



# County of Fresno

Hall of Records, Rm. 301  
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Fresno, California  
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## Legislation Text

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**File #:** 20-1250, **Version:** 1

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**DATE:** November 24, 2020

**TO:** Board of Supervisors

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

**SUBJECT:** Retroactive Driving Under Intoxication Court Staffing Agreement with the Superior Court of California, County of Fresno

### RECOMMENDED ACTION(S):

- 1. Approve and authorize the Chairman to execute a retroactive Driving Under Intoxication Court Staffing Agreement with the Superior Court of California, County of Fresno, effective October 1, 2020, not to exceed five consecutive years, which includes a one-year base contract with four optional one-year extensions, total not to exceed \$227,606 per year;**
- 2. Adopt Budget Resolution increasing the FY 2020-21 appropriations and estimated revenues for Probation Org 3432 in the amount of \$153,851 (4/5 vote); and**
- 3. Approve Amendment to the Salary Resolution adding one Deputy Probation Officer to the Probation Org 3432, effective 11/30/20, as reflected in Appendix "F".**

There is no increase in Net County Cost associated with the recommended action. The Superior Court of California, County of Fresno (Court) was awarded an Office of Traffic Safety grant. The award will be used to fund the DUI Treatment Court. Defendants in Driving under Intoxication (DUI) cases who plead guilty to their DUI charges may be able to enter the DUI Treatment Court instead of incarceration. The recommended actions will authorize the execution of the DUI Court Staffing Agreement so the Court and the Fresno County Departments of Probation and Behavioral Health can provide staff to deliver services. This item is countywide.

### ALTERNATIVE ACTION(S):

If the recommended actions are not approved, the Fresno County Departments of Probation and Behavioral Health will not be able to participate in the DUI Treatment Court.

### RETROACTIVE AGREEMENT:

The Agreement effective date was October 1, 2020. The Court received notice of the grant award from OTS after the start date of October 1<sup>st</sup>. Probation is bringing this to your Board on the first available Board date within the agenda item processing deadlines.

### FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended actions. If executed, the agreement will provide \$227,606 per year, and will fund the following positions: a full-time Case Manager (\$72,629 salary and benefits), a full-time Deputy Probation Officer (\$129,994 salary and benefits), and a part-time Probation Technician (\$24,983 salary and benefits). The recommended salary resolution will add one Deputy Probation Officer. Probation will partially reassign an existing Probation Technician position for this Court. The Department of Behavioral Health will reassign an existing Case Manager position to cover the

duties of the Agreement. The recommended Budget Resolution does not include Worker's Compensation, Unemployment, and Benefit Contributions. However, a prorated share of these Contributions for the positions assigned to the DUI Treatment Court will be charged to the Court. Sufficient appropriations and estimated revenues are included in DBH's Org 5630 FY 2020-21 Adopted Budget and will be included in subsequent budget requests for the duration of this program.

#### DISCUSSION:

Fresno County has a high number of *Driving While Impaired* (DWI) or DUI cases. In order to prevent recidivism, the Court hopes to provide 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.

The DUI Treatment Court Program will take 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 this new treatment Court. The Court will provide one full-time DUI Court Coordinator, the Department of Behavioral Health will provide one full-time Case Manager, and the Probation Department will provide one full-time Deputy Probation Officer and one part-time Probation Technician. The Case Manager will report to the DBH Collaborative Courts Team Clinical Supervisor. Probation Department staff will report directly to the Probation Services Manager of the Drug Suppression Unit and the Adult Probation Services Division Director.

#### OTHER REVIEWING AGENCIES:

The Behavioral Health Board was made aware of the recommended Agreement during its October meeting.

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

On file with Clerk - Agreement with the Superior Court of California, County of Fresno  
On file with Clerk - Resolution (Org 3432)  
Salary Resolution Amendment (Appendix "F")

#### CAO ANALYST:

Samantha Buck