

County of El Dorado

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Master Report

File Number: 25-0321

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Agenda Agenda Item
Type:

Status: Agenda Item

Version: 1

Reference:

Gov Body: Community
Corrections
Partnership

Department:

Created: 02/07/2025

Agenda Title: 4/30/2025 AB109 Budget Approval 2025/26

Final Action: 04/30/2025

Title: Recommending the Executive Committee:

1. Receive Fiscal Year 2025/2026 Community Corrections (AB109) Budget presentations;
2. Review, modify if needed, and approve the recommended Fiscal Year 2025/2026 Community Corrections (AB109) Budget;
3. Authorize the Chair to modify the Implementation Plan narrative based on the approved budget;
4. Approve the Chair to submit the recommended Fiscal Year 2025/2026 Community Corrections (AB109) Budget and related Implementation Plan to the Board of Supervisors for acceptance.

Notes:

Agenda Date: 04/30/2025

Indexes:

Agenda Number: 5.

Sponsors:

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Attachments: AB 109 Proposed Budget 2025-2026, PD, DA, APD -
CCP Application 4.27.25

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Contact:

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History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Community Corrections Partnership	03/20/2025	Continued				

Action Text: Item continued to the next Community Corrections Partnership Meeting.

- 1 Community Corrections 04/30/2025 Approved
Partnership

Action Text: This item had 3 motions:

Motion 1: Reallocate the Health and Human Services Agency \$1,243,822 allocation evenly between the five general fund departments for existing appropriated expenses in the County General Fund for Fiscal Year 2025/26.

A motion was made by Diel and seconded by Thompson to approve this motion. The motion carried unanimously.

Motion 2: Allocate funding for four attorney positions distributed between the Public Defender (2 FTE), District Attorney (1 FTE), and Alternate Public Defender (1 FTE) as listed in the item.

A motion was made by Thompson and seconded by Diel to approve this motion. The motion carried unanimously.

Motion 3: Approve the item with the changes.

A motion was made by Diel and seconded by Thompson to approve this motion. The motion carried unanimously.

Text of Legislative File 25-0321

Recommending the Executive Committee:

1. Receive Fiscal Year 2025/2026 Community Corrections (AB109) Budget presentations;
2. Review, modify if needed, and approve the recommended Fiscal Year 2025/2026 Community Corrections (AB109) Budget;
3. Authorize the Chair to modify the Implementation Plan narrative based on the approved budget;
4. Approve the Chair to submit the recommended Fiscal Year 2025/2026 Community Corrections (AB109) Budget and related Implementation Plan to the Board of Supervisors for acceptance.

The Executive Committee will receive presentations on the proposed Fiscal Year 2025/2026 Community Corrections (AB109) Budget. Following the presentations, the Committee will review, modify as necessary, and consider approval of the recommended budget. Additionally, the Committee will authorize the Chair to modify the Implementation Plan narrative based on the approved budget and submit the final budget and Implementation Plan to the Board of Supervisors for acceptance.

Probation - Budget/Service Delivery Impact:

Due to the FY 2025/2026 HHSA budget adjustments requested by the CAO and the resulting impacts on onsite service provision at the Community Corrections Center (CCC), HHSA and Probation began meeting last week and will continue to collaborate to assess options for maintaining service delivery to the Justice Involved Individuals served through the CCC.

Local Law Enforcement Enhancement Contract:

Update regarding efforts to streamline the claiming process for the law enforcement partners to maximize the funding allocated.

Probation - Application for Funding Consideration Form:

Update regarding the usability on the application for funding consideration form.

Public Defender, District Attorney, and Alternate Public Defender Collaboration:

Proposal:

This request is to fund for the first time in El Dorado County's history, a joint venture between the District Attorney's Office, the Public Defender's Office, and the Alternate Public Defender's Office, to provide consistent and fair legal representation for offenders in collaborative court proceedings. These 3 legal offices share in a common goal: to reduce recidivism and improve outcomes for offenders by focusing on recovery and reintegration into the community. Diversion opportunities are a significant offramp for offenders to receive services and reenter the community as true community members.

Currently, there are multiple collaborative courts: felony Mental Health Diversion, misdemeanor Mental Health Diversion, Behavioral Health Court, Veterans Diversion, and, potentially, Prop 36 court. Currently, there are well over 100 participants. The success of diversion is in some part illustrated by the fact there is now a waiting list for assessments and admission into Mental Health Diversion of more than 30 people.

Justification

Over the years, collaborative courts have become an important tool in the criminal justice system to rehabilitate offenders. This population is primarily comprised of mentally ill and/or substance-abusing individuals who need the extra support, services, and accountability that a collaborative court can bring, to avoid incarceration consequences.

The individuals in these collaborative courts are served by an interdisciplinary team, including the Judge, the District Attorney's Office, the Public Defender's Office (an attorney and a Social Worker), the Alternate Public Defender's Office, Probation, Behavioral Health/HHSA, and the Veterans Administration for Veterans Court.

Collaborative courts are an opportunity to heal individuals in the system, reduce recidivism, bring accountability and make victims whole, and successfully reintegrate individuals back into the community through incentives such as expungements, early termination, reduction of charges and/or fines, and no incarceration.

Unfortunately, the full potential of collaborative courts is compromised when consistent legal representation is lacking. Due to staffing limitations, multiple attorneys from the Public Defender's Office are randomly assigned to cover collaborative courts, resulting in inconsistent referrals, varying standards, a backlog of applications for the Public Defender Social Worker, and more contested hearings-largely because attorneys

dedicated to these courts rarely have time to confer and resolve issues. Since collaborative court calendars often overlap with other criminal courtrooms, it's been a persistent challenge to assign the same attorney consistently. Without this funding, the three legal offices cannot ensure stable, ongoing representation.

Public Defender

During county budget development for FY 25/26, the Public Defender's Office requested to add two attorneys in FY25/26, due to increasing workloads across the entire office, one each on the West Slope and in South Lake Tahoe. The department was directed by the Chief Administrative Office to seek CCP funding, as otherwise the request would not be approved. The overall rise in workloads has occurred in traditional criminal court cases, but also in mental health diversion for felonies, mental health diversion for misdemeanors, veterans' diversion and the new Prop 36 filings (Prop 36 court is still in the planning phase but anticipated to begin in May 2025). For just the Public Defender alone, there are 72 clients with 105 cases in collaborative courts on the West Slope, excluding Prop 36 court, which is in final planning stages. These 72 clients have cases ranging from serious felony assault charges to misdemeanor trespass charges. In South Lake Tahoe, which would receive the second attorney, the workload spans across 19 clients with 23 cases, again not including Prop 36 cases.

Given that the attorneys in the Public Defender's Office carry workloads which are between double to triple the recommended workload, per the 2023 Rand Corporation study, the department cannot continue to absorb the continuing caseload increases without additional staffing. The Public Defender's Office is requesting that two attorneys be approved for funding through the CCP. The yearly cost is \$457,128.

District Attorney

The District Attorney's Office is requesting funding for one Deputy Attorney position, as otherwise they will lose staff due to current fiscal constraints. As that office is also experiencing increased workloads, the District Attorney requests funding from the CCP, per the Chief Administrative Office's direction, for funding to keep the Deputy Attorney and to assign that attorney to the collaborative courts. While the number changes on a weekly basis, the department currently has 91 individuals in collaborative courts on the West Slope and an additional 25 people in South Lake Tahoe collaborative courts. The District Attorney's request is made more urgent by the impending retirement of the deputy district attorney who is currently staffing most of the collaborative courts. Without the CCP funding, the District Attorney's Office will be unable to have an attorney dedicated to the collaborative courts, with the result that outcomes will be inconsistent and likely worsen. The yearly cost is \$228,564.

Alternate Public Defender

The Alternate Public Defender's Office (APD) currently has 23 clients in collaborative courts on the West Slope and in South Lake Tahoe. The collaborative court workload is divided among the attorneys, each of whom carry a full-time traditional criminal caseload. The Alternate Public Defender herself carries a significant caseload, so that covering the collaborative courts is a constant challenge, given the collaborative court

calendar is held at the same time as other courtrooms are handling other criminal cases. The APD's Office does not have a Social Worker, so the attorneys do the interviews, document gathering, preparation of petitions, client follow up, and gathering of program compliance, as well as the court appearances. This results in inconsistent representation since the APD Office does not have enough staffing to dedicate one attorney to the collaborative courts. Without the CCP funding, the APD cannot hire another attorney to partner with the District Attorney's Office and the Public Defender's Office to provide consistent legal representation for best results. The yearly cost is \$228,564.