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Board of County Commissioners Agenda Request 14

Date of Meeting: March 25, 2008
Date Submitted: March 19, 2008

To: Honorable Chairman and Members of the Board
From: Parwez Alam, County Administrator
Alan Rosenzweig, Assistant County Administrator
Kim Dressel, Management Services Director
Subject: Approval of Probation and Supervised Pretrial Release Fees

Statement of Issue:

This agenda item seeks Board approval of fees for Probation and Supervised Pretrial Release (SPTR) services.

Background:

The Board was advised, during its January 29, 2008 meeting, that Federal Fiscal Year 2008 funding for the Edward Byrne Memorial Justice Assistance Grant (JAG) may be reduced by 67% from the prior year. This fiscal year, \$156,209 of the County's total \$187,988 in JAG funding was allocated to support three Pretrial Release Specialist positions to use Global Positioning Satellite (GPS) technology to track pretrial defendants; therefore, a 67% decrease would equate to a loss of \$104,660 to the GPS program. Staff was directed by the Board to agenda this issue at the February PSCC meeting.

In addition to the potential loss in JAG funds, incarceration alternatives services, which includes Probation and SPTR, were targeted during the Board's January 30, 2008 Prioritization of County Services Workshop for an 8% decrease in general revenue (GR) support. Probation and SPTR services are budgeted for a GR subsidy for its direct and indirect expenses totaling \$1,543,111 in FY08 and \$1,662,535 in FY09; an 8% reduction would be \$133,003 in FY09.

Probation and SPTR services, however, save the County money in terms of reduced costs for housing jail inmates, which was reported to be \$61.18/day during the March 10, 2008 Public Safety Coordinating Council (PSCC) meeting. For a high level of analysis, at a cost of \$61.18/day, the combined average Probation/SPTR monthly caseload of 2,541 would cost \$56 million per year if those defendants and offenders were incarcerated. Based on this and prior assessments of how these programs produce savings in terms of reduced inmate housing costs, reducing the number of offenders and defendants enrolled in the programs did not appear prudent.

This agenda item responds to the Board's March 11, 2008 direction to prepare an agenda item to consider raising certain Probation and SPTR fees.

Analysis:

Prior to the February PSCC meeting, staff reviewed its fee schedule and caseload and found demands for services have not waned. For example, Probation's end-of-year active caseload was 1,707 in FY06 and 1,857 as of December 2007; SPTR's active caseload averaged 503 in FY06 and 635 as of December 2007; the Probation and general SPTR caseloads are comparable with other counties; and, Leon County utilizes electronic monitoring to a greater degree than other counties. In addition, staff identified, however, the County's fee schedule is dated and lower than what appeared reasonable; for example:

- The Probation Supervision fee has been \$50/month since October 1, 2003 (if it had kept pace with the Consumer Price Index (CPI), the fee would be \$57.91 and could be projected to be \$59.65 next year assuming a 3% CPI).
- The \$30 fee charged to offenders for failing to appear for assigned work through the Work Program was in place prior to 2001. The rate would be at least \$36 if it had kept pace with the CPI.
- The County administered more than 18,800 alcohol tests last year at no fee to the offender/defendant.

During the February 11, 2008 PSCC meeting, the issue of increasing fees to address the revenue shortfalls was mentioned. While it was not fully discussed, the Council members' comments were to keep fee increases low but broadly based. At the March 10, 2008 PSCC meeting, the Council inquired as to how the County's budget cuts would affect the Probation Division. PSCC Chairman DePuy reported that staff was compiling data on the fee rates charged to defendants, including SCRAM, GPS, alcohol testing, etc.; staff's findings show the County's fee rates are generally less than comparable counties (Attachment #1); and, he planned to request staff, at the regular meeting on March 11, 2008, to prepare an agenda item for the next meeting to consider raising certain fees. Some PSCC members expressed concern about raising fees too high, resulting in defendants either not paying or ending up back in jail, and that it would not be productive to raise rates to the point that it further overcrowds the jail. However, there is an opportunity to increase fees to maintain the services, despite the upcoming budget constraints, while increasing fees to more reasonable and comparable rates.

Table 1 summarizes survey findings, the County's current and staff's recommended rates, and the anticipated additional revenue the recommended rates could raise. Attachment #2 summarizes the revenue that could be generated if the greater of the current rates or the maximum survey rates were applied. While more than \$1 million could be generated at the maximum rates, staff does not recommend the application of across the board maximum survey rates as it could be counter-productive in terms of net County costs (i.e., the potential for increased incarcerations and decreased payments could offset potential revenue gains).

Table 1 - Other Florida Counties' Fees, Leon County's Current and Recommended Fees					
Services		Surveyed Counties' Fee Ranges	Leon County		
			Current	Recommended	Est. Revenue Inc. (Based on Recommendation)
1. Probation Supervision	General Supervision	\$40/month to \$60/month	\$50/month	¹ \$55/month	\$81,551
	Non-reporting (or Mail In)	² \$40/month to \$60/month	\$50 one time	² \$55/month	\$122,708
2. Community Service/ Work Program	Participation	No fee to \$20 per work day and \$35 one time for comm. srv.	\$30 one time	No Change (\$30 one time)	\$0
	Work Program No Show Fee	No fee	\$30 each occurrence	³ \$35 each occurrence	\$4,878
3. Supervised Pretrial Release Supervision		No fee to \$50/month plus \$10 one time admin. fee	\$30 one time	\$40/month	\$280,733
4. Electronic Monitoring	Active	No fee to \$15/day plus \$10 fanny pack	\$5/day for first 17 units, \$9/day add'l	\$12/day for all units	\$59,758
	Passive	No fee to \$10/day plus \$10 fanny pack	\$5/day	\$10/day	\$17,831
	SCRAM	No fee to \$15/day	\$6/day	\$12/day	\$37,116
5. Alcohol Testing (in-house)		No fee to \$25/test	\$0	\$5/test	\$94,000
Total Estimated					\$698,575
Plan on 90% of Estimate					\$628,717
Anticipated Reduction in Justice Assistance Grant (JAG) Funding					-\$104,660
8% Target Reduction in FY09 General Revenue Subsidy					-\$133,003
Additional Anticipated Revenue to Decrease General Revenue Subsidy					\$391,054
¹ A rate of \$57.91/month would raise current rate consistent with CPI ² Other counties charge the same fee to all Probationers, whether or not they are required to physically meet with their Probation Officer (no fee differential) as Probation continues to monitor court-ordered conditions ³ A rate of at least \$36/occurrence would raise the current rate consistent with CPI; instituted as a deterrent from scheduling and not reporting to work					

The recommended fees are estimated to generate approximately \$628,717 in additional revenue (based on 90% of the projected increase). This amount would be applied to offset the anticipated decrease in JAG revenue and provide approximately \$391,054 more than required to meet the 8% general fund target reduction; thereby, further reducing the division's GR subsidy for its direct and indirect costs and helping to offset other possible reductions associated with the impact of Amendment 1. However, even with these recommended increases, the GR subsidy is projected to be \$1,138,478 for the Division's direct and indirect costs in FY09: \$1,662,535 currently projected FY09 GR + \$104,660 JAG reduction offset - \$628,717 anticipated increased fee collections. In order for these fees to not become dated, and to keep pace with inflation, staff is further seeking authority to annually increase fees consistent with the CPI (rounded to the next whole dollar increment).

Options:

1. Direct staff to implement the recommended fee increases as reflected in Table 1, effective May 1, 2008, subsequent to notification of its Supervised Pretrial Release and Probation defendants and offenders.
2. Authorize staff to increase fees annually consistent with the Consumer Price Index.
3. Do not direct staff to implement the recommended fee increases.
4. Board Direction.

Recommendation:

Options #1 and #2.

Attachment # 1
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Attachments:

1. Survey summary
2. Revenue projections based on the greater of the current rates or the maximum rates identified through the survey

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February/March, 2008 Survey of Counties' Fees for Probation and Supervised Pretrial Release (SPTR)

County Surveyed	Probation - Supervision Fee	SPTR - Supervision Fee	Probation - Nonreporting or Mail Ins Fee	Probation - Community Service/Work Program Fee	In-house Alcohol Test Charge	Electronic Monitoring (EM) Fee
Alachua	\$50/month	No Charge	\$50/month	\$10 one time	\$20/week for day reporting program srvc; or \$15/test for others (probation and pretrial)	\$4/day for radio frequency; \$10/day for Active or Passive GPS
Bay	\$40/month	\$40/month	\$40/month	\$10 for insurance (Comm Service)	\$10/alcohol test; \$15/drug test; extra \$40 if the test is positive b/c it has to go to a lab	\$12/day (Active); \$9/day (Passive)
Broward	\$50/month	No Charge	\$50/month	No fee	\$0 (Probation); uses a vendor for Pretrial	No Charge
Citrus	\$45/month	\$45/month	\$45/month	-	Don't perform	No Charge. Active GPS only.
Escambia	\$55/month	No Charge	\$55/month	\$20 per day work program; \$35 one time for community service	\$15/test	Active \$10 fanny pack, \$15/day unit, req. initial 1-wk. advance pmt.; Passive \$10 fanny pack, plus \$10/day unit, req. initial 1-wk advance pmt.; SCRAM \$15/day, req. initial 1 wk. advance pmt. (SCRAM)
Lake	\$50/month, plus \$10 one-time administrative fee	\$50/month, plus \$10 one-time Admin. fee	\$50/month	\$3.50 for each 50 hours worked	\$15/test	\$15/day (Radio Frequency)
Nassau	\$60/month	Has no straight SPTR (has a \$100 one time fee for its diversion/intervention program)	\$60/month	\$10 for insurance (Comm. Service)	Don't perform	No EM
Palm Beach	\$50/month	\$50/month	\$50/month	No Program	\$10/test	No EM
Pasco	\$40/month	Has no straight SPTR (has a \$100 one time fee for its diversion program)	\$40/month	No fee	Don't perform	No EM
Pinellas	\$55/month	\$50/month	\$55/month	\$7(insurance) for every 50 hours worked	\$25/test	\$11/day (Active) (no Passive)
Sarasota	\$50/month	\$50/month (Batterer Intervention Program defendants pay every other month)	\$50/month	\$10 for insurance (Comm. Service)	\$25/test	\$12/day (Active); \$8/day (Passive); \$12/day (SCRAM)
St. Lucie	\$65 - 1st month; and \$55/month thereafter		No nonreporting clients		N/A	\$75/installation plus \$12/day (SCRAM)
Leon County:						
Leon - Current	\$50/month	\$30 one time	\$50 one time	\$30 one time; plus \$30 each failure to show for scheduled work	No charge	\$9/day (Active), with first 17 at \$5/day; \$5/day (Passive), \$6/day (SCRAM)

Other Florida Counties' Fees, Recommend Fees for Leon County with Estimated Revenue Increase, and Maximum Survey Rates with Estimated Revenue Increase at Maximum Rates					
Services		Surveyed Counties' Fee Ranges	Leon County		Est. Revenue Inc. Based on the Greater of Leon County's Current Rate or the Survey Maximum
			Recommended	Est. Revenue Increase Based on Recommendation	
1. Probation Supervision	General Supervision	\$55/month	¹ \$55/month	\$81,551	\$163,102 @ \$60/month
	Non-reporting (or Mail In)	\$55/month	² \$55/month	\$122,708	\$135,328 @ \$60/month
2. Community Service/ Work Program	Participation	No Change (\$30 one time)	No Change (\$30 one time)	\$0	\$0
	No Show Fee (Work Program)	\$35 each occurrence	³ \$35 each occurrence	\$4,878	\$0
3. Supervised Pretrial Release Supervision		No fee to \$50/month plus one \$10 one time admin. fee	\$40/month	\$280,733	\$360,794 @ \$50/month
4. Electronic Monitoring	Active	\$12/day for all units	\$12/day for all units	\$59,758	\$94,696 @ \$15/day
	Passive	\$10/day	\$10/day	\$17,831	\$17,831 @ \$10/day
	SCRAM	\$12/day	\$12/day	\$37,116	\$55,674 @ \$15/day
5. Alcohol Testing (performed in-house)		No fee to \$25/test	\$5/test	\$94,000	\$470,000 @ \$25/test
Total Estimated Revenue Increase				\$698,575	\$1,297,424
90% of Estimate for Planning Purposes				\$628,717	\$1,167,682
Anticipated Reduction in Justice Assistance Grant Funding				-\$104,660	-\$104,660
8% Target Reduction in FY09 General Revenue (GR) Subsidy				-\$133,003	-\$133,003
Additional Anticipated Revenue to Decrease GR Subsidy				\$391,054	\$930,019
¹ A rate of \$57.91/month would raise current rate consistent with CPI ² Other counties charge the same fee to all Probationers, whether or not they are required to physically meet with their Probation Officer (no fee differential) as Probation continues to monitor court-ordered conditions ³ A rate of at least \$36/occurrence would raise the current rate consistent with CPI; instituted as a deterrent from scheduling and not reporting to work					