

File No. 131111

Committee Item No. 8
Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS
AGENDA PACKET CONTENTS LIST

Committee: Budget and Finance Committee

Date: 12/04/2013

Board of Supervisors Meeting

Date: _____

Cmte Board

- Motion
- Resolution
- Ordinance
- Legislative Digest
- Budget and Legislative Analyst Report
- Legislative Analyst Report
- Youth Commission Report
- Introduction Form
- Department/Agency Cover Letter and/or Report
- MOU
- Grant Information Form
- Grant Budget
- Subcontract Budget
- Contract/Agreement
- Form 126 – Ethics Commission
- Award Letter
- Application
- Public Correspondence

OTHER (Use back side if additional space is needed)

<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____

Completed by: Victor Young Date November 27, 2013
Completed by: Victor Young Date _____



*Protecting the Community, Serving Justice and
Changing Lives*

WENDY S. STILL
Chief Adult Probation Officer

November 6, 2013

Angela Calvillo
Clerk of the Board of Supervisors
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, CA 94102

Subject: Release of Sex Offender Containment Model Reserve

Dear Ms. Calvillo:

I respectfully request that the reserve in the amount of \$514,350 for the Sex Offender Containment Model in the Adult Probation Department FY 2013-14 Budget be released and scheduled to be heard before the Budget and Finance Committee on November 20, 2013.

The Sex Offender Containment Model is currently an unfunded mandate from the state of California Effective July 1, 2012 Chelsea's Law (AB 1844), all defendants who are Registered Sex Offenders currently on formal probation or sentenced on or after July 1, 2012 are required to actively participate in a Sex Offender Management Program (PC Sections 1203.067, PC 290.09, PC 9003). Chelsea's Law codified a system called The Containment Model that requires collaboration and communication within a team composed of the treatment provider, probation, polygraph examiner and victim advocate.

The containment model is the most widely recognized approach to sex offender management that utilizes a comprehensive strategy to manage offenders in a systematic and thorough manner. The central goal of the containment model is community and victim safety which is accomplished by holding the sex offenders responsible for the harm they inflict and helping sex offenders recognize and redirect the inappropriate thoughts and feelings that form the pathways to their crimes. The model recognizes that multiple entities play important roles in the community management of sex offenders and stresses the importance of open collaboration between these key players. Treatment program providers shall have a written policy delineating cooperative and collaborative relationships and accountability with the supervising officer of each sex offender and with other relevant Containment Team members.

For the safety and well-being of San Francisco residents, especially those most vulnerable to sexual assault, it is essential to manage known sex offenders living in San Francisco in ways that most effectively reduce the likelihood that they will commit another offense, both while they are under the formal supervision of the criminal justice system as well as after that period of supervision comes to an end. Comprehensive interventions and systemic responses tailored to meet the individual levels of risk and needs of offenders are required.

The reserve in the amount of \$514,350 was placed on this program in the FY2013-14 budget pending submission of an amended contract and final budget details.

If there are any questions in regards to this request, please contact Diane Lim, Director of Finance and Administrative Services at 415-553-1058 or Diane.Lim@sfgov.org.

Sincerely,

A handwritten signature in black ink, appearing to read "Wendy S. Still". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Wendy S. Still
Chief Adult Probation Officer

Cc: Diane Lim, Adult Probation Department Director of Finance
Jason Cunningham, Mayor's Budget Office Fiscal and Policy Analyst
Chris Trenchel, Controller's Budget Analyst
Victor Young, Board of Supervisor's Committee Clerk
Catherine Stefani, Office of Supervisor Mark Farrell, Legislative Aide

File 8**Item 13-1111****Department:**

Adult Probation Department (Adult Probation)

EXECUTIVE SUMMARY**Legislative Objectives**

- The Adult Probation Department is requesting the release of \$514,350 in State AB 109 realignment funds previously placed on reserve by the Budget and Finance Committee in the FY 2013-14 budget to increase funding for two agreements with (1) San Francisco Forensics Institute (SFFI) to provide Containment Model case-management services and (2) Tenderloin Housing Clinic to provide housing services for homeless registered sex offenders.

Key Points

- AB 1844 (Chelsea's Law), approved on September 9, 2010, mandated that registered sex offenders participate in the Containment Model, a comprehensive and collaborative case-management program. The Adult Probation Department will also provide housing services to homeless registered sex offenders enrolled in the Containment Model program.
- On May 1, 2013, the Adult Probation Department entered into an agreement with SFFI for a not-to-exceed \$188,403 to provide Containment Model services.
- Adult Probation is currently finalizing an agreement with the Tenderloin Housing Clinic to provide rental subsidies to registered sex offenders in the Containment Model program.
- The Board of Supervisors appropriated a total of \$702,753 in State AB 109 realignment funds, including \$188,403 that was not placed on reserve and \$514,350 that was placed on Budget and Finance Committee reserve pending submission of the final agreements with the SFFI and the Tenderloin Housing Clinic and related final budget details.

Fiscal Impact

- The Adult Probation Department is requesting the release of \$514,350. However the Budget and Legislative Analyst estimates that \$268,653 should be sufficient to provide Containment Model program services and housing services to registered sex offenders enrolled in the program through the end of FY 2013-14.

Recommendations

- Release \$268,653 of the appropriated and reserved \$514,350 of State AB 109 realignment funds currently on Budget and Finance Committee reserve.
- Continue to reserve \$245,697 (\$514,350 less \$268,653).

MANDATE STATEMENT / BACKGROUND**Mandate Statement**

City Administrative Code Section 3.3(e) states that the Budget and Finance Committee of the Board of Supervisors has jurisdiction over the City's budget and may reserve proposed expenditures subject to Board of Supervisors approval. Such expenditures may be released by the Budget and Finance Committee.

Background***Chelsea's Law***

On September 9, 2010, Assembly Bill (AB) 1844 (Chelsea's Law) was approved. Chelsea's Law, named for Chelsea King who was murdered by a registered sex offender in a park, changed various provisions of the State penal code including:

- Increased penalties for specific violent sexual offenses;
- Increased penalties for and expanded the definition of the State's "One-Strike" law, which prior to Chelsea's Law required that offenders, convicted of specific violent sex crimes (including first-time offenders), be imprisoned for up to 25 years;
- Made it a misdemeanor for registered sex offenders convicted of a felony to enter a park where children gather regularly; and
- Mandated that high-risk sexual offenders participate in a sex-offender management program (Containment Model).

Containment Model

The Containment Model is a comprehensive case-management program that combines assessment and treatment by using a team of service providers to manage individual sex offender cases. The team of service providers would provide the following services:

- Client evaluation using a State-determined risk-assessment tool;
- Psychosexual assessment after which the therapist will make recommendations about treatments and the level and duration of supervision;
- A minimum of two polygraph examinations with additional examinations as may be required by the Containment Model team;
- Weekly group therapy sessions;
- Weekly individual therapy sessions;

- A "Child Assessment" using State-determined risk-assessment tools to identify if the offender poses a risk to children; and
- In-depth personality trait, psychopathy, and mental illness assessments using multiple scales and tools.

The Adult Probation Department issued a Request for Proposals (RFP) for an outside contractor to provide Containment Model services to high-risk sexual offenders on October 12, 2012¹. Adult Probation awarded the agreement for a not-to-exceed amount of \$188,403 to the San Francisco Forensics Institute (SFFI) on May 1, 2013. Per the agreement, SFFI will provide Containment Model services from May 1, 2013 through June 30, 2014 with one, one-year option to extend the agreement at the sole discretion of the Adult Probation Department.

Chelsea's Law requires that Adult Probation use a State-determined risk-assessment tool to identify those registered sex offenders that are high-risk to reoffend. Adult Probation applied this risk-assessment tool and initially identified 27 registered sex offenders on probation to enroll in the Containment Model program. To date, 19 of the 27 registered sex offenders are receiving Containment Model services.

In addition to the contracted Containment Model program services listed above, the Adult Probation Department will also amend two existing agreements to provide the following housing services to homeless registered sex offenders:

- Long-term rental housing subsidies through the Tenderloin Housing Clinic; and
- Access to stabilization units, which are temporary housing units, to homeless registered sex offenders through the Department of Public Health (DPH).

Regarding the long-term rental housing subsidies, Ms. Jennifer Scaife, Adult Probation Department Reentry Division Acting Director, advises that Adult Probation is currently finalizing a new agreement effective from December 1, 2013 through June 30, 2015 in the not-to-exceed amount of \$705,341 with the Tenderloin Housing Clinic for these subsidies. This agreement does not currently include estimates for Containment Model program participants and will be amended subsequent to the subject release of the reserves.

Regarding the stabilization units, Ms. Scaife further advises that the Adult Probation Department will provide access to these units to homeless registered sex offenders by amending an existing work-order agreement with DPH that has an effective term of July 1, 2013 through June 30, 2014.

¹ The RFP was first issued on May 21, 2012 but was reissued on October 12, 2012.

Budgetary Reserve

The Board of Supervisors appropriated a total of \$702,753 in State AB 109 realignment funds including \$188,403 that was not placed on reserve and \$514,350 that was placed on Budget and Finance Committee reserve to fund (1) the existing agreement with SFFI for Containment Model services and (2) the existing agreement with the Tenderloin Housing Clinic for rental housing subsidies for high-risk sexual offenders. The Budget and Finance Committee placed \$514,350 on reserve pending submission of the final agreements with SFFI and the Tenderloin Housing Clinic and final budget details.

DETAILS OF PROPOSED LEGISLATION

Adult Probation is requesting the release of \$514,350, which was previously appropriated and reserved by the Budget and Finance Committee in the Adult Probation Department's FY 2013-14 budget for the existing agreements with SFFI and the Tenderloin Housing Clinic to continue to provide Containment Model case-management services and housing services to registered sex offenders in San Francisco for FY 2013-14.

FISCAL IMPACT

Adult Probation staff advises that, in order to preserve the current unreserved budget of \$188,403 through the end of FY 2013-14, they have been enrolling probationers at a slower than budgeted rate and have been providing limited services. To date, Adult Probation has enrolled 19 of the identified 27 registered sex offenders in the Containment Model program. Ms. Wendy Still, Chief Adult Probation Officer, advises that Adult Probation plans to increase the number of participants to 21 probationers in December 2013 and to 32 probationers in January 2014 and then to add approximately three new probationers each subsequent month going forward for an FY 2013-14 total of 47 probationers.

Based on actual expenditures of \$20,746 from May 1, 2013 through September 30, 2013, as shown in the Table below, and based on Adult Probation's projected estimates of enrollment and monthly costs, the Budget and Legislative Analyst's Office estimates that Adult Probation will require a total of \$457,056 in FY 2013-14 to supplement the existing agreements with the San Francisco Forensics Institute and the Tenderloin Housing Clinic. Including the previously unreserved budgeted amount of \$188,403 in FY 2013-14, the Budget and Legislative Analyst recommends that the Budget and Finance Committee (a) approve the release of \$268,653 of the requested \$514,350 of reserved AB 109 realignment funds and (b) continue to reserve the remaining \$245,697 (\$514,350 less \$268,653).

Table: Revised Estimate of Containment Model Program Participation and Costs

	Number of Clients	Actual and Projected SFFI Containment Model Services Costs	Actual and Projected Tenderloin Housing Clinic Services Costs ¹	Total Budgeted Costs
Actual and Projected Expenditures				
In 2013				
May - September (Actuals)	17	\$20,746	-	\$20,746
October (Estimate)	18	19,390	-	19,390
November (Estimate)	19	20,970	-	20,970
December (Estimate)	21	25,580	\$10,380	35,960
In 2014				
January (Estimate)	32	63,360	10,380	73,740
February (Estimate)	35	41,100	10,380	51,480
March (Estimate)	38	43,390	10,380	53,770
April (Estimate)	41	46,030	10,380	56,410
May (Estimate)	44	49,020	10,380	59,400
June (Estimate)	47	54,810	10,380	65,190
Expenditures Subtotal		\$384,396	\$72,660	\$457,056
Previously Allocated Funds				(188,403)
Award of Reserved Funds				\$268,653

¹ The budgeted Tenderloin Housing Clinic costs includes a total of \$25,350 for stabilization unit housing, the funding for which is provided by the Adult Probation Department to the Department of Public Health through a work-order agreement. The Tenderloin Housing Clinic staff will administer and oversee the housing services including the stabilization units.

RECOMMENDATIONS

1. Release \$268,653 of the appropriated and reserved \$514,350 of AB 109 realignment funds currently on Budget and Finance Committee reserve.
2. Continue to reserve \$245,697 (\$514,350 less \$268,653).

