



# Board Agenda Item 40

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DATE: September 21, 2021

TO: Board of Supervisors

SUBMITTED BY: Kirk Haynes, Chief Probation Officer  
Dawan Utecht, Director, Department of Behavioral Health

SUBJECT: First Amendment to Agreement with Superior Court

**RECOMMENDED ACTION(S):**

**Approve and authorize the Chairman to execute the first Amendment to Agreement No. 20-470 with the Superior Court of California, County of Fresno for increased services levels in the Driving Under the Influence Treatment Court, effective October 1, 2021 with no change to the term of October 1, 2020 through September 30, 2025 and increasing the maximum by \$110,395 to a total of \$338,001 per year.**

The Superior Court of California, County of Fresno (Court) was awarded an amendment to its Office of Traffic Safety grant to fund expansion of the Driving Under the Influence (DUI) Treatment Court, where defendants may enter treatment instead of incarceration. Approval of the recommended action will modify the agreement to allow the Department of Behavioral Health (DBH) and Probation to increase staffing levels to provide support and services to the expanded population eligible to participate in the DUI Treatment Court. This item is countywide.

**ALTERNATIVE ACTION(S):**

If the recommended action is not approved, DBH and Probation will not be able to fully participate in the expanded DUI Treatment Court.

**FISCAL IMPACT:**

There is no increase in Net County Cost associated with the recommended action. The recommended first amendment will increase the total annual compensation from \$227,606 to \$338,001 per year. The following is a list of funding and positions by department:

- DBH - \$146,596 for .75 FTE each of a Community Mental Health Specialist II and a Substance Abuse Specialist II position. The recommended first amendment will increase the number of positions by .50 FTE.
- Probation - \$191,405 for one Deputy Probation Officer III and one Probation Technician II position. Sufficient appropriations and estimated revenue are included in each Department's FY 2021-22 Adopted Budgets and will be included in future budget requests. The recommended first amendment will increase the number of positions by .50 FTE Probation Technician.

**DISCUSSION:**

Fresno County has a high number of Driving While Impaired (DWI) and DUI cases (collectively, "DUI"). In

order to prevent recidivism, the Court provides treatment rather than simply incarceration for defendants in these cases. Defendants who wish to enter DUI Treatment Court must agree to plead guilty to their DUI criminal charges. Once the court accepts their pleas, defendants are sentenced and enter the DUI Treatment Court Program in lieu of incarceration.

Your Board approved an agreement with the Court on November 24, 2020 to provide staffing from DBH and the Probation Department. The DUI Treatment Court Program takes a minimum of 12 months, and consist of two tracks, during which participants attend court regularly, engage in substance use disorder treatment and mental health therapy, attend self-help groups such as Narcotics Anonymous/Alcoholics Anonymous, check in with their Probation Officers regularly, and participate in frequent drug testing. The frequency of treatment sessions and court appearances in each track is based on the individual participant's progress or relapse.

The Court and County will each provide staff to assist in the success of the expanded treatment Court. The Court will provide one DUI Court Coordinator position, DBH will provide .75 FTE each of a Case Management Health Specialist and a Substance Abuse Specialist, which is an increase of .50 FTE over the current agreement. Probation will provide one Deputy Probation Officer and one Probation Technician position, which is an increase of .50 FTE of a Probation Technician. DBH staff will report to the DBH Collaborative Court's Team Clinical Supervisor, while Probation staff will report directly to the Probation Services Manager of the Drug Suppression Unit under the Adult Probation Services Division Director.

**OTHER REVIEWING AGENCIES:**

The Behavioral Health Board was made aware of the recommended first amendment during its September meeting.

**REFERENCE MATERIAL:**

BAI # 10, November 24, 2020

**ATTACHMENTS INCLUDED AND/OR ON FILE:**

On file with Clerk - Amendment to Agreement with the Superior Court

**CAO ANALYST:**

Greg Reinke