



AGENDA STAFF REPORT

ASR Control 26-000117

MEETING DATE: 04/14/26

LEGAL ENTITY TAKING ACTION: Board of Supervisors

BOARD OF SUPERVISORS DISTRICT(S): All Districts

SUBMITTING AGENCY/DEPARTMENT: District Attorney (Approved)

DEPARTMENT CONTACT PERSON(S): Matthew Pettit (714) 347-8440
Susan Price (714) 347-8723

SUBJECT: Amendment for Deferred Entry of Judgement Program Services

CEO CONCUR Concur	COUNTY COUNSEL REVIEW Approved Agreement to Form	CLERK OF THE BOARD Consent Calendar 3 Votes Board Majority
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Budgeted: Yes **Current Year Cost:** N/A **Annual Cost:** N/A

Staffing Impact: No **# of Positions:** **Sole Source:** No

Current Fiscal Year Revenue: \$38,170

Funding Source: Fees: 100%

County Audit in last 3 years: No

Levine Act Review Completed: Yes

Prior Board Action: 3/26/2024 #11, 4/25/2023 #11, 4/28/2020 #30, 4/9/2019 #23

RECOMMENDED ACTION(S):

Authorize the County Procurement Officer or Deputized designee to execute Amendment Number One to Contract MA-026-25011217 with Rancho Santiago Community College District dba Santa Ana College for Deferred Entry of Judgment Program Services for the period of May 1, 2026, through April 30, 2027.

SUMMARY:

Approval of the Amendment with Rancho Santiago Community College District dba Santa Ana College will allow the Orange County District Attorney to continue to offer a diversion program for those that have been charged with a misdemeanor offense.

BACKGROUND INFORMATION:

The Orange County District Attorney (OCDA) offers a Deferred Entry of Judgment Program (DEJP), which is a misdemeanor diversion program where defendants may be offered the opportunity to attend educational classes in lieu of fines and/or jail time. Misdemeanor diversion programs have been proven to substantially reduce recidivism and thus improve public safety. The defendants' eligibility and suitability for the program are at the sole discretion of the OCDA's office. Programs require the defendant to pay his/her program fees, any administrative fees due to the OCDA's office for collection of a DNA sample (which is required for program participation), restitution (if applicable) and attend a class provided by an outside provider.

The OCDA also offers an Offender Treatment Program (OTP) for defendants diagnosed with substance use disorder by providing educational classes and treatment for criminal thinking and substance abuse with the goal of reducing recidivism. The program is offered to defendants who offer a plea, provide a DNA sample (and pay associated fees), and enroll and complete an OTP/DEJP (offender pleads, sentencing in six months) or as an OTP/District Attorney Continuance Program (misdemeanor drug offenses only; no pleas, case continued for six months).

On January 27, 2009, the County of Orange Board of Supervisors (Board) adopted Resolution 09-009 authorizing the collection of a \$75 fee from defendants to recover a portion of the administrative costs associated with collecting and processing DNA samples.

On April 9, 2019, the Board rescinded Resolution 09-009 and adopted Resolution 19-022 changing the collection fee from \$75 to \$110 from defendants to recover a portion of the administrative costs associated with collecting and processing DNA samples.

On November 8, 2019, a Request for Proposal (RFP) was issued for DEJP services and the OCDA received two proposals. Contracts were awarded to Rancho Santiago Community College District dba Santa Ana College (RSCCD) and Pacific Educational Services, Inc. (PES).

The following is the past County of Orange Board of Supervisors (Board) actions related to contracts for Deferred Entry of Judgment Program Services

Board of Supervisor (Board) Approved	Contract or Amendment and Contract Term	Contract Amount	Comments
4/28/2020	Contract 5/1/2020 – 4/30/2023	\$0.00	New Contract MA-026-20011095 was approved by the Board pursuant to Deferred Entry of Judgment Programs Services per County's 2019 Contract Policy Manual §3.3-102(1)(a).

4/25/2023	Amendment 5/1/2023 – 4/30/2024	\$0.00	Amendment One to Contract MA-026-20011095 was approved by the Board pursuant to Deferred Entry of Judgment Programs Services per County’s 2019 Contract Policy Manual §3.3-102(1)(a).
3/26/2024	Amendment 5/1/2024 – 4/30/2025	\$0.00	Amendment Two to Contract MA-026-20011095 was approved by the Board pursuant to Deferred Entry of Judgment Programs Services per County’s 2019 Contract Policy Manual §3.3-102(1)(a).
n/a	Contract 5/1/2025 – 4/30/2026	\$0.00	Contract MA-026-25011217 administratively executed per County’s 2024 §3.3-106.

On April 30, 2025, the OCDA administratively executed Contract MA-026-25011217 as a bridge contract extending Contract MA-026-20011095 for one year with no other changes to its terms and conditions so that the OCDA could issue an RFP for DEJP services. The sixth year of services has been provided under a new contract number because RSCCD’s Board of Trustees limits service contracts to five-year terms.

The most recent RFP for DEJP services did not produce as many proposals as expected. Therefore, the OCDA requests the Board’s approval to execute Amendment One to extend RSCCD’s current contract by one year. Approval of the Amendment will allow the OCDA to continue the DEJP with RSCCD for the term of May 1, 2026, through April 30, 2027, to allow the OCDA time to issue a new RFP for a three-year contract renewable for one additional two-year term.

The Contractor’s performance has been confirmed as satisfactory. The OCDA has verified there are no concerns that must be addressed with respect to Contractor’s ownership/name, litigation status or conflicts with County interests. The Orange County Preference Policy is not applicable to these amendments.

Statistics

The following are the number of clients that were referred to PES and RSCCD during calendar years of 2020 through 2025.

1. During calendar year 2020, the OCDA referred 703 clients to PES and 192 to RSCCD.
2. During calendar year 2021, the OCDA referred 1,881 clients to PES and 342 to RSCCD.
3. During calendar year 2022, the OCDA referred 1,530 clients to PES and 186 to RSCCD.
4. During calendar year 2023, the OCDA referred 722 clients to PES and 433 to RSCCD.
5. During calendar year 2024, the OCDA referred 283 clients to PES and 565 to RSCCD.

6. During calendar year 2025, the OCDA referred 179 clients to PES and 369 to RSCCD.

Future revenue from the collection of the DNA fee will vary due to service demand generated from those defendants that decide to participate in this program. Future revenue from RSCCD is estimated at approximately \$27,500 for the requested one-year period.

Subcontracts

These Contracts do not currently include subcontractors or pass through to other providers. See Attachment B for the Contract Summary Form.

FINANCIAL IMPACT:

Revenue related to these Contracts is included in District Attorney FY 2025-26 Budget and will be included in future year's budget. These Contracts contain language allowing the District Attorney to terminate the Contracts or reduce the level of services without penalty with or without cause.

STAFFING IMPACT:

N/A

ATTACHMENT(S):

Attachment A - Amendment Number One to Contract MA-026-25011217
Attachment B - Contract Summary Form