



Probation Department  
**COUNTY OF TULARE**  
**AGENDA ITEM**

**BOARD OF SUPERVISORS**

KUYLER CROCKER  
District One  
PETE VANDER POEL  
District Two  
AMY SHUKLIAN  
District Three  
EDDIE VALERO  
District Four  
DENNIS TOWNSEND  
District Five

**AGENDA DATE:** September 17, 2019

Public Hearing Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Scheduled Public Hearing w/Clerk	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Published Notice Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Advertised Published Notice	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Meet & Confer Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Electronic file(s) has been sent	Yes	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Budget Transfer (Aud 308) attached	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Personnel Resolution attached	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Agreements are attached and signature line for Chairman is marked with tab(s)/flag(s)	Yes	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>

CONTACT PERSON: Steven Horton    PHONE: (559) 735-1554

**SUBJECT:** Approve an agreement with BI Incorporated.

**REQUEST(S):**

That the Board of Supervisors:

1. Approve an agreement with BI Incorporated in an amount not to exceed \$100,000, for the period of July 1, 2019 through June 30, 2019 to provide electronic monitoring (EM) services to juvenile offenders. It was impracticable for the Board to take action prior to July 1, 2019 due to inadvertent delays in processing for approval and time needed to process, prepare, and submit the agenda item;
2. Find that the Board had the authority to enter the proposed agreement as of July 1, 2019 and that it was in the County's best interest to enter into the agreement on that date; and
3. Authorize the Chairman of the Board to sign four (4) copies of the agreement.

**SUMMARY:**

The Probation Department has been utilizing BI Incorporated to provide electronic monitoring (EM) services to juvenile offenders since July 2013. More recently the Board of Supervisors approved Agreement No. 28952 with BI Incorporated to obtain electronic monitoring services for juvenile offenders released from the Juvenile Detention Facility by the Court pending further hearing and/or following Court disposition. The agreement expired June 30, 2019, and this new agreement will allow for continued electronic monitoring services for juvenile offenders.

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Electronic monitoring has proven to be a valuable resource in helping to facilitate successful transition from confinement to the community. Supervision services are provided for juvenile offenders released on probation requiring electronic monitoring. The majority of these juveniles are subject to terms and conditions of probation that include: gang terms, search/test clauses, counseling requirements, the payment of victim restitution and restitution fines. During Fiscal Year (FY) 2018/19, electronic monitoring services were provided to 345 juvenile offenders.

The Tulare County Superior Court has recognized the value of the advanced electronic monitoring equipment, which includes an increased capacity to monitor the activities of juvenile offenders, to promote personal responsibility and leading to an expected reduction in recidivism. Accordingly, the Court has directed the Probation Department to implement, to the highest degree possible, the use of the advanced monitoring equipment for monitoring juvenile offenders.

This agreement has been approved as to form by County Counsel and deviates substantively from the standard County contract boilerplate in that it contains a limitation of liability clause which limits BI Incorporated's liability to actual damages for injury relating to the provision, performance, or use of the service or equipment under this agreement which prevents the County from obtaining special, incidental or consequential damages arising from the provision of services, performance or use of the service or equipment. Actual cost damages, however, can be recovered. The Agreement does not include any additional provisions that deviate from the standard County contract boilerplate.

**FISCAL IMPACT/FINANCING:**

The annual cost of the Juvenile Electronic Monitoring Program is based on equipment and monitoring service utilization ordered by the Court and is therefore variable and uncertain. The Probation Department has budgeted \$100,000 each of the past three fiscal years for juvenile electronic monitoring and has had actual expenditures of \$30,959 for FY 2016-17, \$40,532 for FY 2017-18 and \$22,061 through March 31, 2019 of FY 2018-19. Costs associated with juvenile electronic monitoring services for FY 2019/20 are offset by revenue received under the Juvenile Justice Crime Prevention Act and will be included in the Probation Department's operational budget for FY 2019/20. There will be no additional net County cost to the General Fund.

**LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:**

The County's five-year strategic business plan includes the Safety and Security initiative. The Public Safety Realignment Act and the electronic monitoring program support the goal of promoting personal responsibility and public safety.

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**ADMINISTRATIVE SIGN-OFF:**



Michelle Bonwell  
Chief Probation Officer

CC: Auditor-Controller  
County Counsel  
County Administrative Office (2)

Attachment(s) BI Incorporated Agreement (4)

**BEFORE THE BOARD OF SUPERVISORS  
COUNTY OF TULARE, STATE OF CALIFORNIA**

IN THE MATTER OF APPROVE AN )  
AGREEMENT WITH BI INCORPORATED. ) Resolution No. \_\_\_\_\_  
 ) Agreement No. \_\_\_\_\_  
 )

UPON MOTION OF SUPERVISOR \_\_\_\_\_, SECONDED BY  
SUPERVISOR \_\_\_\_\_, THE FOLLOWING WAS ADOPTED BY THE  
BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD \_\_\_\_\_  
\_\_\_\_\_, BY THE FOLLOWING VOTE:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

ATTEST: JASON T. BRITT  
COUNTY ADMINISTRATIVE OFFICER/  
CLERK, BOARD OF SUPERVISORS

BY: \_\_\_\_\_  
Deputy Clerk

\* \* \* \* \*

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2. Found that the Board had the authority to enter the proposed agreement as of July 1, 2019 and that it was in the County's best interest to enter into the agreement on that date; and
3. Authorized the Chairman of the Board to sign four (4) copies of the agreement.