



COUNTY OF SAN DIEGO

AGENDA ITEM

BOARD OF SUPERVISORS

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Fifth District

DATE: March 12, 2024

20

TO: Board of Supervisors

SUBJECT

**UPDATE ON THE ALTERNATIVES TO INCARCERATION INITIATIVE;
AUTHORITY TO PROCURE A RESOURCE AND REENTRY HUB AND DRAFT A
LOCAL FAIR CHANCE ACT ORDINANCE (DISTRICTS: ALL)**

OVERVIEW

On October 19, 2021 (3), the Board of Supervisors (Board) directed a series of actions that established the County of San Diego's (County) Alternatives to Incarceration (ATI) initiative, building on previous collaborative action by criminal justice partners. The direction came amid the COVID-19 pandemic, when emergency public health measures restricted people from being in jail on nonviolent and low-level charges, significantly lowering jail populations. The San Diego Association of Governments (SANDAG), engaged as a project consultant, conducted extensive analysis and developed recommendations for expanding supportive services that could permanently reduce incarceration for people who do not pose a public safety threat. This work is centered on advancing health, equity, and public safety outcomes. County and regional partners reviewed SANDAG's analysis and developed an initial ATI work plan (Attachment D) with specific actions and service enhancements that create new pathways to supportive services to prevent or reduce justice system involvement. On May 23, 2023 (20), the Board authorized steps to enact the work plan and directed the Chief Administrative Officer to return in early 2024 with plans for continuing the ATI initiative, including an enterprise structure, proposed evaluation framework, and initial update on work plan actions.

The ATI initiative embraces the collaboration required to make the work a success, with justice, health, and equity-focused partners and community stakeholders outlined in the ongoing ATI enterprise structure (Attachment A). The enterprise structure includes an ATI Advisory Group with community members and County representatives, sharing responsibility among the Public Safety Group, Health and Human Services Agency, and the Office of Equity and Racial Justice. The Office of Evaluation, Performance, and Analytics developed an ATI Measurement and Evaluation Framework (Attachment B) in consultation with the ATI Advisory Group and other stakeholders to measure program performance and evaluate the initiative's design and implementation.

Today's action provides an initial update on ATI, a proposed enterprise structure, and a proposed Monitoring and Evaluation Framework and requires Board action for additional steps, including

SUBJECT: UPDATE ON THE ALTERNATIVES TO INCARCERATION INITIATIVE;
AUTHORITY TO PROCURE A RESOURCE AND REENTRY HUB AND
DRAFT A LOCAL FAIR CHANCE ACT ORDINANCE (DISTRICTS: ALL)

issuing a procurement for a justice-involved resource and reentry hub and exploring local enforcement options for the California Fair Chance Act to expand employment for people with criminal histories. Today's action would also direct a return to the Board with updates in early 2025.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Receive a presentation on Alternatives to Incarceration (ATI) updates, including the planned enterprise structure (Attachment A) and Measurement and Evaluation Framework (Attachment B).
2. Direct the Chief Administrative Officer to explore the feasibility of establishing a local enforcement mechanism to the California Fair Chance Act through the Office of Labor Standards and Enforcement and return to the Board in 120 days with a draft ordinance.
3. In accordance with Section 401, Article XXIII of the County Administrative Code, authorize the Director, Department of Purchasing and Contracting, subject to available funding, to issue a competitive solicitation(s) and/or amend existing contracts for a resource and reentry hub focused on justice-involved clients and, upon successful negotiations and determination of a fair and reasonable price, award contracts for a term of up to one (1) year, with up to four (4) one-year option periods and up to an additional six (6) months if needed, subject to approval by the Deputy Chief Administrative Officer for the Public Safety Group or the Health and Human Services Agency as appropriate, and to amend such contracts as needed to reflect changes to services and funding.
4. Direct the Interim Chief Administrative Officer to return to the Board in early 2025 with updates on ATI evaluation, current ATI work plan actions, and additional work plan actions and recommendations informed by the ATI Advisory Group and community input.

EQUITY IMPACT STATEMENT

Nationally and in San Diego County, arrest and incarceration disproportionately impact people of color and those who are low-income, disabled, experiencing homelessness, and/or have behavioral health needs. For example, San Diego County jail data indicate that Black individuals composed more than 21% of the average daily jail population in 2023, while only 5.6% of San Diego County's overall population are Black, according to the 2020 Census. Data reflect similar disparities for people identifying as Hispanic or Latino/a/x. Additionally, 32% of incarcerated individuals surveyed during the 2023 Jail Point in Time Count reported they were experiencing homelessness at the time of their arrest.

The Alternatives to Incarceration initiative aims to create durable and coordinated pathways to services that reduce justice system contact and episodes of incarceration, with the goal of advancing equity and addressing systemic disparities in the justice system by ensuring that these services reach communities that are disproportionately incarcerated. By providing evidence-based, community-driven alternatives to incarceration, programs implemented through this initiative address unmet needs of justice-involved individuals by directly connecting people who commit low-level, nonviolent offenses to community-based services.

SUSTAINABILITY IMPACT STATEMENT

SUBJECT: UPDATE ON THE ALTERNATIVES TO INCARCERATION INITIATIVE;
AUTHORITY TO PROCURE A RESOURCE AND REENTRY HUB AND
DRAFT A LOCAL FAIR CHANCE ACT ORDINANCE (DISTRICTS: ALL)

The actions proposed in today’s item contribute to the County of San Diego’s Sustainability Goals of engaging the community, providing just and equitable access, and protecting health and well-being. The ongoing initiative to strengthen prevention, diversion, and reentry services is intended to positively impact the communities and socioeconomic groups historically burdened by incarceration with better long-term health, well-being, and opportunity. Extensive community engagement through surveys, community listening sessions, and an external Advisory Group including individuals with lived experience is a major component of the initiative.

FISCAL IMPACT

There is no fiscal impact associated with receiving today’s update. Staff will return to the Board after the contract is awarded for the resource hub to establish appropriations. The funding source is Public Safety Realignment. There is no change in net General Fund costs or staff years.

BUSINESS IMPACT STATEMENT

N/A

ADVISORY BOARD STATEMENT

The County of San Diego convened an Alternatives to Incarceration (ATI) Advisory Group composed of community members—including people with lived experience, community activists, social service providers, and the San Diego Reentry Roundtable—and local government leadership.¹ The ATI Advisory Group convenes quarterly to review work plan updates, discuss new approaches and best practices, and develop recommendations for alternatives to incarceration. The Advisory Group and County hosted two community listening sessions and solicited online written feedback in January 2024 to gather input.

BACKGROUND

On May 23, 2023 (20), County staff representing health, justice, and equity-focused departments presented the Alternatives to Incarceration (ATI) Work Plan to the Board of Supervisors (Board), with 20 new or expanded programs and collaborative actions to increase connections to community-based services for people involved or at-risk of involvement in the criminal justice system. The plan was the outcome of a Board action on October 19, 2021 (3), that directed staff to contract with a consultant to develop analysis and recommendations for supportive services to reduce incarceration of people who do not pose a public safety threat while improving equity, health, and public safety outcomes. The County contracted with the San Diego Association of Governments (SANDAG) to analyze data and local services and systems, engage public agencies and community stakeholders, review best practices, and develop reports and recommendations.

The ATI Work Plan (Attachment D) was an initial set of collaborative actions built on analysis and recommendations in [SANDAG’s Final Report](#). In May 2023, the Board received both documents and unanimously authorized contracting and grant actions to support the work plan.

¹ Public agency representatives include leadership from Behavioral Health Services; the District Attorney’s Office; the Office of Equity and Racial Justice; the Office of Evaluation, Performance, and Analytics; the Department of Homeless Solutions and Equitable Communities; the Office of Labor Standards and Enforcement; Medical Care Services; the Probation Department; Office of the Public Defender; the Public Safety Group; the City Attorney’s Office; the San Diego Police Department; and the Sheriff’s Department.

SUBJECT: UPDATE ON THE ALTERNATIVES TO INCARCERATION INITIATIVE;
AUTHORITY TO PROCURE A RESOURCE AND REENTRY HUB AND
DRAFT A LOCAL FAIR CHANCE ACT ORDINANCE (DISTRICTS: ALL)

The May 2023 Board action also directed staff to return in early 2024 with plans for an enterprise structure to continue the ATI initiative to include the engagement of the Public Safety Group (PSG), Health and Human Services Agency (HHSA), Office of Equity and Racial Justice (OERJ), Office of Evaluation, Performance, and Analytics (OEPA), and members of the community; an initial assessment of resources and personnel advancing ATI; a proposed evaluation framework for the ATI work plan; and an initial update on work plan actions. Today's action addresses this direction and seeks additional authority to implement work plan actions.

Alternatives to Incarceration Planned Enterprise Structure

An enterprise structure establishes shared responsibility for developing collaborative recommendations to improve outcomes for justice-involved individuals and impacted families and communities. The structure (Attachment A) incorporates community input throughout, including through community listening sessions the County hosts twice per year. The Advisory Group, with public agency and community membership, monitors the ATI Work Plan, reviews additional system needs and approaches, and develops recommendations to be added to the work plan. The ATI Executive Group is composed of the OERJ Director and the PSG and HHSA Deputy Chief Administrative Officers.

County departments listed in Attachment A reflect resources and personnel advancing Alternatives to Incarceration. \$220 million is included in the 2023-24 Operational Plan to support prevention, diversion, and reentry for juveniles and adults, including \$9.7 million in ATI work plan programs. PSG added three positions in the 2023-24 CAO Operational Plan to provide administrative coordination of partners and public input, contract development and oversight, and grant development to sustain funding for ATI programs.

The ATI Advisory Group is composed of nine community members and representatives from 13 County and City of San Diego justice and health partners. Community representatives include service providers, justice reform and victim services advocates, and people with lived experience in the justice system. PSG collaborated with OERJ, HHSA, and the County Communications Office to advertise the Advisory Group application. With 33 applicants to consider, PSG, HHSA and OERJ developed a simple scoring rubric and a committee that included a community member with lived experience conducted a blind review of Advisory Group applications.

Since the Advisory Group formed in October 2023, members have participated in developing the proposed evaluation framework for ATI, reviewing the progress of the ATI work plan, and hearing community feedback on next steps. At future quarterly meetings, the Advisory Group will focus on setting the direction of new ATI efforts and programs to update the work plan and inform future recommendations to the Board.

Additional community engagement included two County-hosted listening sessions in January 2024 with nearly 100 community participants and an online feedback form posted on the [new ATI website](#). Based on the feedback received, community priorities pertaining to potential future updates to the work plan include employing more peers with lived experience to engage justice-involved people with behavioral health and social service needs, expanding family- and

SUBJECT: UPDATE ON THE ALTERNATIVES TO INCARCERATION INITIATIVE;
AUTHORITY TO PROCURE A RESOURCE AND REENTRY HUB AND
DRAFT A LOCAL FAIR CHANCE ACT ORDINANCE (DISTRICTS: ALL)

community-based supports for people leaving jail, and analyzing ways to reduce probation violations.

Initial Update on ATI Work Plan Actions

The ATI Work Plan strengthens existing programs and fosters new pathways to supportive services at points before or after individuals enter the justice system, as well as upon exit. All items on the work plan draw on SANDAG's analysis showing most people who exhibit repeated misdemeanor behavior have longstanding unmet needs in areas such as behavioral health and healthcare, employment, housing, social support, and unaddressed trauma. New programs build on community input and best practice that calls for engaging, individually tailored, easily accessible, and trust-building services. Attachment C summarizes programs on the current work plan, their justice-system intervention/interception, and their implementation progress. Building new programs and offramps from the justice system is by nature highly collaborative, and individual County departments' work plan actions all involve numerous partners focused on making them effective.

Expanding Crisis Stabilization Units

The East Region Crisis Stabilization Unit (CSU) is projected to open in 2025 in the City of El Cajon. Behavioral Health Services (BHS) has been conducting community engagement-focused meetings to socialize and gather input and feedback from stakeholders. The East County location will provide the fourth community-based CSU as a destination for individuals suffering a mental health-related crisis that may involve co-occurring substance use symptoms. Community-based CSUs are mutually beneficial for individuals in crisis and law enforcement officers because they provide expert help for individuals in crisis as an alternative to incarceration while allowing law enforcement to quickly return to service. Use of community-based CSUs was first approved by the Board on June 25, 2019 (1), based on recommendations from the District Attorney (DA) highlighted in the office's *2019 Blueprint for Mental Health Reform: Addressing the Intersection of Mental Health, Homelessness and Criminal Justice in San Diego County*. The first community-based CSU opened in Vista in 2021.

Recovery and Bridge Center

BHS's contracted Recovery and Bridge Center relocated to a more central location in January 2024, allowing for better accessibility by law enforcement jurisdictions to accept drop-offs for people under the influence of alcohol and/or drugs and to bridge clients to the next service with supportive counselors, transportation, and stays up to 24 hours. Its location near Highway 94 on Market Street is convenient for any law enforcement officer who might otherwise take someone to Central Jail; in 2022, public intoxication accounted for 13% of bookings, according to SANDAG data. This location is also near a larger number of local resources.

One-Stop Resource and Reentry Hub

Since May 2023, ATI partners have met regularly to plan a resource and reentry hub to engage and meet the multiple needs of justice-involved individuals walking in from the community, referred by law enforcement, or exiting jail. Partners have reviewed models and budgets from other counties, reviewed available data about local need, and worked with the Department of General Services to develop concepts for a space that would enable community-based and public agency partners to assist with basic needs, case management, housing and social service referrals, record

**SUBJECT: UPDATE ON THE ALTERNATIVES TO INCARCERATION INITIATIVE;
AUTHORITY TO PROCURE A RESOURCE AND REENTRY HUB AND
DRAFT A LOCAL FAIR CHANCE ACT ORDINANCE (DISTRICTS: ALL)**

clearance, employment, and behavioral health connections. The hub would operate seven days a week with extended hours to connect people when they need help.

Partners propose to pilot this hub in the Central region, evaluate its effectiveness, then explore options for regionalized hubs. The Central region is identified as the pilot region because it has the largest service population, based on SANDAG's analysis and jail release data. Prior to regionalization, partners would also evaluate options to provide transportation from other regions to the Central Hub.

If approved, today's action would authorize the County to issue a competitive solicitation for a Resource and Reentry Hub in the Central Region and/or amend existing contracts for related services to create a shared service hub. Staff will return to the Board to establish appropriations once the contract is awarded. The funding source is Public Safety Realignment. ATI partners plan to seek additional input from community partners through outreach events over the next few months, with a focus on reaching entities and individuals with lived justice system experience, prior to developing and issuing a Request for Proposal (RFP).

Expanding Housing and Care Coordination for Justice Populations

In late February 2024, the County issued an RFP for peer support, care coordination, and housing services, with a goal of establishing an intervention to support individuals who have repeated or brief contact with the justice system. Department of Homeless Solutions and Equitable Communities (HSEC) staff worked closely with multi-disciplinary partners and consulted service providers during a Request for Information session in December 2023 to design a program to engage and serve these individuals. According to SANDAG's Final Report, transitional and long-term housing, peer support, and care coordination to address multiple domains are strategies to meet common needs for justice-involved populations. The service is expected to launch in summer 2024, following a competitive procurement and contract award.

Expand Community Resources for Homeless Court

Homeless Court Pop-up Resource Fairs were developed through a collaborative County partnership of staff from the District Attorney's CARE Center, the Office of the Public Defender, and HSEC as a way to make the justice system more accessible to the unsheltered members of our community who have become involved in the justice system on low-level offenses. In January 2024, partners expanded the frequency of Homeless Court Pop-up Resource Fairs to two events per month: one in the Central Region in partnership with the City of San Diego and one roving in the unincorporated area. Since May 2023, additional partners such as Probation, the City of San Diego, and community-based organizations have joined the events to enrich their service offerings to help attendees remove DMV license holds, apply for a driver's license, recall warrants on some misdemeanors and probation violations, enroll in public benefits, and learn about various community resources. Since 2021, more than 1,200 people have been served at Homeless Court Pop-up Resource Fairs, with 250 DMV holds lifted and over 400 total cases resolved. County partners are exploring grant opportunities and plan to pursue resources for further expansion.

Streamline Transitions from Custody and Reduce Returns to Jail

**SUBJECT: UPDATE ON THE ALTERNATIVES TO INCARCERATION INITIATIVE;
AUTHORITY TO PROCURE A RESOURCE AND REENTRY HUB AND
DRAFT A LOCAL FAIR CHANCE ACT ORDINANCE (DISTRICTS: ALL)**

The Sheriff's Department has hired and trained five Correctional Counselors in the County's booking and release facilities to identify individuals at risk of experiencing homelessness and connect them to housing services upon release. The Sheriff's Department contracted with a transportation service to take people from jail directly to interim housing and began transporting clients directly to housing this month.

The Sheriff's Department and HHSA have advanced efforts toward establishing local Transitions Clinics. These Transitions Clinics will be part of the national Transitions Clinic Network (TCN), which is based on a proven model in which a community health worker with lived incarceration experience builds rapport and trust with individuals, ideally while still in custody, coaches them, and connects them to a community health center and social support services upon release. In August 2023, the Office of Justice Involved Health, under HHSA's Medical Care Services, signed a contract for technical support with TCN's national program office, allowing key staff to advise the County. Through this collaboration, Medical Care Services, in partnership with the Sheriff's Department, developed an initial local scope of work that was informed by input received from local community health centers and other community partners through an RFI. A Request for Proposals for community clinics to provide a local TCN program is being finalized, with a projected service start date in May 2024.

Fair Chance Act and Know Your Rights Outreach

The Office of Labor Standards and Enforcement (OLSE) has implemented outreach and education for employers and employees to learn about the California Fair Chance Act (FCA), which aims to prevent discrimination against job seekers with criminal backgrounds. The act prohibits most employers from asking job applicants questions related to their criminal history until after the employer has extended an offer of employment; offers rescinded at that point must be based on specific criminal history disqualifying a person from that specific job. Through a contracted partner, OLSE has provided a six-part training regarding FCA and associated laws, barriers justice-involved workers face, and frequently asked questions to more than 360 employers, including outreach materials in English and Spanish.

OLSE has been partnering with justice-focused employment programs and the Sheriff's Department to educate previously incarcerated job seekers on their rights under the labor law. To date, OLSE has hosted more than 30 "Know Your Rights" seminars for justice-involved adults and transitional-age youth and engaged an estimated 400 incarcerated people at the Las Colinas and East Mesa reentry facilities through job fairs and training sessions. OLSE also hosted multiple job fairs linking previously justice involved individuals with employers who welcome hiring those with histories of incarceration.

Today's action would direct the interim CAO to explore options through OLSE and return with a draft local ordinance containing provisions similar to those of the FCA. Under current law, individuals must file a claim against employers through the California Civil Rights Department, a process that can take a year or more to finalize. A local ordinance would not only allow OLSE staff to assist jobseekers with claims expeditiously, but also enable OLSE to quickly engage employers who have a hiring process in violation of the FCA to obtain compliance, which will

SUBJECT: UPDATE ON THE ALTERNATIVES TO INCARCERATION INITIATIVE;
AUTHORITY TO PROCURE A RESOURCE AND REENTRY HUB AND
DRAFT A LOCAL FAIR CHANCE ACT ORDINANCE (DISTRICTS: ALL)

support community members with criminal pasts to obtain employment and integrate into San Diego County's labor market.

Housing Strategy and Coordination

To address pervasive barriers to housing and a high rate of related need for justice-involved populations, County justice and health partners have convened stakeholders to develop strategies to expand access to permanent housing for justice-involved and at-risk populations. ATI partners anticipate completing an inventory of housing resources and entry points for clients and developing programs and funding requests to reduce these barriers as part of the work this year, in addition to participating in the development of the County's Housing Blueprint.

Grant Strategy

The ATI team is developing a grant funding strategy to implement and sustain programs. This includes identifying priorities related to ATI, identifying departmental staff who participate in grant writing processes, and creating a process for swift initial review of available funding opportunities to determine whether a grant will be pursued.

Engagement of the Justice-Involved Community

PSG has issued an RFP to equitably compensate people with lived justice system experience to provide input and guide service design and implementation of new programs that support justice-involved individuals, including current and future work plan programs. The expected start date of services for this consulting contract is April 1, 2024.

ATI Measurement and Evaluation Framework

With input from the ATI Advisory Group and other stakeholders, OEPA developed a comprehensive ATI Measurement and Evaluation Framework ("Framework", Attachment B), organizing the essential elements of program performance measurement and evaluation. The Framework outlines the metrics, evaluations, and data needed to assess ATI's effectiveness, identify areas for improvement, and make informed programmatic decisions. Through a series of stakeholder engagement activities, OEPA has identified four priority areas ("question blocks") for performance measurement and evaluation: 1) definition and review of program theory, design, and analysis of program appropriateness; 2) measurement of the fidelity of program implementation; 3) measurement of program performance; and 4) analysis of equity and disparities in access and utilization of ATI programs and services. OEPA will continue to work with ATI stakeholders and County leadership to define key concepts, refine performance metrics, review data sources, and operationalize the evaluation plan. OEPA has identified an initial set of proposed metrics that will be used to measure performance. Data collection and data sharing assessment will begin in March 2024. Performance metrics can only be finalized and data collected once a work plan item is fully operational. OEPA expects to start field work on evaluation activities this fiscal year, and to start reporting on performance measures (question block 3) in January 2025. More metrics will be added as more workplan items become operational. Initial evaluation results are expected in FY 2025-26 for question blocks 1 and 2, and in FY 2026-27 for question block 4.

SUBJECT: UPDATE ON THE ALTERNATIVES TO INCARCERATION INITIATIVE;
AUTHORITY TO PROCURE A RESOURCE AND REENTRY HUB AND
DRAFT A LOCAL FAIR CHANCE ACT ORDINANCE (DISTRICTS: ALL)

As part of today's action, staff will return to the Board in early 2025 with updates on evaluation, ATI work plan actions, and additional actions and recommendations developed through the ATI Enterprise Structure.

LINKAGE TO THE COUNTY OF SAN DIEGO STRATEGIC PLAN

Today's proposed action supports the Equity and Justice Strategic Initiatives of the County of San Diego's 2024-2029 Strategic Plan by providing access to health and social services that support reducing disparities in the justice system and provide alternatives to incarceration.

Respectfully submitted,



SARAH E. AGHASSI
Interim Chief Administrative Officer

ATTACHMENT(S)

- Attachment A – Alternatives to Incarceration Enterprise Structure
- Attachment B – Alternatives to Incarceration Measurement and Evaluation Framework
- Attachment C – Alternatives to Incarceration Work Plan Progress
- Attachment D – Alternatives to Incarceration Work Plan (May 23, 2023)