



Judicial Council of California · Administrative Office of the Courts

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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 28, 2015
Recommended by	Contact
Collaborative Justice Courts Advisory Committee Hon. Richard Vlavianos, Chair	Francine Byrne, 865-8069 francine.byrne@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 Project and direct the CJCAC to determine maximum allocations, 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 among 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% (\$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 determine maximum allocations and execute the funding model, based on a non-competitive formula, for which all courts that meet program criteria may apply. This non-competitive 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 the ability to meet data collection and programmatic requirements. The funding formula methodology and recommended funding maximums are included in this report as Attachment B.
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 that provides an alternative to re-incarceration 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 2012-13 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.)” The Judicial Council allocated the funding in accordance with the budget language to the Superior Courts of Alameda, San Diego, San Francisco, San Joaquin, and Santa Clara Counties.

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 pre-existing reentry court programs. The goal of the California Parolee Reentry Court Project is to:

- 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 (as opposed to individuals on post-release 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 non-competitive formulaic funding model; however, the RFP process is lengthy and would not be feasible given the limited timeframe of this interagency agreement. Because there are a limited number of jurisdictions that are 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 non-competitive process. CJCAC has experience in developing and executing non-competitive formula based grants through the Substance Abuse Focus Grant (SAFG) program.

The reentry court funding formula considers the following:

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

The formula allocates a small base funding amount to each eligible court. This base amount accounts for administrative costs that apply to each court program regardless of size. Remaining allocations are then primarily determined based on the program's active caseload when at full capacity.

Reentry courts are an emerging collaborative justice court program that are being implemented in an increasing number of jurisdictions. The number of reentry courts in the state has increased from the six included in the 2014 *California Reentry Court Evaluation Report* to 12 today. It is likely that the number of reentry courts will continue to grow due to the passage 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 email to all Presiding Judges and Court Executive Officers on April 28, 2015 courts to alert them to this grant opportunity and gauge 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 the Court News Update, posted on Serranus, and sent to the CJCAC. 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. Two of the seven courts would be implementing new reentry court programs.

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 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. The CJCAC 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% 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 Judicial Branch Strategic Plan 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. Attachment A: Letter of intent from California Department of Corrections and Rehabilitation
2. Attachment B: Reentry court funding formula.

Attachment B Reentry court funding formula

The following table provides maximum possible funding allocations for which each eligible reentry court may apply. 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

*Allocation categories may change depending on the number of courts eligible to receive funding and the total funding amount.

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