



Shasta County

BOARD OF SUPERVISORS

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July 24, 2018

The Honorable Gary Gibson
Presiding Judge, Shasta County Superior Court
1500 Court St., Rm. 205
Redding, CA 96001

Dear Judge Gibson:

**Re: Response of Board of Supervisors to Fiscal Year 2017-2018 Grand Jury Report:
Community Corrections Partnership – AB 109 Funds**

The Shasta County Board of Supervisors appreciates the time and dedication which the 2017-2018 Grand Jurors contributed to their charge. The following findings and recommendations are under serious consideration and discussions are being held regarding solutions to any unresolved problems.

FINDINGS

The Grand Jury findings:

F1. The Shasta County Board of Supervisors has not complied with Penal Code Section 1230(b)(2)(B) which requires “a county supervisors, the chief administrative officer for the county, or a designee of the board of supervisors” to be a member of the Community Corrections Partnership. The Board of Supervisors has routinely approved Community Corrections Partnership Assembly Bill 109 budgets of \$8-10 million annually, without this involvement.

Response: The Board of Supervisors partially disagrees with the finding in that the Board of Supervisors requires involvement when approving any budget. The Community Correction Partnership had its first meeting on June 8, 2011, and has continued to meet on a regular basis. Since the first meeting, an Administrative Analyst from the County Administrative Office assigned to Public Safety has been in attendance as a voting member or alternate on behalf of the Board of Supervisors and has relayed information to the County Executive Officer. On June 26, 2018, the Board of Supervisors at ratified the appointments of the attending Administrative Analyst

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retroactive to June 8, 2011 and appointed a member and an alternate beginning June 26, 2018 with four-year terms.

F2. *The Shasta County Board of Supervisors has the authority to veto the Community Corrections Partnership budget, but its members have not requested regular written reports from the Community Corrections Partnership since 2012. The Board of Supervisors' lack of information related to this significant source of public safety funds creates a potential risk for effective budget decision-making.*

Response: The Board of Supervisors wholly disagrees with the finding. The Board of Supervisors can reject a Community Corrections Partnership Plan, *not* the annual Community Correction Partnership budget, by a 4/5 vote. The generalization that there is a lack of information due to the Board of Supervisors as a whole not requesting regular written reports is unwarranted. Individual Board members can access the online Community Correction Partnership and Community Corrections Partnership Executive Committee agendas and minutes. The Board members have immediate access to the Chief Probation Officer, Chair of both the Community Correction Partnership and Community Correction Partnership Executive Committee, should any questions or concerns arise. Realignment 2011 AB109 revenue for each applicable department is included in the Shasta County Recommended Budget which the Board members review each fiscal year.

In addition, on June 17, 2014, the Probation Department provided a presentation of Public Safety Realignment Programs to the Board of Supervisors. Three subsequent presentations were made to the Board. The presentations were made on June 23, 2015, June 7, 2016, and June 20, 2017. While these three presentations focused on the Day Reporting Center, information was presented on the realigned population. In addition, the Probation Department presents several treatment service contracts funded by the Community Correction Partnership to the Board of Supervisors for Board review and approval. Within the Board reports, the Probation Department reports on the benefits of the program, number of offenders served, and outcome measures.

F3. *The Community Corrections Partnership does not require all programs and services to collect outcome-based data or program evaluations to show whether current spending is effective in reducing recidivism. The Shasta County Board of Supervisors routinely approves Assembly Bill 109 budgets without review of the effectiveness of their programs, which creates a potential for less effective budget decisions.*

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Response: The Board of Supervisors partially disagrees with the finding. The Board of Supervisors reviews effectiveness of programs including those paid from Assembly Bill 109 funds prior to approving budgets. On August 17, 2016, the Community Correction Partnership Executive Committee approved the expenditure of \$10,500 from Community Corrections Partnership Planning Dollars to pay for staff to be trained by UC Corrections Institution on Dr. Edward Latessa Evidenced-Based Correctional Program Checklist and Evaluation Protocol. The Correctional Program Checklist allows for the development of internal capacity to sustain long-term program evaluation and improvement processes. The Correctional Program Checklist allows for program evaluation to assure interventions are being provided with fidelity to the models that have been proven to be effective with the offender population. In addition to assuring fidelity, this process will provide information about where improvements can be made and assist with development of an improvement plan when needed. Seven Probation Department Staff and one Sheriff's Department staff were certified in the Correctional Program Checklist in September 2017.

The Community Corrections Partnership budget for fiscal year 2018/19 includes \$17,000 to train the same group of staff in Correctional Program Checklist-Group Assessment. The Correctional Program Checklist-Group Assessment is a tool for assessing groups offered to offenders to assure the principles of effective interventions are being met. The training is planned for October 2018. Once completed, Shasta County will have eight staff trained in program and group evaluations and will conduct a minimum of two program/group Correctional Program Checklists annually.

In addition, the Probation Department presents several treatment service contracts funded by the Community Correction Partnership to the Board of Supervisors for approval. Within the board reports presented to the Board of Supervisors, the Probation Department reports on the benefits of the program, number of offenders served, and outcome measures. To be most effective, only a few programs can be evaluated in-depth at one time and this utilizes staff resources to conduct the evaluations.

FA. *The \$45,782,351 received by the Shasta County Community Corrections Partnership has not increased capacity at the Shasta County Jail or in the Shasta County Sheriff's Office Work Release program above 2008 levels. This means that State Assembly Bill 109 funding is being used to meet the pre-existing*

incarceration needs of Shasta County instead of providing additional incarceration capacity to serve the Assembly Bill 109 population.

Response: The Board of Supervisors wholly disagrees with the finding. There is no legal requirement for the Community Corrections Partnership to recommend using AB109 funds to increase jail or work release program capacity. Penal Code section 1230.1(d) states "*Consistent with local needs and resources, the plan may include recommendations to maximize the effective investment of criminal justice resources in evidence-based correctional sanctions and programs, including, but not limited to, day reporting centers, drug courts, residential multiservice centers, mental health treatment programs, electronic and GPS monitoring programs, victim restitution programs, counseling programs, community service programs, educational programs, and work training programs.*" The Community Correction Partnership Executive Committee determines how the AB109 funding will be used each fiscal year.

In 2009, one of the three detention levels of the jail closed which reduced the jail capacity to 253. In 2012, Community Correction Partnership dollars were allocated to the Sheriff's Department to reopen the closed floor of the jail increasing capacity to 381. During the Community Correction Partnership Executive Committee planning process for Fiscal Year 2017/18, the Sheriff voiced concern about funding and closing one of the three detention levels of the jail due to budget shortfalls. The Sheriff requested additional Community Correction Partnership dollars to maintain all floors of the jail. These dollars were allocated to prevent a reduction in jail capacity. The Community Correction Partnership has funded out of county jail beds beginning in Fiscal Year 2012/2013. As of December 31, 2017, \$2,544,755.90 has been spent on out of county jail beds allowing for an increased capacity.

F5. *Based on the current funding and program spending, a 25% reduction in Assembly Bill 109 budgets will be required in FY 2020-2021 once unspent balances are depleted. Unless the Shasta County Board of Supervisors finds an alternate funding source, Shasta County will be unable to maintain current levels of public safety services.*

Response: The Board of Supervisors wholly disagrees with the finding. The timing of the actual depletion of community corrections AB109 reserves is unknown at this time. The Community Corrections Partnership Executive Committee, which is the entity that administers the community corrections AB109 budget, has projections that are dependent on actual spending of the AB109 funds each fiscal year. Unspent funds

“roll over” and may be available for the following fiscal year. The Community Corrections Partnership Executive Committee will determine how to address any declining AB109 reserves and adjust their future budgets accordingly.

Additionally, the Board of Supervisors held a series of Special Meetings to discuss Public Safety and funding needs and opportunities. On July 10, 2018, the Board of Supervisors directed staff to determine how much funding is needed to increase public safety services which may include a special sales tax allocated to public safety.

F6. *There has been no audit to determine whether Assembly Bill 109 funds are being allocated as designed by Assembly Bill 109. Budgets and minutes of the Board of Supervisors and Community Corrections Partnership indicate that Assembly Bill 109 funds have been used to replace rather than add to Shasta County General Funds for public safety, indicating the need for such an audit.*

Response: The Board of Supervisors wholly disagrees with the finding. Legislation does not require an audit. The Auditor-Controller staff reviews all payments received from all sources to ensure they comply with State law and County Code.

Assembly Bill 109 fund allocations listed below are in compliance with the design of the legislation.

EXPENDITURES**	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17	7/1 to 12/31/2017	Total
Public Defender (207)	\$0.00	\$56,186.00	\$97,549.07	\$159,894.00	\$207,514.30	\$209,973.23	\$151,034.05	\$882,150.65
Conflict Public Defender (203)	\$0.00	\$10,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
District Attorney (227)	\$22,161.11	\$84,626.04	\$107,201.43	\$156,587.42	\$181,731.28	\$379,338.32	\$172,240.11	\$1,103,885.71
Sheriff (235)	\$61,412.25	\$293,193.11	\$479,738.20	\$570,807.86	\$565,686.59	\$573,308.24	\$264,823.00	\$2,808,969.25
Work Release (246)		\$261,311.48	\$581,168.35	\$601,067.31	\$583,527.83	\$479,725.79	\$251,858.00	\$2,758,658.76
Victim Witness (256)	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$44,658.42	\$44,658.42
Jail (260)	\$51,419.69	\$1,477,071.42	\$1,626,314.00	\$1,630,553.30	\$1,657,426.00	\$1,713,527.06	\$1,181,227.00	\$9,337,538.47
Probation (263)	\$837,578.75	\$2,033,176.23	\$3,135,467.04	\$3,622,361.00	\$3,748,811.98	\$4,782,070.32	\$2,223,581.85	\$20,383,047.17
Mental Health (410)	\$29,803.88	\$76,926.53	\$72,555.22	\$217,495.70	\$130,947.03	\$115,682.03	\$61,556.88	\$704,967.27
Social Services (301)	\$0.00	\$73,211.00	\$203,519.10	\$77,531.51	\$13,763.00	\$31,804.00	\$20,489.00	\$420,317.61
County Indigent Cases (340-34)	\$73,358.50	\$78,340.11	\$63,567.00	\$128,382.33	\$119,878.43	\$46,864.64	\$29,469.00	\$539,860.01
Courts				\$55,287.00				\$55,287.00
Expenditures	\$1,075,734.18	\$4,444,041.92	\$6,267,079.41	\$7,219,967.43	\$7,209,286.44	\$8,332,293.63	\$4,400,937.31	\$39,039,340.32
								\$45,532,989.32
								\$6,493,649.00

The Board of Supervisors disagrees wholly that the budgets and minutes of the Board of Supervisors and Community Correction Partnership indicate that Assembly Bill 109 funds have been used to replace rather than add to Shasta County General Fund

for public safety. General Fund allocations for the jail budget have increased over the past seven years.

<i>FY 10/11</i>	<i>FY 11/12</i>	<i>FY 12/13</i>	<i>FY 13/14</i>	<i>FY 14/15</i>	<i>FY 15/16</i>	<i>FY 16/17</i>
<i>\$8,003,747</i>	<i>\$8,251,295</i>	<i>\$8,251,295</i>	<i>\$8,251,295</i>	<i>\$8,498,834</i>	<i>\$8,753,799</i>	<i>\$9,162,475</i>

F7. *Shasta County Community Corrections Partnership has distributed \$39,049,340 of its \$45,782,351 in California State Assembly Bill 109 funds without using any standardized format for funding requests or the review or approval of the requests. This has contributed to subjective funding distributions.*

Response: The Board of Supervisors wholly disagrees with the finding. The Community Corrections Partnership Executive Committee, which votes on the funding distribution, and other meeting attendees are provided handouts showing the requested increases/decreases of AB109 funds compared to the previous fiscal year's Community Correction Partnership Executive Committee approved budget. For example, this same format was used the past three years and occurred at the January 17, 2018, February 14, 2018, January 25, 2017, February 8, 2017, January 13, 2016, and February 17, 2016 Community Correction Partnership Executive Committee meetings. The Community Correction Partnership Executive Committee discusses the requests and considers taking action to approve them.

RECOMMENDATIONS

The Grand Jury recommends:

R1. *By September 30, 2018, the Shasta County Board of Supervisors designate one of its members, the chief administrative officer for the county, or a designee of the Board of Supervisors to sit on the Community Corrections Partnership, as required by Penal Code Section 1230(b)(2)(B).*

Response: The recommendation has been implemented. An Analyst from the County Administrative Office has been a member of the Community Corrections Partnership since the first meeting on June 8, 2011. Unfortunately, there was no record of these appointments under the previous Chief Probation Officer. The Board of Supervisors remedied this issue. On June 26, 2018, the Board of Supervisors retroactively appointed the County analysts back to June 8, 2011, and appointed a member and alternate effective June 26, 2018 for four-year terms.

R2. *By September 30, 2018, the Shasta County Board of Supervisors begin requiring quarterly written reports from the Community Corrections Partnership that include information on Shasta County recidivism rates and the percentage of programs that are evidence-based.*

Response: The recommendation will not be implemented because it is not warranted or is not reasonable. However, beginning Fiscal Year 2018-19, the Chief Probation Officer will recommend that the Community Corrections Partnership Executive Committee author a formal fiscal year-end report and submit it to the Board of Supervisors. Participation for the report will depend on collaborative efforts of the entire Community Correction Partnership Executive Committee. Data collection needed to determine rates, determination of recidivism rates, and to determine the percentage of programs that are evidence-based requires staff resources from each applicable agency/entity and they would all need to agree to participate to yield accurate results.

R3. *By December 31, 2019, the Shasta County Board of Supervisors review program evaluations that demonstrate the effectiveness of budgeted services and programs before approving Community Corrections Partnership budgets.*

Response: The recommendation will not be implemented because it is not warranted or not reasonable. The Board of Supervisors does not approve Community Corrections Partnership budgets. The Community Corrections Partnership Executive Committee approves or denies budget requests from Community Correction Partnership Executive Committee members.

R4. *By FY 2019-2020, the Shasta County Board of Supervisors ensure, prior to approving Community Corrections Partnership budgets, that any funds allocated to the Shasta County Jail and the Shasta County Sheriff's Office Work Release Program are used to support increased capacity above pre-Assembly Bill 109 levels or be redirected to another use consistent with Assembly Bill 109's objectives.*

Response: The recommendation will not be implemented because it is not warranted or not reasonable. The Board of Supervisors does not approve Community Corrections Partnership budgets, the Community Corrections Partnership Executive Committee approves or denies budget requests from Community Correction Partnership Executive Committee members. The Shasta County Auditor-Controller provides an independent review of how AB109 funds are used by the County of Shasta.

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R5.*By June 30, 2019, the Shasta County Board of Supervisors create a funding plan to address the 25% reduction in public safety services that will occur in FY 2020-2021, after the depletion of unspent find balances.*

Response: The recommendation will not be implemented because it is not warranted or is not reasonable. The timing of the actual depletion of community corrections AB109 reserves is unknown at this time. The Community Corrections Partnership Executive Committee, which is the entity that administrates the community corrections AB109 budget, has projections that are dependent on actual spending of the AB109 funds each fiscal year. Unspent funds “roll over” and may be available for the following fiscal year. The Community Corrections Partnership Executive Committee would determine how to address any declining AB109 reserves and adjust their future budgets accordingly.

R6.*By June 30, 2019, the Shasta County Auditor-Controller conduct a focused audit to determine whether Assembly Bill 109 funds have been used to replace existing Shasta County funding and present the results to the Community Corrections Partnership and the Shasta County Board of Supervisors at a public meeting. This process should occur annually.*

Response: The recommendation will not be implemented because it is not warranted or is not reasonable. The Auditor-Controller staff reviews all payments received from all sources to ensure they comply with State law and County Code. The Community Corrections Partnership allocates Assembly Bill 109 funds at a properly noticed public meeting. The Board of Supervisors reviews and approves the Assembly Bill 109 allocation at a properly noticed public meeting. The additional cost associated with a focused annual audit regarding Assembly Bill 109 funds are not the best use of tax payer dollars. Should the Auditor-Controller determine a focused audit is necessary, he may do so at that time.

This concludes the responses of the Shasta County Board of Supervisors to the FY 2017-2018 Grand Jury Report entitled “Community Corrections Partnership – AB 109 Funds.”

Sincerely,



LES BAUGH, Chairman
Board of Supervisors
County of Shasta