



COUNTY OF SAN DIEGO

AGENDA ITEM

BOARD OF SUPERVISORS

NORA VARGAS
First District

JOEL ANDERSON
Second District

TERRA LAWSON-REMER
Third District

NATHAN FLETCHER
Fourth District

JIM DESMOND
Fifth District

DATE: May 24, 2022

22

TO: Board of Supervisors

SUBJECT

INITIAL INTERIM REPORT AND RECOMMENDATIONS ON DATA-DRIVEN APPROACHES TO PUBLIC SAFETY, TREATMENT AND SERVICE EXPANSIONS, AND ADVANCING EQUITY THROUGH ALTERNATIVES TO INCARCERATION, AND AMEND PRE-TRIAL FELONY MENTAL HEALTH DIVERSION PROGRAM AGREEMENT WITH DEPARTMENT OF STATE HOSPITALS TO INCLUDE ADDITIONAL GRANT FUNDS (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 Board directed development of comprehensive policy and service recommendations based on data-driven analysis of jail population reductions realized during the COVID-19 public health emergency, policy research, and stakeholder input. Board direction also included analysis of public safety outcomes, fiscal analysis and recommendations for short, mid, and long-term actions to reduce San Diego County jail populations safely and permanently and identified actions to be led by the County Chief Administrative Office (CAO) and actions to be conducted by an independent contracted consultant.

On February 8, 2022 (11), the Board received a Preliminary Report on Data-Driven Alternatives to Incarceration and approved referring the proposals for enhancing the capabilities of sobering services in the Central region to serve higher acuity clients and provide additional care transition services for high needs clients at sobering services to the Fiscal Years 2022-24 CAO Recommended Operational Plan.

Today's request includes receiving the San Diego Association of Governments (SANDAG) Data-Driven Approach to Public Safety Alternatives to Incarceration Initial Interim Report, which includes details and analysis on community engagement for the project; primary pandemic-related policy drivers of reduced incarceration; San Diego County regional crime statistics; changes in San Diego County jail population 2018-2021, needs of justice-involved individuals, community services received by local custody populations; and next steps. In addition, today's request includes

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receiving a presentation on the report and a review of local community-based services supporting alternatives to incarceration.

SANDAG's initial interim report includes analysis of mental health-related data that shows a disproportion of people with mental health needs in custody persisted, even as jail populations were reduced during the pandemic. Today's item includes a request to amend and extend a contract with the California Department of State Hospitals for its mental health diversion program to increase the funding amount by \$852,000 from \$3,328,000 and extend the contract end date by one year to June 30, 2024, thereby increasing the capacity of the County's Behavioral Health Court Diversion program by 20 percent, to serve a new population of clients found incompetent to stand trial, whose criminal behavior is due to untreated mental illness, and who can be safely and effectively supported with community treatment.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Receive SANDAG's Initial Interim Report on Data-Driven Alternatives to Incarceration.
2. Receive a presentation from SANDAG.
3. Authorize the Deputy Chief Administrative Officer (DCAO), Public Safety Group, to amend the contract with the Department of State Hospitals (DSH) to increase the grant amount by \$852,000 and extend the contract term by one year for a total contract amount of \$4,180,000 for the term period of, July 15, 2020 thru June 30, 2024, for a Pre-Trial Felony Mental Health Diversion Program and to execute all required contract documents, including any extensions, amendments or revisions thereto, that do not materially impact either the program or funding level.
4. Waive Board Policy B-29, Fees, Grants, Revenue Contracts – Department Responsibility for Cost Recovery, which requires docketing revenue contracts at least 60 days prior to effective date of the contract.

EQUITY IMPACT STATEMENT

Nationally, arrest and incarceration disproportionately impact 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. Reports on homeless and jail populations reflect similar disproportionality. 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. 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.

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Throughout this project, community stakeholders will be engaged in the review of data and outcome measures to provide diverse perspectives and inform ongoing implementation.

FISCAL IMPACT

There is no current year fiscal impact associated with today's request related to Data-Driven Alternatives to Incarceration. 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 future recommendations.

If approved, today's request related to the contract with the Department of State Hospitals will result in total costs and revenue of \$852,000 and will extend the contract by one more year through June 30, 2024. The funding source is an allocation from the Department of State Hospitals. The additional funds will increase the total agreement amount from \$3,328,000 to \$4,180,000. Appropriations will be included in future year operational plans. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

N/A

ADVISORY BOARD STATEMENT

The Advisory Group held its first public meeting on April 12, 2022. During the meeting, the committee members provided ideas for engaging community members who do not have access to the internet, discussed the data presented in SANDAG's initial interim report, and reviewed and provided feedback on a draft community survey.

BACKGROUND

As directed by the Board of Supervisors on October 19, 2021 (3), the County 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) Eight public agency stakeholder discussion meetings since February 2022, to review and discuss the data collected by SANDAG and service recommendations.
- 2) SANDAG created the Alternatives to Incarceration Advisory Group (Advisory Group).
- 3) The Advisory Group members held their first public meeting.
- 4) SANDAG, with input from the stakeholders and Advisory Group, created a community survey that is currently being circulated throughout the county.

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- 5) SANDAG completed an initial data review of jail populations and policies, types of crime, duration in custody, needs of justice-involved individuals and services received by justice-involved individuals.

Alternatives to Incarceration Advisory Group

On February 24, 2022, SANDAG released an application for membership on the Alternatives to Incarceration Advisory Group (Advisory Group). The application was available in English, Spanish and other languages, if requested, posted on the SANDAG website, and distributed through their social media and mailing lists. The application was also distributed amongst the San Diego Re-Entry Roundtable, Prop 47 Local Advisory Committee, the County's Alternatives to Incarceration Working Group of public agency stakeholders, San Diego County's digital news announcements and other mailing lists and contacts held by the various stakeholders and board offices. The application deadline to apply was March 15, 2022, and a total of 88 individuals applied. A selection committee comprised of two SANDAG staff and five community members with diverse backgrounds reviewed the 88 applications and chose 14 individuals to serve on the Advisory Group. Additional information regarding the selection committee and brief resumes of the Advisory Group members can be found in Attachment A to this Board Letter.

Advisory Group First Meeting

The Advisory Group held its first public meeting on April 12, 2022. The meeting was recorded and is available on the SANDAG website. During the meeting, the committee introduced themselves, provided ideas for engaging community members who do not have access to the internet, discussed the data presented in SANDAG's initial interim report, and reviewed and provided feedback on a draft community survey. The feedback included recommendations to contact parole/probation and public defender offices; and advertise in local newspapers; distribute it to men and women currently in custody, parks and recreation departments, libraries, local colleges, and churches; use language that is sensitive to trauma in the survey; and including additional questions.

Community Survey

The community survey was distributed on May 6, 2022, with a deadline for submission of May 27, 2022. It includes various questions related to the individual's experience and perception of crime and public safety; an individual's experiences during and after incarceration; opinions about the criminal justice system and incarceration; and demographic information about the individual. Both the County's Alternatives to Incarceration Working Group and the SANDAG Alternatives to Incarceration Advisory Group had an opportunity to review the community survey and provide feedback before it was finalized. The survey is attached to this report (Attachment B).

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SANDAG Data Review

Covid-19 policies that affected the jail population

The first project goal was to “Produce a data driven analysis on how the use of jails changed from pre-COVID-19 versus during COVID-19, with a focus on identifying policy interventions that would cost effectively, safely, and permanently reduce the San Diego jail populations.” To address this goal SANDAG staff interviewed public safety stakeholders from the San Diego County Sheriff’s Department, District Attorney’s Office, Public Defender’s Office, the Probation Department and Superior Court to better understand what measures were put into place and that were associated with fewer bookings into local jails, as well as lower average daily populations. Overall, some policies and protocols may have been repeatedly put into place and removed, with the rise and fall of COVID-19 cases. Many policy changes, both formal and informal, were enacted simultaneously making it difficult to understand the effect of one versus another. Examples include:

- **Stay-home orders:** The State of California issued a stay-home order on March 19, 2020. Restrictions and other changes in how people gather and congregate all have effects on the opportunity for crimes to occur.
- **Court closure and modified operations:** The San Diego Superior Court was closed to all operations, except for civil harassment temporary restraining orders, domestic violence temporary restraining orders, and gun violence protective orders, at various times during COVID. In the weeks and months in between and that followed, the Court had reduced capacity as it transitioned to virtual hearings and was only able to process those individuals with the most serious crimes who remained in custody.
- **Early releases from local jails:** In March 2020, local public safety stakeholders (i.e., District Attorney, Public Defender, Sheriff’s Department, Superior Court), began meeting to find ways to significantly reduce the jail population to reduce the risk of COVID-19 outbreaks and protect public and individual health. After local leaders had begun collaborating on the issue, the San Diego Superior Court formally implemented a 60-day accelerated release order which allowed the Sheriff to release anyone up to 60 days before his/her/their release date, assuming there was no objection by the District Attorney, City Attorney, or Public Defender.
- **Zero bail and other bail policy changes:** Criminal justice agencies also partnered on a local emergency bail schedule that was again followed by the state issuing an emergency bail schedule. This bail schedule effectively removed any bail requirement for release for all misdemeanor and felony offenses, including probation violations, except for serious and violent felonies and certain misdemeanors, when public safety was at risk.
- **Changes in who can be booked into jail:** The San Diego County Sheriff’s Department changed its policy regarding local booking acceptance criteria to mitigate COVID-19 related impacts to the San Diego County jail population. Booking acceptance criteria

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continued to be revised throughout 2021 to align with the Detention Services Bureau COVID-19 operating plans.

Policies by local law enforcement agencies in terms of proactive policing and level of contact with the public for all but the most serious or violent crimes varied across jurisdictions and contributed to declines in our jail population. Since formal and informal policy changes were often made simultaneously, the ability to detangle the relative effect of one versus another is challenging.

Changes to the Demographics of Jail Population

SANDAG looked at how the jail populations changed between January 1, 2018, and December 31, 2021, in terms of highest booking charge, charge type, demographic characteristics, geographically, and assessed need. The results of the initial data collection showed that during COVID, the monthly mean number of bookings was 3,826 compared to 6,644 pre-COVID. The highest booking charge or most serious also changed over time. With these significantly lower booking numbers, caused in part by the change in booking criteria, a greater proportion were booked for a felony versus a misdemeanor. The most common charges for which people were booked also changed during COVID. SANDAG analyzed the top 20 charges pre-COVID and during COVID. The most frequent booking charge both pre and during COVID was Penal Code section 647(f), drunk in public. The charge with the greatest change pre-COVID and during was Health and Safety Code section 11377, possession of a non-narcotic, as it decreased from 12% to 2%. Of the 20 charges SANDAG reviewed, 8 of these charges were directly related to alcohol/drugs. Overall, the number of bookings during COVID decreased by 42%.

SANDAG also looked at the demographics of people booked into jail. Slightly fewer females and slightly more males were booked during the pandemic, compared to pre-pandemic; the average age decreased very slightly but still hovered around age 36; and during COVID a greater percentage of non-white individuals were booked into jail as opposed to pre-COVID.

Efforts to determine geographical information and map arrest locations pre-COVID and during COVID were not successful because of limitation in the data sets SANDAG reviewed. SANDAG will make efforts to analyze this information using an alternate database with a more robust geographic set of indicators for arrest location. SANDAG did provide an overview of the arrests by agency pre-COVID and during. Carlsbad, Chula Vista, El Cajon, and Escondido agencies slightly increased their booking percentages during COVID, while La Mesa, San Diego, Probation and the Sheriff all slightly decreased their number of bookings, with San Diego Police Department and San Diego County Sheriff Department representing 59% of booking prior to the pandemic and 56% during COVID.

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Crime Trends and Length of Detention

Four violent crimes are tracked as part of Uniform Crime Reporting (UCR) - homicides, rapes, robberies, and aggravated assaults. The region's violent crime rate per 1,000 population has varied over time. Pre-pandemic the violent crime rate was 3.41 and it increased in both 2020 (3.45) and 2021 (3.74), with an increase in aggravated assaults and homicides each year driving the increase. However, robberies declined in 2020 and then again in 2021; rapes declined in 2020 and then increased in 2021, while remaining lower than in 2019.

Three property crimes are tracked as part of UCR—burglaries (residential and non-residential), larcenies, and motor vehicle thefts. The region's property crime rate per 1,000 population was at 16.53 in 2019, representing four years of consecutive decline. It decreased again in 2020 and then increased to 16.14 in 2021. Of all UCR crime reported to local law enforcement in 2021, 81% was property crime. The monthly average of residential burglaries and larcenies decreased in 2020 and 2021 compared to 2019. However, the monthly average of non-residential burglaries and motor vehicle thefts increased.

SANDAG analyzed the length of stay for unique bookings based on the highest or most serious charge listed on the booking to capture how long individuals remained in jail for their most serious charge. The mean length of stay in days by booking charge type was higher pre-COVID, than during. The booking charge types analyzed were violent, drug, property, weapons, and other. Further, a greater percentage of people spent less than one full day in detention during COVID (29%), compared to pre-COVID (23%). When reviewing the mean length of stay during COVID, age group, gender, and race/ethnicity, were all categories that saw a decrease in time spent in jail.

Needs of Population

The last part of this research question pertained to the needs of the individuals booked into local jails in terms of housing status, substance use and mental health both pre-COVID and during COVID. Unfortunately, the data were not reliably available because they could not be shared due to legal client protections of health-related information or because they were not captured in any of the data systems. SANDAG looked to other data that speaks to these needs and will continue to examine the availability of other sources of information.

Mental Health

SANDAG initially collected mental health data of this population by reviewing data the Sheriff's Department submits to the Board of State and Community Corrections (BSCC) related to mental health needs of those in custody. Of note, these data count individual mental health cases and do not necessarily reflect the percent of the jail population that was documented as having a mental health need or receiving a mental health service. The monthly average of mental health cases open on the last day of the month pre-COVID was 2,594, while 2,334 was the average during COVID. The monthly average number of new mental health cases opened during the month pre-COVID

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was 1,234. During COVID, this number decreased to 1,147. The monthly average number of incarcerated persons receiving psychotropic medication on the last day of each month pre-COVID was 1,402 incarcerated persons and during COVID the monthly average was slightly higher, at 1,414 incarcerated persons. And lastly, SANDAG looked at the results of the number of incarcerated persons assigned to a mental health bed on the last day of each month pre-COVID, during which the monthly average was 38 and during COVID it decreased to an average of 33. This information reflected the data from January 2019 to September 2021.

SANDAG also relied on data from its annual Substance Abuse Monitoring (SAM) report based on interviews from individuals booked into local detention facilities. The results of the 2020 survey showed 31% of those interviewed reported they had ever stayed overnight at a mental health facility at some point and 35% had had a mental health diagnosis. There was no significant difference in either measure by level, felony, or misdemeanor but there was by type of charge for ever having an overnight stay in a mental health facility. Those with a drug offense as their highest charge were least likely to report this having occurred and those with a violent offense were most likely to say they had stayed overnight at a mental health facility. There was also no significant difference by the individual's race/ethnicity for either mental health indicator.

Substance Use

SANDAG also reviewed data from the SAM project regarding substance use, and results showed that a majority of both adult male and female arrestees booked into jail tested positive for at least one drug. Eighty-two percent of adult males booked tested positive in 2020 which was an increase from 2019 (79%). Adult females booked into jail and testing positive had decreased from 2019, going from 82% to 67% in 2020. The most common drug for both men and women to test positive for is methamphetamine. There is no significant difference in the percent of arrestees positive for any drug as it relates to level or type of highest booking charge. Lastly, there was no significant difference in drug use by an individual's race/ethnicity.

Housing

The SAM project also looked at housing instability among the incarcerated. In 2020, 70% of those interviewed stated at some point they had been homeless and 31% said they had been homeless in the 30 days prior to their arrest. There were no statistically significant differences by booking charge level or race/ethnicity. However, those booked with the highest charge being for a drug offense were the least likely to report ever being homeless and being homeless recently, and those booked with the most serious offense being one of a property crime were the most likely.

Services Received by Justice Involved Population

Data was analyzed from 2018 to present and involved identifying an individual's first booking during that time period and analyzing data from Behavioral Health Services that included documentation of receiving mental health or substance use treatment. According to the data, the

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majority of people booked into jail pre-COVID (87%) and during COVID (79%) had not received county funded treatment in the 18 months prior to their first booking during the time period of 1/1/2018-12/31/21. Overall, only 11% of those booked pre-COVID and 16% during had received mental health treatment in the 18 months prior to their booking. Further, only 3% of those booked pre-COVID and 8% during had received substance use treatment in the 18 months prior to their booking. Those who received treatment were more likely to have more than one booking both pre-COVID and during COVID. It is important to note that actual need, completion of treatment or fidelity of treatment were not part of the analyses.

Updates on Sobering Centers and Crisis Stabilization Units (CSU) as Alternatives to Incarceration

SANDAG's findings in its interim report that the most frequent booking charges are related to public intoxication and the intersection between substance use, mental health and custody populations, support the County's efforts to enhance sobering services and CSUs across the region. On February 8, 2022 (11), the Board authorized the CAO to enhance the capabilities of sobering services in the Central region to serve additional high acuity clients, support successful care transitions, and refer funding for the Fiscal Years 2022-24 CAO Recommended Operational Plan. The CAO Recommended Operational Plan for FY 22-23 includes funding for increasing capacity for higher acuity clients at the Central Sobering Center. To ensure a data-driven approach is taken to understand the community need for sobering services throughout the region, data will be gathered and analyzed to inform service capacity and design, including the hours of operation. This will include both utilization and outcome data from the contracted program in the Central Region and cross-sector regional data analysis by SANDAG.

The Board action also authorized the CAO to explore further integration of substance use and mental health services, including evaluating the co-location of sobering services adjacent to current and future CSUs. BHS is working with the Department of General Services on planning efforts around a new CSU on County-owned property in the East Region, which will include evaluating the feasibility of co-locating sobering services. Sobering services would not only serve those who required alcohol sobering, but also those under the influence of methamphetamine or other drugs increasing the ability to serve clients across acuity levels. Care transitions would be enhanced to include a hand-off to the next service provider based on the client's need. The services at both sobering services and CSUs will also ensure care coordination for the new services from Managed Care Plans under CalAIM such as enhanced case management and other community supports

Additionally, in April 2022, the Oceanside community-based CSU opened to the public to provide comprehensive behavioral health care by an interdisciplinary team, including assessments, medication management, stabilization services and connections to community-based care. The CSU operates 12 recliners and provides services 24-hours, 7-days a week, to individuals who are experiencing a behavioral health crisis.

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Update on Reentry Service as an Alternative to Incarceration

On April 5, 2022 (2), the Board authorized the Chief Administrative Officer to apply for up to \$6,000,000 in Proposition 47 Grant Program funds to provide persons leaving custody with community care coordination services, including reentry planning, peer-led care coordination, system navigation, housing, and employment services. The grant application, submitted in early May, reflects the input of a Local Advisory Committee comprised of a cross section of key community and criminal justice stakeholders, including individuals with lived criminal justice experience, a community leader in education focusing on reentry needs, a community leader representing the San Diego Re-Entry Roundtable, the Health and Human Services Agency, law enforcement, prosecutors, public defenders, the County's Office of Equity and Racial Justice, and the Public Safety Group (PSG) Executive Office. The target population is anyone arrested for, charged with, or convicted of a criminal offense with a history of mental health or substance use disorder and the services to be provided must be substance use disorder treatment, mental health treatment or diversion programs, or a combination of these. Priority will be given to projects that also provide housing related support and other community-based support. The Prop 47 Local Advisory Committee (LAC) that convened for Cohort 1 of Prop 47 grant funding also convened three different times to provide feedback to the proposed project design. The group agreed to focus services on the re-entry population and expand on the framework of the Community Care Coordination (C3) program. Grants will be awarded by July, 2022.

Update on Behavioral Health Court as an Alternative to Incarceration

SANDAG's interim report includes initial analysis of behavioral health-related data that shows a disproportion of people with mental health needs in custody persisted, even as jail populations were reduced during the pandemic. Comprehensive data analysis of mid and long-range policy and service recommendations are being developed on a timeline previously directed by the Board; at the same time, County justice and health partners embrace the project's goal of creating offramps from the justice system and alternatives to custody for vulnerable populations, including those struggling with behavioral health conditions and homelessness, who do not pose a public safety threat. This is reflected in the Fiscal Years 2022-24 CAO Recommended Operational Plan budgets for PSG and Health and Human Services Agency (HHS) for services such as the expansion of Mobile Crisis Response Teams and the Collaborative Courts including Behavioral Health Court.

Today's item includes a request that would add capacity for a new population to the County's successful Behavioral Health Court (BHC) program. BHC provides a community-based setting for people with mental illness in the justice system who need a high level of care, extended and intensive treatment and supervision, and housing supports. The BHC team includes the District Attorney, Public Defender, Court, Probation and an HHS contracted treatment provider who partner in a multi-disciplinary collaborative court team to monitor the progress and needs of participants in the 18 to 24-month program. The program has two tracks, BHC Probation, which is post-plea program that started in 2009, and BHC Diversion, which applies the state's felony

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mental health diversion law to suspend and potentially resolve criminal proceedings with community-based treatment instead. Both tracks are programmatically identical and supported by the same collaborative court team, with the diversion program added in 2020 with Department of State Hospitals funding and guidelines.

Today's item would authorize the County's Deputy Chief Administrative Officer, Public Safety Group, to amend the County's current contract with the Department of State Hospitals (DSH) to increase the funding amount by \$852,000 from \$3,328,000, for a total contract amount of \$4,180,000, and extend the contract term by one year, with a new end date of June 30, 2024. The contract start date is set for July 15, 2022, and authority to execute the original contract was approved by the Board July 7, 2020 (2). The contract amendment would accept funding to increase County's Behavioral Health Court Diversion program size from 30 slots to 36. The six additional slots would be for a new population, individuals found incompetent to stand trial, whose criminal charges are related to untreated mental illness, and who can be safely treated in the community. Current diversion program participants are at-risk to be found incompetent to stand trial on current or future charges because of their serious mental illness but are currently competent.

Funding for the initial contract was included in the State's Fiscal Year 2018-2019 budget, with the Department of State Hospitals (DSH) Felony Mental Health Diversion program created in trailer bill language adopted as Welfare and Institutions Code 4361. The original funding was for county diversion programs that served clients incompetent or at risk of being found incompetent, with diagnoses of schizophrenia, schizoaffective disorder and bi-polar disorder.

The DSH program goals include supporting county community-based treatment and mental health diversion programs as a strategy to reduce the number of people transferred from counties to DSH for competency restoration, reduce time people spent on the waiting list in custody to be transferred to the state hospital, and produce better outcomes for a population that is disproportionately homeless, disconnected from services and treatment, and suffering from acute symptoms of mental illness.

County justice and health partners implementing BHC Diversion have found that individuals with serious mental health diagnoses and felony charges who are carefully assessed for program eligibility and appropriately treated and monitored by the Court and Probation can be safely diverted through Behavioral Health Court under (PC)1001.36, the State's mental health diversion law, in effect since 2018. The law allows a judge to approve mental health treatment in the community instead of criminal prosecution when a defendant's charges are significantly related to a mental illness, and the individual can be effectively treated in a community setting without posing an unreasonable risk of committing certain violent felonies. Upon successful treatment completion, the case is dismissed.

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Participants will be identified and agreed upon by the Behavioral Health Court collaborative team including the judge, and staff from the District Attorney, Public Defender, Probation Department and the HHSA-contracted clinical provider. Partners will apply learning from the project to future local strategies for the incompetent to stand trial population and populations with mental illness who touch the justice system. Today's request would also waive Board Policy B-29, Fees, Grants, Revenue Contracts – Department Responsibility for Cost Recovery, which requires docketing revenue contracts at least 60 days before the effective date of the contract. The full state funding for the 36-slot diversion program is available for two years through June 30, 2024, under the attached contract with DSH. In the interest of meeting the program goals and taking steps to expand the diversion program and eligibility criteria to include individuals who are incompetent to stand trial without delay, today's request seeks authority to execute the contract amendment immediately.

In a related item, on December 7, 2021 (1), the Board of Supervisors directed the Chief Administrative Officer to explore the feasibility of expanding the San Diego County BHC Probation program, prompted by the successful program reaching capacity at several points pre-pandemic and approaching capacity again in fall 2021. PSG working with justice partners and HHSA to review program costs, benefits, and size, plan to increase the capacity of the Behavioral Health Court Probation program from 60 to 75 participants and \$500,000 is included in the Fiscal Years 2022-24 CAO Recommended Operational Plan for HHSA. Based on historical and current trends, this increased capacity is expected to accommodate referrals into the program from the justice system through at least Fiscal Year 2022-23.

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,

A handwritten signature in blue ink, appearing to read "Helen N. Robbins-Meyer", with the word "FOR" written in blue ink below it.

HELEN N. ROBBINS-MEYER
Chief Administrative Officer

ATTACHMENT(S)

Attachment A: Data-Driven Approach to Protecting Public Safety, Improving and Expanding Rehabilitative Treatment and Services, and Advancing Equity Through Alternatives to Incarceration - Initial Interim Report, SANDAG

SUBJECT: INITIAL INTERIM REPORT AND RECOMMENDATIONS ON DATA-DRIVEN APPROACHES TO PUBLIC SAFETY, TREATMENT AND SERVICE EXPANSIONS, AND ADVANCING EQUITY THROUGH ALTERNATIVES TO INCARCERATION, AND AMEND PRE-TRIAL FELONY MENTAL HEALTH DIVERSION PROGRAM AGREEMENT WITH DEPARTMENT OF STATE HOSPITALS TO INCLUDE ADDITIONAL GRANT FUNDS (DISTRICTS: ALL)

Attachment B: Community Survey

Attachment C: Amended Contract with the Department of State Hospitals for a Felony Pre-Trial Diversion Program