

County of Santa Clara  
OFFICE OF PRETRIAL SERVICES



COUNTY GOVERNMENT CENTER, WEST WING  
70 WEST HEDDING STREET, FIRST FLOOR  
SAN JOSE, CALIFORNIA 95110  
(408) 792-2460 FAX 299-4553

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DATE: March 4<sup>th</sup>, 2011

TO: Jeffrey V. Smith  
County Executive

FROM: Garry Herceg   
Director, Office of Pretrial Services

SUBJECT: Fiscal Year 2012 Deficit Solutions-Office of Pretrial Services

**RECOMMENDED ACTION**

Consider Office of Pretrial Services recommendations relating to deficit solutions for FY 2012.

Possible action:

**Proposal #1: Deletion of Kettle River Contract**

The department currently contracts with Kettle River Consulting to help maintain and make improvements to its Pretrial Online Production System (POPS). This system is the main data collection and case management system for the department. Since the inception of POPS several years ago, the need for consulting services has decreased due to the increased level of knowledge of the system by in house staff. Also many of the initial problems with the system have long been resolved. The system is now fully functional and operational, and while we continue to make minor system improvements and modifications, we no longer need the service of an outside consultant.

FY 2012 Savings: \$53,800

**Proposal #2: Reduction of Phamatech Contract**

Since October, 2010 the department has contracted with the Phamatech Corporation to provide drug testing supplies and analysis for our clients. Current fiscal year projections reveal the department will be below the budgeted amount. In addition, the department is currently restructuring its drug testing policy to make it more efficient and cost effective. Based on these two factors, the department projects less of a need for testing supplies and analysis in FY12. The department is recommending that the Phamatech Corporation contract be reduced by \$40,000 in FY12.

FY 2012 Savings: \$40,000

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County Executive: Jeffrey V. Smith

**Proposal #3: Delete Vacant .6 Pretrial Service Officer I/II code (V41/V55)**

This position is a 24 hour per week position which has been vacant since FY10. The position is assigned to the departments Jail Unit which is 24/7 operation. Currently the position is being filled through the use of extra help. To accommodate the loss of these hours, the department is currently analyzing workload data and looking at ways to restructure the jail staffing schedule. The Jail Unit will continue to be staffed 24/7 however some shifts, the least busy, will be only staffed by one staff instead of two. This may result in a delay in the processing of new bookings when only one staff is present during a shift however all current services will continue.

**FY 2012 Savings: \$66,831**

**Proposal #4: Delete Filled 3 FTE Pretrial Service Officer I/II codes (V41/V55)**

These reductions will be spread throughout the department's three units which include the Jail Unit, the Court Unit and the Supervision Unit. Each unit will experience the loss of one full time Pretrial Service Officer. The Jail Unit, which is a 24/7 operation, will experience the biggest loss due to the current vacant .6 position. This will result in a loss of 64 hours of staffing per week to the Jail Unit. To accommodate this loss, the department is currently analyzing workload data and looking at ways to restructure the jail schedule. The Jail Unit will continue to be staffed 24/7 however some shifts, the least busy, will be only staffed by one officer instead of two. This may result in a delay in the processing of new bookings when only one staff is present during a shift however all current services will continue.

The Supervision Unit would experience the loss of one caseload which currently averages 70 clients. These clients will be distributed evenly over the remaining caseloads which will cause a slight increase in the average caseload size. Ongoing analysis of the success rates of clients will be needed to insure effective supervision of clients and public safety.

The Court Unit will experience the loss of one officer who prepare reports for the Court, attend and represent reports in Court and also carry a small supervision caseload. To address this proposed loss, the department will re-assign one Court officer who currently fills in for other officer when they are ill or on vacation. In turn, the unit supervisor will then cover for officers who are ill or on vacation. This will have no impact on the current level of Court services.

**FY 2012 Savings: \$334,158**

**Proposal #5: Reduction of Extra Help**

Extra help staff assigned to the Office of Pretrial Services are mainly assigned to the Jail Unit in order to provide coverage for full time staff when they are off due to holidays, illness and vacation. Based on the reduction of one full time staff as outlined in proposal #4, the need for extra help staff coverage will decrease in FY12.

**FY 2012 Savings: \$10,000**

## FISCAL IMPLICATIONS

Approval of recommended actions will:

1. result in a net General Fund savings of \$504,789 to the County's budget during FY 2012

## BACKGROUND

Of concern to the Office of Pretrial Services is the pending resolution of the State budget for FY 2012. Since 2002 the department has had a MOU with Superior Court in which the department provides criminal background record checks to Family Court. It is unknown at this time what, if any, the impact of the State budget will have on the Court's ability to continue to fund this MOU. Revenue from this agreement fully supports four FTE positions within the department. This is a non-mandated function for the department and if the Court determines they must either reduce or eliminate funding, it will be necessary for the department to delete up to four FTE's; two Pretrial Service Officer I/II's and two Justice System Clerks I/II. All of these positions are currently filled. The Judge's who receive services through this agreement are very supportive of the program due to the increased information they receive which assists them in their decision making. This has always been a year-to-year agreement because the Court generally does not know until May whether they will have the funding to support this program. The total amount of funding for FY11 is \$407,688 and would be approximately \$418,968 for FY12.

## REASONS FOR RECOMMENDATION

In February of 2011, early budget projections for FY12 indicated that Santa Clara County will be facing a \$230 million shortfall. Based on this shortfall, the Office of Pretrial Services was given a \$500,000 target budget reduction for FY12. The proposed reductions are done in a way that would least effect our service delivery and attempts to minimize staff reductions. These reductions will be handled through the elimination of a service contract, the reduction of a service contract, the elimination of 3.6 Pretrial Service Officer I/II positions and the reduction of extra help usage. This will result in the layoffs of the three full time Pretrial Service Officers as the .6 Pretrial Service Officer position is currently vacant.

## ATTACHMENTS

- Description of Major Services

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DATE: March 4<sup>th</sup>, 2011

TO: Jeffrey V. Smith  
County Executive

FROM: Garry Herceg  
Director Pretrial Services

SUBJECT: Description of Major Services

Pretrial Services assists the criminal courts in the release and detention decision process by providing investigative reports and recommendations to judicial officers. In addition, Pretrial Services monitors and supervises pretrial defendants who have been released on court ordered conditions which address compliance, court appearance, and public safety. A varied group of Pretrial Services customers include the Courts, the Department of Corrections, other law and justice agencies, criminal defendants, and their families. Pretrial Services is a small organization with a wide scope of responsibilities, including 24-hour, 7-day-a-week service.

Pretrial has three divisions:

**The Jail Unit**

Interviews felony arrestees to determine eligibility for own recognizance release consideration. This unit also performs tasks which facilitate determination by the court whether there is probable cause for arrest and detention. In addition, this unit facilitates bail setting and probable cause determinations for appropriate misdemeanor cases.

**The Court Unit**

Provides information and recommendations regarding pretrial defendants to all court arraignment calendars, and the after-arraignment calendar. This unit also receives requests from

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the Court for additional formal reports after the case has proceeded beyond the arraignment process, for those cases where further information is required to make an informed decision on release.

### **The Supervision Unit**

Monitors release conditions for all individuals released on Supervised Own Recognizance release (SORP) to ensure that they comply with release conditions. This involves directing the client to various services available in the community, such as drug or psychological counseling, and scheduling and monitoring client drug testing, a service also provided by the department. This unit keeps the Court informed about the compliance of clients, including making recommendations to admonish the client in Court or revoke the client's SORP release.

In addition to pretrial service activities, the department is also responsible for facilitating the duty judge function. This entails coordinating the schedules of the judges who are on-call during non-court hours to respond to emergency judicial requests such as emergency protective restraining orders, search warrant issuances, and juvenile probable cause determinations.

For the past several years, the department has also had an Agreement with the Court to provide additional services beyond what has traditionally been delivered. This includes providing investigations in cases involving restraining orders in Family Court, and additional information provided for domestic violence that is not provided in other criminal cases.