

## **Community Corrections Partnership**

### **Request for Identification of Programs/Needs to be funded with available AB 109 funds**

The purpose of this proposal is to identify programs/needs that your department/agency is requesting be funded with available AB 109 funds. If a program is selected for funding, Fresno County Purchasing requirements will need to be followed in the awarding of contracts associated with the program. Therefore if a contract with a community based organization (CBO) or vendor is required for a program, the above process will need to be completed in order to select a CBO or vendor. In addition, once the CCP has selected proposals for funding, the CCP Plan may be required to be updated and brought to the Board of Supervisors for approval. The Board of Supervisors will also be required to approve increases in appropriations and/or County personnel associated with the proposal.

Please provide the following information associated with your program funding request (Please limit your response to each item to one page using 12 point font and being double spaced):

1. Program Name: Pretrial Risk Assessment and Supervision Expansion
2. Name of Department/Agency submitting request: Probation Department
3. Contact person, email and phone number: Probation Director Mike Elliott  
meliott@co.fresno.ca.us, 559-600-1233
4. Need for the Program: The expansion of the pretrial program is needed to significantly mitigate the mandatory early releases due to the Federal Consent Decree; along with preparing the system for upcoming jail construction which will result in elimination of approximately 200 jail beds.
5. Program Description/Design: The following provides information regarding the proposed expansion of the pretrial program:

## **MISSION:**

The Fresno County Probation Department's primary objective is to assist the court in making fair, prompt and effective release decisions at the arraignment hearing, while monitoring and supervising released defendants to minimize the risk of non-appearance at court proceedings and the risk to the public safety.

## **OBJECTIVES:**

- Maximize the use of alternatives to pretrial incarceration including conditions of release with supervision
- Maximize appearance rates
- Provide appropriate services and supervisory resources commensurate with public safety
- Facilitate the release decision by providing information to the courts in a timely fashion
- Develop a broad based range of practical and enforceable conditions of release following evidence-based practices suitable for defendants whose risk and needs vary widely
- Provide support and make referrals to appropriate treatment programs

## **DEPARTMENT OF BEHAVIORAL HEALTH:**

The Probation Department is currently working with the Department of Behavioral Health (DBH) in developing a plan to assist those defendants in need of treatment to include: substance abuse and mental health. The plan is to have an on-site assessment completed for those defendants being referred for services. After the assessment is completed and treatment is recommended, a referral will be made to the appropriate treatment agency.

## **PRETRIAL PROGRAM AND RISK NEEDS ASSESSMENT:**

The Probation Department will utilize the Virginia Pretrial Risk Assessment Instrument (VPRAI) as developed in 2003 for use in pretrial services and used nationally. The VPRAI is an objective, research-based, instrument that assists pretrial officers in the performance of their duties by identifying a defendant's level of risk of failure (failure to appear and/or new arrest) if released pending trial. The VPRAI will be provided to the

court as part of the pretrial investigation and report, to assist them in making release decisions.

The validated VPRAI will identify the likelihood of failure to appear and the danger to the community posed by a defendant pending trial. The use of the objective and research based pretrial risk assessment is consistent with the evidenced-based practice “Risk Principle” and has demonstrated that interventions directed toward offenders with a moderate to high-risk of committing new crimes will result in better outcomes for both the offender and the community.

### **PRETRIAL RELEASE /SERVICES PROCESS:**

The Probation Department will be providing judges or judicial officers a pretrial risk assessment report at the arraignment hearing regarding the release of defendants that are currently detained at the Fresno County Jail (FCJ). Upon release from the court, the Probation Department will begin supervising the defendants, provide reasonable assurance that the defendant will appear at their court proceedings, and that the conditions, based on risk assessment, will protect the community, victims and witnesses.

### **PROBATION:**

The Probation Department will assign four probation technicians from the hours of 8:00 A.M. to 5:00 P.M. at the three jails (south annex, north annex and main jail) and in the FCJ booking area to conduct the interview portion of the VPRAI. The probation technician will ask the defendant questions to determine information in the following areas:

1. Was the defendant employed, a primary caregiver, student, retired or disabled
2. The defendant’s current residence status
3. The defendant’s history of substance abuse

The remaining probation technicians will be located at the Probation Department conducting the static portion of the VPRAI on those defendants being interviewed at FCJ, by researching CLETS, DA STAR, and the Fresno County Superior Court V2 system, which includes the following:

1. Does the defendant have a pending case(s)
2. Does the defendant have a history of failing to appear for a court date
3. Does the defendant have a criminal history
4. Does the defendant have any convictions under PC 273.5, PC 667.5 and PC 1192.7

After the probation technician completes their interviews, they will send their information electronically to the Probation Department for the completion of the pretrial report and recommendation.

In most scenarios, if a defendant is being held in custody, the court will have a pretrial report at an arraignment hearing for consideration.

- This report can also be utilized if there is a change of circumstances during the criminal proceedings, in order to release the defendant in the community.

If the defendant is being charged with an offense that presents a significant risk to community safety, a report will not be submitted.

If a defendant does not meet the initial criteria for a pretrial report at the arraignment stage, a referral for a pretrial risk assessment can be requested at an arraignment hearing or at any other stage of the criminal proceedings. Referrals may be made by any of the courtrooms with electronic communication to the digital mailbox address at the Probation Department's email address- [ProbationPretrialRef@co.fresno.ca.us](mailto:ProbationPretrialRef@co.fresno.ca.us).

### **SUPERVISION GUIDELINES AND STAFF RATIO:**

- Defendants scoring from 0-2 on the VPRAI, is considered low risk by the tool, and will have a supervision ratio of 1-100.
- Defendants scoring 3-4 on the VPRAI, is considered medium risk by the tool, and will have a supervision ratio of 1-50.
- Defendants scoring 5-9, on the VPRAI, is considered high risk by the tool, and will have a supervision ratio of 1-30.
- Defendants who fall under the disqualified category, based on nature of the offense or other factors, would fall under the supervision guidelines of a medium to high risk offender. In addition, the Probation Department will have the ability to override a case based on the totality of the circumstances, risk score, treatment needs, treatment responsiveness and their adjustment to supervision.

### **PRETRIAL SERVICES IN THE COMMUNITY:**

The Probation Department will collect and document information needed for the courts and other community partners. Assessments will be completed, as well as making appropriate referrals for services and supervising defendants in accordance with conditions set by the court.

Pretrial supervision under the auspices of the Probation Department shall include but not be limited to:

- Imposing reasonable restrictions on the activities, movements, associations, and residences of the defendant, or other conditions necessary to ensure future court appearances, prevent recidivism and protect the community or any person during the pretrial period.
- Prohibiting the person from possessing any dangerous weapons.
- Prohibiting the defendant from engaging in certain described activities relevant to the risks of non-appearance or criminal activity including the use of alcohol and drugs.
- Requiring the defendant to be evaluated for substance abuse treatment, drug testing, drug treatment and mental health programs.
- Requiring drug and alcohol treatment, as determined.
- Imposing any other reasonable restriction designed to ensure the defendant's appearance, to protect the safety of the community and to prevent intimidation of witnesses.

This will be accomplished with local resources and commensurate with public safety through a network of supervised services of the Probation Department that may include the following:

- Pretrial supervision as directed.
- Receive a phone call, text message and email reminder for their Court date
- Search and seizure
- Home detention
- GPS
- Drug and alcohol testing including breathalyzer and urine analysis;
- Referrals to appropriate treatment modalities including substance abuse and mental health services, as well as sober living facilities.

**PROGRAM DISQUALIFIERS, UNLESS SPECIFICALLY ORDERED BY THE COURT:**

- Defendant in custody for a violent felony pursuant to PC 667.5(c) or serious felony pursuant to PC 1192.7(c), which would pose a risk to community safety.
- Immigration, Federal and Parole hold.
- Other- probation can override a case based on the totality of the offense, interview, criminal history and other circumstances.

**NOTE:** The Probation Department will have the ability to override a case based on the totality circumstances regarding the risk score, treatment needs and their adjustment to supervision.

**STAFFING:**

The Probation Department will be requesting the following personnel for the expanded pretrial program:

- 1 PSM
- 5 DPO's
- 6 Probation Technicians
- 1 Office Assistant

Existing Pretrial Staff:

- 2 DPO's
- 2 Probation Technicians

6. Identify area of CCP plan where this program is referenced or should be added  
Fresno County Sheriff's Office: Pretrial Program
7. Program Budget – complete attached line item budget form and budget summary form including identification of staff