



Judicial Council of California · Administrative Office of the Courts

455 Golden Gate Avenue · San Francisco, California 94102-3688

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on: July 28, 2015

Title	Agenda Item Type
Collaborative Justice: Funding for Parolee Reentry Court Programs through the California Department of Corrections and Rehabilitation	Action Required
	Effective Date
	July 28, 2015
Rules, Forms, Standards, or Statutes Affected	Date of Report
None	July 15, 2015
Recommended by	Contact
Collaborative Justice Courts Advisory Committee	Francine Byrne, 415-865-8069 francine.byrne@jud.ca.gov
Hon. Richard Vlavianos, Chair	Arley Lindberg, 415-865-7682 arley.lindberg@jud.ca.gov

Executive Summary

The Collaborative Justice Courts Advisory Committee (CJCAC) recommends that the Judicial Council enter into an interagency agreement with the California Department of Corrections and Rehabilitation (CDCR) to continue the California Parolee Reentry Court Program and direct the CJCAC to determine maximum allocations and execute a funding model, based on a non-competitive funding formula, for which all courts that meet program criteria may apply. The interagency agreement will transfer \$4.4 million in funding from CDCR to the Judicial Council to expand and enhance the reentry court program with the goal of reducing recidivism in the parolee population.

Recommendation

The Collaborative Justice Courts Advisory Committee (CJCAC) recommends that the Judicial Council, effective July 28, 2015:

1. Direct staff to enter into a two-year interagency agreement on behalf of the Judicial Council with the California Department of Corrections and Rehabilitation (CDCR) in the amount of \$4.4 million to support the expansion and enhancement of parolee reentry courts. Of this amount, \$4.18 million will be distributed to the trial courts and 5 percent (\$220,000) will be allocated to the Judicial Council for program management, data collection, and other administrative overhead costs. A letter of intent from CDCR concerning this interagency agreement is included in this report as Attachment A.
2. Direct the CJCAC to execute the funding model, including maximum allocations, based on a noncompetitive formula, for which all courts that meet program criteria may apply. This noncompetitive grant will be available to all interested parolee reentry court programs that meet the criteria, including adherence to the collaborative justice court model, as well as demonstrate the ability to meet data collection and programmatic requirements. The funding formula methodology and recommended funding maximums are included in this report on page 7.
3. Direct the CJCAC to allocate remaining funds to future eligible courts through the non-competitive funding formula methodology.

Previous Council Action

On July 25, 2013 the Judicial Council accepted the recommendation by the CJCAC to enter into a two-year interagency agreement with CDCR in the amount of \$3 million to support existing parolee reentry courts, as directed by the Legislature in the Budget Act of 2013.

On December 12, 2014 the Judicial Council received the *California Parolee Reentry Court Evaluation Report* and directed the Administrative Director to submit this report to the California Legislature and Governor, as mandated by Penal Code section 3015. Under the statute, the Judicial Council was required to submit a final evaluation report that assesses the pilot reentry court program's effectiveness in reducing recidivism no later than three years after the establishment of a reentry court.

Rationale for Recommendation

A parolee reentry court is a collaborative justice court, similar to a drug court, that provides an alternative to reincarceration for parole violators with a history of substance abuse or mental health issues. These courts combine intensive judicial supervision and collaboration among justice system partners with rehabilitation services to reduce recidivism and improve outcomes for participants.

In 2009, in an effort to reduce recidivism, lower state spending on incarceration, and maintain public safety, the California Legislature enacted the Parolee Reentry Accountability Program set forth in Penal Code section 3015, which established the parolee reentry court pilot program. The Legislature allocated \$10 million in American Recovery and Reinvestment Act (ARRA) Byrne Memorial Justice Assistance Grant monies through a competitive bid process and funded parolee reentry courts in the following California counties: Alameda, Los Angeles, San Diego, San Francisco, San Joaquin, and Santa Clara. These pilot programs began operation between October 2010 and January 2011.

Penal Code section 3015 also charged the Judicial Council to work in collaboration with CDCR to support the implementation and operation of reentry courts, and to evaluate the program to assess its effectiveness in reducing recidivism. The final evaluation report, submitted to the Judicial Council on December 12, 2014, stated that:

- Reentry courts are serving the intended high-risk, high-need target populations.
- Reentry court participants were revoked (for either parole violations or new crimes) less frequently than the comparison group and therefore spent fewer days in prison.
- Reentry court participants were rearrested more often than the comparison group; however, an exploratory analysis of a subsample of conviction data indicates that reentry court participants may be convicted less often than the comparison group.

The 2012–2013 State Budget included an allocation of \$3 million from CDCR for the continued operation of reentry courts. The budget bill language stated: “The Department of Corrections and Rehabilitation may utilize up to \$ 3,000,000 of funds appropriated in this item for use in the 2012–13 fiscal year to support Parolee Reentry Courts funded pursuant to subdivision (d) of Provision 2 of item 0690-102-0890, Budget Act of 2009 (Ch. 1. 2009-10 3rd Ex. Sess., as revised by Ch.1, 2009-10 4th Ex. Sess.).” In accordance with the budget language, the Judicial Council allocated the funding to the Superior Courts of Alameda, San Diego, San Francisco, San Joaquin, and Santa Clara Counties.¹ In addition to funding the courts, the council retained a 5 percent allocation to cover the costs of grant administration, expenditure tracking, and data collection and reporting.

The CDCR is interested in continuing its support of the reentry court program for two additional years and expanding the program into other interested jurisdictions. If executed, the recommended interagency agreement will secure funding for the expansion of reentry courts into new jurisdictions and support preexisting reentry court programs. The goals of the California Parolee Reentry Court Program are to:

¹ The 2012–2013 reentry court funds originated with the California Department of Corrections and Rehabilitation and focused solely on parolees, the only supervised population that falls under the jurisdiction of CDCR. The Superior Court of Los Angeles County’s reentry court population is primarily composed of women who are supervised by the probation department on postrelease community supervision, and did not receive funding through CDCR.

- Reduce recidivism and parole revocation;
- Reduce criminal justice costs by providing rehabilitation in lieu of incarceration;
- Increase public safety; and
- Implement each program in a cost-effective manner.

In order to be eligible for funding, the reentry court programs must meet the following criteria:

- Operate using a collaborative justice court model, informed by the 11 Guiding Principles of Collaborative Justice Courts set forth by the Judicial Council’s Collaborative Justice Courts Advisory Committee;
- Serve high risk/high need parolees who have violated the conditions of their parole;
- Use funds for parolees. Because the funds originate with CDCR they must be used to support individuals that fall under the jurisdiction of CDCR, as opposed to individuals supervised by probation (i.e. those on postrelease community supervision, mandatory supervision, or felony probation);
- Include a parole agent and case manager on the reentry court team; and
- Submit quarterly reports on program activities, accomplishments, and challenges, as well as participant data.

Comments, Alternatives Considered, and Policy Implications

The use of a competitive request for proposal (RFP) process to distribute funds could be considered as an alternative to a noncompetitive formulaic funding model; however, the RFP process is lengthy and would not be feasible given the limited time frame of this interagency agreement. Because there are a limited number of jurisdictions currently operating or planning to implement reentry courts, the CJCAC believes there is sufficient funding for all interested parties that meet the criteria through a noncompetitive process. CJCAC has experience in developing and executing noncompetitive formula-based grants and has modeled this allocation formula on the Substance Abuse Focus Grant (SAFG) program, which has been successfully providing funds to the courts since 2002.

The reentry court funding formula considers the following:

- Total funding amount available;
- Number of courts requesting funds;
- Active program caseloads;
- Information from current reentry court program expenditures; and
- Cost per participant information based on the Judicial Council’s 2006 drug court cost study.

Like the Substance Abuse Focus Grant, this formula includes a standard base allocation for each court as well as a caseload-based allocation determined by the number of program participants. The base allocation supports court administrative and program activities that apply to each parolee reentry program regardless of the number of participants, and may include costs associated with grant and contract management, data reporting, project overhead, etc. The

caseload-based allocations were determined according to average expenditures of the existing reentry courts as well as per participant costs identified in the Judicial Council's 2006 drug court cost study.² Allocations were determined based on the program's active caseload when at full capacity. Reentry courts represent an emerging collaborative justice court program that is being implemented in an increasing number of jurisdictions. It is likely that the number of reentry courts will continue to grow due to the enactment of public safety realignment, which shifted responsibility for most parole violation hearings from CDCR to the courts and allows for referral to a reentry court as a disposition option for supervision violations. This program will support courts that currently operate reentry courts and will enable other interested jurisdictions to implement new programs.

Implementation Requirements, Costs, and Operational Impacts

Judicial Council staff sent an e-mail to all trial court presiding judges and court executive officers on April 28, 2015 to alert them to this grant opportunity and gauge their interest in applying for funding to either implement or enhance an existing reentry court program. Information about this funding opportunity was then sent out in *Court News Update*, posted on Serranus, and sent to the CJCAC membership. Nineteen courts initially responded to express interest in the funding. After distributing additional information about the program, seven courts confirmed that their programs met eligibility requirements. Five of the seven courts have existing reentry court programs (Alameda, San Francisco, San Diego, San Joaquin, and Santa Clara) and two will be implementing new programs (Mono and Santa Cruz).

Most of the other 12 courts that originally expressed interest in the funding were not considered eligible because their proposed programs focus on reentry populations not covered under this grant (i.e. mandatory supervision and postrelease community supervision populations). Because individuals on mandatory supervision and postrelease community supervision do not fall under the CDCR's jurisdiction, only parolees can be served through this program. Some of the ineligible courts expressed a desire to create parolee reentry court programs, but indicated that they needed more time to develop program policies and procedures. Judicial Council staff will work with these courts, provide technical assistance, and allocate the remaining funds, as appropriate.

The CJCAC will utilize the funding formula described above to equitably distribute \$4.18 million of the total \$4.4 million to all trial courts that meet eligibility requirements. Once this process is approved by the Judicial Council, the CJCAC will inform all eligible courts of the maximum funding amount for which they may apply. Courts will then submit a program and spending plan, and contracts will be executed based on acceptance of these items. The CJCAC

² Although no cost-benefit studies have been conducted on reentry courts to date, they are modeled after drug courts, which have been extensively studied. The 2006 Judicial Council cost-benefit study of adult drug courts indicated that there is a significant variation in the drug courts' per participant cost that is impacted by location, services offered, drug court practices, etc., with most courts expending anywhere from \$6,000–\$15,000. Certain economies of scale were found in which larger courts were able to operate with lower per participant costs. See www.courts.ca.gov/documents/cost_study_research_summary.pdf.

will distribute any remaining funds, using the same funding formula methodology, to courts that later indicate an interest and meet eligibility criteria.

The estimated cost to the Judicial Council for administrative overhead of the project is approximately 5 percent, or \$220,000, over the span of the project. These costs will be covered through the interagency agreement and include program management, contract execution, grant accounting, data collection and analyses, report writing, and invoice and expenditure tracking.

Relevant Strategic Plan Goals and Operational Plan Objectives

The recommendations in this report support Goal IV, Quality of Justice and Service to the Public, and specifically address Objective 1: “Foster excellence in public service to ensure that all court users receive satisfactory services and outcomes.” Innovative problem-solving practices and expanded collaborative justice programs are identified in desired outcome IV.1.c. This funding allocation enables the courts to expand and enhance collaborative justice model parolee reentry court programs that focus on providing services to court participants as an effective method for reducing recidivism for parolees, which may potentially reduce future court workload.

Attachments

1. Reentry Court Funding Formula and Proposed Maximum Allocations, page 7
2. Attachment A: Letter of intent from California Department of Corrections and Rehabilitation

Reentry Court Funding Formula and Proposed Maximum Allocations

The following table provides maximum possible funding allocations for which each eligible reentry court may apply. Funds may be expended over the course of two years. Each court will receive a base amount of \$50,000 plus an additional allocation based on the number of participants active in the program at any given time when the program is at full capacity.

	Active Program Caseload at Full Capacity					
Base Amount	5–10 participants	11–20 participants	21–30 participants	31–75 participants	76–100 participants	101+ participants
\$50,000	\$150,000	\$300,000	\$450,000	\$500,000	600,000	\$700,000

Based on data provided by eligible courts to the Judicial Council in June 2015, current maximum allocations are as follows:

Reentry Court Program	Maximum Allocation
Alameda	\$550,000
Mono	\$200,000
San Diego	\$500,000
San Francisco	\$350,000
San Joaquin	\$750,000
Santa Clara	\$750,000
Santa Cruz	\$550,000

DIVISION OF REHABILITATIVE PROGRAMSP.O. Box 942883
Sacramento, CA 94283-0001

June 25, 2015

Judicial Council of California
455 Golden Gate Avenue
San Francisco, CA 94102-3688

Dear Members of the Judicial Council:

On behalf of the Division of Rehabilitative Programs (DRP) at the California Department of Corrections and Rehabilitation (CDCR), I am providing you this letter in continuing support of the Parolee Reentry Court (PRC) program. We are pleased that this program will be expanded to additional county court jurisdictions to provide specialized court case management services for parolees as described in the Interagency Agreement (IA) with the Administrative Office of the Courts.

Over the last two years, since we have established an agreement, we have developed a stronger partnership that has allowed us to troubleshoot matters related to court referrals from DAPO on a timely basis. The court's collaborative case management model to link parolees to appropriate rehabilitative services that will foster successful completion of their court treatment plan, mirrors DRP's rehabilitative programming goals. It is important to hold individuals accountable while providing rehabilitative programs to help reduce recidivism and enhance public safety.

We look forward to continuing to partner in these efforts. If you ever have any questions or concerns, please don't hesitate to contact me at (916) 324-3663 or via email at Millicent.Tidwell@cdcr.ca.gov.

Sincerely,

A handwritten signature in cursive script that reads "Millicent Tidwell".

MILLICENT TIDWELL
Director
Division of Rehabilitative Programscc: Francine Byrne, Supervising Research Analyst, Judicial Council of California
Cynthia Florez-DeLyon, DRP Deputy Director, Community Reentry Services
and Program Support