

**COUNTY OF SAN DIEGO
BOARD OF SUPERVISORS
TUESDAY, FEBRUARY 28, 2023**

MINUTE ORDER NO. 6

SUBJECT: AUTHORIZE A-87 EXCEPTION TO COMPETITIVE PROCUREMENT FOR CONTRACT WITH PARTNERS FOR JUSTICE (DISTRICTS: ALL)

OVERVIEW

Over five million people cycle through U.S. jails each year - 2 million are confined to prison, and another 4.5 million live within the parole or probation system. Black and Brown people, their families, and communities are disproportionately impacted by this system. The enmeshed penalties-the non-judicial penalties arising from arrests, charges, time spent in jail, and convictions-can be catastrophic. One's housing, employment, parental rights, and educational options, as well as one's ability to borrow student loans, obtain a professional license, vote, or access public benefits/supports, can all be adversely affected by an arrest, not just a conviction.

While current justice reform efforts focus, understandably, on police and prisons, not enough attention is paid to the value that public defense could provide to address the underlying causes of crime and increase public safety. Public defenders are the resource most proximate and available to people most harmed by the criminal legal system. Nearly 80% of people facing criminal charges depend on public defenders to navigate the legal process and prevent the worst outcomes of criminal legal system contact.

On June 23, 2020 (27) the San Diego County Board of Supervisors (Board) created the Office of Equity and Racial Justice (OERJ). One of the roles the Board saw for this newly established office was to collaborate with County departments that administer restorative justice programs to report mutual activities, align best practices, identify barriers and gaps to ensure robust restorative practices throughout our region, and work alongside other jurisdictions in the region that have similar entities to ensure cohesion and avoid duplication of efforts.

Through its collaborative work with community partners, the OERJ has identified an opportunity to work with the Office of the Public Defender to further promote restorative justice within the region's criminal legal system and address the racial and economic disparities that influence and result from legal system outcomes. Today's actions request the Board to authorize a single source procurement with Partners for Justice (PFJ), for client advocate services and associated technical assistance to promote restorative justice and address the racial and economic disparities within and resulting from the criminal legal system. This procurement qualifies as a single source due to the unique knowledge, skills and abilities of PFJ. The Department of the Public Defender has not identified any other organization that works exclusively with public defenders and provides specialized training to non-attorney staff.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. In accordance with Board Policy A-87, Competitive Procurement, approve and authorize the Director of the Department of Purchasing and Contracting to enter into negotiations with Partners for Justice and subject to successful negotiations and a determination of a fair and reasonable price, award a contract for client advocate services and associated technical assistance for up to two years and two option periods through 2027 and an additional six months if needed, and to amend the contracts as needed to reflect changes to requirements and funding.

2. Transfer appropriations of \$343,153 from OERJ, Services & Supplies, to Office of the Public Defender, Services & Supplies, to pay for Contractor for Client Advocate services and associated technical assistance from May 2023 through June 2024 based on prior year available General Fund balance.

EQUITY IMPACT STATEMENT

Today's action aligns with the County's Justice - safety initiative and seeks to reduce disparities and disproportionality across the criminal legal system by providing additional supportive resources to the Office of the Public Defender and to the clients that they represent. The addition of client advocates to address the non-legal challenges that clients face (i.e. poverty, unemployment, mental health needs, etc.) offers the opportunity to restore and heal individuals within the legal system, as well as to improve outcomes and promote justice. A snapshot of the multitude and diverse array of needs experienced by San Diegans that cycle through our local legal system is presented in a Final Report developed by the San Diego Association of Governments (SANDAG) Criminal Justice Research Division for the County's Proposition 47 Grant Program - Cohort 1. Per the report, of the individuals that participated in the County's program, 47% "were unemployed and looking for work", 59% were experiencing homelessness at the time of program intake, 26% identified as living in an unstable housing situation at intake, 100% had a need for substance use disorder treatment, 72% reported having transportation needs, and 57% reported a need for mental health assistance, among many other types of needs. On average, program participants presented with 6.5 needs, with 34% of all participants having 8 or more needs. The proposed Client Advocate services will support such individuals that cycle through the legal system and offer a more holistic approach toward justice and restoration.

If today's recommendation is approved, it will be important to engage the community and stakeholders in the ongoing development and assessment of the success of this program. PFJ will provide regular reports to the Public Defender detailing progress toward the milestones and metrics outlined in the scope of work, and track service delivery with regular dashboards. PFJ will repeat trainings as needed and offer technical assistance to promote attorney engagement. Finally, PFJ will provide expertise and instruments to the PD enabling them to gather better information about clients' needs and experiences with their office, and to track changes in attorney practice based on the implementation of collaborative work.

SUSTAINABILITY IMPACT STATEMENT

This program supports the County's Sustainability Goal of providing just and equitable access to County services, is an investment in a chronically underserved community, and would assist in building the resilience of this vulnerable population. As indicated in the Equity Impact Statement, the population to be served through this program has a variety of unmet needs, which Client Advocates can holistically address.

FISCAL IMPACT

Funds for today's recommendations are partially included in the Fiscal Year 2022-23 Operational Plan for the Office of Equity and Racial Justice (OERJ). If approved, this request will result in transfers of budgetary funds in the amount of \$343,153 from OERJ to Office of Public Defender for Contracted Services costs from May 2023 through June 2024. Year 2 funds for this request will be included in the Fiscal Year 2024-25 CAO Recommended Operational Plan for the Office of the Public Defender. If approved, this request will result in costs of up to \$341,164 for the Office of the Public Defender from July 2024 through June 2025. The funding source is prior year available General Fund balance. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

N/A

ACTION:

ON MOTION of Supervisor Fletcher, seconded by Supervisor Desmond, the Board of Supervisors took action as recommended, on Consent.

AYES: Vargas, Anderson, Lawson-Remer, Fletcher, Desmond

State of California)
County of San Diego) §

I hereby certify that the foregoing is a full, true and correct copy of the Original entered in the Minutes of the Board of Supervisors.

ANDREW POTTER
Clerk of the Board of Supervisors



Signed
by Andrew Potter