent needs of returning residents that are related to transportation, PPE, improving access to the technology required to engage in virtual service provision, or responding to other CCP approved needs, and this fund should be created by matching up to \$100,000 dollar for dollar with some other funding source and include the requirement that Probation provide the CCP with a report each year on the sources and uses of Pandemic Emergency Fund money with a general description of the benefits this fund provided.

⁶ CAB Program and Services 9/17/20 agenda packet at page 5, retrieved on 10/20/20 from: <https://www.contracosta.ca.gov/AgendaCenter/ViewFile/Agenda/09172020-2923>.

⁷ Item 4 of the CAB Program and Services 10/15/20 agenda packet, retrieved on 10/20/20 from: <https://www.contracosta.ca.gov/AgendaCenter/ViewFile/Agenda/10152020-2971>.

Based on the public discussions that occurred when the Program and Services Committee reviewed the results of the 2020 CAB Survey, CAB would like to ensure that the CCP is being responsive to emergent needs of returning residents that are related to the pandemic. Because the Probation Department has the strongest connection to our community's justice involved residents, this agency seems to be best situated to administer a Pandemic Emergency Fund that would provide this population with the support needed to address the effects of the current crisis. The Partnership should encourage Probation to create this fund by matching any funding the department is currently utilizing for this purpose with an equal match of AB 109 dollars to maximize the reach of this severely needed support. Thus, a maximum match of \$100,000 in AB 109 funding would ensure that at least \$200,000 were available for a Pandemic Emergency Fund. While this fund should be allowed to augment and complement any service currently funded by AB 109, the partnership should also allow this fund to be used for new and heightened needs like housing, transportation, personal protective equipment, a technology access. Furthermore, requiring the Probation Department to monitor and report the amount of emergency money used, the source of the money making up the fund, and the types of support the use of this funding provided to returning residents would promote transparency and accountability.

RECOMMENDATION #4:

The CCP should explore using the current amount allocated to law enforcement for MHET so that up to three additional cities in the County receive partial funding from this allocation for MHET police officers with additional funding provided to the Health Services Department for three new MHET clinicians to support the expansion of MHET to six teams in the County.

Findings from the 2020 CAB Survey also served to highlight concerns about the mental health impacts of the pandemic, and the impact extended periods of social isolation has had on the most vulnerable among us. In discussing this issue, CAB's Program and Services Committee was reminded that advancing justice reinvestment in the County is a primary purpose of its work.⁸ With this CAB believes that the County's AB 109 funded Mental Health Evaluation Teams (MHET) provide an excellent opportunity to redirect local resources into a well-established method of increasing public safety. Currently the County provides a local police agency in each of the County's three regions (Antioch in east, Walnut Creek in central, and Richmond in west) with a mental health clinician from the County's Health Services Department and AB 109 funding to cover most of the local police officer's salary teaming up with the mental health clinician. Last year the County agreed to add a fourth team consisting of a county clinician and Sheriff Deputy to support the three regional city police teams. Nonetheless, based on the findings of the 2020 CAB Survey and other discussions on this issue, CAB supports increasing AB 109 investments in community-based mental health clinicians. Consistent with the ideas of justice reinvestment, CAB recommends the Partnership incentivize local law enforcement partners to redirect additional resources that would allow the MHET program to add three additional teams. By using additional AB 109 funding for three additional mental health clinicians, the current amount spent on three MHET police officers could then be spread to six local jurisdictions. While cities would be asked to pay a higher portion of the costs for their officer participating in MHET, the expectation is that the substantial benefits additional crisis management resources would provide to each agency would be sufficient encouragement for

⁸ CAB Operating Guidelines, adopted 3/14/19 and accessible at: <https://www.contracosta.ca.gov/DocumentCenter/View/59610/CAB---Operating-Guidelines-March-2019--FINAL>.

them to reinvest a portion of their law enforcement budgets into this proven, and desired, public safety strategy.

The Office of Reentry and Justice

RECOMMENDATION #5:

The county should immediately invest the resources necessary to add additional support staff to effectively complement and advance the important work of the ORJ Research and Evaluation Manager.

When CAB first recommended the creation of the ORJ as a three year pilot project, it noted that doing so would provide the county with the expertise required to “undertake the day-to-day efforts of cross-sector, inter-agency program development, coordination, implementation, evaluation, and modification.”⁹ CAB noted that among the primary responsibilities of the ORJ would be “advancing knowledge on relevant issues, research, and best practices ... [and] ... managing data and evaluation of AB109-funded services.”¹⁰ The importance of these functions is greater than this isolated statement suggests. Understanding what is known to work and whether what we are doing is working as expected is at the heart of the county’s ability to make smart public safety investments. It is CAB’s view that expecting a single ORJ staff member to successfully take on such a herculean task is as unreasonable as it is unrealistic. So long as this underinvestment continues there exists limited ability for the county to just collect and manage, let alone understand, data and information from a cross-sector collaboration of over 20 interconnected agencies, programs, and organizations. Given this CAB recommends this deficit be given immediate and urgent attention.

RECOMMENDATION #6:

Immediately direct the ORJ to provide CCP with a report at its first meeting following the conclusion of each fiscal year detailing each AB 109 funded agency’s strict compliance with periodic reporting requirements, and establish a policy that prevents recommending new or continued funding of agencies with outstanding periodic reports or that have not shown a good faith compliance with the reporting requirements.

As CAB has continued to work closely with the ORJ it has become more aware of the various challenges the agency has been confronted with in trying to get access to data and information from the various AB 109 funded agencies. The aforementioned lackluster response from public agencies to the 2020 CAB Survey is an example of the challenges faced and the stark contrast on this issue between public and

⁹ Item 7 CCP 5/6/16 agenda packet, retrieved on 10/20/20 from:

<https://www.contracosta.ca.gov/DocumentCenter/View/40869/May-2016-CCP-Agenda-Packet>.

¹⁰ Ibid.

community-based partners. Indeed, CAB has become aware through its representative on the CCP Quality Assurance Committee (QAC) that the ORJ's ability to comply with the CCP's request that it produce a timely and robust AB 109 Annual Report has been hampered by the failure of a number of agencies, most of them from the public sector, to submit timely periodic reports to the ORJ. What was shared during QAC was that after the ORJ reduced the number of reports agencies would have to submit throughout the year from 4 to 2 to ease the burden of reporting, it was told by the Superior Court that they would not be submitting any data reports for the year citing the lack of available staff time. Worth noting is that after multiple requests the District Attorney's office has also not provided data for the fiscal year 2019-2020.

It is CAB's position that this stark double standard does little to advance the goal of shared accountability, fails to provide the necessary transparency that is germane to the use of public funds for a shared public good like "safety," and ultimately thwarts the CCP's (and more importantly public's) ability to ascertain the comparative value of various investments being made. Furthermore, it is CAB's understanding that on more than one occasion reimbursements to community-based organizations have been withheld by the county for the failure to submit a timely data report as required by the CCP policy that approved unanimously¹¹ and applies equally to both community-based organizations and public departments alike.¹² Because the ORJ receives the required reporting from AB 109 funded agencies, but doesn't necessarily process all requests for reimbursement the CCP must immediately take on Recommendation #6 from CAB to reaffirm periodic reporting as a requirement of partners receiving funding through AB 109, assert the value of data and evidence in the funding process, and reestablish parity as the enforced norm among the partners. Recommendation seven looks to address the reality that there has been no comprehensive evaluation of the programs or services funded through AB 109 since 2016 when Resource Development Associates provided a report on the performance of AB 109 funded departments.¹³

RECOMMENDATION #7:

Direct the ORJ to facilitate a comprehensive evaluation of the programs and services paid for through AB 109 for any evidence of their effectiveness, their impact on key performance indicators of the criminal justice system and provide adequate resources for the completion of this effort.

To be clear, by stating that ORJ should facilitate this effort CAB is attempting to be sensitive to the herculean effort this would be for ORJ with its current staff. It is likely that a large proportion of this work would need to be outsourced given the number of programs and partners that are funded.

¹¹ See Record of Action for the 11/6/15 CCP Meeting in the 12/4/15 CCP agenda packet, retrieved on 10/20/20 from: <https://www.contracosta.ca.gov/DocumentCenter/View/38967/December-2015-CCP-Agenda-Packet-Final>.

¹² Item 6 of the CCP 11/6/15 agenda packet, retrieved on 10/20/20 from: <https://www.contracosta.ca.gov/DocumentCenter/View/38543/November-2015-CCP-Agenda-Final-11-2-15>, stating "future expenditure reimbursements to community based organizations and departments be approved only if monthly quantitative metrics are submitted ... to ensure that all parties receiving CCP funding are complying with requirements to submit data in a timely manner for use in policy and budgetary decisions by the CCP."

¹³ Item 4 of the CCP 1/22/16 agenda packet, retrieved on 10/20/20 from: <https://www.contracosta.ca.gov/DocumentCenter/View/39638/January-2016-CCP-Agenda-Packet>.

Previously when such an inquiry was done, it was over two years with one year dedicated to public agencies and the second dedicated to community-based programs. A similar approach may also be required now to make this more feasible. It is likely the additional resources required to do this type of review will likely be several hundred thousand dollars. Without such an investment, however, it will continue to be difficult to determine the value of the multiple hundreds of millions of dollars already spent by the County under AB 109.

Housing for the County's Returning Residents

RECOMMENDATION #8:

Provide the Office of Reentry and Justice direction to work with H3 and CAB to assess housing options that are currently funded through AB 109, and see if any recommendations exist to create more flexibility in the use of housing funding, and variety in the housing options that are offered, so that the housing services provided better align with the range of circumstances and characteristics of the county's reentry population.

The challenges brought about in 2020 served to highlight the concerns with using sober living environments (SLE) as the primary source of housing for the reentry population. With this population more likely to be in essential worker jobs and unable to work from home, this heightened risk for COVID-19 exposure is only further exacerbated by a congregate living situation with multiple similarly situated individuals sharing a room. When this reality is combined with the fact that an SLE is often not ideal for individuals who are not in SUD recovery, that suffer from co-occurring disorders, or whom suffer from some chronic health conditions CAB's continued call for more flexibility in available AB 109 housing funding is at least reasonable. Furthermore, most other housing resources in the community require individuals to actually be homeless or facing some other imminent housing crisis. More flexible funding would provide people with the support needed at the first hint of housing instability to prevent them from nearing the point of crisis to better preserve permanent housing that is already in their possession. Since the goal of the AB 109 housing programs should be to get people into permanent housing, the CCP should look to understand how well a program designed around the provision of six months of housing actually achieves this objective. The anecdotal information CAB members have seems to suggest that six months of housing for system impacted people leads to episodic events of homelessness more times than not. The recommendation that follows is imperative if the CCP wants to understand the housing needs of the reentry population, and the potential types of housing that will be most responsive to these needs and this specific population.

The Budget Request and Recommendation Process

As CAB has continued to work with the CCP over the past several years, while the progress has been great there are still a few places where further improvements can be made. When the county published its midyear expenditures report in June of this year,¹⁴ CAB's Policy and Budget Committee discussed the content of this report and made several observations that led to the following three recommendations.

¹⁴ Item 4 of the CCP 6/5/20 agenda packet, retrieved on 10/20/20 from:
<https://www.contracosta.ca.gov/DocumentCenter/View/67254/June-6-CCP-Agenda>.

RECOMMENDATION #9:

Establish a policy directing AB 109 funded agencies to submit budget requests with line-item descriptions that clearly explain all expenses intended and ensures that each contract or expense passing through to another agency is listed on its own line in the request.

RECOMMENDATION #10:

Establish a policy directing AB 109 funded agencies to use the same line-item descriptions from its approved budget request documents when reporting any expenses made on those items – even where this would result in reporting when no spending has occurred for a particular item.

RECOMMENDATION #11:

Establish a policy directing AB 109 funded agencies to explain any significant under/overspending on any line items.

Despite the use of a standardized reporting template, agencies were not consistent in how this template was used. Some agencies ensured that the description of line item being reported matched identically with its approved budget request, others collapsed multiple line items of their approved budget request into a single line item on their financial report with a categorical description, still others basically only reported on two subtotals with one for total staffing costs and a second for the total cost of operations. This variation not only made the financial reports for some more difficult to decipher than others, but also resulted in the agencies submitting their finances to differing levels of transparency. This review also illuminated the problem created by approving a budget request that uses a broad categorical line item like “Program Services” that is a collection of four or more independent expense types. The problem here is that even where the financial report identically matches the budget request document, the goal of transparency is hindered since what is reported provides limited insight into how the amount spent is related to what was ultimately purchased. Given this, CAB’s final two recommendations seek to make the budget request and expense reporting processes more uniform, transparent, and representative of the money’s uses.

Conclusion

CAB believes that best way to keep people in the community is to invest in people in the community. This means prioritize community-based solutions to problems a particular community is faced with. Because the CCP is focused on shared objectives and the use of a shared funding source, it must remain committed to promoting transparency through shared accountability. In this way not only is all the

information on the table for everyone to learn and benefit from, but there is also parity in the expectations of both public agencies and community-based organizations. Trying new practices and making changes to the way things are done is attempted in the hopes of improving outcomes. While having good intentions are great, evidence of achieving these intentions (or not) is even better. Understanding what works should drive the decision-making process. With the eleven recommendations presented in this memorandum, CAB hopes to enhance what is produced by the collective efforts of the Partnership and the process leading there. We value the progress the CCP has made on past CAB recommendations to date and encourage it to seize the moment for further advancements by fully adopting each of the recommendations included here.