



# COUNTY OF SAN DIEGO

## AGENDA ITEM

### BOARD OF SUPERVISORS

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**DATE:** February 8, 2022

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**TO:** Board of Supervisors

### **SUBJECT**

**PRELIMINARY REPORT AND RECOMMENDATIONS ON DATA-DRIVEN APPROACHES TO PUBLIC SAFETY, TREATMENT AND SERVICE EXPANSIONS, AND ADVANCING EQUITY THROUGH ALTERNATIVES TO INCARCERATION (DISTRICTS: ALL)**

### **OVERVIEW**

On October 19, 2021 (3), the Board of Supervisors (Board) directed a series of actions focused on creating alternatives to incarceration, with an emphasis on data and stakeholder input to develop recommendations to enhance public safety, advance equity, and reduce incarceration of people who do not pose a public safety threat by providing community-based rehabilitative services and supports in lieu of custody. The October 19, 2021 (3), agenda item observed that jail populations during the COVID-19 public health emergency had dropped by more than 25 percent. The Board Letter directed specific activities, described research questions, requested broad stakeholder engagement, and set forth reporting timelines through early 2023 to develop data-driven analysis of jail populations, policies enacted in response to COVID-19 affecting these populations, information on public safety outcomes, and comprehensive recommendations and fiscal analysis for short, mid, and long-term actions to reduce San Diego County jail populations safely and permanently. The Board direction identified actions to be led by the County Chief Administrative Office and actions to be conducted by an independent contracted consultant.

In response, the County's Public Safety Group convened a first group of stakeholders to develop immediate analysis and a first set of recommendations for services that support alternatives to incarceration that can be included in the Fiscal Years 2022-24 CAO Recommended Operational Plan. Stakeholders include County and City of San Diego criminal justice agencies and Health and Human Services Agency partners who collaborated in a series of workgroups over the past few months. These initial recommendations were also reviewed by community members who provided insightful and diverse input in an evening forum on January 19, 2022. Input from that meeting and from future community meetings will be essential to developing additional recommendations. The initial recommendations presented in a Preliminary Report include short and mid-term proposals to support alternatives to incarceration and connections to services for people with drug, alcohol, and public conduct-related non-violent misdemeanor charges. Jail bookings related to these misdemeanor offenses have decreased significantly during the COVID-19 emergency, and the

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proposals described today are designed to safely maintain the current lower numbers of jail bookings and create new service connections for vulnerable community members.

Today's request is to receive a Preliminary Report on Data-Driven Alternatives to Incarceration, and to approve referring the proposals for services developed by stakeholders for inclusion in the Fiscal Years 2022-24 CAO Recommended Operational Plan. These proposals include enhancing the capabilities of the sobering services program to serve higher acuity clients and provide successful care transitions and exploring the further integration of substance use and mental health services including sobering services in current and future crisis stabilization units (CSUs).

**RECOMMENDATION(S)**

**CHIEF ADMINISTRATIVE OFFICER**

1. Receive a Preliminary Report on Data-Driven Alternatives to Incarceration.
2. Authorize the Chief Administrative Officer to enhance the capabilities of sobering services in the Central region to serve higher acuity clients and provide successful care transitions. Refer funding for sobering services capabilities to the Fiscal Years 2022-24 CAO Recommended Operational Plan.
3. Authorize the Chief Administrative Officer to explore further integration of substance use and mental health services including sobering services in current and future crisis stabilization units and include any recommendations in the scheduled returns to the Board regarding Data-Driven Alternatives to Incarceration.

**EQUITY IMPACT STATEMENT**

Nationally, social determinants lead to disproportionate arrest and incarceration of people of color and those who are poor, mentally ill, struggling with addiction, disabled or homeless. The same is true in San Diego County, where people of color are disproportionately incarcerated, as are those with behavioral health conditions and those experiencing homelessness. For example, in 2021 black individuals composed 20 percent of the average daily jail population, according to jail data, while only 5 percent of San Diego County residents are black, according to Census data. Likewise, for example, the 2020 Point in Time (PIT) Count estimated 25 percent of individuals in jail had been homeless at the time of arrest, while homeless individuals represent only a small fraction of San Diego County's residents. The 2020 PIT Count also found 7 of 10 unsheltered individuals interviewed in the community had been to jail at some point.

Today's proposals focus on creating alternatives to incarceration through services that address social determinants associated with justice system involvement. The proposals are designed to advance fairness and equity and create better outcomes for underserved and diverse communities disproportionately impacted by the justice system and reduce justice involvement, incarceration, recidivism, and longstanding disproportionalities. Proposed services will be evaluated for their effectiveness in engendering short and long-term positive outcomes with attention to cultural responsiveness and accessibility among the County's diverse populations, especially those disproportionately impacted by justice involvement. Information on demographics and geographic area will be collected, reviewed, and reported to continually inform the design,

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effectiveness, and equity of these services. Throughout this project, community stakeholders will be engaged in the review of data and outcome measures to provide diverse perspectives and inform ongoing implementation. This includes an initial public, community listening forum that was hosted by the Public Safety Group Executive Office on January 19, 2022, and internal County stakeholder workshops.

**FISCAL IMPACT**

There is no current year fiscal impact associated with the today's request. Funds for Recommendation #2 will be included in the Fiscal Years 2022-24 CAO Recommended Operational Plan and will be supported by 2011 Public Safety Realignment, Community Corrections Subaccount. There will be no change in net General Fund cost and no additional staff years. Staff will return to the Board with possible actions according to the schedule directed by the Board regarding Data-Driven Alternatives to Incarceration and seek approval for financial impacts associated with any future Board recommendations.

**BUSINESS IMPACT STATEMENT**

N/A

**ADVISORY BOARD STATEMENT**

N/A

**BACKGROUND**

As directed by the Board of Supervisors on October 19, 2021 (3), the County Public Safety Group has initiated several activities focused on developing data and stakeholder-driven analysis and recommendations to protect public safety, advance equity, and reduce incarceration of people who do not pose a public safety threat by providing community-based services and supports as alternatives to incarceration. These activities have included:

- 1) Preliminary data review of jail populations and policies prior to the COVID-19 public health emergency (COVID-19) and during the global pandemic
- 2) Seven stakeholder discussion meetings and an initial community convening to develop immediate service recommendations and mid- and long-term draft proposals
- 3) Completed a competitive solicitation for an independent contractor and entered into a contract with the San Diego Association of Governments (SANDAG) for in-depth data-analysis of jail populations, review of related policies, proactive and broad-based stakeholder engagement, and comprehensive recommendations related to supporting alternatives to incarceration and advancing equity, including fiscal analysis.

**Preliminary Data Review**

The Sheriff's Department and the Public Safety Group, with assistance from the District Attorney, the Public Defender and other partners, developed initial comparisons of average daily jail populations, booking policies, and booking volumes by certain charges in 2019, 2020, and 2021 to provide context for stakeholders developing initial service recommendations.

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### **Felony Populations**

The average daily population in the County's seven detention centers was 5,630, 4,197, and 3,927 in 2019, 2020, and 2021 respectively. Individuals held on felony charges composed the largest proportion of individuals in jail prior to COVID-19 and currently, representing approximately 91 percent of the population in 2019 and 97 percent today, with the number of individuals in jail charged with or sentenced for felony offenses falling from 5,132 in 2019 to 3,804 in 2021, a 26 percent decrease. A combination of booking acceptance criteria changes enacted during COVID-19, court closures and interruptions to case adjudications, state emergency bail schedules, and stipulated early releases from custody, as well as other policies and external factors such as stay-at-home orders, have resulted in lower populations of persons with felony charges in custody.

As directed (October 19, 2021 (3)), a contracted consultant has been identified through a competitive solicitation process. The San Diego Association of Governments (SANDAG), will partner with the County to conduct a detailed analysis of jail populations and demographics pre and post- pandemic, COVID-19 related policies and other factors affecting the jail populations and public safety outcomes during this time period. SANDAG and County staff will report to the Board as previously directed according to the timeline described in the October 19, 2021, Board action and continue working with a broad group of public and community stakeholders to develop service recommendations and fiscal analyses to be presented in a series of reports as described in the Board's direction.

The short-term recommendations developed by stakeholders focus on services for persons with nonviolent misdemeanor offenses. A related item on today's agenda is focused on alternatives to incarceration available for persons facing felony and misdemeanor charges. The Probation Department is presenting a proposal to establish pre-trial monitoring and services through a Memorandum of Agreement with the San Diego Superior Court with funding provided by the state. The proposed pretrial program will support releases from custody with community-based services for people who are released by the Court pending their court appearance. The program is designed to serve up to 750 individuals on pre-trial status each month with court reminders, monitoring check-ins, and to provide contracted community peer navigators to help people connect to treatment, housing, benefits, and other needs.

### **Misdemeanor Populations**

People charged with or sentenced for misdemeanor offenses represent a smaller proportion of the jail population on any given day than those held on felony charges, and this was true prior to the pandemic. Today, the average daily population of people in custody on misdemeanor charges has fallen to historic lows, decreasing from an average of 498 in 2019 to 123 in 2021, a 75 percent decline. Many individuals charged with misdemeanor offenses spend less than 24 hours in jail and therefore do not significantly impact the average daily population in County jails.

A decline in the number of jail bookings on drug, alcohol and public conduct related charges and shorter average lengths of stay for individuals booked on drug-related charges have reduced misdemeanor jail populations during the pandemic. Some individuals not booked during COVID-

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19 have been diverted by San Diego Police Department to the Health and Human Services Agency (HHSA) contracted sobering services in midtown San Diego for charges of drunk in public (PC 647(f)) or being under the influence of a controlled substance (HS 11550(a)). These services are currently supported with County and City of San Diego funding. Other individuals who are currently not booked into jail for similar charges, or who are booked and released within hours or days, may not experience a service connection as part of their arrest. However, analysis of the individuals referred to central sobering services and other data show a significant percent of people arrested on alcohol and drug-related charges have a high need for substance use disorder treatment, supportive services, and housing. For example, about half of clients taken to central sobering services for alcohol intoxication and more than 85 percent taken for drug intoxication are homeless.

For these initial recommendations, public agency stakeholders have focused on individuals with non-violent drug, alcohol and public conduct charges and expanding alternatives to incarceration for this population in order to maintain today's historically low misdemeanor jail populations. As the project continues, services and strategies for a broader population will be considered.

**Consultation With Public Agency Stakeholders and a Community Convening**

The Public Safety Group has convened stakeholders since October 2021 to provide input, review preliminary jail population data, COVID-related policies, and service gaps, and develop analysis and recommendations that can be included in the Fiscal Year 2022-24 CAO Recommended Operational Plan. Stakeholders included the Public Safety Group, Sheriff's Department, District Attorney's Office, Office of the Public Defender, Probation Department, San Diego Superior Court, HHSA, the Office of Equity and Racial Justice, the San Diego Police Department, and the San Diego City Attorney's Office.

Additionally, on January 19, 2022, the County reviewed service options with and sought input from a community stakeholder group at a virtual evening meeting. The meeting was attended by more than 60 diverse stakeholders who included social justice activists, formerly justice involved people, County and independent service providers, and people with experience participating in publicly funded services. The input was specific and diverse, reflecting the experiences and perspectives of the attendees, with certain themes emerging. These included the importance of supporting and listening to the direction of people outside the public system dedicated to prevention, diversion and reentry in their communities; the desire for more non-law enforcement options to assist people in crisis; the importance of treatment quality and accessibility to individual success; the high need for housing; the key importance of peer support services; and the need throughout the system for a deeper response to individuals' trauma history, including the trauma of being incarcerated, to address the roots of addiction, mental health struggles, poverty and a cycle of re-arrest. SANDAG will also provide numerous, varied and meaningful future opportunities for the community to share input and recommendations, and the Public Safety Group will work closely with SANDAG throughout the project to review community insights and incorporate those into County actions.

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Through the stakeholder convenings, the County has developed immediate recommendations for services to connect those with high needs and vulnerabilities to care coordination and services. Examples of needs and vulnerabilities include unaddressed trauma or serious mental health diagnoses, addiction, lack of employment and education, poverty, family separations, criminal history, and homelessness. Stakeholders are currently focused on developing approaches to support alternatives to custody for persons with certain misdemeanor offenses who do not pose a public safety threat.

**Preliminary Plan Proposals**

The Preliminary Plan includes short term and mid to long term recommendations. These initial recommendations would build on a continuum of services and approaches, many of which the Board of Supervisors has supported over the past several years, to provide appropriate interventions and supports for people in the community, options for law enforcement in lieu of jail, or that support successful reentry for people leaving custody. Stakeholders looked at current services in the community and at various justice system connection points to identify service gaps along with potential service expansion and enhancements. Throughout 2022, SANDAG will conduct additional analysis of gaps and best practices and develop policy and service proposals based on data analysis and further stakeholder convenings.

To support a goal of keeping misdemeanor jail populations at historically low levels while protecting public safety and promoting fair, equitable and positive outcomes for individuals and communities, resources will be proposed for inclusion in the FY 2022-24 CAO Recommended Operational Plan to support the proposals below. Ongoing stakeholder engagement will be integral to implementing these proposals and developing future recommendations; formalizing an advisory group is therefore a key first step.

**Short-Term Proposal: Formalize an Inclusive Stakeholder Advisory Group**

- Formalize Diverse and Inclusive Stakeholder Advisory Group to Develop Future Recommendations Related to Alternatives to Incarceration

Community input and participation in developing recommendations will be key to the success of this project. SANDAG will convene an Advisory Group with diverse representation to provide input on service recommendations and to participate in data reviews. Engaging people who understand the justice system, community services, and community needs; individuals and communities most affected by justice system policies and programs; and those who manage the operation of the justice system and other public services in analysis and proposal development will be key to both the success of this project and long-term justice system change. The Advisory Group will be connected to current County efforts to bring data to communities. The Advisory Group will be asked to provide interpretations of data, service gap analysis, and recommendations for effective, equitable alternatives to incarceration through services that are accessible and meaningful to clients and communities. The Advisory Group will be a key part of future comprehensive recommendation development, and SANDAG will detail its project plan for the Advisory Group during the March 15, 2022, return to the Board of Supervisors. The County will

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also include in a future Board report a plan for permanently sustaining a Justice Advisory Group to inform program and policy development, increase public accountability, support program and system evaluation, and identify opportunities to reduce incarceration and recidivism beyond the SANDAG-led work.

**Short-Term Proposal: Enhance Law Enforcement Directed Alternatives to Incarceration**

- Enhance the capability of the sobering services program for persons facing possible misdemeanor charges through the County, San Diego Police Department, and City Attorney's Prosecution and Law Enforcement Assisted Diversion Service (PLEADS) program to serve high acuity individuals, with methamphetamine and poly-substance use.
- Analyze stratified data to determine service level needs, strengthen care transition and connections to services.
- Evaluate the hours of operation of the PLEADS program to determine if expanded hours are needed

PLEADS is an HHSA partnership with San Diego Police Department and the San Diego City Attorney that started in 2019. It is a component of County-contracted sobering services located in midtown San Diego, which has long served as a service alternative to jail for people who are under the influence of alcohol (PC 647(f)), through a combination of City of San Diego and County funding. The central sobering center provides law enforcement a place to take people who are intoxicated in lieu of jail to provide appropriate sobering services and connections to care. PLEADS expanded the criteria for sobering services to include people under the influence of substances other than alcohol (HS 11550(a)) and serving this high acuity population requires additional service capabilities. PLEADS clients are overwhelmingly homeless and often behaviorally challenging because of meth intoxication.

Stakeholders recognize a need to explore expanding sobering center sites in other parts of the county and including resources to care for individuals on methamphetamine and other substances.

In Fiscal Year 2020-21, law enforcement diverted individuals under the influence of alcohol 1,256 times to the central sobering services, which operates 24-hours a day; San Diego conducted 814 diversions through the PLEADS program, which currently operates from 10 a.m. to 7 p.m., seven days a week.

Some sobering center clients are taken to the services by police repeatedly; for example, in early January 2022, 105 individuals had been taken to the sobering services for being under the influence of alcohol more than four times in the past 30 days. Through criteria agreed upon by the San Diego Police Department and City Attorney, both the PC 647(f) population and the HS 11550(a) population may only be directed to the sobering center a maximum number of times each month, and these episodes can result in custody and prosecution for people who are offered services over and over following the same charges. Repeat PC 647(f) cases may receive sentences that include

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required substance use disorder treatment and housing through the County's Serial Inebriate Program in lieu of custody, and individuals in the PLEADS program may receive similar sentences that include an opportunity to avoid jail and receive needed treatment in the County's system of care.

Additional care transition services for high needs clients at sobering centers may increase early engagement in treatment and services and break the cycle of repeated arrest on low-level intoxication charges. The sobering services program currently refers individuals to needed services; however, adding care transition support will help these individuals get from the sobering center to a safe location and help them to access a care coordinator who can provide ongoing support and build trust to increase client engagement in treatment, housing, and other supports.

Stakeholders recognize that many of the populations the County has identified as needing care coordination and supportive services may be eligible for similar services included in Department of Health Care Services-led Medi-Cal reform being implemented over the next five years. This reform effort, called California Advancing and Innovating Medi-Cal (CalAIM), includes funding for Enhanced Case Management and community supports, such as housing supports, to certain high need beneficiaries, such as those who have serious behavioral health needs or are homeless. Managed Care Plans are charged with implementing these benefits for qualifying members. The County's goal is to ensure that local, state, and federal funding sources are combined to support sustainable and effective services that reach all vulnerable San Diego County residents who need them and are entitled to them under the Affordable Care Act.

### **Mid-Term Proposals**

- Design and develop regional sobering centers with care transition services, beginning in the East County, to expand options for law enforcement drop offs to address service needs and provide alternatives to incarceration.
- Continue to explore community-based Crisis Stabilization Units including further integration of substance use stabilization and care transition services.

The San Diego Police Department provides law enforcement in the region's most populated city, and a first focus on central services will immediately benefit half the region's population and support lower jail populations. The City of Oceanside, with support from HHSA, opened a sobering service location in 2020.

In the mid and long term, the County could design and develop additional services for persons with misdemeanor PC 647(f) and HS 11150(a) offenses by adding sobering services in other regions for law enforcement drop off, with care transitions to services and support.

The Public Safety Group is analyzing funding options and working collaboratively with HHSA on siting options for these new services, with a focus first on the East County. Service design work will continue with stakeholders to develop these proposals. The Sheriff's Department has affirmed



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it will evaluate individuals with appropriate charges and eligibility for sobering services with care transition services if available in their jurisdiction, which includes areas in the East County. The County will conduct outreach to additional law enforcement agencies in East County and additional regions to build support for these service options and will conduct outreach to communities regarding the design and location of these services. The work will include evaluating options to integrate substance use and mental health services in current and future crisis stabilization units (CSUs). Sobering services may also be an available community support for eligible beneficiaries through the state's CAL AIM waiver.

- Evaluate potential pre-booking reviews and connections to services and support for persons charged with nonviolent misdemeanor offenses

Stakeholders have agreed to review whether some individuals brought to jail on non-violent low-level charges could be appropriately redirected from jail, based on required evaluations of safety and other criteria under discussion. Stakeholders will continue to evaluate the populations and charges, the legal requirements and processes, and the community resources/services that could support redirecting individuals to supportive services to address their needs and challenges and their ability to remain out of custody.

- Develop data integration capabilities of the Health and Human Services Agency and the Sheriff's jail systems to facilitate client care

The Health and Human Services Agency will continue the efforts currently in progress with the Sheriff's Department to integrate health data for persons in custody. Support for coordinating care occurring within Sheriff facilities and in the community will support positive client outcomes.

Additionally, to seek resources for services to individuals in the justice system, staff will present to the Board on an upcoming agenda a request to apply for funding through the Board of State and Community Corrections for the Proposition 47 Grant Program, Cohort 3. The Proposition 47 Grant Program offers a competitive grant opportunity to public agencies to provide mental health services, substance use disorder treatment and/or diversion approaches for those in the criminal justice system. Staff will consult with the Proposition 47 Local Advisory Committee and with the Advisory Group described in this action to develop the project proposal.

Today's request is to receive a Preliminary Report on Data-Driven Alternatives to Incarceration, including the service recommendations developed by stakeholders, and to approve referring funding requests to support the recommendations to the Fiscal Year 2022-24 CAO Recommended Operational Plan. Future reports to the Board will include updates on implementation of these proposals and additional recommendations developed through stakeholder engagement and data and fiscal analysis.

As previously directed On October 19, 2021 (3), the Public Safety Group will work with an independent consultant to conduct comprehensive data, fiscal and service analysis and ongoing

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stakeholder engagement, and report to the Board at least twice during 2022 and once in early 2023 with reports and recommendations to provide alternatives to incarceration and safely support lower jail populations. Additionally, the contracted provider, SANDAG, will report to the Board with analysis and recommendations according to schedule directed by the Board.

**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 2022-2027 Strategic Plan, by providing access to health services to support reducing disparities in the justice system and to safely support alternatives to incarceration.

Respectfully submitted,



HELEN N. ROBBINS-MEYER  
Chief Administrative Officer

**ATTACHMENT(S)**

N/A