



## County Executive Office

### Memorandum

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May 4, 2021

To: Lilly Simmering, Deputy County Executive Officer

From: Michelle Aguirre, Chief Financial Officer *Michelle Aguirre*

Subject: **Department Responses to the Final Report of the Performance Audit of County Resources Allocated to AB 109**

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The following are the departments' responses to the recommendations contained in the Final Report of the Performance Audit of County Resources Allocated to AB 109 dated February 5, 2021, and performed by Arroyo Associates, Inc.

#### **Sheriff-Coroner Department**

Recommendation II-1: Utilize AB 109 PSR funding to implement additional services and programming for intervention in the Custody Division.

Sheriff-Coroner Department Response: Concur. OCSD is in the process of designating specific modular housing for male and female AB 109 inmates in one area of the jail to efficiently deploy staffing for intensive intervention programming. OCSD is also designing targeted educational, job skills, and behavioral strategies which will assist AB 109 inmates with education deficiencies, behavioral modification and substance use disorder needs. Additionally, OCSD will assist these clients with pre-release and discharge planning to aid them in their successful transition back into the community.

#### **Probation Department**

Recommendation III-1: Enhance staffing in the AB 109 Field Supervision Division.

Probation Department Response: Concur. According to internal research findings, caseload sizes have a direct relationship to new crime conviction rates. Probation's Post-release Community Supervision (PCS) and Mandatory Supervision (MS) population recidivates at a higher rate than the department's adult probation clients. Furthermore, data also supports that when the caseloads per Deputy Probation Officer (DPO) were less than the current average, the reconviction rate was approximately 13% lower. The Department will analyze current staffing models and consider increasing staffing as needed in the AB 109 Field Supervision Division to reduce client caseload.

Recommendation III-2: Enhance programming in the AB 109 Field Services Division by providing additional connections to community services.

Probation Department Response: Concur. A significant obstacle for AB 109 clients, including PCS and MS individuals, is navigating the services available through both formal and informal system partners. Currently, PCS and MS individuals that experience diagnosed mental health, substance use disorder, or a combination of both (i.e., dually diagnosed) receive additional support (including housing options) through the Health Care Agency. AB 109 individuals that do not experience these concerns cannot easily access these programs and would benefit from a coordination of services and a dedicated resource specialist that could assist with linkages and address barriers. At this time, the coordination and linkages are limited to what the Reentry and Supervising DPOs can provide while also maintaining their caseloads. The Department will explore the addition of a dedicated resource specialist and development of an easily accessible inventory of available resources with eligibility requirements and contacts to assist with timely linkages to needed services.

Recommendation III-3: Enhance services for reentry into the community from County jail facilities and State Prisons.

Probation Department Response: Concur. Probation has actively worked with other county agencies to determine how existing probation resources can support the Board of Supervisors' Integrated Services for Community Corrections. Namely, Probation's underutilized juvenile facilities space has been identified as a potential location for an adult reentry center. When fully operational, the new reentry center will offer transportation options for adults transitioning from state prisons back to Orange County. Additionally, the new center will offer a host of reentry services including temporary housing for adults released from the County's jail system, or the State penal institutions.

Recommendation III-4: Provide Probation with AB 109 PSR funding for Adult Court Services.

Probation Department Response: Concur. Based on statistics provided by the Superior Court, in the AB 109 Quarterly Report for January to March 2021, 34% of the court actions processed/handled by the Probation Department in court are PCS and MS related. It is understood that the composite of this caseload can vary based on the individuals in the court process. The Department has used its Net County Cost (NCC) to cover the costs of this function. The Probation Department will explore the funding model to determine if a modification would benefit the department and County.

### Health Care Agency

Recommendation IV-1: Add data field for flagging all current patients as AB 109 persons for improved tracking of all medical care costs.

Health Care Agency Response: Concur, with clarification. HCA believes this recommendation is referring to addition of a data field in the TechCare electronic health record system used by

Correctional Health Services (CHS) to document provision of health care services. In order for this field to be useful, all agencies involved in treatment of AB 109 persons should reach agreement on a standardized definition of who qualifies as AB 109. OCSD could then track that status in their Automated Jail System (AJS) which would feed that information into the TechCare system. This would allow HCA CHS to better identify AB 109 related healthcare costs.

Recommendation IV-2: Improve partnerships between in-custody and post-custody medical and mental health services to provide services that could begin in-custody and continue post-custody.

Health Care Agency Response: Concur, with clarification. HCA believes there are already strong partnerships between in- and post- custody health care services, both internally and with our community providers, and consistently seeks to improve on and enhance these partnerships.

Behavioral Health Services (BHS) and Correctional Health Services (CHS) continue to collaborate to create a seamless system for incarcerated individuals with behavioral health issues to re-enter the community. Currently, a BHS peer navigator funded by the California Community Reinvestment Grant (CalCRG) works with CHS nurses to review discharge plans and connect individuals to services post custody. The Full Service Partnership programs have case managers/Personal Service Coordinators who coordinate with CHS staff for follow up care, provide in reach and make contact with individuals before release, and coordinate for transportation and enrollment at time of release. BHS also has three Prop 47 funded staff who follow up with CHS referral list, conduct in reach, provide resources, and link individuals to needed services upon release. Additionally, the Jail to Community Reentry Program (JCRP) provides case managers for individuals with severe mental illness who develop comprehensive discharge plans and linkages to community resources to provide a seamless transition back into the community upon release. Specific to substance use services, BHS expanded the Medication Assisted Treatment (MAT) program for inmates and the program provides post-custody linkage to support continuity of care in the community. BHS also recently implemented an In-Custody Substance Use Disorder Treatment Program that not only provides intensive substance use recovery services, but also post release continuing care and case management services to support community linkage to ongoing services and provide interim services to individuals while they are attempting to link to ongoing community treatment.

Recommendation IV-3: Utilize HCA AB 109 PSR funding for PCS and MS clients for Behavioral Health Services.

Health Care Agency Response: Do not concur. HCA has fully expended its AB 109 allocation every year. Without the Probation Cost Apply, current AB 109 services to BHS would need to be reduced, including recovery residence services and access to bridge medication services. Additionally, there would be less BHS staff embedded at Probation offices which will significantly affect timeliness of assessments, post custody linkage and service coordination with Probation and treatment providers. It would also undermine HCA's ability to improve partnerships between in-custody and post-custody services as listed in Recommendation IV-2. HCA utilizes Realignment funds in accordance with State Realignment requirements to best maximize all available funding sources to provide behavioral health services.

**District Attorney**

Recommendation V-1: OCDA should utilize two subcodings for AB 109 PSR funding, one for the Subaccount and one for the AB 109 PSR funding and provide reports to OCCCP for AB 109 PSR funding activities separate from revocation petition and hearings.

District Attorney Response: Concur. DA was tracking funding separately internally, however, there were no separate sub-revenue codes. DA has now set up the two sub-revenue codes that will separate AB 109 PSR funding and one for the Subaccount. Some reports are currently being provided as requested, and additional reports will be provided when requested by OCCCP.

Recommendation V-2: Continue to utilize a separate job number for expenditures related to AB 109 that are not related to revocation hearings, including the addition of RRU activities.

District Attorney Response: Concur. OCDA is currently using separate job codes for revocation hearings and will continue to utilize separate job numbers including RRU.

Recommendation V-3: CEO/Budget should provide training to new financial managers for all Public Safety Realignment funds.

District Attorney Response: Concur. This finding is not for OCDA to address. If training is provided by CEO/Budget, OCDA will participate in sending our fiscal and revenue manager to the training.

**Public Defender**

Recommendation VI-1: Track AB 109 expenditures by budgeting an RRU unit and activities within the Public Defender's Office.

Public Defender Response: Do not concur. The recommendation fails to recognize that PSR funding is not limited to AB 109 clients. The Department of Finance has made it clear that PSR funds can be used generally to reduce the recidivism of offenders, within the broad definition of public safety services, who are not on AB 109 supervision so long as the funds do not supplant funding.

Recommendation VI-2: Enhance the RRA program to provide social services workers to AB 109 inmates as well as PCS and MS to manage their re-entry process.

Public Defender Response: Concur. The Department intends to address this through the Community Corrections Partnership Working Group.

cc: Lisa Bohan-Johnston, Director of CEO/Finance & Budget  
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