



Board Agenda Item 33

DATE: August 18, 2020

TO: Board of Supervisors

SUBMITTED BY: Kirk Haynes, Chief Probation Office

SUBJECT: Agreement with Justice System Partners

RECOMMENDED ACTION(S):

Approve and Authorize the Chairman to execute an Agreement with Justice System Partners to provide full implementation services of an evidence-based court assessment tool effective upon execution, not to exceed five consecutive years, which includes a three-year base contract and two optional one-year extensions, total not to exceed \$350,000.

There is no Net County Cost associated with the recommended action. Approval of the recommended agreement will provide full implementation and validation of the Laura and John Arnold Foundation Public Safety Assessment Court Tool (PSA) for use in the Probation Department's Pretrial Program. The PSA is a pretrial assessment tool that does not require a face to face interview to assess an individual's flight and safety risk of being released from custody prior to trial. This item is countywide.

ALTERNATIVE ACTION(S):

If the recommended action is not approved, the services provided in the recommended agreement will not be provided by Justice System Partners. The Department would continue to use the existing pretrial assessment tool. The continued use of the existing pretrial assessment tool will require Probation staff to be stationed at the Fresno County Jail, which would result in inefficiencies; additionally, there is limited space available at the Jail.

FISCAL IMPACT:

There is no Net County Cost associated with the recommended action. The maximum compensation for the full five-year term of the recommended agreement is \$350,000. The first-year compensation is \$105,000 and includes implementation and validation of the PSA. Subsequent years' annual compensation ranges from \$50,000 to \$65,000 for required ongoing support services and tool validations. First year funding for the recommended agreement is fully offset with Realignment Act of 2011 (AB 109) revenue. Future years will be funded with SB 10 Pretrial Release and Detention funds or State funds received by Probation for early releases of second striker offenders from State prison. If SB 10 is passed by the voters, it will change the release and detention system from a money-based (bail) to a risk-based system, using a validated risk assessment tool. The State has indicated that funding would be provided if SB 10 moves forward. There are sufficient appropriations and estimated revenues included in Probation's Recommended Budget for FY 2020-21 Org 3430, which will be presented to your Board in September 2020. Funding for subsequent years of the recommended agreement will be included in future budget requests.

DISCUSSION:

The Probation Department currently uses a pretrial risk assessment tool that requires a face to face interview with Probation/Sheriff staff and the individual. The Probation Department desires the PSA, because it is a validated pretrial assessment tool that does not require a face to face interview, which would provide significant efficiencies and eliminate the need for Probation staff to be located at the County Jail. The intent of the PSA is to assess individuals for flight and public safety risk in a manner that is free from bias based on gender, income level, race, or ethnicity. The PSA has been determined to be in compliance with SB 36. SB 36 became law on October 1, 2019, and requires pretrial programs use a validated assessment tool that is revalidated at least once every three years. SB 10 was signed into law on August 28, 2018 and would have gone into effect on October 1, 2019. A referendum to overturn SB 10 has been placed on the November 2020 ballot. If the voters do not overturn SB 10, it essentially requires a person be released on his or her own recognizance or under supervision with the least restrictive nonmonetary condition or combination of conditions that will reasonably assure public safety and the defendant's return to court. When there is very strong evidence that no conditions of release can reasonably assure public safety, a defendant can be detained pretrial, regardless of financial resources.

On April 9, 2020, the County issued Request for Proposal (RFP) Number 20-054, Addendum One on April 30, 2020, and Addendum Two on May 15, 2020. The RFP solicited proposals from qualified vendors to provide full implementation of the PSA including validation services. Responses to the RFP were required to describe an implementation plan and provide a line-item budget for five years. The RFP closed on May 26, 2020, and Justice System Partners (JSP) was the only organization that responded to the RFP. A five-member review committee met to review the proposal. The committee consisted of members from the Probation Department, the Fresno Superior Court, and the Sheriff's Office. Based on their review, the committee recommended awarding these services JSP. The committee members concluded JSP's proposal was comprehensive, demonstrated vast experience with the target population, and provided a detailed implementation, validation, and support plan.

In accordance with the recommended agreement, JSP will provide full implementation and validation services for the evidence-based risk needs assessment PSA. JSP will fully implement the PSA with local validation to reduce biases based on gender, income level, race, or ethnicity, ensure the tool is integrated into the day-to-day function of the criminal justice system, and assess the long-term validity of the tool. To achieve this JSP will:

- Train internal and external stakeholders on the purpose, scoring, and use of the PSA;
- Provide assistance to create a decision matrix that will provide judges with a clear understanding of how to use the results of the assessment;
- Provide technical assistance and support to implement the PSA into the Probation Department's existing case management system;
- Develop internal processes for the Fresno County Probation Department to monitor and provide feedback to staff scoring the PSA as well as decision makers using the assessment results;
- Conduct the initial validation and two subsequent validations of the PSA; and
- Provide a public report and dashboard to ensure transparency to those in the criminal justice system, as well as the broader community.

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk- Agreement with Justice System Partners

CAO ANALYST:

Samantha Buck