



REIMAGINE ADULT JUSTICE

Changing Lives....

One At A Time

**Wendy Still, MAS
Project Manager**

September 2023



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*“Alameda County....Striving for impartial deliberation,
compassionate leadership and justice for humanity”*



Message from the Reimagine Adult Justice Project Manager

I am pleased to present to the Alameda County Board of Supervisors (BOS) the final report on the Reimagine Adult Justice (RAJ) initiative consisting of 12 interrelated elements that will be explored in more detail throughout the pages of this report. For the past 24 months, I have been fortunate to have collaborated closely with countless individuals from Alameda County, county and state departments and agencies, our justice partners, the community, advocacy groups, local and national leaders, researchers and experts, academia, practitioners and many others. Our common goal was to utilize the wisdom of our partners and the public, and the knowledge we gained through this process to positively impact the justice-involved population, their families and our communities.

Through our work we formed standing committees, reviewed the operations of various departments and agencies, read and analyzed countless documents and data, created data-sharing agreements, engaged in comprehensive analysis, spent time researching a variety of topic areas, engaged the public in our discussions, and listened and deliberated significant public policy issues. We focused on exploring creative ways by which to safely divert individuals away from the justice system through thoughtful and meaningful alternatives, and on enhancing and aligning our existing service delivery model in an effort to reduce recidivism. We worked collaboratively to serve as agents of change in an environment where Alameda County continues to lead the state in its commitment to progressive strategies, bold ideas and safe alternatives to incarceration.

This experience allowed us to learn more about the complexity of the system in which we operate than we ever thought possible. Fortunately, all members of the various committees advocated for matters they felt strongly about, but also demonstrated the willingness to compromise to advance the overall mission of the county and the RAJ initiative. The culmination of this intense journey is demonstrated by our findings and the recommendations strewn throughout the pages of this report.

In closing, I would like to extend my gratitude to the many partners who contributed to this report, and equally thankful to the BOS for the opportunity to continue advancing this work for Alameda County. I would especially like to recognize the late Supervisor Richard Valle, District 2, BOS, for his vision and for the foresight to pursue a long-term strategy for justice reimaged through the RAJ.

Respectfully,



Wendy Still, MAS
Project Manager
Reimagine Adult Justice



In Memoriam

Your life was a blessing and your memory as a visionary and a compassionate human being will forever be a treasure for the residents of Alameda County.



Richard Valle

**Former Alameda County
Board of Supervisor
District 2**



Executive Summary

Background

Alameda County is at the forefront of implementing progressive criminal justice reforms that reduce crime and victimization through policies and practices that rely less on incarceration, and more on a strength-based service delivery model proven to reduce both victimization and recidivism. The purpose of these reforms is to disrupt the revolving doors of the criminal justice system by identifying and diverting individuals to evidence-based treatment and supports in the community; in particular, those with serious mental, substance use and/or co-occurring disorders. In the absence of this option, the goal has been to strengthen the in-custody, re-entry and continuum of care model by leveraging local, state and federal resources, and refining and streamlining existing County systems.

In recognition of this fact, in July 2021, the late Supervisor Richard Valle, District 2, BOS, introduced the RAJ initiative after receiving referrals from the BOS to examine alternatives to incarceration.¹ Supervisor Valle subsequently issued a follow up memorandum in September 2021, in which he clarified this initiative and expectations surrounding the 12 elements associated with this 18-to-24 month initiative.²

#	12 Reimagine Adult Justice Elements
1	How does the new model address and achieve reductions of racial disparities in the Alameda County justice system?
2	What are the arrest rates in each police jurisdiction in Alameda County?
3	What new health and funding related opportunities exist to transform Alameda County's justice model?
4	How can the Sheriff's Oversight Body and/or an Office of the Inspector General be designed into the new RAJ model?
5	How can the pretrial program be permanently established and expanded to reduce the jail population. An assessment of Alameda County's pre-trial hold rate should be conducted as a part of this analysis.
6	What is the actual cost impact to Alameda County of the contract to house federal inmates?
7	Should Alameda County's federal contract at Santa Rita Jail be terminated?
8	What opportunities exist to reduce the Alameda County Jail populations and costs?

¹ Alameda County Board of Supervisor Richard Valle, District 2, memorandum dated July 14, 2021, Reimagine Adult Justice

² Alameda County Board of Supervisor Richard Valle, District 2, memorandum dated September 27, 2021, Reimagine Adult Justice



#	12 Reimagine Adult Justice Elements
9	What information does the existing jail population analysis provide to assist in this RAJ effort?
10	Can investments in RAJ efforts mitigate or eliminate the need to increase jail staffing and jail capital expenditures? How does the current jail litigation impact the alternatives?
11	What jail data is currently available that can assist in this project's analysis of alternatives and existing populations. An analysis of the jail data should be conducted to determine its sufficiency.
12	What are the outcomes of the programs in the jail? Can additional investments in jail programming and re-entry result in decreased costs?

The objective of the 12 elements of RAJ was to:

- Examine and enhance the operation and impact of jail operations and inmate programs, to include re-entry services, continuum of care services, etc., and analyze federal inmate occupancy feasibility,
- Explore diversion and investment options for preventative services,
- Leverage state and federal funding opportunities to enhance physical and mental health services,
- Refine and streamline existing county systems serving the justice-involved population and their families, to include physical and mental health, social services, probation and in-custody programs, community-based services, etc.
- Reduce racial and ethnic disparities, and
- Examine and provide a recommendation whether a Sheriff's Oversight Body and/or Office of the Inspector General should be established within Alameda County.

By exploring strategies to address inequities and ineffective practices through the RAJ initiative, the many partners associated with this initiative applied a close lens to existing systems, assessed the relationship to each other, and worked towards aligning processes and programs. Additionally, through their collective leadership, the team leveraged resources and began the process of modifying the justice-involved service-delivery model to improve its ability to affect behavioral change, reduce the risk to reoffend and enhance public safety through a coordinated county wide response.

The diversion of individuals from the criminal justice system altogether was also a critical component in that the partners fully recognized that to help individuals avoid the criminal justice system, they were helping them succeed more effectively by eliminating the consequences associated with a criminal record, while conserving the county's scarce resources.



Establishment of the Public Protection, Justice & Health Collaborative

To further support the RAJ initiative, on January 3, 2022, Supervisor Richard Valle, hosted a meeting with the County justice and health partners in which he spoke to the need to align specific existing county initiatives, sanctioned by the BOS, to enhance the impact of services and programs for the adult justice-involved population, maximize resources, integrate systems, and eliminate duplication of effort.

The overarching goal was to:

- reduce the cycle of incarceration, racial disparities and victimization and
- improve outcomes by providing the justice-involved population with opportunities for success.

In response, the Public Protection, Justice & Health Collaborative (PPJHC) was formed, consisting of four original members.

In March 2023, the membership of the PPJHC was expanded to include three additional partners in recognition of the fact that the implementation phase of RAJ (Phase 2) would entail more extensive collaboration and impact the strategic direction and operation of several other departments/agencies.

Currently, the members of the PPJHC consist of the following individuals:

Yesenia Sanchez Justin Miguel Oscar Perez	Sheriff-Coroner Captain (Designee) Captain (Designee)		Alameda County Sheriff's Office
Marcus Dawal	Chief Probation Officer		Alameda County Probation Department
Colleen Chawla Dr. Kathleen Clanon	Agency Director Agency Medical Director (Designee)		Alameda County Health Care Services Agency
Colleen Chawla Dr. Karyn Tribble	Agency Director Director (Designee)		Alameda County Behavioral Health Care Services
Andrea Ford	Agency Director		Alameda County Social Services Agency
Matthew Woodruff Scott Coffin	Chief Executive Officer Former CEO (Designee)		Alameda Alliance for Health
Wendy Still, MAS	Reimagine Adult Justice Project Manager		Alameda County Board of Supervisors, District 2



To further support this effort, standing committees were formed to:

- To elaborate, consolidate, and build on the consensus of the PPJHC executive body, and
- To facilitate coordination and explore the resolution of issues and enhancement of systems among the various segments.

Through a shared commitment to common goals, these working groups spent significant time deliberating and focusing on clarifying issues, helping each other to understand how the various systems impact and interrelate with each other, formulating strategies to address immediate and long-term matters to improve the overall service delivery model, leveraging resources, and developing action plans to address systematic issues. Additionally, most members oftentimes participated in multiple working groups established through RAJ and/or the PPJHC, to include state-level working groups.

Committees included partners from county departments and agencies, as well as community-based organizations with each focusing on overlapping topics, to include CalAIM, Providing Access and Transforming Health (PATH) initiative 1, 2 and 3, data, and Sheriff's oversight.



Stronger and more effective...together



Findings & Recommendations

The recommendations provided are based upon the numerous activities, collaboration and research conducted over the past 24 months, to include a point in time analysis of existing data and systems, and considerations related to fiscal resources. Consideration was also given to potential tangible and intangible cost implications to the residents of Alameda County in the absence of systemic change.

NOTE: It should be noted that, for brevity, this section only includes high-level recommendation for each of the 12 elements of RAJ. More detail can be found in the recommendations section of the main body of this report.

RAJ Elements 1 through 12

1. Establish a RAJ Project Manager to Lead the Planning and Implementation of the RAJ Initiative and CalAIM for Justice-Involved Residents
2. Direct the PPJHC Executive Body to Continue the Implementation of the RAJ Initiative
3. Mandate the Development of a Long-Term Strategic Plan to Facilitate Continuous Process Improvements
4. Develop Interdepartmental Data Sharing Solutions
5. Support the Sheriff's Strategic (Transition) Plan

Racial & Ethnic Disparities (RED) RAJ Element 1

6. Direct the PPJHC to Establish a RED Subcommittee to Collaborate, *Where Appropriate*, with the Ad Hoc Committee and Reparations Commission to Address RED Issues, and to ensure Alignment with Overarching County RED Strategies
7. Expand the Role of the Existing Director of Diversity, Equity and Inclusion to Include Acting as Coordinator for the PPJHC RED Subcommittee
8. Develop and Execute a Long-Term RED Strategy
9. Establish or Collaborate with Existing Working Groups to Address Issues Related to RED
10. Continue Utilizing the Expertise of Researcher/Consultant Wendy Ware to Inform the Resolution of RED Issues Through the Continued Analysis of Trends Related to the Santa Rita Jail
11. Provide RED Training to Stakeholders along the Adult and Juvenile Justice Continuum
12. Create and Implement Continuous Monitoring Systems
13. In Collaboration with the Ad Hoc Committee and Reparations Commission, Develop an Ongoing Communication Plan to Reinforce Expectations
14. Integrate the ACSO's Strategic Objective Related to Racial Justice into the



Overarching County Strategy

CalAIM, RAJ Elements 3 & 10

15. Include the California Department of Corrections and Rehabilitation, State Hospitals, and City Jails in the Planning and Implementation Process
16. Deploy Community Health Workers with Lived Experience - "Trust is the Secret Sauce"
17. Engage the Broader Criminal Justice System – Not Just Jails and Juvenile Facilities
18. Actively Engage Individuals Incarcerated for Very Short Stays
19. Closely Monitor and Track the Medi-Cal Suspension and Unsuspension Process
20. Expand Access to Housing for the Justice-Involved Population by Identifying and Removing Barriers
21. Establish Data Systems with the Capability to Track Outcomes
22. Leverage the Knowledge Gained by Researcher Wendy Ware in the Development of a Santa Rita Jail Analysis to Further the County's Justice Reform Goals
23. Execute a Contract with CalHPS to Help Build upon Existing Gains & Strategies in the Implementation of CalAIM for the Justice-Involved Population

Sheriff's Oversight, RAJ Element 4

24. Establish a Hybrid System Consisting of an Oversight Board, Executive Director and OIG
25. Establish a Seven-Member Oversight Board
26. Establish a Diverse Oversight Board Consisting of Members of the Community
27. Establish a Hybrid System with Expansive Authority
28. Establish a Civil Service IG Position to Oversee the OIG
29. Establish an Executive Director to Provide Support to the Oversight System
30. Allocate a Sufficient Budget to Allow the Oversight System to Carry Out its Functions Effectively
31. Appoint Dedicated Legal Counsel for the Oversight Board
32. Enact the Oversight System Through an Ordinance
33. Conduct Period Evaluations to Measure the Oversight System's Effectiveness

Alameda County Pretrial Program, RAJ Element 5

34. Expand Pretrial Release and Explore Removing Limitations
35. Expand the Existing Co-Occurring Disorders Court
36. Transform the Existing Re-entry & PRCS Court into a Co-occurring Disorders Court
37. Create or Expand Existing Diversion Courts



- 38. Support the District Attorney's advocacy efforts related to providing the justice-involved population with expanded diversion opportunities and sentencing reforms
- 39. Explore Funding Opportunities to Support Alternatives to Incarceration and Pretrial
- 40. Assess the Existing Inmate Population to Determine Options for Diversion

Marshal's Contract, RAJ Elements 6 & 7

- 41. Explore the Reduction or Elimination of Federal Inmates Based upon the Population Analysis
- 42. Explore a Modification to the Sheriff's Jail Management System, ATIMS
- 43. Mandate an Annual Analysis of the Existing Marshal's Contract to Determine the Cost and Risk to Alameda County

Santa Rita Jail Population Analysis, RAJ Elements 1, 2, 8, 9, 10 & 11

- 44. Implement a Jail Population Review Team
- 45. Increase the Efficiency of Case Processing
- 46. Increase Data Management and Production of Standardized Reports
- 47. Begin Assessing Behavioral Health Needs at Intake and Explore Alternative Options
- 48. ACBHCS Should Have a Larger Role in the Substance Use Assessment of Inmates to Determine the Appropriate Community Level of Care to Connect Clients to ACBHCS Substance Use Treatment
- 49. Explore the Establishment of Cite and Release Centers
- 50. Establish a Community-Based Rehabilitation Program

Santa Rita Jail Programming & Re-Entry Planning, RAJ Element 12

- 51. Support the Sheriff's Priority and Plan Related to Re-Entry and Rehabilitation
- 52. Conduct an Initial and Ongoing Evaluation of Programs and Re-Entry Services to Measure Outcomes
- 53. Create a Dedicated Research Unit

Next Steps – Transition – Phase 2

Of special note, given that RAJ is a multiple-year blueprint that will guide activities and serve as a roadmap for change into the future, it is recommended that this initiative be transitioned to the leadership of the PPJHC and under the direction of a new RAJ Project Manager. Although the Community Corrections Partnership Executive Committee (CCPEC) is also an option, their role is narrower in scope and focused more on aspects of the legislation that created them, Assembly Bill (AB) 109, 2011 Public Safety Realignment Act. The CCPEC is chaired by the Chief Probation Officer, and includes the



Sheriff, District Attorney, Public Defender, a local Chief of Police, Health Care Services Agency Director and a Superior Court representative. Their role is to provide planning, oversight, implementation, and assessment of Realignment goals in Alameda County, to include the expanded use of evidence-based practices and programming to promote positive behavioral change and outcomes. In contrast, RAJ is broader in scope, as is (by design) the membership of the PPJHC.

In this role, the PPJHC and the RAJ Project Manager would be responsible for a multitude of objectives and tasks, to include, but not limited to:

- convening stakeholders and community partners (i.e., impacted members, representatives from community-based organizations, faith-based organizations, advocacy groups, schools, public health, child welfare, legal advocacy, law enforcement, etc.), to support this initiative and help inform strategies and processes, to include meeting with the public,
- preparing ongoing progress and recommendation reports, and
- making presentations to the BOS.

This process would not only help foster innovation, creativity and more informed solutions involving the partners and the community, but it would also ensure improved system alignment through a well-coordinated and robust system with the potential to influence and maximize outcomes among the justice-involved population.

Conclusion

For many years, numerous assessments, reports, and recommendations have been produced by county agencies to enhance the service delivery model for the justice-involved population. Although many have been implemented in part or in whole, the landscape associated with the justice-involved population continues to evolve. As such, Alameda County should continue its focus on a continuous process improvement system to ensure progressive enhancements and a refinement to the existing operational processes continues into perpetuity. This means the ongoing alignment of strategies, interagency collaboration and coordination, and the continuous reintegration of processes and systems.

Under the overarching RAJ strategy, it is not only the justice-involved population, their families and the public who will reap the more immediate benefits, but generations of Alameda County residents to come through the quality-of-life improvements that will naturally impact the future for many.



Introduction

Background

Alameda County is at the forefront of implementing progressive criminal justice reforms that reduce crime and victimization through policies and practices that rely less on incarceration, and more on a strength-based service delivery model proven to reduce recidivism.

The purpose of these reforms is to disrupt the revolving doors of the criminal justice system by identifying and diverting justice-involved individuals to evidence-based treatment and supports in the community; in particular, those with serious mental, substance use and/or co-occurring disorders. In the absence of this option, the goal is to strengthen the in-custody, re-entry and continuum of care model by leveraging local, state and federal resources, and refining and streamlining existing County systems.

In recognition of this fact, in July 2021, the late Supervisor Richard Valle, District 2, BOS, introduced the RAJ initiative after receiving input from the PPC on alternatives to incarceration.³ Supervisor Valle subsequently issued a follow up memorandum in September 2021, in which he clarified this initiative and expectations surrounding the 12 elements associated with this 18-to-24 month initiative.⁴

At a macro level, the 12 elements of RAJ were intended to explore short and long-term strategies to address inequities and ineffective practices associated with the justice system. At a more granular level, this initiative involved:

- the application of a close lens to the processes, data and information associated with each element function,
- their relationship to each other,
- where they intercept in the criminal justice system, and
- how they can be modified to effectuate substantive public safety change by affecting positive behavioral change and minimizing the risk of reoffending.

This included the exploration of how to divert individuals from the criminal justice system by identifying and providing alternatives to incarceration and services specific to the needs of our Alameda County residents. The thought being that the diversion process would be initiated at varying points in the criminal justice system (pre-arrest, pre-charges and pre-sentencing phases) through a coordinated countywide response revised criminal justice proceedings and practices, and also involving effective community-based alternatives to incarceration.

³ Alameda County Board of Supervisor Richard Valle, District 2, memorandum dated July 14, 2021, Reimagine Adult Justice

⁴ Alameda County Board of Supervisor Richard Valle, District 2, memorandum dated September 27, 2021, Reimagine Adult Justice



Overarching Purpose of the 12 Elements

The following depicts the overarching objective of each of the 12 elements of RAJ, with the caveat that some RAJ elements have been grouped together given the close relationship between those particular elements and their objective.

1. *How does the new model address and achieve reductions of racial disparities in the Alameda County justice system?*



Objective: To explore how public policy changes that safely reduce the jail population and provide alternatives can positively impact racial disparities.

2. *What are the arrest rates in each police jurisdiction in Alameda County?*



Objective: To determine the types of crimes committed in each police jurisdiction and the communities from which defendants reside in an effort to target services more effectively.

3. *What new health and funding related opportunities exist to transform Alameda County's justice model?*



Objective: To leverage existing systems and state/federal resources to enhance the physical and mental health, and case management services provided to the target population.

4. *How can the Sheriff's Oversight Body and/or an Office of the Inspector General be designed into the new RAJ model?*



Objective: To assess and make recommendations on whether the BOS should adopt a civilian oversight system of the Alameda County Sheriff's Office (ACSO), as authorized by Assembly Bill 1185 (AB 1185), to give residents a place to voice their concerns outside of the agency, help hold peace officers accountable for their actions, and provide an external lens to promote integrity, accountability and improve relations and cooperation among the community and law enforcement.

5. *How can the pretrial program be permanently established and expanded to reduce the jail population. An assessment of Alameda County's pre-trial hold rate should be conducted as a part of this analysis.*



Objective: To prevent individuals from penetrating the criminal justice system further by providing proactive and progressive alternatives for the Superior Court to utilize at the forefront of the legal process.



6. What is the actual cost impact to Alameda County of the contract to house federal inmates?

7. Should Alameda County's federal contract at Santa Rita Jail be terminated?



Objective: To determine if the federal contract is cost-effective and adequately considers all tangible and intangible risk and benefits (e.g., programs, medical and mental health services, litigation) associated with the housing of federal inmates at the Santa Rita Jail.

8. What opportunities exist to reduce the Alameda County's Jail populations and costs?

9. What information does the existing jail population analysis provide to assist in this RAJ effort?

10. Can investments in RAJ efforts mitigate or eliminate the need to increase jail staffing and jail capital expenditures? How does the current jail litigation impact the alternatives?

11. What jail data is currently available that can assist in this project's analysis of alternatives and existing populations. An analysis of the jail data should be conducted to determine its sufficiency.

12. What are the outcomes of the programs in the jail? Can additional investments in jail programming and re-entry result in decreased costs?



Objective: The preceding five elements are interrelated and intended to examine processes, systems, trends, and the demographics of those incarcerated and/or booked into the Santa Rita Jail at a more micro level (e.g., costs, staffing, intake processes, diversion and re-entry opportunities). One of the primary areas of focus was on those with mental health and substance use disorders (SUD). This was a priority issue as a component of the RAJ initiative because oftentimes individuals with mental-health and SUD are overrepresented and undertreated in the criminal justice system.



Strategy: 5-Step Interrelated Approach

To carry out the tenets of the RAJ initiative, a five-step interrelated approach was utilized, in collaboration with the justice and community partners.

The 5-step approach included

1. ongoing collaboration to leverage partnerships with justice partners, county departments, local and state government, community partners, external experts, and others to improve the existing service delivery model for the justice-involved population;
2. access to information to allow an analysis of existing data, information and systems to help inform decisions and recommendations related to RAJ;
3. the ability to leverage internal and external resources, existing processes and funding opportunities to support and strengthen the existing system;
4. the development of a short and long-term strategy, in collaboration with our stakeholders and the county's leadership, to sustain and build upon the existing system;⁵ and a
5. continuous process improvement strategy to ensure enhancements to the system continue into perpetuity.⁶

This process allowed:

- each of the partners to gain exposure to the strategic roles of other departments/entities in an effort to identify clear “*dependencies*” prefaced on the recognition that a stakeholder can occupy a similar role as another;
- a more refined focus on the “whole person” approach to justice reform, with each partner working in unison to deliver the physical, behavioral, emotional, and social services required to improve care coordination, well-being and health outcomes;
- data and information to be more easily synthesized, shared and linked from each of the partners as a means by which to “*connect the dots*” and increase knowledge of the broader system; and
- the identification of opportunities to enhance the existing continuum of care system based upon each of the stakeholders current and future strategic needs.

This systematic approach to effective strategic planning will allow the partners, in Phase 2, to further define and establish a step-by-step procedure to undertake this task.

⁵ Individual departments/agencies should be responsible for developing their overarching long-term strategies to support the RAJ initiative during the implementation phase (Phase 2).

⁶ A continuous process improvement plan or strategy will ensure the system is analyzed and refined on an ongoing basis and as operational necessity dictates based upon the changing needs of the justice-involved population, fiscal constraints, new legislation and mandates, etc.



Furthermore, at a more micro level, the RAJ project team developed a workplan as a way to keep the initiative organized, and to memorialize and track high level tasks that would need to be completed to enable the collection of the information needed to answer the 12 questions of RAJ. The image below is a snapshot of a much more comprehensive workplan or roadmap -- consisting of 15 tabs and multiple pages of tasks, timelines and deliverables. The workplan also included the 14 recommendations from the Alameda County grand jury in their 2021/22 report related to the county's mental health system. These recommendations were incorporated into the workplan to demonstrate how RAJ aligns with recommendations from the grand jury.

Reimagine Adult Justice Question #3									
What new health and funding related opportunities exist to transform Alameda County's justice model?					Complete: BLUE On Target: GREEN Past Due: RED				NOTES
	TASK	RESPONSIBLE PARTY	START DATE	END DATE	25%	50%	75%	100%	
1	Contract with a physical and behavioral health consultant to assist in identifying and leveraging health-related funding opportunities, to include identifying strategies to maximize access and enrollment in physical and behavioral health programs, building sufficient capacity and infrastructure systems, and facilitating access to housing for the justice-involved population.	Wendy Still Special Advisor to the Public Protection Committee & RAJ Project Manager	Nov-21	Jan-22					David Panush, President, CalHPS, was selected and is currently providing services to Alameda County.
2	Identify and submit data needs to the appropriate county partners to support the identification of gaps in services, inefficiencies and/or duplication.	David Panush President, CalHPS	Jan-22	May-22					Requests have been submitted to the ACSO, ACPD, HCSA, and BHCS. Data will be received on a flow basis upon execution of the data user agreements.
3	Receive and utilize data to identify gaps in services and programs, eliminate duplication and increase efficiencies.	David Panush President, CalHPS	Sep-22	Dec-22					
4	Identify new-health related funding opportunities and strategies to support the justice involved population.	David Panush President, CaHPS	Jan-22	Dec-22					
5	Collaborate with ACHCSA and BHCS on the development and ongoing refinement of a CalAIM-RAJ data dashboard.	Wendy Still Special Advisor to the Public Protection Committee & RAJ Project Manager Cristi Lannuzzi, Interim Tech. Strategy Director Sarah Garmisa, CalAIM - HCSA	May-22	Jun-22					
6	Engage with Medi-Cal managed care plans on the coordination of Enhanced Care Management to support the reentry/justice-involved population. This includes applying for funding to support the infrastructure and capacity building.	David Panush President, CalHPS	Jan-22	Jun-23					
7	Identify opportunities to access PATH (Providing Access and Transforming Health) funding to build capacity and infrastructure and to assist enrollment and transitional care for the justice-involved population.	David Panush President, CalHPS	Jan-22	Dec-22					





“A vision without a strategy remains an illusion.” Lee Bolman



Alignment with Alameda County's Vision & Strategic Objectives

Background

To ensure the tenets of RAJ support and further the goals of Alameda County, careful consideration was given to ensure this initiative was aligned with the elements of existing county objectives and the vision of partnering agencies at its inception. As county initiatives evolved and/or were developed in response to the dynamic nature of local, state and county government, the RAJ team took great care to ensure its direction evolved as well.

Furthermore, great care was also taken to ensure this report reflected the voices of the community, whether in response to specific elements associated with RAJ or any other initiative or service area associated with the justice-involved population.

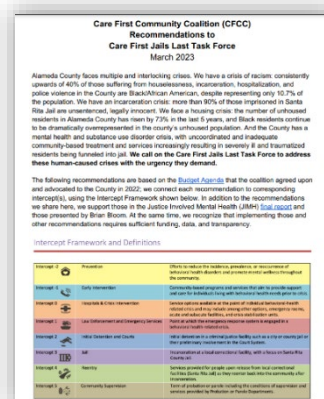
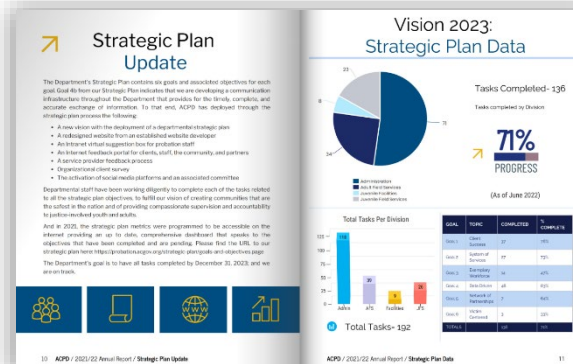
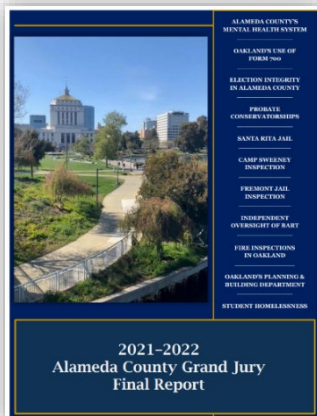
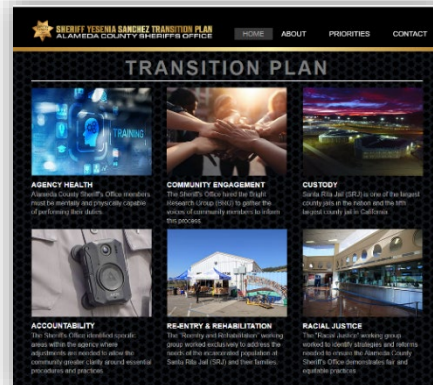
Guiding Alameda County Sources

Although the rudimentary tenets of RAJ remained the same based upon Supervisor Valle's original vision, the approach for accomplishing its objectives evolved based upon what was learned during collaborative meetings with local and state government partners, and community stakeholders. It also evolved based upon a review of a multitude of documents produced by the various county departments and stakeholders, of which some were produced after the launch of the RAJ initiative. Nevertheless, these sources were used to not only inform RAJ, but to ensure it remained aligned with overarching Alameda County strategies related to the justice population. These sources include, but are not limited to, the following:

- Alameda County's Vision 2026
[Our Story | Vision 2026 | Alameda County](#)
- Alameda County Sheriff's Office Transition Plan
[Sheriff Yesenia Sanchez Transition \(Strategic\) Plan](#)
- Alameda County Probation Department's Annual Report 2021/22
[State of the Alameda County Probation Department 2021/22](#)
- Alameda County Health Care Services Agency Forensic System Redesign Plan
[Alameda County Care First Jails Last Taskforce](#)
- Care First Jail Last County Resolution
[Care First Jails Last County Resolution](#)



- Justice Involved Mental Health Implementation Framework, Phase 2
[Justice-Involved Mental Health Task Force, Phase 2 Reports](#)
- Care First Jail Last Coalition Recommendations
[Care First Jails Last, Coalition Recommendations](#)
- Alameda County Civil Grand Jury Report 2020-21
[2018–2019 Alameda County Grand Jury Final Report](#)
- District Attorney Pamela Price's 10-Point Plan
[Pamela Price for Alameda County District Attorney](#)



Public Protection, Justice & Health Collaborative

Background

On January 3, 2022, Supervisor Richard Valle, District 2, BOS, hosted a meeting with the justice and health partners, in which he spoke to the need to align specific existing county initiatives, sanctioned by the BOS, to enhance the impact of services and programs for the adult justice-involved population, maximize resources, integrate systems, and eliminate duplication of effort.

The overarching goal was to:

- reduce the cycle of incarceration, racial disparities and victimization, and
- improve outcomes by providing the justice-involved population with opportunities for success.

In response, the PPJHC was formed, consisting of four original members.

In March 2023, the membership of the PPJHC was expanded to include three additional partners in recognition of the fact that the implementation phase (Phase 2) of RAJ would entail more extensive collaboration and impact the strategic direction and operation of several other departments/agencies.

Currently, the members of the PPJHC consist of the following individuals:

Yesenia Sanchez Justin Miguel Oscar Perez	Sheriff-Coroner Captain (Designee) Captain (Designee)		Alameda County Sheriff's Office
Marcus Dawal	Chief Probation Officer		Alameda County Probation Department
Colleen Chawla Dr. Kathleen Clanon	Agency Director Agency Medical Director (Designee)		Alameda County Health Care Services Agency
Colleen Chawla Dr. Karyn Tribble	Agency Director Director (Designee)		Alameda County Behavioral Health Care Services
Andrea Ford	Agency Director		Alameda County Social Services Agency
Matthew Woodruff Scott Coffin	Chief Executive Officer Former CEO (Designee)		Alameda Alliance for Health
Wendy Still, MAS	Reimagine Adult Justice Project Manager		Alameda County Board of Supervisors, District 2



Service Areas/Initiatives

Each of the seven service areas and initiatives encompass a scope of work or mission that was created prior to the establishment of the PPJHC, but which complements the overarching objectives of RAJ. A brief overview is provided below.

Health & Homelessness Service Area: This service area includes three subordinate programs under the auspice of the Alameda County Health Care Services Agency (ACHCSA); They are as follows:

- **Health Care for Homeless Residents:** Alameda County Health Care for the Homeless (ACHCH) is a federally-funded health center program administered by the Alameda County Health Care Services Agency. It provides direct care services and coordinates a network of county and community health clinics and organizations to increase access and improve care for people experiencing homelessness. The focus of this program is to improve the health of individuals who are homeless or at-risk of becoming homeless by ensuring access to culturally informed, whole-person health care and housing services.
- **Health Care for Uninsured Residents:** Health Care for low-income individuals who are uninsured is supported by the Health Program of Alameda County or HealthPAC. This program began in 2012 and replaced the old County Medical Services Program indigent care program during the transition to the new Federal program authorized under the Affordable Care Act. People eligible for HealthPAC are Alameda County residents whose income places them under 200% of Federal Poverty Limit and who are not eligible for Medi-Cal or Covered California benefits. Most HealthPAC-eligible individuals are undocumented. This program is available to those who are returning/justice-involved if they meet the other criteria. It allows for primary care, hospitalization, specialty care and some durable medical equipment- all of which must be provided by the organizations who are contracted with HCSA under the program.
- **Transition Clinic - Healthy Measures:** The Healthy Measures pilot program was approved by the Board of Supervisors in March 2015 through a contract between Alameda County Health Care Services Agency and Roots Community Health Center. The program expands access to healthcare services to formerly incarcerated populations via a Transition Navigator at Santa Rita jail who forms relationships with inmate's pre-release and bridges them to a Roots Health Navigator post-release, who then facilitates their engagement in clinical and wraparound services at Roots Community Health Center. The services include individualized case management, primary medical care, behavioral health, barrier removal services and linkage to social services. The overall goal of the program is to improve the health of formerly incarcerated residents in Alameda County by improving continuity of care services.

Care First Jails Last Task Force: This BOS initiative was adopted in May 2021 and calls



for the just and equitable transformation of criminal justice, behavioral health, and wraparound services in an effort to reduce the number of individuals with mental illness, substance use, and co-occurring disorders in the Santa Rita Jail. The Care First, Jails Last Task Force is a 25-member body charged with developing a countywide implementation plan, subject to approval by the BOS, informed by what was proposed by the Justice Involved Mental Health Task Force for the next two years. The goals of the countywide implementation plan are to: (1) reduce incarceration of individuals with mental health and/or substance conditions; (2) ensure transparent accountability and county-wide investment; (3) promote the development of critical county departmental/agency implementation plans; and (4) improve the overall health & wellness of the broader Alameda County community. Dr. Tribble is Chair of the Care First, Jails Last Task Force.

CalAIM Initiative: CalAIM is California's long-term strategy to transform the statewide Medi-Cal, managed care program, making the program more equitable and coordinated in an effort to help people maximize health related opportunities. CalAIM includes components specific to the youth and adult justice involved population. It includes expanding linkages from homelessness to housing services, from incarceration to community re-entry, and from institutional to home-based care. It extends Medi-Cal release services to people who are incarcerated in county jails, state prisons, and youth correctional facilities, and those who are disproportionately people of color. The objective of Alameda County's CalAIM initiative strives to leverage local, state and federal funding opportunities in an effort to align services to support the re-entry population with serious behavioral challenges and those experiencing homelessness.

Alameda County Sheriff's Office (ACSO): Sheriff Sanchez' goals and priorities include community collaboration, compassionate leadership, equitable practices, and community safety. In mid-2023, Sheriff Sanchez officially adopted a strategic (transition) plan on agency health, re-entry and rehabilitation, custody, accountability and transparency, community engagement, and racial justice. The plan includes six overarching categories, 35 objectives, and a multitude of tasks geared towards building a robust program and re-entry system geared exclusively towards meeting the needs of inmates and their families. A status update, on all areas of focus of the strategic plan, can be found on the ACSO's website.⁷

Alameda County Probation Department (ACPD): The ACPD is focused on making Alameda County the safest in the nation, and as such, has engaged in a massive overhaul of a variety of systems during the past several years, with a focus on collaboration and community engagement. At its core is the belief that people can change and with this belief, the department has worked to improve its service delivery model using progressive practices intended to reduce recidivism amongst our youth and adult clients and community. Probation's focus is on client success through: (1) a robust system of re-entry services and supports; (2) the continued development of an exemplary workforce through its recruitment practices, and the training and professional development of its staff; (3) data-informed decision making to improve client outcomes, eliminate inefficiency in business process and facilitate continuous improvements in all aspects of the department; (4) the development of a network of effective partnerships to help build

⁷ [*Sheriff Yesenia Sanchez Transition \(Strategic\) Plan*](#)



understanding and a collective focus on lasting-lasting client progress, and; (5) a victim-centered approach to provide support and empower survivors.

Alameda County Social Services Agency (ACSSA): ACSSA focuses on providing basic safety net services to at-risk children, families, and adults. The Agency works collectively and in partnership with community-based organizations, neighborhood groups and policy makers to serve the needs of the community. In partnership with these entities, SSA strives to better equip those they serve to overcome challenges on their path to self-sufficiency and family stability.

Overarching Objectives & Charter

To confirm a common interest to align, coordinate and leverage systems, the PPJHC established a charter that set forth a general understanding of individual roles related to key aspects of their authority. The charter was amended on two occasions thereafter in response to the evolution associated with the advancement of their collective work and the addition of new executive body members. However, the general scope of the charter remained the same.

The charter set forth that the PPJHC executive body would collaborate in an effort to accomplish common objectives to support the overarching strategy of RAJ and individual department and agencies' complementary programs and initiatives.

Given that each initiative or service area is "*stand alone*" from the standpoint of issues, the PPJHC agreed that objectives and/or workplans associated with each would not be subject to approval or modification by the PPJHC executive body. Rather, the lead for each service area or initiative would be responsible for resolving internal issues and making decisions impacting their initiatives, departments and/or agencies within their existing structure. The PPJHC also acknowledged there are multiple entities and stakeholders working to understand and improve services to the justice-involved population and as such, the team would remain cognizant of the need to build on work that has been accomplished to date, rather than create new parallel efforts.

As such, the charter set forth that the PPJHC executive body would collaborate in an effort to accomplish the following objectives to support the overarching strategy of RAJ, and the individual department and agencies' complementary programs and initiatives:

- Define measurable goals and objectives for the project as a whole;
- Identify and leverage data resources to support those goals and objectives;
- Align and coordinate existing initiatives/systems;
- Assess existing gaps and opportunities for the expansion of services;
- Leverage state and federal funding opportunities;
- Eliminate duplication of effort and barriers to success for the justice-involved population;
- Create a seamless service delivery model through the refinement of the existing systems; and



- Review, approve and produce progress reports, on an as-needed basis, to the Community Corrections Partnership Executive Committee, Public Protection Committee, and the Alameda County Board of Supervisors.

Furthermore, although the PPJHC executive body consists of the RAJ Project Manager and department/agency heads responsible for the specific service areas and/or initiatives noted in the preceding pages, numerous other individuals also provided support. They include, but are not limited to, representatives from various county and private entities (e.g., Information Technology Department [ITD]), CalHPS, Research and Development Associates, Public Consulting Group, WellPath. These representatives were included in the standing monthly meeting of the PPJHC (as needed) and/or in specific workgroups that were (or are) assigned to support one or more of the service areas, initiatives and/or departments/agencies.

The PPJHC agreed the executive body would initially focus on data collection, and in identifying gaps in services and processes, and new services, benefits and linkages. It would use aggregate planning to bring together data from different sources, through the development of juvenile and adult landscape analysis, in an effort to identify existing resources, assess capacity, and to project current and future needs. This information would be used to develop service plans, fill existing gaps, and inform existing and future contract service needs for all service areas/initiatives under the PPJHC and the implementation (Phase 2) of the RAJ initiative.

Since the creation of the PPJHC, its members have continued to take a leadership role in serving as change agents at the highest levels, aligning priorities, supporting innovation, modifying systems and process to enhance services, and in working towards a common goal to ***Reimagine Adult Justice*** in Alameda County.



*The Public Protection, Justice & Health Collaborative...
Partners – Rowing in the same direction...*





“Equality is the soul of liberty; there is, in fact, no liberty without it.” - Frances Wright



Addressing Racial Disparities in Alameda County

RAJ
Element 1

Background

Not just within Alameda County, but throughout the nation, people of color are far more likely to enter the justice system than the general population. State and federal governments are aware of this disparity, and researchers and policymakers have studied the drivers behind the statistics, and what strategies might be employed to address the disparities, ensuring evenhanded processes at all points in the criminal justice system.⁸

It should also be noted that racial and ethnic disparities (RED) does not necessarily always equal discriminatory practices. However, discrimination cannot be discounted as a factor. In order to address this issue within the context of Alameda County, RAJ incorporated element #1 which asks the following question:

1. How does the new model address and achieve reductions in racial disparities in the Alameda County justice system?

The overall objective of this element was to explore how public policy changes, that safely reduce the jail population and provide alternatives, can positively impact racial disparities. *Different elements of the RAJ initiative will, by their very nature, reduce the number of minorities penetrating deeper into the justice system through the preventative services, programs and alternatives that will be offered through:*

- CalAIM (See section entitled “*Leveraging Funding Opportunities to Improve Outcomes*” commencing on page 50),
- Alternatives to incarceration offered through diversion opportunities (See section entitled “*Opportunities for Pretrial Expansion within Alameda County*” commencing on page 125), and
- Jail reduction strategies (See section entitled “*Analysis of the Santa Rita Jail Population*” commencing on page 145)

However, Alameda County should take the opportunity to build upon gains that will be experienced through these RAJ elements through the development of a more detailed long-term strategy that examines data, reports, existing legislation, approaches from throughout the nation, and other resources to address RED within the County.

Before introducing the strategy and for context, background information, specific to Alameda County, is offered, in the following section.

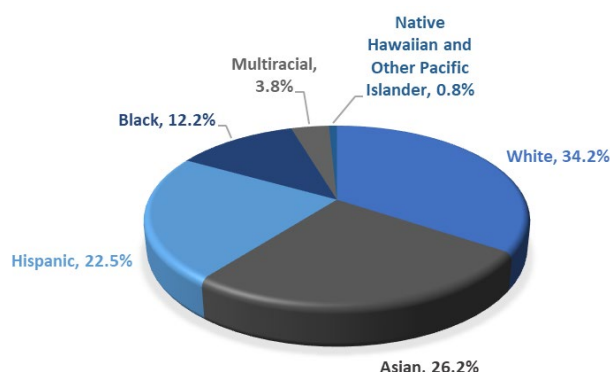
⁸ [*Racial and Ethnic Disparities in the Criminal Justice System*](#)



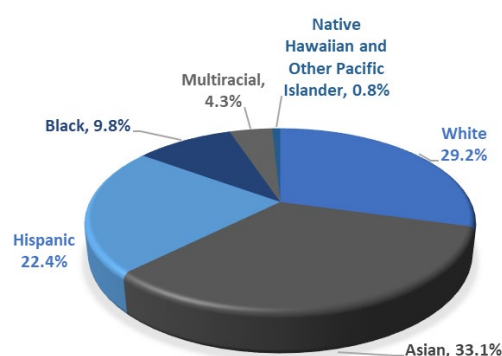
Case in Point

Alameda County Population - 2021: In 2021, Alameda County was less diverse than it was in 2010. In 2021, the white (non-Hispanic) group made up 29.2% of the population compared with 34.2% in 2010. Between 2010 and 2021, the share of the population that is Asian (non-Hispanic) grew the most, increasing 6.9 percentage points to 33.1%. The white (non-Hispanic) population had the largest decrease dropping 4.9 percentage points to 29.2%.⁹

2010 Alameda County Population



2021 Alameda County Population



However, a comparison of the Santa Rita Jail pre and post COVID-19 pandemic population indicates that the proportion of racially non-white persons has increased in the latter snapshot of December 29, 2021.¹⁰ This statistic alone suggests that the disproportionate number of minorities in the Santa Rita jail alone is even more disparate than pre COVID numbers.

Attribute	January 29, 2019		December 29, 2021	
Gender				
Male	2,141	92%	1,952	94%
Female	196	8%	131	6%
Race				
Black	1,122	48%	1,009	48%
Hispanic	658	28%	631	30%
White	386	17%	304	15%
Other	717	31%	139	7%

Juveniles – Board of State and Community Corrections (BSCC): Around 2014 the California BSCC awarded federal Office of Juvenile Justice and Delinquency Prevention

⁹ [Alameda County, California Population by Year, Race, & More | USA Facts](#)

¹⁰ *Alameda County Resident and Santa Rita Jail Population Trends and Analysis Report*, Consultant and Researcher Wendy Ware, August 2023



grants to four probation departments to allow them to address the issue of RED within their respective counties (Mono, San Joaquin, Santa Barbara and Stanislaus).¹¹ The goal of the grants was to reduce the number of boys and girls of color in contact with the juvenile justice system and reduce implicit bias in policies, practice and decision-making through the following activities:

- Actively collaborating with education, child welfare, law enforcement, mental health, and other systems that intersect with the juvenile justice system to reduce the connections;
- Actively engaging their community in the development and implementation of the strategies and partnerships to reduce disparities to reduce the number of youth;
- Utilizing evidence-based principles and innovative, promising approaches that focus on effectiveness, efficiency, and equity (e.g., culturally competent and gender-responsive programming) toward the reduction of disparity; and,
- Evaluating and refining internal structures and policies that disparately impact boys and girls of color.

Although progress reports and outcomes associated with this grant were difficult to ascertain after 48 months (2014 – 2018), what became clear was the need for an expanded study to:

- evaluate the existing system and decision points along the juvenile justice continuum,
- develop and execute a multi-year strategy (workplan) involving the various county partners.

Long-Term Strategy

In conclusion, reviews of similar efforts from throughout the nation supported similar themes in that an overarching long-term strategy, beyond the phase 1 scope of RAJ (planning and limited implementation), will be necessary to effect *additional* positive change. This strategy should include a process involving the following elements as it relates to both adults and juveniles. They include:

- an initial assessment of data and decision points along the adult and juvenile justice continuum;
- development of a workplan to address RED issues that are identified based upon the initial assessment;
- education and training for those who interact with the justice population;
- a community engagement component; and

¹¹ [Project-Summaries-Racial & Ethnic Disparities Grant](#)



- an ongoing monitoring and a continuous process improvement plan.

At a more granular level, this would entail:

- ***The establishment of a RED Subcommittee, by the PPJHC, to address issues of adult and juvenile racial and ethnic disparities on behalf of Alameda County.*** The RED Subcommittee should collaborate, where appropriate, with the Ad Hoc Committee and Reparations Commission to ensure alignment with overarching RED strategies and goals, and to avoid duplication of effort.

The responsibility of the PPJHC's RED Subcommittee would be to oversee and direct the activities outlined in the recommendations in this report related to RED, to include convening stakeholders and community partners (i.e., impacted members, representatives from community-based organizations, faith-based organizations, advocacy groups, schools, social services, legal advocacy, immigration, and law enforcement) and holding public meetings to identify decision making points that are driving racial and ethnic disparities at various points of the justice system. The partners would help inform the County's RED strategies and subsequent workplan.

- ***The expansion of the role of the Director of Diversion, Equity and Inclusion (DEI)¹² to include providing administrative support to the PPJHC's RED Subcommittee.*** The Director of DEI currently holds a lead role in facilitating the development and implementation of strategies, policies, guidelines, and programs that advance diversity, equity and inclusion across the County. As such, he/she is perfectly positioned to act as the lead in support the work of the RED Justice Steering Committee, to include gathering the information necessary to inform the County's RED strategies and subsequent workplan.
- ***Continuing to utilize the expertise of Researcher/Consultant Wendy Ware*** to build upon the existing assessment of the Santa Rita Jail population, pretrial and city police arrest rate report, and to transition her knowledge to ITD.¹³ This would enable Alameda County to more accurately inform RED strategies through updated findings associated with the justice-involved population.
- ***The development of a data collection and decision point assessment plan based upon the type of elements assessed by other entities throughout the state in addressing the issue of racial disparities.*** This would entail a review of existing policies and practices, and the collection of local data disaggregated by race/ethnicity and gender on a quarterly basis to guide policy decisions. Data would include:
 - Arrests
 - Bookings
 - In-custody holds for detention hearings (juveniles)

¹² [Alameda County Director of Diversity, Equity and Inclusion, Job Description](#)

¹³ *Alameda County Resident and Santa Rita Jail Population Trends and Analysis Report*, Consultant and Researcher Wendy Ware, August 2023



- Petitions or charges filed
 - Petitions sustained (juveniles)
 - Institutional, jail or prison commitments
- ***The development and execution of a workplan based upon an initial assessment of existing data, policies and practices.*** This would include a comprehensive decision-point analysis along the adult and juvenile justice continuum.
 - ***Training for stakeholders/departments on topics related to RED should be provided.*** These trainings would help to educate stakeholders and the community in finding solutions to reduce racial and ethnic disparity within the County.
- The establishment and execution of an ongoing monitoring process.*** This critical component would allow the County to more accurately evaluate and assess the impact of decisions along the continuum.

The ultimate goal of this strategy would be to:

- eliminate disparities across the justice continuum while focusing on the need to engage the community to help improve outcomes;
- examine the intersection between implicit bias decision-making in the justice system; and
- apply principles that focus on just, fair and effective correctional practices.

Although this approach may seem laborious and drawn out, the result of addressing this issue systemically, in an inclusive manner, and in a cogent and organized fashion will undoubtedly contribute to the impact of the justice system upon generations to come.



**To celebrate,
recognize and
accept our
differences is
to help us to
grow as a
human race.**



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Analyzing the Arrest Rates of Alameda County City Police Departments

RAJ
Element 2

Background

The BOS contracted with Researcher/Criminologist Wendy Ware (Researcher Ware) to assist in addressing 5 of the 12 elements associated with RAJ. This section of the report will focus on element #2.

2. What are the arrest rates in each police jurisdiction in Alameda County?

The intent of this element was to explore the types of crimes committed in each police jurisdiction and the communities from which defendants reside in an effort to target services more effectively. This is an objective that will require a more targeted analysis in Phase 2 of RAJ. RAJ collected data from 7 (Alameda, Albany Newark, Oakland, Piedmont, Pleasanton, Union City) of the 13 police jurisdictions in Alameda County. The remainder was obtained through a CRIMS query conducted by ITD and publicly available sources.¹⁴

As a result, this analysis is limited in scope as outlined in the ensuing section.

Alameda County Resident Population Crime & Arrest Trends

County Population Growth: Criminologists have long noted that certain segments of the population have higher rates or chances of becoming involved in crime, being arrested, and being incarcerated. This is known as the “at-risk” population, which generally consists of younger males. The high crime rate ages are 15-25, while the high adult incarceration rate is between the ages of 18 and 44. When the at-risk population is expected to increase in a jurisdiction, one can also expect some additional pressure on criminal justice resources.

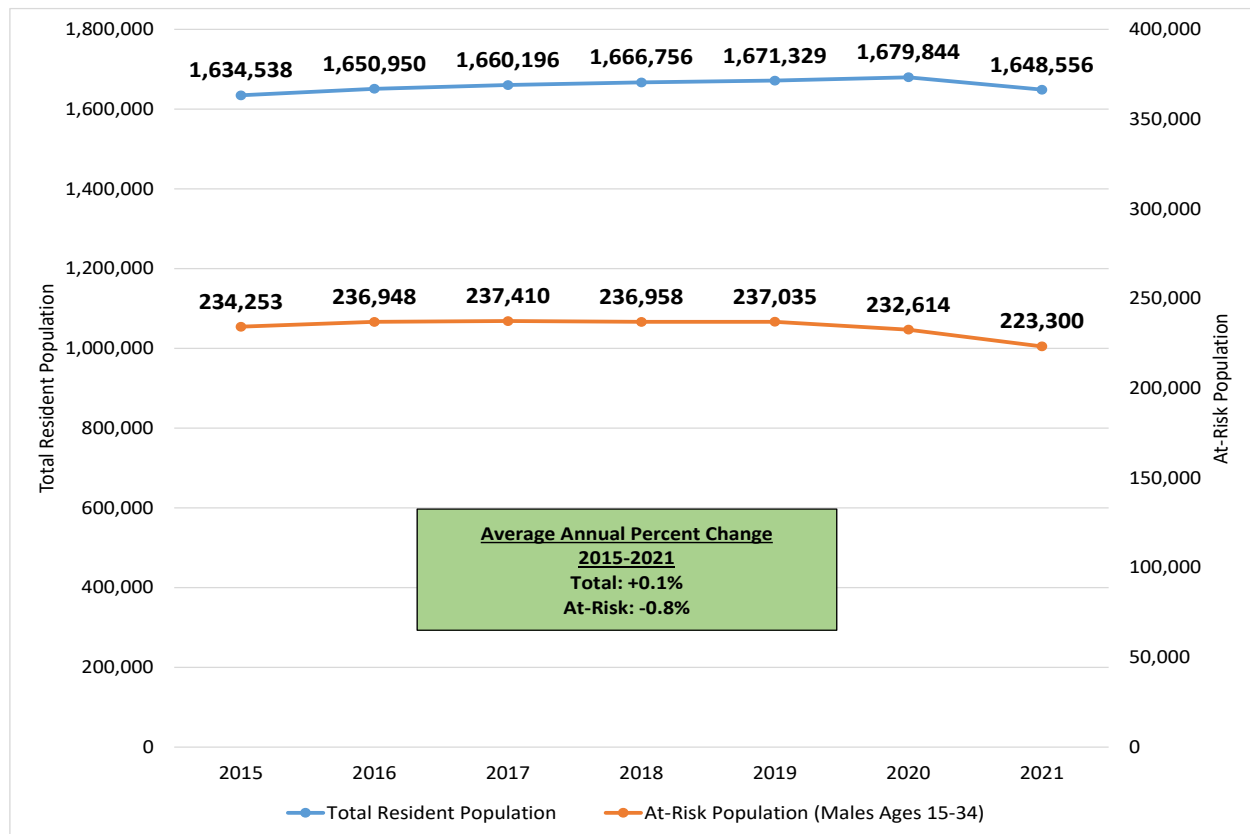
Figure 1 and Table 1 provide data on the total resident population and at-risk estimates for Alameda County from 2015 to 2021. Over this time frame, the total resident population

¹⁴ Consolidated Records Information Management System” or “CRIMS” is a countywide Intranet browser-based software application that serves as a criminal justice information portal, facilitating information sharing among all participating justice partners in Alameda County.



has increased by an annual average of only 0.1%. The at-risk population, here designated as males ages 15-34, has also remained static between 2015 to 2021, decreasing by an annual average of 0.8%. Further, as seen in Table 2, the Alameda County resident population is projected to grow by an annual average of just 0.4% between 2022 and 2032. Slow growth in the resident population would indicate, strictly on the basis of the number of persons residing in the county, that future increases will not be substantial enough to put pressure on either the crime rate or the local jail population.

Figure 1. Historical Alameda Resident Population



Source: US Census Bureau



Table 1. Alameda County Historical Resident Population

Year	Total Resident Population	Males Ages 15 - 34	Males Ages 20 – 44
2015	1,634,538	234,253	306,921
2016	1,650,950	236,948	311,209
2017	1,660,196	237,410	313,535
2018	1,666,756	236,958	315,170
2019	1,671,329	237,035	317,102
2020	1,679,844	232,614	316,735
2021	1,648,556	223,300	307,358
Average% Change	0.1%	-0.8%	0.0%

Source: US Census Bureau

Table 2. Alameda County Projected Resident Population

Year	Projected Resident Population	% Change
2021 Actual	1,648,556	-
2022	1,672,221	1.4%
2023	1,680,090	0.5%
2024	1,688,002	0.5%
2025	1,695,427	0.4%
2026	1,702,402	0.4%
2027	1,708,903	0.4%
2028	1,715,152	0.4%
2029	1,721,156	0.4%
2030	1,726,911	0.3%
2031	1,732,111	0.3%
2032	1,736,768	0.3%

Source: CA Department of Transportation 2021 Alameda County Economic Forecast

Historical Reported Crimes in Alameda County: Reported crime data provided in Tables 3 and 4 (visuals provided by Figures 2 through 4) refer to offenses reported by law enforcement agencies to the Federal Bureau of Investigations (FBI) via the uniform crime reporting system. Although historically there has been no strong or consistent association between reported crime rates and local jail bookings, observing these data can provide insight into county local jail admission trends.

The total number of reported violent crimes in Alameda County saw a steady decline between 2016 and 2020. The average annual change over this period was -1.2%.



The impact of the COVID-19 pandemic can be seen in the single year decline in reported crimes between 2019 and 2020. Reported violent crimes saw a relatively small decline of 0.9% while property crimes decreased at a much larger decline of 12.6%. It should be noted that the nation, as a whole, saw a similar decline in reported violent crime between 2019 and 2020 - the majority occurring in homicide and aggravated assault in the last quarter of 2020.

Between 2020 and 2021, post initial COVID-19 restrictions, both property and violent crimes saw a steep increase, 4.9% and 9.1% respectively. However, there were documented changes in reporting systems in 2021 and it is unclear if this increase is due to an actual increase in reported crimes or a result of the new reporting requirements. Regardless, the 2021 total aggregate and property crimes remained lower than 2019 levels even as violent crime marked a seven-year high level, generated by increases in aggravated assault and robbery.

Table 3. Historical Reported Part I UCR Crime for Alameda County

Category	2015	2016	2017	2018	2019	2020	2021	Average % Change
Violent Crimes	9,679	10,127	9,923	9,948	9,734	9,645	10,524	1.5%
Homicide	119	116	90	92	96	143	146	5.4%
Rape	568	628	810	834	702	684	671	3.7%
Robbery	4,970	5,112	4,817	4,837	4,916	4,149	4,575	-1.0%
Aggravated Assault	4,022	4,271	4,206	4,185	4,020	4,669	5,132	4.4%
Property Crimes	60,009	59,744	63,861	58,856	66,731	58,293	61,133	0.7%
Burglary	8,791	7,993	6,915	6,789	6,516	7,034	5,918	-6.1%
Motor Vehicle Theft	12,917	13,922	12,606	10,693	10,267	14,456	15,516	4.6%
Larceny-Theft	38,301	37,829	44,340	41,374	49,948	36,803	39,699	1.9%
Arson	342	371	439	444	381	495	486	7.0%
Total Part I Crime	69,688	69,871	73,784	68,804	76,465	67,938	71,657	0.8%

Source: State of California Department of Justice Interactive Crime Statistics Tables
(<https://oag.ca.gov/crime>)



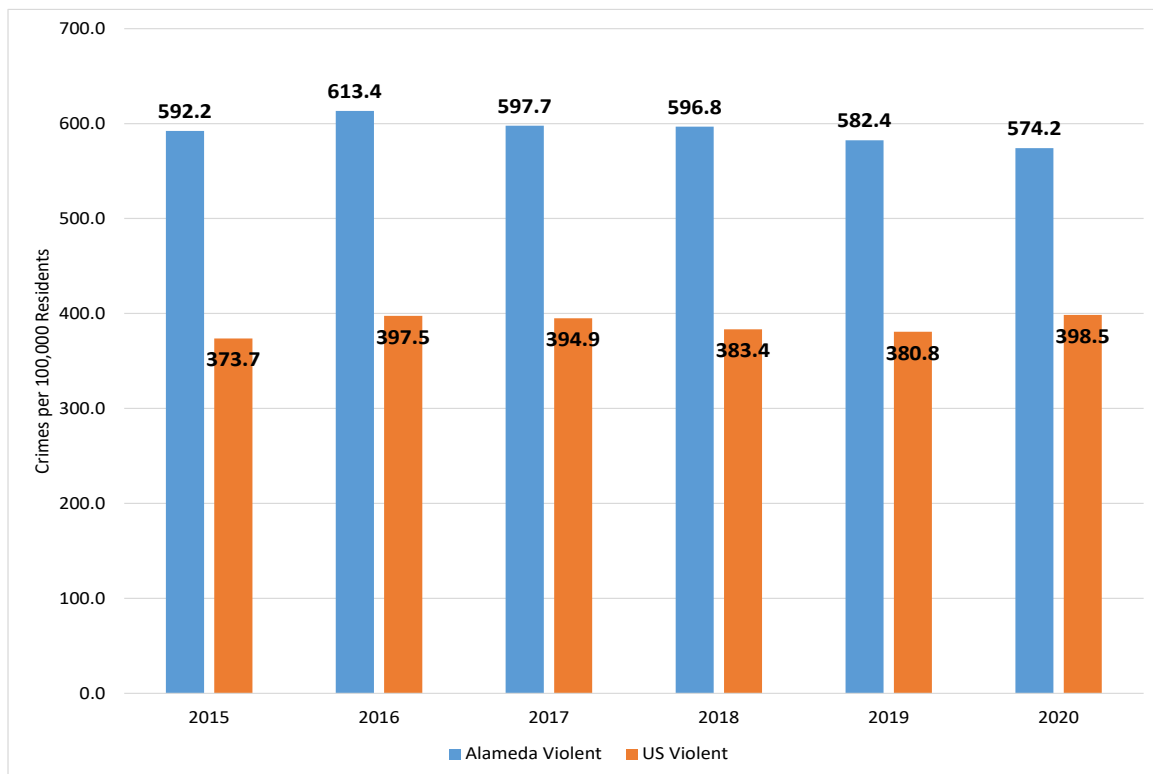
Putting Population and Crime Statistics Together: The County's crime rate per 100,000 residents in 2020 was 4,044.3 (Table 4). This was significantly higher than the crime rate nationwide (see Figure 2). It is not unusual for heavily urban localities to have a higher reported crime rate than the nation as a whole. Alameda's crime rates have been declining at an average annual rate of 0.7% between 2015 and 2021. However, this decline has been uneven as intermittent increases in property crime spurred overall increases in 2017 and 2019.

Table 4. Historical UCR Reported Crimes per 100,000 Residents

Year	Alameda Violent	Alameda Property	Alameda Total
2015	592.2	3,671.3	4,263.5
2016	613.4	3,618.8	4,232.2
2017	597.7	3,846.6	4,444.3
2018	596.8	3,531.2	4,128.0
2019	582.4	3,992.7	4,575.1
2020	574.2	3,470.1	4,044.3
2021	638.4	3,708.3	4,346.7
Average% Change	-0.6%	-0.7%	-0.7%

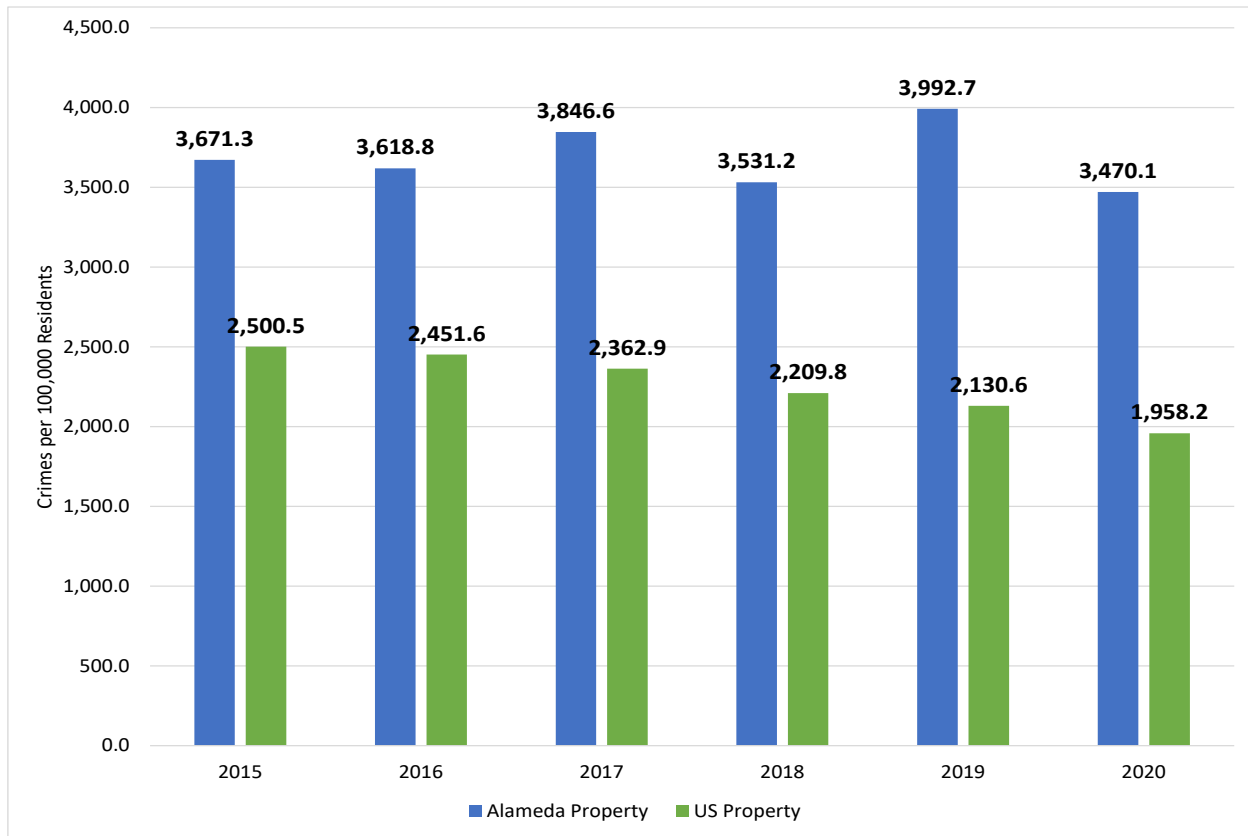
Calculated using Tables 1 & 3

Figure 2. Historical Alameda County Violent Crime Rates Compared to the US



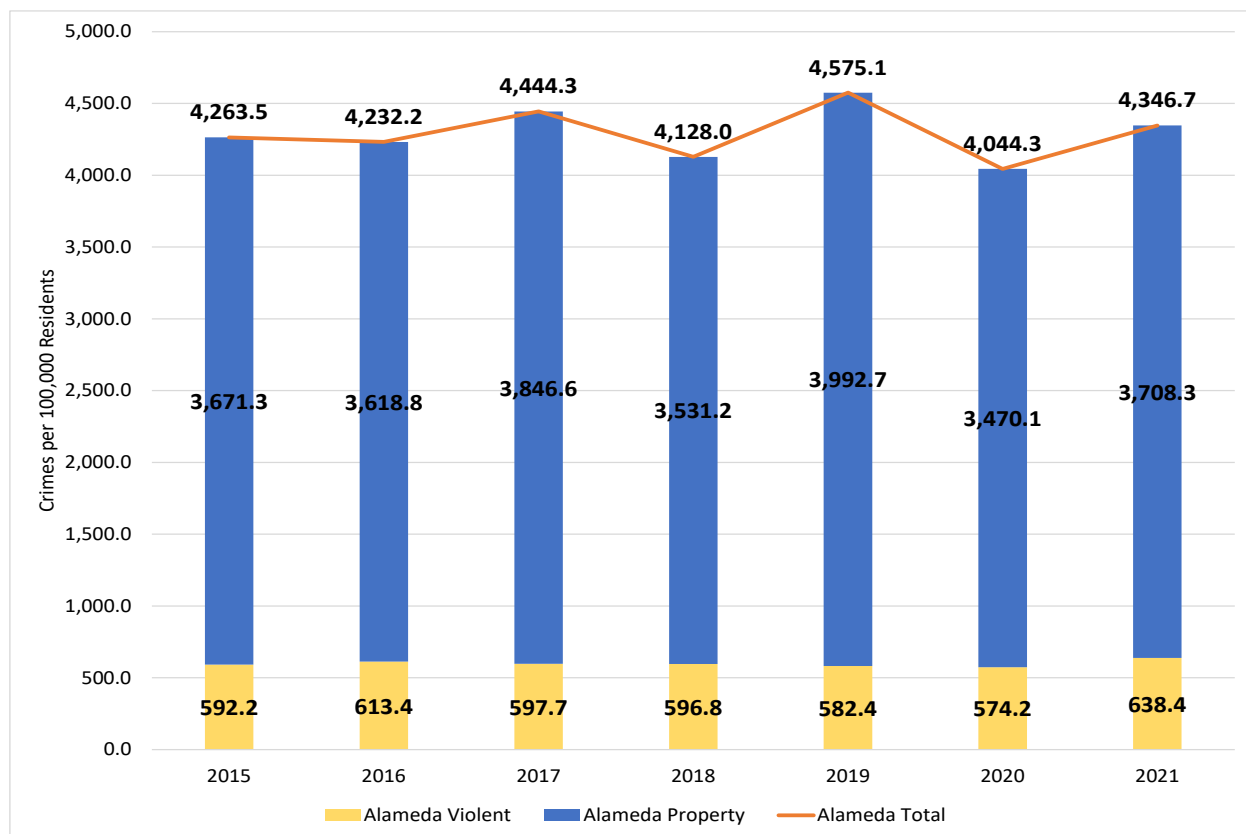
Source: State of California Department of Justice Interactive Crime Statistics Tables
(<https://oag.ca.gov/crime>); FBI Crime Data Explorer

Figure 3. Historical Alameda County Property Crime Rates Compared to the US



Source: State of California Department of Justice Interactive Crime Statistics Tables
(<https://oag.ca.gov/crime>); FBI Crime Data Explorer



Figure 4. Historical Alameda County Crime Rates 2015-2021

Source: State of California Department of Justice Interactive Crime Statistics Tables
<https://oag.ca.gov/crime>

Historical Arrests in Alameda County: Compared to reported crimes, there is a much stronger relationship between arrests and the number of persons admitted to a local jail system since a high proportion of arrests will result in a local jail booking. Arrest trends have not mirrored reported crime in recent years in Alameda County. Total arrests, for both felony and misdemeanor offenses, have decreased an annual average of 2.7% and 8.8% respectively between 2015 and 2021 (Table 5). Arrests for felony violent offenses grew slightly over this timeframe, increasing at an annual average of 0.8%. Felony drug offense arrests plummeted an annual average of 19.8% between 2015 and 2021 while felony property offense arrests decreased at an average yearly rate of 2.0%.

Table 6 compares the average annual change in arrests in Alameda County to several other urban counties in California and the state itself. Decline in arrests is a statewide phenomenon with Alameda falling in the middle of the pack compared to the other counties examined.

The impact of declining arrests on jail bookings typically indicates a decreasing volume of bookings per year. This has been the case in both 2020 and 2021 in Alameda County. However, with the number of felony violent arrests not declining, persons booked for these crimes have become a larger percentage of the jail population. Persons held for more serious crimes generally have longer average lengths of stay which, over time, can



lead to low level stacking in the jail population and negate any decreases in the ADP caused by a lower volume of bookings.

Table 5. Historical Alameda County Arrests

Arrest Category	2015	2016	2017	2018	2019	2020	2021	Average% Change
Felony	11,338	11,193	11,592	11,037	10,580	9,891	9,562	-2.7%
Violent Offenses	3,452	3,513	3,965	4,132	3,853	3,554	3,570	0.8%
Property Offenses	2,961	2,948	3,277	3,051	3,072	3,100	2,564	-2.0%
Drug Offenses	1,946	1,762	1,279	1,062	840	641	511	-19.8%
Sex Offenses	134	146	169	173	160	122	130	0.4%
Other Offenses	2,845	2,824	2,902	2,619	2,655	2,474	2,787	-0.1%
Misdemeanor	31,452	30,735	28,917	28,305	26,790	18,069	17,251	-8.8%
Status Offenses	149	149	133	82	74	46	19	-25.9%
Total	42,939	42,077	40,642	39,424	37,444	28,006	26,832	-7.1%

Source: State of California Department of Justice Interactive Crime Statistics Tables
(<https://oag.ca.gov/crime>)

Table 6. Comparison of Alameda County and Other California Localities

Locality	Average Annual% Change 2015-2021		
	Felony Arrests	Misdemeanor Arrests	Total Arrests
Alameda County	-2.7%	-8.8%	-7.1%
Los Angeles County	-2.1%	-8.1%	-6.3%
San Diego County	-11.3%	-13.1%	-12.8%
Santa Clara County	0.8%	-6.8%	-4.7%
California	-2.7%	-7.1%	-5.9%

Source: State of California Department of Justice Interactive Crime Statistics Tables
(<https://oag.ca.gov/crime>)

Table 7A, on the following page, shows arrest rates per 1,000 residents for 13 cities in Alameda County. Cities with populations greater than 100,000 are in italics. Data was provided directly by localities for 2020 through 2022 for 7 cities. These are included in Table 7B for information purposes only. Six other cities required data to be collected from the FBI Crime Data Explorer. The latter group was thus limited to data for 2018 - 2020. For comparison, arrest rates for the first 7 cities, California, and Alameda County are provided for 2018 - 2020 (the most recent 3 years available for every site). Cities with populations over 100,000 residents had 3-year average arrest rates on par with the



County as whole with the exception of Fremont. All cities, with the exceptions of Emeryville and Livermore, had 3-year average rates lower than California's.

To sum up, the potential impact of resident population, reported crime, and arrest trends in Alameda County on the Santa Rita Jail population: Both reported crimes and arrests have been consistently declining in recent years and the resident at-risk population has seen stagnant growth. Commensurately, bookings to the jail have seen recent decreases yet the jail ADP has not seen any remarkable changes. This could be due to the slight increases in felony violent arrests combined with longer length of stays for violent offenders.

Table 7A. City Arrests per 1,000 Residents

Locality	2018	2019	2020	3-year average
Alameda	15.0	16.2	12.0	14.4
Albany	22.0	16.3	4.2	14.2
Newark	18.4	17.8	18.0	18.1
<i>Oakland</i>	<i>20.5</i>	<i>18.9</i>	<i>18.7</i>	<i>19.4</i>
Piedmont	8.8	7.1	8.2	8.0
Pleasant	15.6	16.2	16.1	16.0
Union City	18.6	16.8	8.3	14.6
<i>Berkley</i>	<i>17.0</i>	<i>20.3</i>	<i>15.4</i>	<i>17.6</i>
Emeryville	55.6	49.1	30.2	45.0
<i>Fremont</i>	<i>11.8</i>	<i>9.6</i>	<i>4.9</i>	<i>8.8</i>
<i>Hayward</i>	<i>20.6</i>	<i>20.5</i>	<i>11.7</i>	<i>17.6</i>
Livermore	25.6	32.0	17.3	25.0
San Leandro	22.0	18.6	13.0	17.9
Alameda County	23.8	22.4	16.7	21.0
California	27.7	26.7	21.6	25.3

Source: State of California Department of Justice Interactive Crime Statistics Tables, FBI Crime Data Explorer, US Census Bureau.



Table 7B. Number of Arrests

Locality	2018	2019	2020	3 - Year Average
Alameda	1,163	1,261	933	1,119
Albany	440	326	85	284
Newark	873	844	856	858
<i>Oakland</i>	<i>8,971</i>	<i>8,275</i>	<i>8,192</i>	<i>8,479</i>
Piedmont	100	81	94	92
Pleasant	1,251	1,304	1,293	1,283
Union City	1,384	1,251	619	1,085
<i>Berkley</i>	<i>2,035</i>	<i>2,431</i>	<i>1,843</i>	<i>2,103</i>
Emeryville	719	635	391	582
<i>Fremont</i>	<i>2,741</i>	<i>2,220</i>	<i>1,130</i>	<i>2,030</i>
<i>Hayward</i>	<i>3,363</i>	<i>3,350</i>	<i>1,914</i>	<i>2,876</i>
Livermore	2,272	2,832	1,530	2,211
San Leandro	2,014	1,709	1,196	1,640
Alameda County	39,424	37,444	28,006	34,958
California	1,091,694	1,055,622	853,576	1,000,297

Source: State of California Department of Justice Interactive Crime Statistics Tables, FBI Crime Data Explorer

Table 7C. City Arrests per 1,000 Residents

City	2018	2019	2020	2021	2022	5-year average
Alameda	15.0	16.2	12.0	12.2	12.4	13.6
Albany	22.0	16.3	4.2	9.5	7.2	11.8
Newark	18.4	17.8	18.0	15.0	15.8	17.0
<i>Oakland</i>	<i>20.5</i>	<i>18.9</i>	<i>18.7</i>	<i>15.3</i>	<i>15.2</i>	<i>17.7</i>
Piedmont	8.8	7.1	8.2	12.9	14.2	10.2
Pleasant	15.6	16.2	16.1	16.3	15.5	15.9
Union City	18.6	16.8	8.3	6.5	8.2	11.7

Source: City PDs, State of California Department of Justice Interactive Crime Statistics Tables, FBI Crime Data Explorer, US Census Bureau.

***Note:** 2022 arrest data were annualized using arrest counts for the first nine months of the year.



Cite & Release Centers

Cases with Length of Stay (LOS) 48 hours and under: A total of just over 14,000 or 58% of all cases released from the Santa Rita Jail in 2021 served under 48 hours with an average LOS of 13 days. As seen in table 8, the majority of the cases had only 1 charge for a misdemeanor crime, served just over 11 hours in jail before being released with a citation or on bond. These persons spend very little time in jail yet take up staff and booking resources. The half day length of stay also guarantees a disruption of their lives including job loss, childcare disruptions, and other familial disruptions. More investigation is needed to explore other alternatives including citations made by arresting police or a citation center rather than the jail. Eliminating these offenders from being brought to the jail and housed would not save a substantial amount of “hard beds”, only 23, but would reduce the workload of admitting/releasing jail staff by over 55%.

Nationally, other jurisdictions have implemented similar proposed cite and release centers and/or triage centers in Lucas County, Ohio (Toledo), Charleston, South Carolina, Dane County, Wisconsin (Madison), Milwaukee, Wisconsin, Sioux Fall, South Dakota, Rapid City, South Dakota, Middlesex County, Massachusetts, East Baton Rouge Parish, Louisiana, Tucson, Arizona, Waukegan, Illinois, Springfield Illinois, and South Bend, Indiana.

Table 8. Releases in less than 48 hours from Santa Rita Jail 2021

Attribute	Number	Percent	Average Length of Stay (hours)
Total	14,175	100.0%	13
Top Charge			
Felony	4,799	33.9%	40
Violent	1,861	13.1%	21
Drug	431	3.0%	15
Property	1,584	11.2%	17
Parole/probation violation	142	1.0%	20
Other non-violent felony	781	5.5%	17
Misdemeanor	9,084	64.1%	11
Other	292	2.1%	8
Number of Charges			
One	5,580	39.4%	12
Two	4,262	30.1%	13
Three or more	4,333	30.6%	16
Arresting Agency			
Alameda County Sheriff's Office	3,955	27.9%	12
Oakland PD	2,379	16.8%	17
CHPD	975	6.9%	10



Table 8. Releases in less than 48 hours from Santa Rita Jail 2021

Attribute	Number	Percent	Average Length of Stay (hours)
Total	14,175	100.0%	13
Livermore PD	862	6.1%	12
CHPH	783	5.5%	10
DPS	748	5.3%	11
Pleasant PD	449	3.2%	12
Freemont PD	433	3.1%	14
Alameda PD	373	2.6%	14
BART	371	2.6%	17
CHPO	354	2.5%	12
San Leandro PD	344	2.4%	17
Berkley PD	316	2.2%	22
Hayward PD	278	2.0%	19
Union PD	181	1.3%	15
Other	1,374	9.7%	14
Release Reason			
Citation in jail after booking	7,383	52.1%	10
Bail/bond	2,213	15.6%	15
Temporary emergency citation	1,870	13.2%	11
No complaint	1,022	7.2%	31
Temporary emergency bail	448	3.2%	15
Pretrial probation OR	421	3.0%	17
Picked up out of agency	245	1.7%	27
Own recognizance	181	1.3%	37
Event booked in error	165	1.2%	4
Other	227	1.6%	20



Community-Based Rehabilitation Based Upon the Needs of the Inmates at the Santa Rita Jail

A focus of this element involved the determination of the communities from which those at the Santa Rita Jail reside in an effort to target services more effectively. For perspective, a snapshot of the inmates at the Santa Rita Jail on August 17, 2023, reflect that 37% of the inmates reported residing in Oakland, either in a resident or transient status. The next larger percentage consists of those who reported being transient (24%) either within Alameda County, the surrounding counties or in another state.

City	Number	Percentage
<i>Oakland</i>	<i>589</i>	<i>37%</i>
Hayward	173	11%
Berkeley	105	7%
San Leandro	88	6%
San Francisco	70	4%
<i>Transient</i>	<i>377</i>	<i>24%</i>

NOTE: The transient population is counted twice; first, within the city in which they are transient and second, with the city percentage noted above.

In order to target services with accuracy within specific communities, a deeper analysis of the inmate population over an extended period of time will be required and a community specific rehabilitation strategy developed to promote services. Through this bottom-up approach to delivering services, Alameda County will be better positioned to provide more inclusive, realistic and sustainable services to the individuals who need it the most.



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Leveraging Funding Opportunities to Improve Outcomes

RAJ
Element 3

Background

Justice-involved individuals are at higher risk for poor health outcomes, injury, and death than the general public. They face disproportionate risk of trauma, violence, overdose, and suicide. For example:

- Incarcerated individuals in California jails with an active mental health case rose by 63% over the last decade.
- Sixty-six percent of Californians in jails or prisons have moderate or high need for SUD treatment.
- Overdose is the leading cause of death for people recently released from incarceration, and people in California jails or prisons have a drug overdose death rate more than three times that of incarcerated people nationwide.
- In California, nearly 29% of incarcerated men are Black, while Black men make up only 5.6% of the state's total population.¹⁵

In recognition of these facts, element #3 was specifically incorporated into the RAJ initiative to support the advancement of reforms for the justice-involved population through the provision of expanded services and alternatives to incarceration specific to the needs of the Alameda County population.

3. What new health and funding related opportunities exist to transform Alameda County's justice model?

Ultimately, the outcome of this element will allow Alameda County to:

- Leverage health-related funding opportunities through CalAIM grant programs that will result in potential Medi-Cal funding reimbursements to Alameda County in the form of increased Medi-Cal enrollments, Enhanced Care Management (ECM) and mental health services, medication management, pre and post re-entry services, wraparound services, housing;
- Develop and implement strategies to maximize access and enrollment in physical and behavioral health programs and facilitate access to housing;

¹⁵ [*Department of Health Care Services, Justice-Involved Initiative*](#)



- Identify and build sufficient capacity and infrastructure systems, to include in-custody and community facilities and programs at the Alameda County Probation Departments (ACPD) Juvenile Justice Center, Transition Center, Camp Wilmont Sweeney, and the Alameda County Sheriff's Office (ACSO) adult facility at the Santa Rita Jail;
- Bring consistency and alignment to the current patchwork of programs that currently exist within Alameda County;
- Ensure that the justice-involved population receives the support they need through the proactive outreach and services that RAJ will help to incorporate into existing processes;
- Take advantage of CalAIM's "outcome-based" reforms, where physical and behavioral health providers will be reimbursed based upon outcomes rather than services; and
- Through the requirement that Medi-Cal managed care plans (e.g., Alameda Alliance for Health and Anthem Blue Cross for Alameda County) better coordinate access to services provided by the counties and local community-based organizations.

To support the RAJ initiative's objective to identify opportunities to further strengthen preventative services, in-custody and re-entry systems, reduce recidivism, and prevent victimization through health funding opportunities, David Panush, President, CalHPS was recruited to join the RAJ team in late 2021. Given Mr. Panush's extensive expertise and knowledge about the intersection of California's health policy and the justice-involved population, his integration as a partner will continue to help improve health-related funding opportunities, from one that was and is too often fragmented, uncoordinated and inadequate services. Specifically, Mr. Panush has thus far helped lead the effort to facilitate the county's award of CalAIM PATH funding, and the development of processes and systems to enhance services and increase reimbursements to Alameda County.

California Advancing & Innovating Medi-Cal (CalAIM)

Key Elements & Implementation: This section provides an overview of the key elements associated with CalAIM and the grant opportunities that Alameda County has leveraged to improve the county's ability to allow for **early identification and enrollment** of the justice-involved population in the myriad of services to address their needs.

New state and federal policy innovations continue to be implemented to address the long-standing and significant gaps in the health and behavioral health care delivery system for justice-involved individuals. The primary vehicle of change, led by the State Department of Health Care Services (DHCS), is the California Advancing and Innovating Medi-Cal (CalAIM) initiative, which offers a unique and unprecedented opportunity to improve medical and behavioral health care services for the Medi-Cal eligible justice-involved population.



The key program elements of CalAIM that support justice-involved individuals are as follows:

- **Pre-release Medi-Cal Application Process:** This process will be utilized to maximize the number of adults and juveniles with access to medical and behavioral health services funded through the state’s Medi-Cal program.
- **90-Day Pre-release Services:** In custody, medical and behavioral services are provided 90 days prior to release to improve care coordination, continuity of care upon release, and improved outcomes.
- **Behavioral Health Linkages:** Behavioral health care linkages and “warm hand-offs” for adults and juveniles who are receiving in-custody treatment to ensure continuity of care upon release into the community.
- **Enhanced Care Management (ECM) and Community Supports (CS):** ECM and CS will help individuals access community services and provide new non-clinical services that address social determinants of health.
- **Justice-Involved Capacity Building:** Resources to expand and improve existing infrastructure necessary for effective implementation of the CalAIM initiative.

The use of funding through CalAIM will help Alameda County to seamlessly integrate systems and improve processes currently serving the justice-involved population through county departments and local providers. The ultimate goal of CalAIM is to improve outcomes for the millions of Californians covered by Medi-Cal, especially those with the most complex needs, of which the justice-involved population is a significant portion.

It should be noted that although CalAIM’s broad reach is intended to help all Medi-Cal enrollees, many of the reforms are aligned with servicing the complex needs of the justice-involved population, including youth in foster care. This would include services beyond medical and mental health, to include nonmedical services in the form of medical respite, personal care, medically tailored needs, and peer support.

Providing Access & Transforming Health (PATH) Program: To further support this population, in 2022, California received federal authority to implement PATH program. This funding expanded the development of services and processes intended to support the capacity and infrastructure of ECM and re-entry for the justice-involved population. Specifically:

- **Collaborative planning** aimed at facilitating the design, modification and execution of new processes intended to increase enrollment in Medi-Cal and continuous access to care for justice-involved youth and adults.
- **Capacity and infrastructure expansion** to support stakeholders as they implement pre-release Medi-Cal enrollment and suspension processes, i.e., implementation of pre-release Medi-Cal enrollment and suspension processes, 90 days pre-release planning of Medi-Cal services.



CalAIM implementation, supported by the PATH program, was incorporated into the RAJ initiative to support the advancement of these reforms for the justice-involved population. Under the leadership of RAJ and through the oversight of the PPJHC, Alameda County has begun the process of implementing CalAIM through the following:

- **External Expertise:** CalHPS was recruited to support the RAJ team in late 2021, and as the project evolved, the PPJHC was created. The team's extensive expertise and knowledge about the intersection of California's health policy and the justice-involved population helped to identify health-related funding opportunities, which have since been leveraged. More details will be provided in the ensuing section. David Panush, a respected health policy consultant, has supported the county's RAJ planning efforts to inventory existing adult and juvenile system programs, identify gaps, coordinate data sharing, and obtain new state grants to begin CalAIM implementation. Additionally, recommendations from the CalHPS and Health Management Associates were incorporated into the planning process utilizing the guidance outlined in their May 2022 report; *CalAIM for re-entry and Justice-Involved Adults and Youth: A Policy Implementation Guide*.
- **Data Sharing Agreement:** With the assistance of ITD and County Counsel, a data sharing agreement was established to facilitate the exchange of data among key county partners with responsibility for medical and behavioral health care for the justice-involved population. This data-sharing agreement will help to support existing health, behavioral health, and jail processes intended to improve services for the justice-involved population. The agreement included the ACSO, ACPD, Alameda County Health Care Services Agency (ACHCSA), Alameda County Social Services Agency (ACSSA), Alameda Alliance for Health, CalHPS, Wendy Ware, Consultant and Researcher, and Wendy Still, RAJ Project Manager.

Under the leadership of RAJ, a second data-sharing agreement was executed between the ACSO, ACPD, and ACSSA to facilitate the sharing of criminal justice, jail, and court/probation data with ACSSA. This information is also intended to assist the ACSO and ACPD in their enrollment of the justice-involved population in Medi-Cal services. The second agreement is in response to the State's recommendation that a data-sharing agreement be established between these specific partners to help further the goals of CalAIM. This particular agreement does not have a specific expiration date, but rather, it will expire upon termination of the Medi-Cal Privacy and Security Agreement between DHCS and the SSA or a successor PSA with DHCS. Additional data sharing agreements will be executed, leveraging the RAJ data-sharing agreements, to support the CalAIM coordinated re-entry initiatives in 2024.

- **Implementation/Modification of Medi-Cal Processes to Enhance the Availability of CalAIM Services (medical, behavioral health, ECM, CS) to the Justice-Involved Population:** RAJ led the effort to modify both the adult and juvenile screening documents and information technology systems (CRIMS, ATIMS Jail Management System, California Statewide Automated Welfare System [CALSAWS; new system scheduled to go live in September 2023]) to facilitate the enrollment of the justice-involved population in Medi-Cal. It involved multiple workgroup meetings, with a variety of county and local agency stakeholders in which screening and data-sharing processes for the ACSO, ACPD, and ACSSA were



modified to create data linkages and enhance data and information sharing.¹⁶ Ultimately these linkages and the sharing of data and information among these agencies will help with the early identification of those who are eligible for Medi-Cal/CalAIM services (particularly those in custody for a short period of time) and, therefore, facilitate increased enrollments and reimbursements to Alameda County.

- **Landscape Analysis:** A comprehensive landscape analysis relevant to CalAIM implementation was completed for both adults and juveniles to help identify gaps in services and processes. As an example, through this analysis, the intake screening questionnaire was modified to more accurately capture information about the Medi-Cal status of individuals booked into and/or cited at the Santa Rita Jail. This allowed the Santa Rita Jail and its county partners to more easily identify and enroll (or reinstate enrollment) individuals in services.
- **Leveraging Grant Opportunities through the CalAIM PATH Program:** The RAJ team facilitated the collection, analysis, and preparation of the information needed for submission of the PATH 1, 2 and 3 grant applications to the DHCS. The PATH 1 and 2 funding is now being used to identify and implement strategies to maximize access and enrollment in physical and behavioral health programs, build sufficient capacity and infrastructure systems, and facilitate access to housing for the justice-involved population. Through this process, ongoing Medi-Cal funding reimbursements and services to the County will occur in the form of increased Medi-Cal enrollments, ECM services, medication management, mental health services, pre and post release re-entry services, wraparound services, housing, etc.
- **PATH 1:** Alameda County (ACSO, ACPD, and ACSSA) applied for and received a \$125,000 state *planning* grant to develop a proposal on how it intends to implement the CalAIM mandate for improving pre-release Medi-Cal application processes for the justice-involved population.
- **PATH 2:** The planning process associated with PATH 1 led to the submission of the County's March 2023 \$1.45 million request to DHCS for PATH 2 *implementation* funds. On July 22, 2023, Alameda County was notified by DHCS that it had been granted this award.
- **PATH 3:** In June/July 2023, Alameda County (ACSO, ACPD, and Alameda County Behavioral Health Services [ACBHCS]) applied for this *planning and implementation* grant. Similar to PATH 2, this round of funds is dedicated exclusively to justice-involved pre-release services provided in the jail and juvenile facilities and behavioral health "warm hand-off" linkage implementation. In August 2023, Alameda County was notified that it had been awarded grant funding in the amounts of \$5 million (ACSO), \$2.5 million (ACPD) and \$3.4 (ACBHCS). As a component of the PATH 3 application process, the ACSO, ACPD, and ACBHCS will need to prepare an implementation plan on how they intend to meet the readiness elements outlined in the chart on the following page.

¹⁶ Stakeholders include, but were not limited to, the Alameda Alliance for Health and WellPath.



Focus Areas	Readiness Element
1: Medi-Cal Application Processes	1a: Screening
	1b: Application Support
	1c: Unsuspension
2: 90 Day Pre-Release Eligibility Screening	2a: Screening
	2b: Eligibility Notification to State Eligibility System
	2c: Release Notification to State Eligibility System
3: 90 Day Pre-Release Service Delivery	3a: Pre-release Care Manager Assignment
	3b: Consultation Scheduling
	3c: Virtual/In-Person Consultation Support
	3d: Support for Medications
	3e: Support for Medication Assisted Treatment
	3f: Support for Prescriptions Upon Release
	3g: Support for Durable Medical Equipment Upon Release
	3h: Medi-Cal Billing
4: Re-Entry Planning and Coordination	4a: Release Date Notification
	4b: Re-Entry Care Management Warm Handoff
	4c: Re-Entry Behavioral Health Warm Handoff
5: Oversight and Project Management	5a: Staffing Structure and Plan
	5b: Governance Structure for Partnerships
	5c: Reporting and Oversight Processes

Developing an information technology infrastructure and data-sharing platforms will be foundational to the planning process. To facilitate this requirement, the ACSO convened a standing interagency workgroup to:

- assess each agencies' general readiness, capabilities, and infrastructure;
- identify programmatic options, costs, and benefits associated with each area; and
- explore an automated solution to manage processes, track utilization, and outcomes, and manage Medi-Cal billing associated with these requirements.

It should be noted that CalAIM PATH rounds 1, 2, and 3 grants are but a few of a multitude of grant opportunities that will allow Alameda County to improve access to services. For example, the *Capacity and Infrastructure Transition, Expansion, and Development* (CITED) initiative will provide direct funding to community-based organizations, county agencies, and others to support the delivery of ECM and CS services.¹⁷ Additional funding sources are delineated further in the *Building Capacity* and appendix sections of this report.

¹⁷ [*Capacity and Infrastructure Transition, Expansion and Development \(PATH CITED\)*](#)



CalAIM's Approach to the Justice-Involved Population

Overview: CalAIM builds on the practices, principles, and lessons learned from two earlier initiatives: (1) county-operated Whole Person Care (WPC) pilots and the (2) Medi-Cal Healthy Homes Program (HHP). Both efforts focus on social determinants of health to improve health outcomes for Medi-Cal's most complex, costly and vulnerable populations. CalAIM builds upon the WPC and HHP initiatives by creating a statewide policy and funding framework that integrates the WPC approach with the state's Medi-Cal managed care program. Alameda County was recognized the collaboration and innovation to implement both of these programs (WPC and HHP), and for the establishment of a Community Health Record/Social Health Information Exchange (CHR/SHIE) that remains in place today. The CHR/SHIE contains 17 different types of data feeds, including medical, mental health, substance use treatment, housing, and food program information. It is used by 55 different agencies in the County. This asset is being built on to implement CalAIM initiatives.

CalAIM was first unveiled by the DHCS in October 2019, and the proposal was enacted as part of the State 2021 - 22 budget. In January 2023, California received federal approval to offer a targeted set of Medicaid services to youth and adults in state prisons, county jails and youth correctional facilities for up to 90 days prior to release.¹⁸ Through the approval of a federal Medicaid 1115 demonstration waiver, California will become the first state in the country to implement this innovative approach for addressing the medical and behavioral health needs of the justice-involved population.

In addition, the new federal waiver authorizes \$410 million for PATH Justice-Involved Capacity Building grants to support collaborative planning, and IT investments intended to support the implementation of pre-release and re-entry planning.

By maximizing Medi-Cal coverage for the justice-involved population, CalAIM creates innovations and new funding opportunities to:

- improve coordination and communication among correctional systems and health systems;
- enhance continuity of care;
- achieve cost savings through reduced gaps in care;
- improve health outcomes; and,
- prevent unnecessary admissions to inpatient hospitals, psychiatric hospitals, nursing homes, and emergency departments, and; reduce overdose, suicide, homelessness; reduce rates of recidivism.

Medi-Cal managed care plans (MCPs) play a central role in the organization and management of many key elements of CalAIM. In Alameda County, the Alameda Alliance for Health and Anthem Blue Cross are the two primary MCPs, but in January 2024, the

¹⁸ [Department of Health Care Services CalAIM Justice-Involved Website](#)



two plans serving Alameda County will be the Alameda Alliance and Kaiser Permanente. In this new delivery model, the Alameda Alliance for Health is designated as the primary Medi-Cal health plan and administers the services for approximately 85% of the adults and children, and Kaiser Permanente will administer the remaining 15% of the Medi-Cal population. The implementation of CalAIM for the justice-involved population also requires a seamless partnership between local justice system agencies (i.e., sheriff offices and probation departments), county health and behavioral health departments, county social services departments, district attorneys, public defenders, defense attorneys, court systems, and community-based organizations that provide an array and medical, behavioral health, social supports, and other services for justice-involved individuals.

MCPs are responsible for administering and funding Medi-Cal covered services to beneficiaries enrolled in the Medi-Cal managed care program. These health plans are also responsible for providing services to members with mild and moderate mental health conditions. In California, about 83% of the state's 14 million Medi-Cal beneficiaries are enrolled in MCPs, and by December 2023, approximately 99% will be automatically enrolled in managed care through a statewide regulatory initiative. For most individuals eligible for Medi-Cal, the state requires beneficiaries to enroll in an MCP, which receives a capitated payment from the state as an incentive for managing care and risk.

CalAIM creates an ongoing funding mechanism that relies on MCPs to administer new benefits and optional services that improve care for complex, hard-to-serve "populations of focus," that include the justice-involved. These new tools include ECM benefit and CS optional services. These CS are non-clinical, alternative or non-traditional services that can be cost-effective in reducing unnecessary emergency room visits and hospitalizations by addressing social determinants of health. In the context of the justice-involved population, the collaboration of local justice system agencies (e.g., probation, sheriff, courts, district attorney, public defender) and the inclusion of nontraditional health related services can also yield improved public safety outcomes and reduced recidivism.

In Alameda County, CalAIM has been implemented collaboratively by the MCPs and the County, with the specific goal of supporting smaller agencies that are trusted by Members. For example, the County's Health Care Services Agency is acting as claiming intermediary between housing-related community supports providers and the MCPs, using the Community Health Record to identify eligible Members and to document services. This model can be extended to include partners that are dedicated to the needs of recently incarcerated people.

CalAIM's Justice Initiative: At a state level, one component of CalAIM focuses on Californian's justice-involved population. This includes about 123,000 state prison inmates and about 51,000 parolees.¹⁹ About 36,000 people are released from California prisons each year. In 2019, about 750 parolees and post-release community supervision (PRCS) inmates were released in Alameda County.²⁰ The justice-involved population also includes over 560,000 (unduplicated individuals) who are admitted or released from

¹⁹ [*Department of Corrections & Rehabilitation, Spring 2020 Population Projects.*](#)

²⁰ [*Department of Corrections Offender Data Points Report, 2020*](#)



jails annually.²¹ Based on our analysis of Alameda County, there were 18,000 adults (unduplicated) who were admitted and released from jail over a twelve-month period in 2021. About 5,000 adults are currently supervised by the ACPD.

The juvenile justice population is also a focus of CalAIM's justice initiative. In Alameda County, there were 659 juveniles (unduplicated) who were booked into juvenile hall in 2019, which declined to 326 in 2021.

Consistent with RAJ's directive to reduce racial and ethnic disparities in the justice system, CalAIM seeks to address the medical, social determinants and behavioral health needs of the underserved justice-involved population, which experiences high rates of mental illness, SUDs and chronic health conditions. When released from custody, these justice-involved individuals face a cycle of homelessness, emergency room and hospital utilization, and re-incarceration.

- Overdose death rates are more than 100 times higher in the two weeks after release from incarceration than for the general population.²²
- Over the past decade, the proportion of incarcerated individuals in California jails with an active mental health case rose by 63%.²³
- California's correctional health care system drug overdose rate for incarcerated individuals is three times the national prison rate.²⁴
- Among justice-involved individuals, two of three individuals incarcerated in California have a high or moderate need for substance use treatment.²⁵

The over-representation of people of color in the justice system is another factor that must be addressed as the state intends to address long-standing health disparities through CalAIM. African American men, for example, account for over 28% of the incarcerated population but are only 5.6% of the state's population.²⁶ Based on our analysis of the Alameda County jail population, 48% were African American and 30% Latino.

Who is Eligible for Enhanced Care Management Services (Population of Focus²⁷): CalAIM targets Medi-Cal eligible individuals enrolled in the managed care program that experience complex medical conditions who are the hardest to serve and often fall through the cracks of the system. Justice-involved/re-entry adults and youth are one of seven mandatory populations of focus defined in CalAIM.

²¹ [*Expanding Health Coverage in California: County Jails as Enrollment Sites. Public Policy Institute of California.*](#)

²² [*Release from Prison: A High Risk of Death for Former Inmates, NIJM, 2007.*](#)

²³ [*The Prevalence of Mental Health Illness in California Jails is Rising, CalHPS, 2020.*](#)

²⁴ [*Analysis of 2017 Inmate Death Reviews in California Correctional Health Care System, Ken Imai, MD, 2018.*](#)

²⁵ [*Improving In-Prison Rehabilitation Program, Legislative Analyst Office 2017.*](#)

²⁶ [*California's Prison Population, PPIC, 2018.*](#)

²⁷ [*DHCS, Enhanced Care Management Implementation Timeline and Population of Focus, Updated December, 2022*](#)



- **Adults:** Eligible adults include individuals transitioning from incarceration: are those “who are **BOTH** transitioning from incarceration or transitioned from incarceration within the past 12 months **AND** have at least one of the following conditions:
 - ♦ Chronic mental illness
 - ♦ SUD
 - ♦ Chronic Disease, e.g., hepatitis C, diabetes
 - ♦ Intellectual or developmental disability
 - ♦ Traumatic brain injury
 - ♦ HIV
 - ♦ Pregnancy
- **Juveniles.** All juveniles who have been incarcerated in the past 12 months are eligible regardless of medical or behavioral health conditions.

In addition to the re-entry population, there are six other populations of focus that often have significant overlaps with the justice-involved population.

- **Homeless:** Individuals experiencing homelessness, chronic homelessness, or at risk of becoming homeless. *(Note: about 70% of individuals experiencing homelessness report a history of incarceration.²⁸)*
- **High Utilizers:** Individuals with frequent hospital or emergency room visits/admissions.
- **SMI and SUD at Risk for Institutionalization:** Individuals who are at risk for institutionalization who have co-occurring chronic health conditions and SMI (adults) or SUD.
- **Complex Needs:** Children or youth with complex physical, behavioral, developmental, and oral health needs, e.g., California Children Services, foster care, youth with clinical high-risk syndrome or first episode of psychosis.
- **At-Risk Population:** Individuals at Risk for Institutionalization who are eligible for long-term care services.
- **Nursing Facility Residents:** Individuals in nursing facilities who wish to transition to the community.

²⁸ [California Health Policy Strategies. Criminal Justice Involvement Among Unsheltered Homeless in California, 2018.](#)



Medi-Cal Application Process – New State Mandate

A new state mandate requires that all jails and juvenile facilities have a pre-release planning Medi-Cal application process. State legislation enacted as part of the state budget package requires the BOS in each county, in consultation with the county sheriff, to designate an entity or entities to assist both county jail inmates and juvenile inmates with the Medi-Cal application process. This mandate became effective at the beginning of 2023.

Many inmates leave incarceration without having active Medi-Cal status. A 2019 (pre-COVID) Alameda County study found that 41% of inmates incarcerated for 30 days or more did not have Medi-Cal when they left Santa Rita Jail. More than half of these individuals had no record of ever being enrolled in Medi-Cal. Some may have had other health coverage (e.g., Veterans, Covered California, or Medicare) or were ineligible for Medi-Cal because of their immigration status.²⁹ Establishing Medi-Cal eligibility and being enrolled in a managed care program is a necessary precondition for accessing CalAIM-related services.

CalAIM's authorizing legislation included a state mandate that all counties implement a pre-release Medi-Cal application process. The statutory requirement is contained in Penal Code Section 4011.11. This law requires the BOS in each county, in consultation with the county sheriff, to designate an entity or entities to assist both county jail inmates and juvenile inmates with the Medi-Cal application process. This mandate went into effect on January 1, 2023. PATH 2 funding will be used to support this implementation.

The state mandate is intended to standardize policy, procedures, and collaboration between California's county jails, juvenile facilities, MCPs, county behavioral health, and other health and human service agencies to ensure all county inmates/juveniles that are eligible for Medi-Cal and need on-going physical or behavioral health treatment receive timely access to Medi-Cal services upon release from incarceration. This collaboration is intended to establish a continuum of care and strengthen ongoing support services for individuals who are transitioning from custody to their communities.

Jail Facilities – Alameda County Sheriff's Office Response: The ACSO implemented a two-pronged approach to the CalAIM Initiative and Medi-Cal enrollment. When an arrestee is booked into Intake, Transfer and Records (ITR), they go into one of two categories, "cites" or "keepers." All arrestees undergo a medical pre-screening which includes questions about medical insurance coverage. Through the RAJ planning process, the medical pre-screening form was updated to capture critical information intended to identify the medical status of individuals during the intake process. The form will eventually be automated and incorporated into the ATIMS system and financed through PATH 2 grant funding.

²⁹ Alameda County Health Care Services Agency Director Colleen Chawla, Memo to Alameda County Board of Supervisors, November 16, 2020.



Those categorized as “cites” are typically in custody a matter of hours before they are issued a citation and released from ITR. All releases have access to pamphlets and informational posters at the release area informing them of community resources, support and services to assist them in re-entry and Medi-Cal enrollment.

“Keepers” are justice-involved clients who will be housed at the jail for longer periods of time, days, weeks, or longer. These individuals undergo a more in-depth intake process than cites to include a classification interview and a medical and mental health screening. The medical screening is completed by the medical services provider, Wellpath, and includes additional questions on medical insurance to inform eligibility for Medi-Cal. They are eventually moved to a housing unit. Within 90 days of release, a discharge planner contacts justice-involved clients to assist them in enrollment into Medi-Cal.

ACSO intends to implement a reception/intake housing unit model to assist with the Medi-Cal enrollment. Most new justice-involved clients will first be housed in the reception/intake housing unit allowing ACSO and stakeholders, such as community-based organizations, ACPD, ACSSA, and Wellpath, to concentrate on Medi-Cal enrollment, discharge planning, and re-entry services in a single capture point. The Cal-AIM Path 2 grant funds will be used to modify and upgrade jail infrastructure, upgrade IT/Network systems, facility costs, training and meeting costs, staffing, and other miscellaneous costs associated with the reception/intake housing unit and/or other costs associated with coordination of Medi-Cal enrollments.

Juvenile Facilities – Alameda County Probation Department’s Response: The ACPD is proposing to issue formal policies/procedures memorializing the relevant processes and training staff following discussion with labor partners. ACPD’s Transition Center staff would verify each youth’s Medi-Cal status, and the ACHCSA has committed to placing a medical social worker in the Transition Center to assist with this process.

Youth that are identified during intake as not having medical insurance will be offered the opportunity to enroll in Medi-Cal. Parents will be contacted to obtain their consent, and a formal letter will be issued asking parents to provide written consent for an application to be submitted. Parents will be given 30 days to provide the requested consent and signature on the application. If a parent does not consent to the process, an application will not be submitted.

For youth actively enrolled in Medi-Cal, the ACSSA will be notified via the designated email after the youth has been detained for 28 days or more and the expected release date (if known). Additionally, ACPD will notify the ACSSA upon the youth’s release via the designated email.

Pre-Release Medical and Behavioral Health Care Services Offered up to 90 Days Prior to Release: Current federal Medicaid rules do not allow reimbursement for medical or behavioral health services for inmates who are incarcerated. However, the newly approved federal waiver will allow the state to pay for an array of services up to 90 days prior to release, with the goal of improving health services and outcomes when the inmate



has transitioned to the community.³⁰ This would apply to both juveniles and adults. This policy change is intended to create a mechanism to improve continuity with support and health services post-release by building trusted relationships with care managers, increasing pre-release management and stabilization of sensitive health conditions (e.g., diabetes, heart failure, hypertension), and sustainable support for behavioral health treatment regimens (i.e., injectable long-acting anti-psychotics for mental health conditions and medications for addiction treatment) that could reduce decompensation from mental illness and post-release overdoses.

Implementation can begin in April 2024. However, county correctional facilities will have the option of implementing over a two-year period, extending through March 2026. Implementation will be tied to DHCS readiness assessment and timelines related to five specific milestones:

- Increasing coverage and ensuring continuity of coverage for individuals who are incarcerated;
- Covering and ensuring access to the expected minimum set of pre-release services for individuals who are incarcerated to improve care transitions upon return to the community;
- Promoting continuity of care to ensure access to services both pre-and post-release;
- Connecting to services available post-release to meet the needs of the reentering population and;
- Ensuring cross-system collaboration.

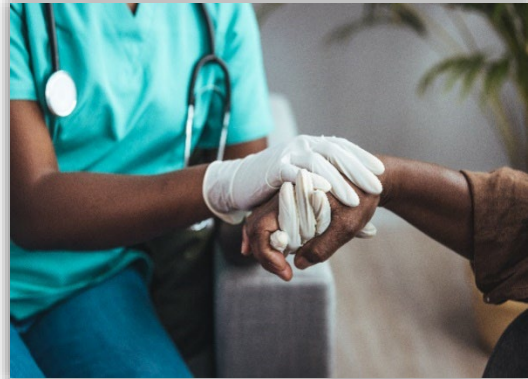
The proposed medical and care coordination services, which would be paid for on a fee-for-services basis, include:

- Conducting initial care needs assessment, e.g., medical, mental health, SUD, social needs;
- In-Reach physical and behavioral health clinical consultation services;
- Developing a transition plan for community-based care;
- Screening and referrals to community-based services and post-release appointments;
- Developing a medication management plan in consultation with clinical providers.
- Limited laboratory/x-rays provided pre-release;
- Medications for addiction treatment (MAT);
- Psychotropic medications provided pre-release;
- Providing a 30-day supply of medication upon release, and;
- Durable medical equipment for use post-release into the community, e.g., wheelchairs.

³⁰ [DHCS Update on CalAIM Justice Impacted Waiver Approval, February 2023](#)



The target population definition aligns with the population of focus described earlier. Adult eligibility for the pre-release services would be limited to individuals who are Medi-Cal eligible AND who have one of the following health-related conditions: mental illness, SUD, chronic or significant clinical condition, intellectual or developmental disability, traumatic brain injury, HIV/AIDS, or pregnant or post-partum. All incarcerated youth would be eligible and would not need to demonstrate a specific health care need.



DHCS anticipates releasing the standardized screening tool in the fall of 2023 to be used by correctional staff in prisons, jails, and youth correctional facilities to identify individuals who would have access to pre-release services. For individuals with longer-term stays and set release dates (e.g., individuals in state prison and AB 109 populations in county jails), screening for access to services could start as early as 120 days prior to release. DHCS is also exploring the potential of screening for access to pre-release services at intake or as close to intake as possible. This would assist individuals with shorter-term stays and unpredictable release dates, e.g., pre-adjudicated jail inmates.

Re-entry Initiative Reinvestment Plan: As part of the federal waiver, the state must demonstrate that state and local correctional system savings attributable to the new federal funding for pre-release services must be reinvested in services that support the re-entry population. Allowable re-entry reinvestments include:

- New services covered under the re-entry demonstration initiative;
- Improved access to behavioral and physical community-based health care services and capacity;
- Improved health information technology and data sharing;
- Increased community-based provider capacity;
- Expanded or enhanced community-based services and supports; and
- Any other investments that aim to support re-entry, smooth transitions into the community, divert individuals from incarceration or re-incarceration, or better the health of the justice-involved population.

Implementation Considerations for Alameda County: As the state considers program models, Alameda County will also need to address key logistical and administrative challenges related to implementation.

- Can the existing screening process for adults and juveniles be modified to leverage new Medi-Cal resources? Should the screening include identification of individuals with an alcohol use disorder?



- What screening, assessment, treatment, and coordination services can be provided for individuals who are incarcerated for very short stays?
- Will medical and behavioral health care systems be organized and staffed to meet the new expectations?
- What IT systems and data-sharing processes will be needed for Medi-Cal billing and reporting?
- How will community health workers and/or peers with lived experience be incorporated into carceral settings to support medical and behavioral health needs? What kind of security protocols/clearances will be required for access to the jail?
- How will jail and juvenile facility medical and behavioral health services coordinate with MCPs, county behavioral health, and community health centers for post-release care?

Behavioral Health “Warm Handoff” – New State Mandate

Facilitated Referral & Linkages: Effective April 2024 – 2026, a new state mandate requires individuals receiving treatment for behavioral health issues in jail to receive a “facilitated referral and linkage” to the county’s department for behavioral health upon release from custody. This is intended to improve continuity of care.

CalAIM requires a new referral and linkage process to county behavioral health to facilitate improved continuity of care for inmates receiving behavioral health services as they transition back to community-based treatment. As previously stated, a new statutory mandate was enacted (Penal Code Section 4011.11) that “No sooner than January 1, 2023, the State Department of Health Care Services, in consultation with counties, county sheriffs, probation departments, MCPs, and Medi-Cal behavioral health delivery systems, shall develop and implement a mandatory process by which county jails and county juvenile facilities coordinate with MCPs and Medi-Cal behavioral health delivery systems to facilitate continued behavioral health treatment in the community for county jail inmates and juvenile inmates that were receiving behavioral health services before their release.”

CalAIM targets county jail inmates and/or youth in juvenile facilities that are receiving mental health or SUD treatment in custody and mandates that all counties implement a process for “facilitated referral and linkage” that connects them to county specialty mental health, Drug Medi-Cal, Drug Medi-Cal-Organized Delivery System (DMC-ODS), and MCPs. This process would allow for the continuation of behavioral health treatment in the community when the inmate or juvenile is released from custody.

Navigating the complex network of health and behavioral health services for continued care and treatment can be challenging for formerly incarcerated individuals. Warm handoffs are a best practice to reduce the instances of individuals not accessing needed care and support services. The warm handoff process to support re-entry should include coordinating the release of medical records; establishing a medical home with a community provider; making initial appointments; providing a bridge prescription for



necessary medications until the client can be seen by the community provider; and ensuring other treatment regimens continue after release. The Alameda County Community Health Record (CHR) allows for a single uploaded release of information by which individuals can consent to share their medical, mental health, and housing information (among other critical contacts) with multiple agencies with whom they work.

Medi-Cal eligible individuals should also receive assistance in selecting a MCP and services for mild and moderate mental health conditions in addition to physical health needs. The process should seek to empower individuals with information and guidance that enables them to actively participate in managing their own behavioral health treatment needs to the greatest extent possible. Community Health Workers (CHWs) with lived experience can play an important role in facilitating the referral and linkage process.

The CalAIM mandate focuses on transitions for adult inmates and juveniles receiving in-custody behavioral health treatment while in county jails or juvenile halls. Warm handoffs are also needed for inmates transitioning from the California Department of Corrections and Rehabilitation (CDCR), such as parolees and those returning from state prison, to be supervised by county probation under PRCS. As CDCR continues to implement MAT for state inmates, the need for continuity of care in the community will be even more essential.

Implementation Considerations for Alameda County. Alameda County will need to address key logistical and administrative challenges related to implementation, including the following:

- How will incarcerated adults and juveniles who receive behavioral health screening and services be identified? Will this include individuals identified with alcohol use disorder?
- What IT systems, in addition to the CHR, are needed to share data between in-custody providers and county behavioral health or MCPs that may be responsible for providing mild and moderate mental health services?
- How will the “warm hand-off” policy apply to juveniles and adults who are incarcerated for very short stays?
- What services will the “warm handoff” entail? How will CalAIM’s ECM program support this effort?
- What process will be used to ensure access to housing for those who are likely to be unhoused upon release?



Improved Case Management Services – New Medi-Cal Benefit

Enhanced Care Management: ECM is a new managed care Medi-Cal benefit that can provide face-to-face, on-the-ground case management and support to justice-involved individuals to help them navigate the health and behavioral health care system. It can also be a funding source for community health care workers with lived experience. The program is administered and funded through MCPs.

The first phase of the ECM implementation of re-entry for the justice-involved population begins on January 1, 2024. The second phase launches between April 2024 and March 2026, adding the pre- and post-release services for purposes of coordinated re-entry.

Note: Implementation of ECM began on January 1, 2022, for other populations of focus that are likely to overlap with the justice-involved population, e.g., individuals experiencing homelessness and those with serious behavioral health issues, and adult high utilizers.

DHCS requires ECM to include seven core services for all populations of focus, including individuals transitioning from incarceration.³¹ These services include:

- Outreach and engagement
- Comprehensive assessment and case management
- Enhanced coordination of care
- Health promotion
- Comprehensive transitional care
- Member and family supports
- Coordination of and referral to community and social support services

(See appendix for a more detailed description of each service area.)

As ECM implementation begins, a key factor for consideration is the recruitment and training of a workforce that can meet the unique challenges of the justice-involved population. This is recognized in CalAIM, which expects enhanced care managers to meet their clients “*where they are.*” Trust is the intangible quality that is essential for medical management care planning for the justice-involved population. CalAIM’s ECM proposal allows MCPs to contract with the county and non-profit entities that currently work with the justice-involved population to support the development of new or enhancement and scaling of existing diversion or deflection efforts that help individuals served avoid incarceration.

The ECM workforce should include the utilization of CHWs with lived experience. CHWs with lived experiences who understand the unique needs of individuals transitioning from

³¹ [DHCS, Enhanced Care Management Policy Guide, Updated December 2022](#)



prison and jail can provide the culturally relevant human connection that facilitates warm handoffs and ongoing engagement with community medical and treatment providers.

Implementation Considerations for Alameda County. As the state considers program models, Alameda County will also need to address key logistical and administrative challenges related to implementation, including the following:

- How will eligible incarcerated adults and juveniles be enrolled in ECM? Will there be seamless coverage to ensure enrollment at the time of release from custody?
- How will adults and juveniles being transferred to and from other counties be addressed?
- What new IT and data-sharing systems will be needed?
- Which organizations or agencies will be responsible? Will ECM be provided by organizations that have direct experience and understanding of the criminal justice system for adults and juveniles? How will they work together and coordinate with justice system agencies, e.g., probation, courts, sheriff and jail staff, district attorney and public defender, and medical and behavioral health providers that primarily service the re-entry population?
- Will the ECM staff include individuals with lived experience?
- How will ECM coordinate with agencies and community-based organizations that provide re-entry, such as housing/tenant support?
- Is specialized training needed for this workforce?
- How will eligible justice-involved individuals be enrolled in ECM?
- How will MCPs track ECM client encounters and outcomes?
- What outcome measures should be used to evaluate performance and quality?

Community Supports: CS allows the use of Medi-Cal funds to pay for a variety of non-clinical services that address “social determinants of health,” such as housing, navigation, tenancy and sustaining services. Examples of re-entry include one-time housing-related costs such as security deposits, first and last month's rent, and up to six months of housing for individuals with behavioral health and medical needs leaving a hospital or jail and who would otherwise be homeless.

Note: Justice-involved individuals can access re-entry if they are in an overlapping population of focus, e.g., individuals experiencing homelessness, SMI/SUD, high utilizers, etc.

DHCS has authorized 14 CS that can be included in the array of funded services offered by MCPs as part of the CalAIM initiative.³² The MCPs in each county have the responsibility for choosing which re-entry they will offer to their enrollees. Although federal rules do not allow the state to require MCPs to offer these new services, the state

³² [*DHCS, Re-entry Policy Guide, Updated December 2022*](#)



can encourage them to do so. MCPs also have the option of adding new re-entry with six months prior notification to DHCS.

DHCS has prepared non-binding pricing guidance to help MCPs and CS providers engage in new contracting and payment relationships.

CalAIM and Housing/Tenancy Supports: Housing is one of the most complex challenges facing counties, especially for community members with behavioral health issues and involvement with the criminal justice system. Life on the streets can also exacerbate mental illness and substance use. Individuals who have been incarcerated – and those with mental health and/or SUD – experience significant stigma, which creates barriers to finding subsidized housing options in a competitively supported housing marketplace. Housing is a critical element for program effectiveness in serving justice-involved individuals with behavioral health needs.

CalAIM's CS includes several new options that can enhance efforts to access and maintain housing for the justice-involved population with medical and behavioral health needs. The services provided should be based on an individualized assessment of needs and documented in the individualized housing support plan. The CalAIM services would utilize best practices for clients who are homeless and who have complex health and/or behavioral health conditions, including Housing First, Harm Reduction, Progressive Engagement, Motivational Interviewing, and Trauma Informed Care.

Eligibility would be available to highly vulnerable individuals with multiple chronic conditions and/or SMI and/or serious SUD. Also eligible are individuals who meet the HUD definition of homeless (including those exiting institutions but not including any limits on the number of days in the institution) and who are receiving ECM. The Community Health Record is currently being used to identify eligible individuals and allow communication among agencies who are working with the individual, as well as connection back to the MCP. This could be built upon to serve justice-involved community members.



CalAIM Re-entry Options & Prospective Implementation Dates Updated February 2023		
Service	Alameda Alliance	Anthem Blue Cross
Housing Transition Navigation Services	X	X
Housing Deposits	X	X
Housing Tenancy and Sustaining Services	X	X
Short-term Post-Hospitalization (or Post-Incarceration) Housing		7/1/2023
Recuperative Care (Medical Respite)	X	X
Respite Services	X	X
Day Habilitation Programs		7/1/2023
Nursing Facility Transition/Diversion to Assisted Living Facilities		1/1/2023
Community Transition Services/Nursing Facility Transition to a Home		1/1/2023
Personal Care and Homemaker Services		X
Environmental Accessibility Adaptations (Home Modifications)	1/1/2024	X
Meals/Medically Tailored Meals	X	X
Sobering Centers	1/1/2024	1/1/2024
Asthma Remediation	X	X

Implementation Considerations for Alameda County: As the state considers program models, Alameda County will also need to address key logistical and administrative challenges related to implementation, including the following:

- What CS are needed for the justice-involved population but are not yet proposed for implementation? For example, the Alameda Alliance for Health has not launched the “Short Term Post Hospitalization/Incarceration Housing” service at this time, which can provide up to six months of housing for individuals leaving custody who would otherwise be homeless.
- How will justice-involved individuals access these new services?
- Will the providers of re-entry understand and have experience with the justice-involved population?
- How can existing county programs serving justice-involved individuals (e.g., sobering centers) be incorporated into the new re-entry services?
- Will adults and juveniles from other counties have access to re-entry?
- How will PATH and Incentive Payment Program funds be accessed to increase capacity, including workforce development and IT needs?



- What outcomes should be measured to ensure accountability and effectiveness of services provided?
- How will the Community Health Record (Social Health Information Exchange) system be leveraged by the County Agencies and Safety-Net partners to share

Building Capacity

The CalAIM initiative recognizes that successful implementation will require new and increased capacity at the local level. To address this need, significant new state one-time funds have been made available for IT enhancements, recruitment and training, planning, systems development, acquisition of facilities, and other needed infrastructure. An important goal of the RAJ initiative is to leverage resources to support the justice-involved population.

Two key programs that are specifically targeted for CalAIM are:

- **PATH** provides \$561 million over five years for CalAIM justice system initiatives, with another \$1.3 billion designated for other CalAIM infrastructure needs. Eligible funding recipients include counties, community-based organizations, probation, sheriffs, and adult/juvenile correctional facilities. MCPs are not eligible. As noted earlier, Alameda County has already received a PATH 1 planning grant of \$125,000 to support efforts related to the Medi-Cal pre-release enrollment process. The county has submitted a request for \$1.45 million for implementation funding as part of the PATH 2 process.

In April 2023, DHCS released program guidance for PATH 3 funds.³³ This guidance outlines how the state will disseminate up to \$410 million in capacity building funds to support the planning and implementation of pre-release and re-entry services in the 90 days prior to an individual's release into the community.

- **Medi-Cal MCP Incentive Payment Program (IPP)** provides \$1.5 billion over three years to MCPs to invest in planning, staffing, training, information management system, and other infrastructure to support ECM and re-entry.

Other one-time state funds have been allocated through the 2021 - 22 and 2022 - 23 state budget process to expand housing and behavioral health infrastructure. These opportunities are identified as follows:

- **Community Care Expansion (CCE)** provides \$803 million over three years to fund the acquisition, construction, and rehabilitation to preserve and expand adult and senior care facilities that serve the Supplemental Security Income (SSI) State Supplementary Payment (SSI/SSP) and Cash Assistance for Program and Immigrants (CAPI).

³³ [DHCS PATH Funding: Justice-Involved Re-entry Initiative Capacity Building Program Guidance, April 2023](#)



Alameda County has received \$46.2 million to develop 386 new housing units that will be operated by the following community-based organizations: Bay Area Community Services (110 units), Alameda Point Collaborative (90), East Bay Asian Local Development Corporation (79 units), Berkeley Food and Housing Project (15 units), and Housing Consortium of the East Bay (92 units).

- **Behavioral Health Continuum Infrastructure Program (BHCIP)** provides \$2.4 billion over two years for competitive grants to counties, tribes, or providers to construct, acquire, and rehabilitate real estate assets to expand the community continuum of behavioral health treatment facilities.

ACBHCS, to date has received 5 BHCIP awards totaling just under \$27 million all through Round 3 and 5. The five facilities funded are a new forensic focused crisis residential facility (Fruitvale area, 16 new beds), a new TAY residential program with embedded case managers (Fruitvale area, 16 new beds), and a new crisis stabilization unit plus crisis residential program (Hayward, 16 new beds.) And a locked MRHC focused on the forensic population and a substance use residential treatment in Hayward and Livermore. In addition, ACBHCS has continued applying for subsequent BHCIP rounds.

- **Housing and Homelessness Incentive Program** provides \$1.3 billion to MCPs to develop a Homelessness Plan in partnership with local Continuum of Care (COC) organizations, public health agencies, county behavioral health, social services, and housing departments.

AAH has proposed a \$26.5 million investment plan that includes \$5.5 million for housing CS staffing, recuperative care capacity, contracting for medically frail capacity; \$8 million for housing financial supports that include a local operating subsidy pool; \$3.2 million for health care for the homeless street health teams; and \$5 million for capital investments to build capacity for temporary and long-term housing.

- **Homeless Housing, Assistance, and Prevention Program (HHAP)** is an expansion of funding that provides \$2 billion in flexible funding to local government to address homelessness.

ACHCSA reports (in May 2023) that the following aggregated allocations for HHAP funding (rounds 1-4): COC, \$38.8 million; Alameda County, \$36 million; City of Oakland, \$78.7 million.

- **Contingency Management (CM)** authorizes any of the 38 counties in the Drug Medi-Cal Organized Delivery System (DMC-ODS) to pilot the effectiveness of CM, an evidence-based behavioral intervention modality for stimulant use disorders, including methamphetamine. \$58.5 million is allocated to support this initiative.



ACBHCS will be launching the CM benefit in the second quarter of 2023, in accordance with approval from the Centers for Medicare & Medicaid Services as part of the CalAIM 1115 Demonstration. Eligible Medi-Cal beneficiaries will participate in a structured 24-week outpatient program, followed by six or more months of additional recovery support services. Beneficiaries will be able to earn motivational incentives in the form of low-denomination gift cards, with a retail value determined per treatment episode. There are currently three providers in the ACBHCS network who will deliver CM services.

- **Behavioral Health Bridge Housing** over two years for bridge housing projects to address the immediate housing and treatment needs of people experiencing homelessness who have serious behavioral health conditions: \$1.5 billion is allocated to support this initiative.

ACBHCS reports that new state funds are prioritized to fund shorter-term housing options primarily for Care Court participants who are homeless and have a mental health condition. ACBHCS, in conjunction with the Office of Care and Coordination (OHCC), has developed a plan to expend the \$46 million coming to Alameda County. Total annual point-in-time bed slots will be around 250 and will be a range of housing from emergency hotel vouchers to board and care and short-term rental subsidies.

Long-Term Benefit to Alameda County & the Justice-Involved Population

Through these funding sources, new services, and the refinement of existing processes, Alameda County will be in a position to better improve outcomes associated with the justice-involved population by ensuring continuity of coverage through Medi-Cal pre-release enrollment strategies and by implementing key services to support the successful re-entry of this population into the community.

Thus far and under the guidance of the RAJ Project Manager, the CalAIM initiative has helped Alameda County to build on existing requirements implemented across jails, youth correctional facilities, and prisons in an effort to:

- Reduce racial and ethnic disparities in the youth and adult justice populations'
- Maximize and leverage new state and federal funding opportunities;
- Ensure all eligible individuals are enrolled in Medi-Cal prior to release from county jails and youth correctional facilities;
- Provide targeted Medi-Cal health care services to youth and eligible adults in the 90 days prior to release to prepare them to return to the community and reduce gaps in care. Eligible adults include those who have a mental health diagnosis or suspected diagnosis, a SUD or suspected diagnosis, a chronic clinical condition, a traumatic brain injury, intellectual or developmental disability, or are pregnant or postpartum, including behavioral health. All youth in youth correctional facilities are eligible; no clinical criteria are required;



- Provide “warm handoffs” to health care providers to ensure that individuals who require behavioral and other health care services, medications, and other medical supplies (e.g., a wheelchair), have what they need upon re-entry;
- Offer intensive, community-based care coordination for individuals at re-entry, including through ECM, when eligible, and;
- Make community support services (housing, food) available upon re-entry, if offered by their MCP.

The RAJ initiative has led the County’s collaborative response to the initial stages of CalAIM implementation for the justice-involved population. However, ongoing county-wide leadership will be needed to continue these efforts to maximize the outcomes that are envisioned and to allow continuous process improvements to continue into the future.



***“Helping one person might not change the world,
but it could change the world for one person.”
Anonymous***



Sheriff's Oversight

RAJ
Element 4

Background

RAJ element #4 entailed the exploration of whether a Sheriff's Oversight Body and/or OIG should be established within Alameda County pursuant to Assembly Bill 1185 (AB 1185).³⁴ This element was incorporated into the RAJ initiative in response to a December 3, 2020 memorandum from Supervisor Nate Miley, District 4, to the late Supervisor Valle in which he (Supervisor Miley) opined that this legislation had the potential to impact public safety and criminal justice reform, and would likely be of great interest to the residents of Alameda County.

4. How can a Sheriff's Oversight Body and/or Office of the Inspector General be designed into the new RAJ model?

The objective of this element was to assess and provide recommendations to the BOS on whether they should adopt a civilian oversight system of the Sheriff's Department as a means by which to: (1) give residents a place to voice their concerns outside of the agency, (2) help hold peace officers accountable for their actions, and (3) provide an external lens to promote integrity, accountability and improve relations and cooperation among the community and law enforcement.

This section outlines the process that was undertaken, over an intensive eight-month period, to facilitate an informed response, to the PPC and BOS, on whether Alameda County should establish oversight.

It explores the evolution and history of civilian oversight in this country, the advantages and disadvantages of different types of oversight models and systems, financial considerations, and the features, authority and structure that should be taken into consideration in the development of an oversight system tailored to the needs of the community.

Equally important, to gauge the public's sentiment on this topic, community engagement forums were held with the general public, with more focused meetings held with local government stakeholders and leaders, and focus groups encompassing businesses, justice-involved individuals, advocates, and union representatives. This section was further informed by a review of the research, literature, periodicals, and articles on the topic of oversight, as well as through what we learned in response to our collaboration with academic and national experts. and jurisdictions throughout the country with active oversight bodies. In the ensuing sections, we expand upon these areas.

³⁴ Assembly Bill 1185 authorizes a county to establish a sheriff oversight board, either by action of the Board of Supervisors or through a vote of county residents. It authorizes a sheriff oversight board to issue a subpoena when deemed necessary to investigate a matter within the jurisdiction of the board. It also authorizes a county to establish an office of the inspector general to assist the board with its supervisory duties.



Assembly Bill 1185: In February 2019, Assemblymember Kevin McCarthy introduced AB 1185 to enhance the oversight of Sheriff Departments within California. The bill was subsequently signed into law on September 30, 2020, by Governor Gavin Newsom and became effective January 1, 2021.³⁵ AB 1185 authorizes a county to establish a sheriff's oversight body, either by action of the BOS or through a vote of county residents. If established, the legislation authorizes the oversight body to issue a subpoena when deemed necessary to investigate matters within their jurisdiction. It also authorizes a county to establish an IG to assist the oversight body to accomplish its oversight functions. The premise of this bill stemmed from the general belief that a lack of oversight gives rise to civil rights violations that result in costly litigation and settlements in response to allegations of misconduct against deputies and Sheriff Department employees.

The Evolution of Civilian Oversight: Civilian oversight of law enforcement has been a topic of discussion and debate for many years in this country. Although not generally acknowledged by the public, law enforcement agencies have always had civilian oversight through elected mayors, city councils, prosecutors' offices, court decisions, and state and federal legislation.³⁶ However, the questionable effectiveness of these systems has been one of many interrelated and complex social factors which have given rise to civilian oversight, to include the public's mistrust of law enforcement and government in general. Developments in oversight have oftentimes been precipitated by historical misconduct resulting from allegations of racial discrimination, police brutality, civil rights violations, etc. Historically, most often, racial or ethnic allegations of discrimination have been at the center of efforts to introduce citizen oversight, to include high-profile incidents in which a member of the community has been injured or killed during an encounter with law enforcement.

In general, the notion that the community should have some level of involvement and input into the process through which complaints of law enforcement misconduct are received, handled, investigated and disposed of first emerged, in a more formal fashion, in the late 1920s.³⁷ A more formalized concept of civilian oversight emerged amid tensions between law enforcement and minority communities in the late 1920s. From the 1930s to 1950s, riots over race relations and police violence in urban areas gave way to strengthened movements for law enforcement accountability and improved civilian complaint processes. In 1948, a breakthrough came about in Washington, D.C., when the nation's first civilian review board was established in response to community concerns over law enforcement using excessive force against African Americans.

Twenty-five years later, in 1973, a group of community organizations in Berkeley, California, mounted a successful campaign prompting the city council to pass an ordinance establishing the Police Review Commission; the first civilian oversight agency specifically authorized to independently investigate police complaints.³⁸ As of July 1, 2021, and in response to a November 2019 ballot measure, the Police Review

³⁵ Assembly Bill 1185, [California Legislative Information](#)

³⁶ *Civilian Oversight of the Police in Major Cities*, Darrel W. Stephens, Ellen Scrivner, and Josie F. Cambareri, 2018

³⁷ *Police Accountability: The Role of Citizen Oversight*, Samuel Walker, 2001

³⁸ *Civilian Oversight of Law Enforcement, A Review of Strengths & Weaknesses of Various Models*, Joseph De Angeles, Richard Rosenthal, Brian Buchner, OJP Diagnostic Center, September 2016



Commission has been replaced by the Police Accountability Board and the Office of the Director of Police Accountability, with expanded authority and jurisdiction.³⁹

The shooting death of Michael Brown in Ferguson, Missouri, in August 2014 followed by the most recent case of George Floyd on May 25, 2020, in Minneapolis, Minnesota, pushed civilian oversight and law enforcement accountability into the national spotlight. By the beginning of 2022, citizen review, through oversight bodies, has become more widespread than ever, with over 220 in the United States as of today – as a result of state legislation. Other forms of oversight also exist, mostly enacted by local jurisdictions and oftentimes, as a result of pressure from the public in response to high-profile case(s) of alleged misconduct and/or the recognition of local governments that oversight could be of benefit to their communities. According to NACOLE Director Cameron McElhiney, the demand for training, consultation services and technical assistance has skyrocketed in the last couple of years in response to the case of George Floyd.

The following page contains a graphical depiction of early efforts to establish civilian oversight, to include the emergence of investigative models of civilian oversight and finally, the emergence of auditor, monitor, and hybrid models, which will be explored further in this report. While the first wave of oversight entities were marked by review boards (1920s – 1960s) and the second wave (1970s to 1980s) by the development of fully independent investigative oversight entities, the third wave (1990s to present) saw the emergence of the auditor/monitor model (Bobb 2003; Walker 2006).

Within this graphical depiction, three reports are also cited which, combined, present a historical perspective of the interrelated complexities that have influenced the advent of civilian oversight beyond simply law enforcement practices.

- 1931:** U.S. National Commission on Law Observance & Enforcement Report No: 11, Report on Lawlessness in Law Enforcement⁴⁰
- 1968:** The Kerner Report: The National Advisory Commission on Civil Disorders⁴¹
- 1991:** Report on the Independent Commission of the Los Angeles Police Department⁴²

³⁹ Office of the Director of Police Accountability

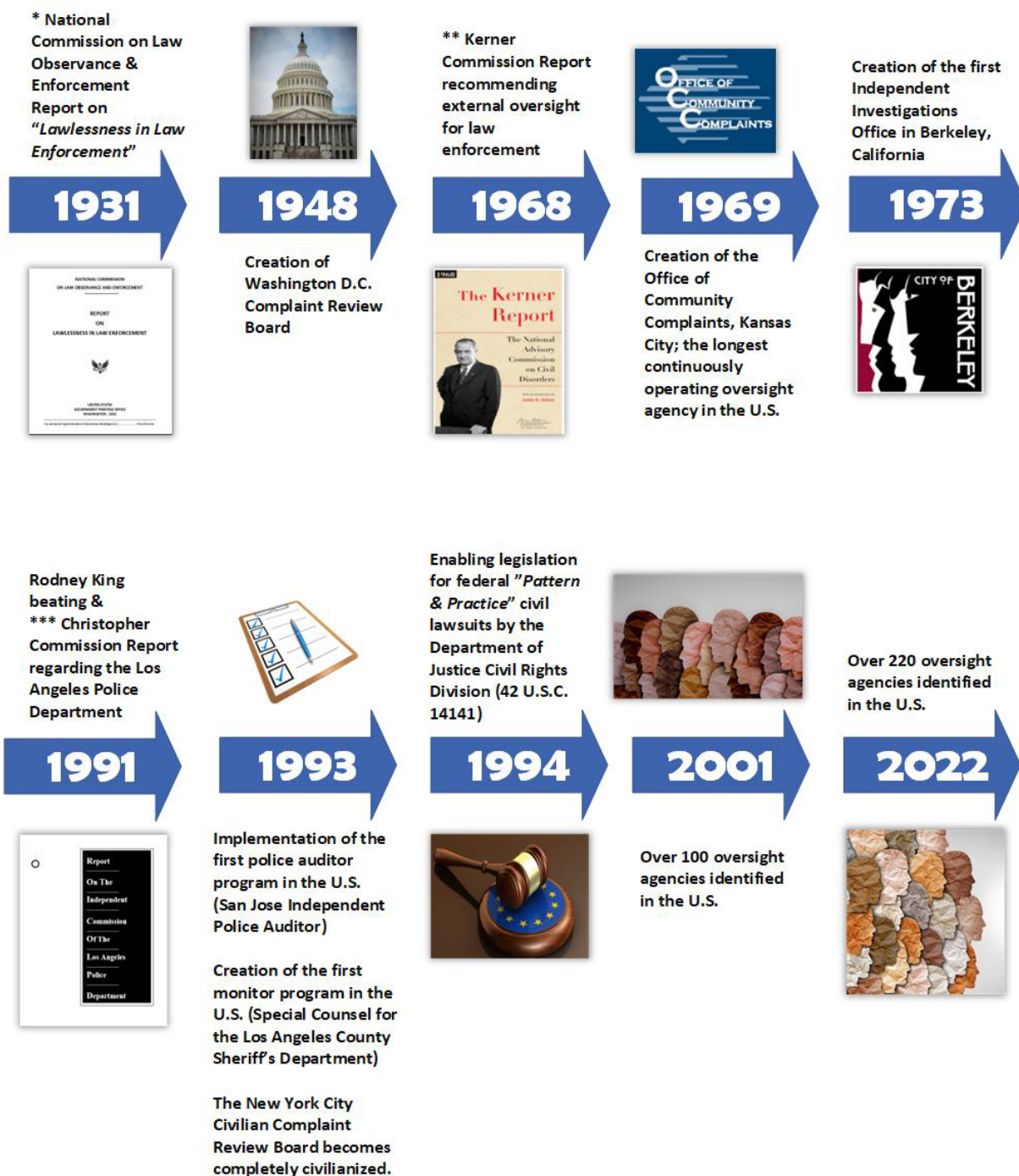
⁴⁰ U.S. National Commission on Law Observance & Enforcement Report No: 11, *Report on Lawlessness in Law Enforcement*

⁴¹ The Kerner Report: *The National Advisory Commission on Civil Disorders*

⁴² Report on the Independent Commission of the Los Angeles Police Department



EVOLUTION OF CIVILIAN OVERSIGHT ⁴³



⁴³ Civilian Oversight of Law Enforcement, *A Review of Strengths & Weaknesses of Various Models*, Joseph De Angeles, Richard Rosenthal, Brian Buchner, OJP Diagnostic Center, September 2016 (with slight modifications)

What is civilian oversight and what are its common goals? Oftentimes referred to as *citizen oversight*, *civilian review*, *external review* and *citizen review boards* (Alpert et al. 2016), this form of law enforcement accountability is frequently focused on allowing non-sworn residents to provide input into the operations of law enforcement, often with a focus on the citizen complaint process. In some jurisdictions, this is sometimes accomplished by allowing oversight practitioners (both paid and volunteer) to review, audit or monitor complaint investigations conducted by internal affairs investigators for the law enforcement agency. In other jurisdictions, it is accomplished by allowing civilians to conduct independent investigations of allegations of misconduct lodged against sworn law enforcement officers. Oversight can also be accomplished through the creation of mechanisms that are authorized to review and comment on law enforcement policies, practices, training, and systemic conduct. Some oversight mechanisms involve a combination of systemic analysis and complaint handling or review.

The common goals of oversight have evolved throughout the years, but in general they include:

- improving public trust
- ensuring an accessible complaint process
- promoting thorough, fair investigations
- increasing transparency
- deterring law enforcement misconduct⁴⁴

Does Oversight Reduce Crime? Although the intent of oversight is to ensure that law enforcement operates within the confines of state law and the United States Constitution, sometimes the question is asked, “*Does oversight reduce crime?*” Although the purpose of oversight is not to reduce crime, it is nonetheless an important question, particularly in light of the overarching role of law enforcement within the public safety realm.

Many factors impact the crime rate within a community. They include, but are not limited to:

- ***poverty*** which can impact an individual’s perception of risk associated with what they have (or not) to lose if they are caught;
- ***degrees of morality*** within the home or community with respect to right and wrong and that which is tolerated or encouraged;
- ***upbringing and social environment*** which can shape an individual’s view of the world and directly affect future decisions;
- ***law enforcement policies, practices and resources*** within a community;
- ***sentencing laws and prosecution rates*** within a community;

⁴⁴ Civilian Oversight of Law Enforcement, *Assessing the Evidence*, Joseph De Angelis, Richard Rosenthal, Brian Buchner, September 2016



- **unemployment rates** and the opportunity to take advantage of employment opportunities that allow individuals to make a living wage; and,
- **age of the population** in that most crime is committed by males and individuals in their teens, 20s, and 30s

To that end, although oversight **may** impact crime, it is difficult to definitively measure the many intangible factors that collectively exist and the degree to which they impact crime. Nevertheless, logically it is reasonable to assume the answer to whether oversight impacts crime relies heavily on the effectiveness of the oversight body or system in place, and its ability to bring about needed change in response to many static and dynamic factors. Those factors include such things as:

- the quality, diversity, knowledge base and training of Oversight Board members;
- the operational structure, functional authority and features, political support, and resources at the disposal of the Oversight Board;
- its rapport, support, and the quality of collaboration with the community, ACSO, BOS, the OIG (or other investigative agency created to support the Oversight Board); and the
- extent to which decisions are based on objective factors and general fairness, rather than political agendas or personal biases.

As previously indicated, although the predominant intent of oversight is to ensure law enforcement operates within the confines of the law, it can impact crime through a variety of interrelated dynamic factors that can, collectively, have a corresponding impact. For example, oversight can indirectly reduce crime through the cooperation that ensues when law enforcement and the community work together. In other words, when the community has faith that law enforcement is fair, balanced and responsive to the needs of the community, it strengthens trust. This factor alone **can** result in improved cooperation in that the public is more likely to assist law enforcement to more accurately assess areas of concern requiring more focus, and therefore, allow law enforcement to make better use of their limited resources. This can include the public's help in solving crime, as well as the identification of more relevant options to improve policing and services tailored to that particular community, i.e., the identification of "hot spots" and/or areas requiring more preventative services for its residents.

Furthermore, oversight can put into perspective the parameters under which law enforcement operates by facilitating the public's understanding of their policies and procedures. A lack of knowledge by the public in these areas can contribute to miscommunication, misunderstandings and an overall suspicion of law enforcement. This alone can further contribute to a general lack of cooperation and mistrust. Ultimately, ensuring the public is informed on law enforcement practices can help build bridges and ideally, contribute to a reduction in crime.



Strategic Roadmap to Determining Whether Oversight is Necessary in Alameda County

In response to the question of whether oversight should be implemented within this county, a two-step approach was undertaken. It included:

- eliciting feedback from the community, local leaders, stakeholders, county officials, practitioners, and academic experts, and
- exploring the best possible model of oversight for Alameda County.

The accomplishment of these objectives was achieved through a combination of interrelated strategies that were conducted simultaneously. They include:

- Community Outreach & Engagement
- Community Surveys & Public Comments
- External Stakeholder & Focus Group Meetings
- Use of Technology to Enhance Communication & Outreach
- Educational Seminar & Resources
- Literature Review

Community Outreach & Engagement

To ensure the community was given the opportunity to convey their thoughts on whether the BOS should establish a Sheriff's Oversight Board and/or OIG, a variety of avenues were used to communicate and elicit feedback from Alameda County residents. The objectives of this strategy were to:

- facilitate, engage, solicit, and promote extensive public involvement in the discussion,
- increase public awareness and knowledge of the topic of oversight through educational opportunities and resources, and
- help build a feeling of community, with shared interests, among the participants.

Community Engagement Meetings: The BOS' email distribution list, with hundreds of email addresses, was used to notify the public of its intent to solicit feedback on this topic through live interactive virtual community engagement meetings. Through a series of Eventbrite postings, electronic "Save the Date" reminders, and in collaboration with advocacy groups to "help spread the word," three virtual town hall meetings were held in December 2021. The meetings with supervisorial districts 1 and 2 were combined into one meeting, along with a separate combined meeting involving supervisorial districts 3 and 4. A second round of three community engagement meetings were held in January



2022, with a similar configuration among the supervisorial districts. Over 250 members of the public attended the events, with some individuals from the community attending all six meetings.

December 2021: Deliberate efforts were made to ensure the December 2021 live virtual meetings entailed an educational component in order to promote and facilitate informed opinions from the public. Additionally, a preliminary “on-the-spot” community survey and an opportunity for the public to provide live comments and receive immediate feedback from each supervisorial district was also a component of each meeting.

The meetings entailed an overview of the following topic areas:

- Assembly Bill 1185; County BOS, Sheriff’s Oversight
- Sheriff Department’s responsibilities
- Overview and history of civilian oversight in this country
- Benefits of civilian oversight
- Overview of the four categories of oversight models
- Common functions of an OIG (or investigative agency assigned to support an oversight body)
- Discussion on whether civilian oversight impacts crime rates⁴⁵
- Live “on the spot” community survey

January 2022: In recognition of the fact that the December 2021 meetings were held during the holidays, and to give the public an additional opportunity to provide their perspective, in January 2022, a second round of live virtual community engagement meetings were held for all five supervisorial districts. The meetings entailed a recap of the topics covered during the December 2021 meetings, as well as a summary of information collected during these meetings, to include:

- synopsis of feedback and comments from the “chat”
- “on-the-spot” community survey results
- survey results from a subsequent online community survey released in early January 2022

Similar to the December 2021 community engagement meetings, 50% of each two-hour meeting was reserved for public comment and questions.

⁴⁵ This topic was added to the last community engagement meeting in December 2021 and to all the January 2022 meetings in response to a question from the public related to whether oversight impacts crime.



Community Surveys & Public Comments

General Themes: A synopsis of all feedback received from the public, through community engagement meetings and surveys, suggests significant support for:

- the establishment of a Sheriff's Oversight Board and an OIG, with a large percentage of those who participated indicating that additional information would not change their position,
- the establishment of a hybrid oversight model tailored to the needs of Alameda County and created through an ordinance and bylaws,
- an Oversight Board staffed by civilian volunteers who are reflective of the community, and devoid of personal or political agendas, and whose reason for volunteering is not as a result of a "grudge" against the ACSO, and
- an oversight system (Oversight Board and OIG) that is empowered through the use of:
 - ♦ independent legal counsel,
 - ♦ independent investigatory, policymaking and subpoena powers over operations,
 - ♦ access to relevant documents, testimony and records, and with the authority to assess employee discipline, etc., and
 - ♦ a dedicated funding stream, staffing and resources to enable each to carry out their collective mission effectively.

It should be noted that *most statisticians agree that the minimum sample size, to get any kind of meaningful result, is usually 10%, so long as it does not exceed 1,000.*⁴⁶ Given that Alameda County's population is approximately 1.6 million, a relevant sample size would have been 1,000. However, only approximately 250 members of the public participated in the on-the-spot surveys, predominately consisting of advocates, and 34 through an online survey (which may or may not have included the same individuals who participated in the on-the-spot surveys).

This primary source of this information was collected through the following:

December 2021 "On-The-Spot" Community Survey Results: The initial December 2021 community engagement meetings incorporated a live "on-the-spot" survey consisting of seven questions intended to measure different aspects associated with oversight. Responses to these questions can be found in the appendix section of this report.

January 2022 Online Community Survey Results: In response to feedback from the community during the December 2021 meetings, in January 2022, Alameda County

⁴⁶ *The Survey Research Handbook*, 3rd Edition, Pamela L. Alreck, Robert B. Settle, Perdue School of Business, Salisbury State University



released a follow-up online community survey. The development of this survey took into consideration feedback and recommendations from the community, NACOLE, advocacy groups, and external jurisdictions with existing oversight bodies. The survey asked the public to rank the significance of items specific to each question, with #1 as the most important. Responses to the online survey can be found in the appendix section of this report.

Public Comments & Feedback: Each of the December 2021 and January 2022 community engagement meetings provided the public with the opportunity to ask questions and provide input, either live or through the “chat” feature in the Zoom platform. Questions or comments in the “chat” were then referenced during the meetings for the benefit of all participants. Additionally, the January 2022 online survey also incorporated an open blank space area to enable the public to provide written feedback. A synopsis of public comments can be found in the appendix, with the caveat that this summary reflects the most common themes.

External Stakeholder & Focus Group Meetings

To obtain additional diverse viewpoints beyond open meetings with the community and surveys, focus groups and one-on-one meetings were held to obtain a perspective from the vantage point of:

- individuals most likely to impact or be impacted by oversight, to include victims, justice-involved individuals, business partners,
- local justice partners and advocacy groups;
- jurisdictions currently engaged in sanctioned oversight activities within Alameda County;
- individuals, from throughout the country, with practical experience managing oversight; and
- national experts and academic representatives from educational institutions.⁴⁷

These meetings commenced in September 2021, and continued to occur as needed. Participants thus far have included representative(s) from the entities and/or individuals outlined on the next page.

⁴⁷ Biographies for academic and national experts interviewed can be in the Appendix.



Focus Groups

Faith in Action - East Bay
League of Women Voters of Oakland
Community Advisory Board
Justice-involved individuals
Business Representatives

Academic & National Experts

Professor Sharon Fairley, Juris Doctorate, University of Chicago, Law School
Professor Michele Deith, Juris Doctorate, University of Texas at Austin, Law School
Director Cameron McElhiney, Training & Education, National Association for Civilian Oversight of Law Enforcement

Local Justice Partners

Public Protection Committee
Alameda County Sheriff's Office
Alameda County Undersheriff
Alameda County Office of the County Counsel
Alameda County Administrator's Office
Alameda County Human Resource Services Department

Jurisdictions with Active Oversight Bodies

Sonoma Independent Office of Law Enforcement Review & Outreach
Community Police Review Agency, Oakland
OIG, Oakland
Los Angeles Civilian Oversight Commission
Los Angeles County Inspector General
Bay Area Rapid Transit (BART) Police Citizen Review Board
BART Office of the Independent Police Auditor
City & County of Denver Citizen Oversight Board
City of San Diego, Commission on Police Practices
City & County of San Francisco, Department of Police Accountability
City & County of San Francisco, Police Commission



Use of Technology to Enhance Communication & Outreach

In November 2021, a webpage and email box were created by the Alameda County's Information Technology Department specifically dedicated to the topic of oversight.

Webpage: The webpage (ACOVersight.acgov.org) was created to house all material associated with the county's effort to explore the relevancy of oversight in Alameda County and to keep the public informed. The website currently contains:

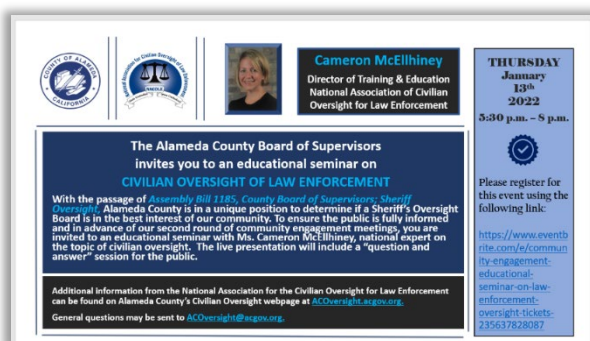
- relevant BOS documents and notices, to include public meeting dates
- video recordings of prior community engagement meetings,
- community engagement meeting PowerPoints, related documents and public comments,
- community survey results ("on-the-spot" and online),
- NACOLE's educational seminar, recording and materials, and
- text of AB 1185 enabling legislation, to include related penal codes, government codes, etc.



Dedicated Email Box: A dedicated email box (ACOVersight@acgov.org) was created to give the public the opportunity to provide direct feedback and maximize access to the BOS and their staff on this topic.

Educational Resources & Seminar

To facilitate learning and greater understanding from the public, Alameda County hosted an educational seminar on January 13, 2022, on the basics of oversight. Ms. Cameron McElhiney, Director of Education and Training, NACOLE, provided the instruction over the course of a 2½ hour live virtual educational seminar.⁴⁸



⁴⁸ Ms. Cameron McElhiney's biography can be found in the Appendix



The curriculum focused on three topic areas:

- The basics of civilian oversight
- Principles of effective oversight
- Managing expectations

The last 45 minutes of the training session were reserved for questions from the public. Approximately 82 members of the community participated in the training. Overall complimentary feedback was received in that participants were thankful for the opportunity to learn more about oversight and the factors that should be taken into consideration in determining the most effective structure for Alameda County.

Literature Review

The research component of this project entailed an extensive review of existing documents pertaining to civilian oversight, with the overarching objective of exploring and understanding:

- the history and evolution of oversight;
- key principles and effective practices;
- relevant trends and developments, and
- significant factors that should be considered in the development of an oversight structure.

To accomplish this objective, meetings with academic experts and practitioners were used to gather information and data on lessons learned, effective practices, and structural, organizational and operational factors that should be considered in the development of an effective oversight system. Additional sources reviewed consisted of multiple written materials outlined in the References section of this report and commencing on page 58. This included, but was not limited to:

- academic reports and publications from experts;
- case studies;
- articles and periodicals; and
- oversight agency reports, data and other materials from practitioners and academic experts.

Throughout our research, three critical factors became clear. The need to:

- select a model that is the “best fit” for Alameda County;
- employ a model that is collaborative and utilizes the “least force” possible to accomplish its objective(s), yet is the least intrusive; and
- incorporate 13 general principles into whatever model is chosen.



“Best Fit” Rather Than “Best Practice”: Research suggests that a best practice does not necessarily exist when it comes to oversight models. Rather, the best fit should be the focus given that now two jurisdictions are exactly alike. Given that every jurisdiction is unique from the standpoint of culture, politics, demographics, etc., the same can be said about its law enforcement agency. While some law enforcement departments may be better at holding their sworn staff accountable, others may not be as proficient. Additionally, the resources available to each jurisdiction to implement oversight is also an important consideration that cannot be overlooked.

Employ the “Least Force” Necessary To Accomplish Goals: Even though law enforcement resistance to the concept of oversight has diminished over time, it can be argued that “the least intrusive means of oversight” (Bobb 2003) necessary to achieve law enforcement accountability is the best means of approaching the oversight function in the long-term. Just as law enforcement is expected to only use only that amount of force that is proportionate, necessary and reasonable to accomplish their task, the same can be said about oversight. In other words, a jurisdiction seeking to create an oversight function should choose the least intrusive model of oversight necessary to accomplish the task. If the model chosen does not accomplish its intended objective, then a more aggressive form of oversight would then be required.

13 Principles of Effective Oversight: Although much has been learned since the inception of the first oversight models in this country back in the 1920s, according to NACOLE, there are 13 key components of successful oversight. The extent to which Alameda County incorporates and adheres to these principles should be based on the model chosen. For brevity’s sake, the following provides a high-level overview of each principle.

1. **Independence:** To maintain legitimacy, Alameda County’s oversight model must demonstrate independence from politics and the ACSO.
2. **Clearly Defined & Adequate Authority:** The level of authority given to the oversight body must be commensurate with its oversight functions and duties.
3. **Unfettered Access to Records and Facilities:** The ability to review records, in a timely manner, and have access to facilities and other relevant sources that are within the scope of the oversight body’s mission is critical to success.
4. **Access to Law Enforcement Executives and Internal Affairs Staff:** Regular communication between law enforcement and the oversight body promotes cooperation and ensures that those involved can develop mutual understanding and support for each other’s role in promoting greater accountability.
5. **Full Cooperation:** The oversight body must have the full cooperation of the entity it oversees and its employees for oversight to be effective.
6. **Sustained Stakeholder Support:** Although the establishment of oversight may be politically expedient, successful oversight requires sustained support. Maintaining productive relationships, even in times when disagreement and



conflict may be unavoidable, will be crucial to future problem-solving, cooperation and collaboration on key issues.

- 7. Adequate Funding and Operational Resources:** To ensure the work of the oversight body is performed thoroughly, timely, and at a high level of competency, adequate and sustained resources are critical.
- 8. Public Reporting and Transparency:** Reports by the oversight body should be accessible to the public and written in a way that facilitates understanding of the oversight body's authority, purpose, focus and accomplishments. They should be produced as frequently as necessary to ensure transparency and accessibility by the BOS, stakeholders and the community.
- 9. Policy and Patterns in Practice Analyses:** Performing analyses of law enforcement policies and patterns help advance the goals of effective civilian oversight by addressing systemic problems and by facilitating the formulation of recommendations to improve relations with communities.
- 10. Community Outreach:** Outreach accomplishes many important elements of effective oversight, to include building awareness of its existence, sharing reports and findings with the public, building relationships with stakeholders, recruiting volunteers, soliciting community input and involvement, and developing a greater capacity for problem-solving.
- 11. Community Involvement:** Community and stakeholder input, regarding how oversight should function, and which accountability issues should be addressed, helps to create a "best fit" oversight system that can help meet community needs and expectations.
- 12. Confidentiality, Anonymity and Protection from Retaliation:** Effective civilian oversight must function with the same integrity, professionalism and ethical standards it expects from and promotes for law enforcement.
- 13. Procedural Justice and Legitimacy:** How the oversight body exercises its authority helps build its legitimacy or lack thereof. To that end, perceptions of how fairly that authority is exercised are crucial components of legitimacy. It is significant to highlight that the selection of members becomes even more important within the confines of ensuring that individuals selected for an oversight system (i.e., Oversight Board and/or OIG) are fair, unbiased and do not allow their prior experiences (positive or negative) to tarnish their ability to be objective and balanced in the performance of their duties.



Factors to Consider in Determining the Best Model for Alameda County

In determining the most appropriate system of oversight for Alameda County, several overarching themes surfaced with respect to factors that should be considered to ensure that the model selected is effective and equally important, tailored to the needs of the community.

- Types of Civilian Oversight Models/Systems
- Oversight Variabilities:
- Characteristics & Scope of Authority
- Oversight Board Membership
- Legal Representation
- Budget & Staffing

Types of Civilian Oversight/Systems: In general, oversight agencies fall into one of three models that are distinguished by relatively minor organizational differences. Most, if not all, encompass a combination of functions outside of their primary focus. The following section provides a brief summary of each, to include **potential** strengths, weaknesses and characteristics. The word **potential** is used within the context of the understanding that strengths and weaknesses are specific to each jurisdiction and the parameters under which oversight is carried out.

Review-Focused Model: Review-focused entities represent the earliest and most common form of civilian oversight in the United States, accounting for nearly 62%. They typically consist of an Oversight Board or commission comprised of community volunteers who review the results of internal affairs investigations. Generally, review-focused agencies provide community members outside of and unaffiliated with the law enforcement agency with an opportunity to review the quality of misconduct complaint investigations performed by the department they oversee.⁴⁹ The level of authority given to review-focused agencies varies.

In addition to reviewing completed internal investigations, review-focused models receive complaints from the public and forward them to the law enforcement department for investigation; remand cases back to the department's internal affairs unit for further investigation; hear appeals from complainants or subject officers; recommend case dispositions, discipline or revised departmental policies and procedures; hold public forums; and conduct community outreach.⁵⁰

⁴⁹ Bobb, Merrick (2003) *Civilian Oversight of the Police in the United States*, Saint Louis University Public Law Review: Vol. 22: No. 1, Article 10.

⁵⁰ De Angelis, Rosenthal, and Buchner, *Civilian Oversight of Law Enforcement: Assessing the Evidence*, 27–28; Police Assessment Resource Center, *Review of National Police Oversight Models for the Eugene Police Commission*, 11–13; Attard and Olson, *Overview of Civilian Oversight of Law Enforcement in the United States*, 4–5; Bobb, “Civilian Oversight of Police in the United States,” 18–19.



There are certain types of authority that review-focused agencies typically do not have. While nearly all of them may review misconduct complaints filed by civilians, only half of them reported having jurisdiction over internal complaints filed by officers or deputies within the department. Moreover, just one-fifth of the review-focused agencies in a NACOLE/Federal Office of Justice Programs survey indicated they are authorized to review complaints filed against non-sworn employees.⁵¹ Similarly, roughly one-third are authorized to subpoena records or witnesses.⁵²

Case in Point City of San Diego⁵³

The City of San Diego's Community Review Board on Police Practices (CRB) was established in 1988 and designed as a review-focused model, with a few hybrid elements intermixed. The CRB's mission is to review and evaluate complaints made by members of the public regarding the conduct of officers of the San Diego Police Department (SDPD). The CRB also reviews officer-involved shooting cases, in-custody death cases, and the administration of discipline resulting from "sustained" shootings and in-custody death cases are investigated by the SDPD's Homicide Unit, the District Attorney's Office and the SDPD's Internal Affairs Unit before being reviewed by the CRB. This work is accomplished by a 23-member board that is appointed by the mayor and confirmed by the City Council. It also includes an Executive Director who provides full-time technical and administrative support.

It should be noted that on November 3, 2020, the voters of San Diego approved Measure B creating a new independent Commission on Police Practices (CPP) to replace the CRB. Moving forward, the purpose of the CPP will be to provide independent investigations of officer-involved shootings and in-custody deaths, and an unbiased evaluation of all complaints against the SDPD and its personnel. The CPP is also responsible for evaluating and reviewing SDPD policies, practices, training, and protocols and represent the community in making recommendations for changes.

⁵¹ De Angelis, Rosenthal, and Buchner, *Civilian Oversight of Law Enforcement: Assessing the Evidence*, 67 (Table B9).

⁵² De Angelis, Rosenthal, and Buchner, *Civilian Oversight of Law Enforcement: Assessing the Evidence*.

⁵³ Commission on Police Practices



Review-Focused Model
Potential Strengths
Can provide greater transparency and an additional layer of community involvement.
Can be more collaborative and less adversarial in nature in that it promotes constructive dialogue between law enforcement leadership and diverse community members which can, in turn, contribute to more meaningful changes in departmental culture.
When recommendations are made, the department may be more inclined to take action because of the more collaborative relationship fostered with this model.
The community sometimes has the ability to provide input into the complaint investigation process.
Community review of complaint investigations may increase public trust in the process.
Generally, the least expensive form of oversight since it typically relies on the work of volunteers.
Potential Weaknesses
Review-focused agencies typically have less access to department records compared to investigation-focused or auditor/monitor-focused models.
Sometimes lack the independence they need to be effective in comparison to an investigative-focused model.
If the Oversight Board is all-volunteer, they can review only a limited number of cases. The time commitment can be overwhelming as all members not only need to review cases, but they also need to go through systematic training.
Oversight Board members must be trained regularly resulting in an ongoing expense of time and money.
As a result of their review function, if they rely on the law enforcement agency, they oversee to train them on their systems, policies and procedures, the Oversight Board may suffer from a lack of independence and credibility by the community.
May have limited authority and few organizational resources at their disposal to assist in preparing reports, conducting community outreach, etc.
May have significantly less expertise in law enforcement issues and limited time to perform their work.
May be less independent than other forms of oversight because of the requirement that they collaborate closely with the law enforcement agency they oversee in order to conduct their work.

Investigation-Focused Model: Investigation-focused models are currently the second most common form of civilian oversight in the United States.⁵⁴ Agencies that fit within the

⁵⁴ De Angelis, Rosenthal, and Buchner, *Civilian Oversight of Law Enforcement: Assessing the Evidence*, 24. (Table 1).



investigative model employ professionally trained staff to conduct investigations of allegations of misconduct, and independent of the overseen department's internal affairs unit. Their reports may be reviewed by an Oversight Board or commission. Independent-focused agencies of oversight (Walker 2001) tend to have more resources and larger staff than other types of oversight, thus, more expensive. Their investigators are also likely to have received highly specialized training and have prior investigatory experience. When resourced appropriately, this type of entity may typically contribute to an improvement in the quality of internal investigations.

While the structure, resources and authority of this type of oversight agency can vary, it is tied to the law enforcement entity it oversees by virtue of the fact that oftentimes they have the ability to conduct independent investigations related to allegations of misconduct against sworn staff.

Case in Point City & County of San Francisco ⁵⁵

The Department of Police Accountability (DPA) and the San Francisco Police Department (SFPD) report to the San Francisco Police Commission (Commission). The Commission sets policy for the SFPD, conducts disciplinary hearings on charges of police misconduct filed by the Chief of Police or Director of the DPA, imposes discipline and hears police officers' appeals from discipline imposed by the Chief of Police. The Police Commission also appoints and regulates Patrol Special Directors (PSO) and may suspend or dismiss PSO's after a hearing on charges filed. This full-time board consists of seven members who oversee the SFPD and DPA. Of the seven members, four are appointed by the mayor with the consent of the BOS, and three are direct appointments by the BOS.

The DPA is responsible for investigating complaints, and filing charges, submitting use-of-force audit results and policy recommendations to the Commission. In its role, the DPA is comprised of different divisions responsible for audits and reviews of SFPD personnel and management's compliance with federal and state law, city ordinances and policies, investigating allegations of misconduct against SFPD officers, helping to improve the relationship between the community and the SFPD through mediation, making policy recommendations to the SFPD and the Commission, community outreach, and collaboration with leaders, advocates and organizations to educate the community. The DPA consists of approximately 46 full-time staff of which approximately 24 are investigators given the investigative focus of this model.

⁵⁵ San Francisco Police Commission, Department of Police Accountability



Investigation-Focused Model

Potential Strengths

Investigation-focused models typically have greater access to law enforcement records and databases than review-focused models, particularly with regard to body-worn cameras and in-car video. As a result, these systems can provide greater transparency and an additional layer of community involvement.

They are more likely to have the ability to subpoena documents and witnesses than review-focused or auditor/monitored models.

This system can help build community trust, particularly in communities in which public confidence in law enforcement's ability to investigate itself has been compromised by a history of lackluster or inadequate investigations.

This system avoids conflicts inherent in many internal affairs departments in which investigators are rotated from or come from the agency they are investigating.

May reduce bias in investigations into citizen complaints.

Full-time civilian investigators may have highly specialized training.

Civilian-led investigations may increase community trust in the investigative process.

Potential Weaknesses

Investigative-focused models tend to vary greatly in authority and organizational structure, but nevertheless, tend to be the most cost and resource intensive because of their staffing needs.

The city/county has to pay for investigators regardless of whether they are within the oversight agency or within the law enforcement department's internal affairs program.

Law enforcement is resistant to having non-sworn investigators conduct investigations in circumstances where the investigators are not current or former sworn investigators. The assumption is that the investigators will not have the sworn experience to accurately discern what they are investigating or reviewing.

This model may only address issues related to specific, individual complaints and may not help identify systemic departmental issues.

Most expensive and organizationally complex form of civilian oversight.

Civilian investigators may face strong resistance from police personnel.



Auditor/Monitor-Focused Model: The auditor/monitor-focused model emerged as a result of political compromises between community activists pushing for civilian oversight and the opposition of law enforcement agencies.

Sometimes referred to as IG or police monitoring systems, these types of oversight agencies tend to vary more in their authority than in their organizational structure. In general, they are created to promote broad organizational change by addressing systemic issues, analyzing patterns and trends, and deficiencies in policies and procedures.⁵⁶ Their work may cover virtually any aspect of the law enforcement agency they oversee, such as complaints, discipline, training, staffing and recruitment, use of force, and crime-prevention strategies. They can typically issue recommendations regarding any aspect of the law enforcement agency that is within their purview. It should be noted that members of auditor/monitor-focused Oversight Boards are oftentimes professionals with backgrounds in the social sciences, auditing, data analysis, law and law enforcement, and community outreach.

Case In Point Los Angeles County ⁵⁷

The Los Angeles County OIG and Civilian Oversight Commission is the largest example of an auditor/monitor-focused agency. The OIG is responsible for monitoring and/or reviewing the operations of the Los Angeles County Sheriff's Department (LACSD), to include conditions of confinement, investigations that are in progress, disciplinary matters, the provision of services to inmates and probationers, the conduct of contractors and employees who provide services, the LACSD's response to complaints related to operations, compliance with civil rights laws, use-of-force patterns, trends, and statistics, and the quality of internal audits and inspections. The OIG also has the authority to issue subpoenas when directed by the BOS, undertake an investigation, inquiry and audit or perform monitoring at the request of the BOS, the Civilian Oversight Commission, the Sheriff or on its own.

The Civilian Oversight Commission is comprised of nine members, with four members of the Commission recommended by the community and other affiliated groups. The Commission's primary focus is community engagement and the ongoing analysis of LACSD's policies, practices and procedures. They work closely with the OIG, are further supported by a full-time Executive Director, who is a licensed attorney, and responsible for providing technical and administrative assistance. The commissioners include community and faith leaders, a retired Sheriff's lieutenant, and attorneys with a broad range of experience, from former prosecutors and public defenders to professors and executives from legal non-profit organizations.

⁵⁶ De Angelis, Rosenthal, and Buchner, *Civilian Oversight of Law Enforcement: Assessing the Evidence*, 29 and 30; Attard and Olson, *Overview of Civilian Oversight of Law Enforcement in the United States*, 3–4; King, "Effectively Implementing Civilian Oversight Boards"

⁵⁷ Los Angeles County Office of the Inspector General, Los Angeles County Oversight Commission



Auditor/Monitor Focused Model

Potential Strengths

Can be effective in identifying strengths and weaknesses in how complaints are handled, identifying areas of weakness, particularly bias, in investigations.

Better equipped to spot gaps in training and policy and supervision within law enforcement departments.

May be instrumental in providing opportunities for dialogue and understanding between law enforcement, individuals and groups within the community, assessing the effectiveness of early warning systems, and determining whether discipline is consistent and fair.

Often have more robust public reporting practices than other types of oversight.

Generally, less expensive than full investigative models, but more expensive than review-focused models.

May be more effective at promoting long-term, systemic change in law enforcement departments.

Potential Weaknesses

This model is often charged with collecting data and reporting trends. Because they are almost always complaint driven, it often takes many months to collect data that is reflective of a “trend.”

Problems that exist within the law enforcement agency may be systemic but underreported. For example, individuals working in sex trades or involved in gangs are not likely to report even the most egregious law enforcement misconduct. Unless there is the staff and time to track the outcomes of criminal prosecutions, the oversight agency may not be aware of cases that are not filed, dismissed or where evidence is suppressed due to law enforcement misconduct.

Auditor/monitor models tend to focus on examining broad patterns rather than individual cases.

Significant expertise is required to conduct systematic policy evaluations. The hiring of staff without relevant experience may cause tension between the oversight agency and law enforcement.

Most auditors/monitor models can only make recommendations and cannot compel law enforcement to make systemic changes.



Hybrid Model: Jurisdictions throughout the country are increasingly adopting oversight structures that encompass different components of the traditional review-focused, investigation-focused, and auditor/monitor-focused models. This is accomplished by combining functions of each model to fit the needs of the jurisdiction. An agency may primarily focus on one oversight function while also performing other functions (such as reviewing investigations and auditing). Or a single jurisdiction may have multiple agencies overseeing the same department, such as an independent investigative agency and an IG, or a monitor agency and a civilian board acting in an advisory capacity to the law enforcement agency.

Agencies assuming hybrid forms are increasingly common, but several jurisdictions have also created multiple agencies responsible for performing different oversight functions of the same law enforcement department.⁵⁸ These oversight systems can manifest themselves as investigation or auditor/monitor-focused consisting of professional staff who receive feedback from Oversight Boards or commissions representing the community. In such cases, the Oversight Board or commission often evaluates the other oversight entity, in addition to addressing local law enforcement matters of community concern.

Case in Point

All of the oversight entities examined within California for this report encompassed models with hybrid features, to include the City of Oakland, City and County of San Francisco, Bay Area Rapid Transit, Los Angeles County, City of San Diego, and Sonoma County.

Hybrid Model

Potential Strengths

Oversight is not a one-size-fits-all proposition, in that “options of authority” are more effective when they are tailored to each jurisdiction’s needs.

The powers and authorities granted to an Oversight Board can be combined in a manner that works best for each individual community. This allows a jurisdiction to achieve the most sustainable and effective structure.

Hybrid models tend to create flexible structures that focus on root-cause analyses, and proactive and preventative efforts to address individual instances of law enforcement misconduct.

The involvement of community and stakeholder perspectives allow for the balance of interests to be considered more effectively through the refinement and growth of the hybrid model.

⁵⁸ Civilian Oversight of Law Enforcement, *Report on the State of the Field and Effective Oversight Practices*, Michael Vitoroulis, Cameron McElhiney, Liana Perez, 2021



Potential Weakness

May be the most expensive option depending on the organizational structure and level of authority granted to the oversight entity.

Prevalence & Distribution of Models: With the exception of the hybrid model, the prevalence and distribution of these models, according to a NACOLE survey encompassing 157 oversight entities, is outlined in the tables below.⁵⁹

Prevalence of Oversight Models in the United States		
Model Type	Frequency	Percentage
Review-Focused	97	61%
Investigation-Focused	29	19%
Auditor/Monitor-Focused	31	20%
Number of Agencies	157	100%

As previously noted, the hybrid model has become more prevalent and widespread throughout the country. It is difficult to pinpoint the exact percentage given that the three more common models incorporate hybrid features. However, a 2018 report from the Major Cities Chiefs Association suggests that approximately 30% of the larger law enforcement agencies surveyed use some form of a hybrid model or two separate bodies with oversight authority; as an example, an Oversight Board and an IG.⁶⁰

While review-focused models remain by far the most common, the auditor/monitor-focused model has recently surpassed the investigation-focused model as the second most common form of oversight. The table below reflects the relative share of each oversight model from 1990 to 2019.

Distribution of Civilian Oversight Models			
Year	Review Focused	Investigation Focused	Auditor/Monitor-Focused
1990	56%	27%	16%
2010	65%	19%	15%
2019	62%	18%	20%

⁵⁹ Source: Compilation of civilian oversight agencies produced by Jillian Aldebron, JD, Howard University, for the National Institute of Justice W.E.B. DuBois Program of Research on Race and Crime, Grant No. 2016-R2-CX-0055, *Do DOJ Intervention and Citizen Oversight Improve Police Accountability?*, with additions made by NACOLE researchers.

⁶⁰ *Civilian Oversight of the Police in Major Cities*, Stephens, Darrel W., Ellen Scrivner and Josie F. Cambareri, Washington, DC: Office of Community Oriented Policing Services, 2018



Oversight Characteristics & Scope of Authority: Both scholars and practitioners of civilian oversight in this country have attempted to classify various approaches to oversight in relation to their most common functions, legal authority, organizational features, and practices. However, there are almost no two oversight entities that are exactly alike given that practices can vary widely depending on the jurisdiction.

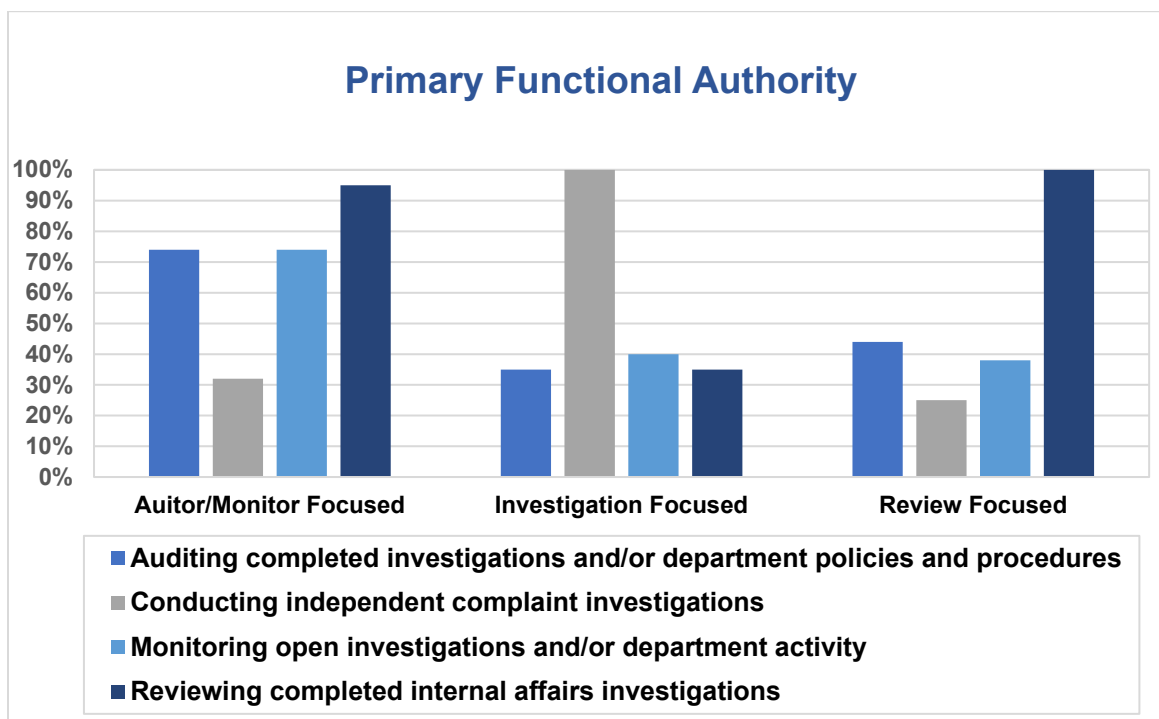
At a more granular level, the following charts reflect characteristics of the three more common types of oversight models.⁶¹ Note that although all three models focus on specific areas, they all incorporate aspects beyond their primary functions – making them somewhat hybrid in nature. This means that most models include full-time permanent staff who conduct this work, either as a separate body or as a part of their structure.

Common Characteristics & Scope of Authority			
Category	Investigation Focused	Review Focused	Auditor/Monitor-Focused
Receive complaints from the community	Frequently	Frequently	Frequently
Decide how a complaint is handled	Frequently	Rarely	Sometimes
Review police complaint investigations for completeness, accuracy, etc.	Sometimes	Frequently	Frequently
Conduct independent fact-finding investigations	Frequently	Rarely	Sometimes
Perform data-driven policy evaluations	Sometimes	Sometimes	Frequently
Recommend findings on investigations	Frequently	Sometimes	Frequently
Recommend discipline	Sometimes	Rarely	Sometimes
Attend disciplinary hearings	Sometimes	Rarely	Sometimes
Hear appeals	Sometimes	Sometimes	Rarely
Paid professional staff	Frequently	Sometimes	Frequently
Staffing and operational costs	Most Expensive	Least Expensive	Intermediate

⁶¹ Civilian Oversight of Law Enforcement, *A Review of the Strengths and Weaknesses of Various Models*, Joseph De Angeles, Richard Rosenthal, Brian Bucher



Oversight Model Functions: The following chart reflects the primary focus of most oversight models based on responses from approximately 90 entities who participated in a survey administered by NACOLE.



Oversight Agencies Overseen: As shown in the table below, municipal police departments account for 82% of the law enforcement agencies subject to civilian oversight and county sheriffs constitute 15%. Other types of law enforcement agencies are gradually being subjected to civilian oversight as well. Beginning in 2011, within California, the BART Police Department was subjected to oversight from the BART Office of the Independent Police Auditor and the BART Police Citizen Review Board. Civilian oversight has also been established for university police; for example, the University of California, Davis Police Accountability Board was created in 2014 to oversee the university's police force.

Types of Law Enforcement Agencies Overseen				
	Investigation Focused	Review Focused	Auditor/Monitor-Focused	All Agencies
Municipal Police Departments	85%	90%	67%	82%
County Sheriff	12%	13%	25%	15%
Campus Law Enforcement	3%	8%	4%	5%
Special Police Agency	6%	3%	4%	4%
Probation	3%	0%	4%	2%
Total Number of Agencies	34	39	24	97



Access to Records: The chart below reflects the type of records accessible to 58 agencies, from throughout the country, according to NACOLE's Civilian Oversight Agency Directory.

Types of Law Enforcement Records Accessible to Oversight Agencies				
Record Type	Investigation Focused	Review Focused	Auditor-Monitor Focused	All Agencies
Open Internal Affairs Files	55%	56%	81%	65%
Closed Internal Affairs Files	75%	88%	100%	88%
Early Warning System Records	55%	31%	67%	53%
Computer-Aided Dispatch Records	85%	63%	71%	74%
Personnel Records	50%	38%	71%	53%
Body-Worn/In-Car Video	90%	94%	95%	93%
Stop Records	80%	69%	91%	81%
Use of Force Reports	90%	75%	95%	88%
Issue Subpoenas (Including sworn officers)	60%	41%	33%	45%
Issue Subpoenas (Excluding sworn officers)	10%	6%	5%	70%
Total Number of Agencies	20	17	21	58

Oversight Board Membership: The enabling legislation (AB 1185) does not delineate who is allowed to serve on an oversight body, other than those not defined as civilian, i.e., current sworn law enforcement personnel. A review of entities from throughout the country indicates that most jurisdictions do not expressly limit who may be considered, but rather impose a requirement that the oversight body must be diverse, inclusive, and reflective of the community.

For purposes of this discussion, it's important to reiterate and differentiate between an Oversight Board and an oversight system or body. An Oversight Board typically consists of volunteer unpaid civilians, while an oversight system or body can encompass an ***Oversight Board and a separate independent investigative agency, such as an OIG, or a monitoring/auditing agency consisting of professional paid staff who directly conduct investigations, audits, etc., and a civilian board acting in an advisory capacity to the law enforcement agency or other civilian oversight agency.***



In assessing the qualifications of those considered for membership on the Oversight Board, it is worth reinforcing an important point, and that is, the need to ensure that the membership is not only reflective of the community, but that the Oversight Board be comprised of a cross-section of individuals with life and professional experiences and credentials which, together, complement and build upon each other in furthering the goals of oversight for Alameda County. This means individuals with expertise in fields such as the criminal justice system, mental health, legal, custody operations investigations, research, conditions of confinement and so forth.

Equally important, the Oversight Board should be comprised of individuals with a demonstrated history of balance and impartiality, ***despite their personal or political leanings***. Although this may be an attribute that is subjective and difficult to measure, it is nevertheless an important factor that should be considered in the selection process. As one of the stakeholders indicated during a focus group interview of Alameda County community stakeholders, more weight needs to be given to an Oversight Board member candidate's ability to be unbiased, rather than making assumptions about their ability to be fair and balanced simply because of "***where they came from***," i.e., justice-involved versus retired law enforcement.

Major Cities Survey: According to a 2018 major cities survey⁶² administered through a collaboration between the Office of Community Oriented Policing, Major Cities Chiefs Association, and NACOLE, qualifications for membership encompassed the following factors:

- 35% incorporated at least one qualification for Oversight Board members, while two agencies reported that the qualifications for members were "none."
- Qualifications most frequently cited were recommendation/appointment by a city official (30%) and residency (32%) within the jurisdiction being served.
- 8% of agencies indicated that Oversight Board members must include former law enforcement officers, while 11% indicated they may not serve if currently serving as a law enforcement officer.
- 3% exclude membership for those with family members in law enforcement.
- 8% indicated Oversight Board members had to complete some training requirement in order to serve.

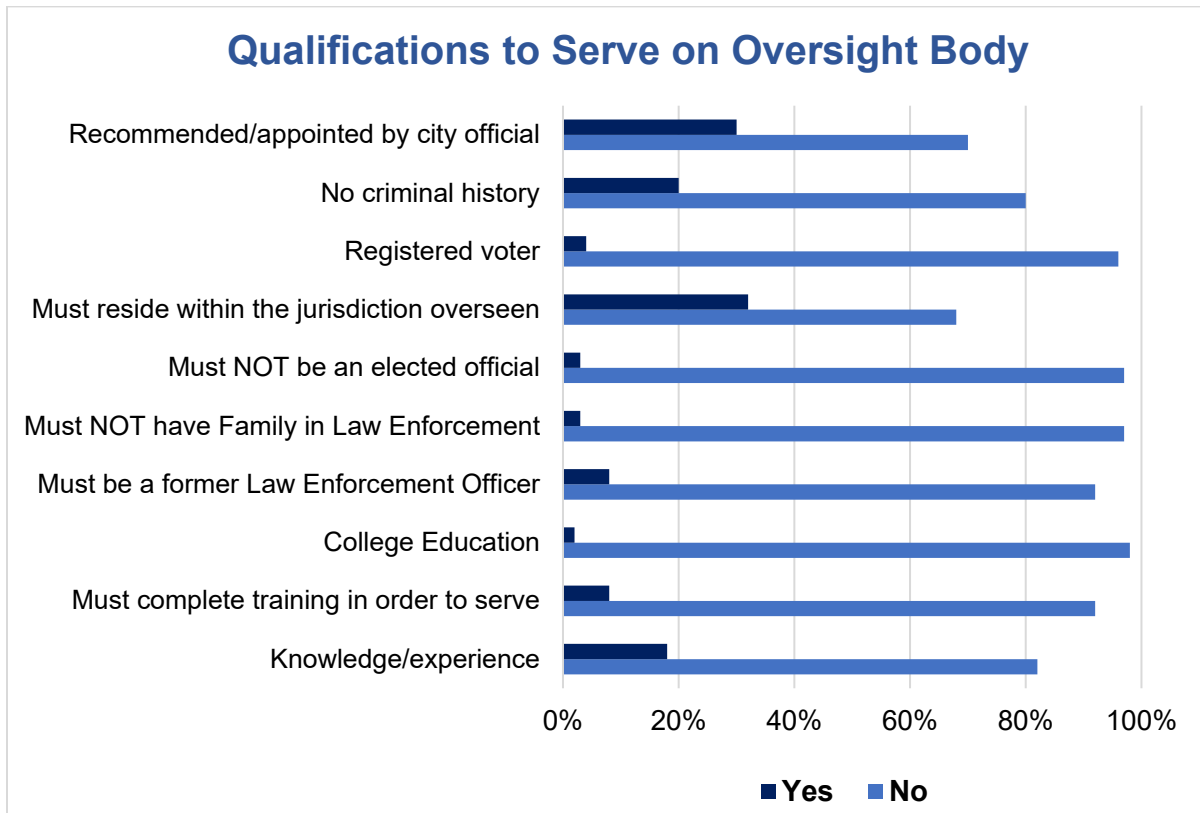
With respect to the different models, generally:

- Investigative-focused or review-focused models incorporated more qualifications for members of their civilian oversight bodies.
- Among investigative-focused models, the most frequently cited qualifications were residency and recommendation/appointment.

⁶² *Civilian Oversight of the Police in Major Cities*, Stephens, Darrel W., Ellen Scrivner and Josie F. Cambareri, Washington, DC: Office of Community Oriented Policing Services, 2018



- Among review-focused Oversight Boards, the most frequently cited qualifications were recommendation/ appointment, no criminal history, and residency requirements.
- Among auditor/monitor-focused agencies, the most frequently cited qualification was knowledge/ experience.
- For agencies that indicated “other” for model type, the most frequently cited qualification was recommendation/appointment.



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Former Law Enforcement & Justice-Involved Individuals on Oversight Boards:

Although research suggests there is a general consensus with respect to membership on an **oversight body**, there are two categories of individuals who are sometimes topics of debate for membership on an **Oversight Board**; retired or former law enforcement personnel and justice-involved individuals. The perception is that both categories may have a proclivity for leanings that are biased to one side or the other as a result of their direct experience with the criminal justice system.

However, two important points are worth mentioning which were further reinforced by practitioners and some community members.

- **Former or Retired Law Enforcement.** This category of individual brings a

⁶³ *Civilian Oversight of the Police in Major Cities*, Stephens, Darrel W., Ellen Scrivner and Josie F. Cambareri, Washington, DC: Office of Community Oriented Policing Services, 2018



perspective to the forefront that cannot be matched by individuals without practical line-level and management experience in this line of work, and who have never worked “in the trenches” and seen the “first-hand” impact of law enforcement policies and practices in a confined setting and/or in the community. Given their experience, they are in a position to answer questions with respect to the operation of the law enforcement agency and/or help other members of an Oversight Board to formulate the appropriate questions and/or areas of focus based on their expertise. Facilitating an Oversight Board’s understanding of law enforcement operations is crucial to their ability to be more proficient in carrying out their duties.

- **Justice-involved Individuals.** Those who have experienced the criminal justice system from the other end of the spectrum also bring an equally valuable perspective. As the “receiver” of the policies, practices and programs of the criminal justice system, they are in a unique position to speak to the impact, not only upon themselves, but their families as well.

Some individuals opine that if sworn personnel are allowed to sit on the Oversight Board, they should have a “cooling off” period before they are eligible to apply. Again, the same argument applies to justice-involved individuals – particularly if the goal is to eliminate perceived or actual bias based upon personal experiences. However, in considering these perspectives, it would appear that “recent experience,” whether positive or negative, would bring more value to this body, than the perspective of individuals who may have no knowledge of how the system has changed or its impact, particularly during these times where reforms continue to be incorporated into our justice system.

Case in Point: In February 2022, I interviewed Executive Director Brian Williams, Esq., Civilian Oversight Commission, Los Angeles County. He noted that both categories (former/retired law enforcement and justice-involved individual) should be considered for membership on an Oversight Board in that the “**appropriate individuals**” can be an invaluable resource to the function of oversight in a jurisdiction. The appropriate individuals are those who are balanced and who strive for impartiality and fairness in the administration of justice. Within Los Angeles County, a retired Sheriff’s Lieutenant from the Los Angeles County Sheriff’s Department, with 35 years of experience, currently serves on the Civilian Oversight Commission. Mr. Williams noted that this individual is one of the most valuable members given his expertise of the internal operations of the LACSD, both at a line level and management levels, and the impartiality, balance and the insight he is able to provide to the other members of the Commission.

Mr. Williams also noted that although a justice-involved individual does not currently serve on the Commission, he felt this was an important element that is currently missing that would bring great value to the collective work of this body.

With respect to former/retired law enforcement, a review of the research suggests that approximately 16% of respondents to an ongoing survey from NACOLE (out of approximately 90 jurisdictions from throughout the county), allow current or former sworn personnel to apply for membership on the Oversight Board. With respect to Bay Area,



research indicates that most allow former law enforcement to serve, although they may not be currently serving.

- Oakland Police Commission
- Richmond Office of Professional Accountability
- Berkeley Police Review Commission
- Bay Area Rapid Transit Police Citizen Review Board
- City & County of San Francisco's Department of Police Accountability

Legal Representation: According to the respondents of a NACOLE survey, in most jurisdictions, slightly more than 70% of Oversight Boards reported being represented by the municipality's city attorney, corporation counsel or similar (county counsel). Investigation-focused models are most commonly reported as being represented by independent legal counsel.

Legal Representation of Civilian Oversight Agencies				
Type	Review Focused	Investigation Focused	Auditor/Monitor Focused	Average
None	5.8%	0%	4.8%	3.4%
City Attorney, Corporation, Counsel or Similar (County Counsel)	82.4%	65%	66.7%	70.7%
Independent Legal Counsel	11.8%	35%	28.6%	25.9%
Total Number of Agencies	21	20	17	58

Advocates of independent legal counsel opine that given that the city attorney or county counsel represent law enforcement and the Oversight Board, it creates the potential for a conflict of interest. However, proponents opine that there are internal measures that prohibit an attorney who represents law enforcement from also advising the Oversight Board. Conversely, others argue that the appearance of conflict alone is likely just as damaging to the public trust as an actual conflict. Yet from a budgetary standpoint, the assumption is that if independent legal counsel is provided to a civilian Oversight Board, then for purposes of impartiality, independent legal counsel should be provided to all boards and commissions.

Budget & Staffing: According to a NACOLE survey, one trait shared by most oversight agencies is that their budgets rarely exceed 0.5% of the budget of the law enforcement agencies they oversee. Of the 58 respondents to a NACOLE survey, nearly 70% reported budgets less than or equal to 0.5% of the subject law enforcement agency's budget.



Approximately 9% reported budgets exceeding 1%, of which most are investigation-focused models.

A growing number of jurisdictions have enacted legislation that sets their oversight agency's budgets as a fixed percentage of the overseen law enforcement agency's budget.⁶⁴ This establishes a floor for oversight agency budgets and ensures that resources for the oversight body increase or decrease relative to the size of the law enforcement agency. Percentage-based budgets also isolate oversight agencies from politically motivated budget cuts, thereby strengthening their independence. Cities that have passed such legislation typically set their oversight budgets as a percentage of the personnel and salaries line item of the overseen law enforcement agency, essentially tying it to the number of officers and personnel employed by the law enforcement agency.

Ultimately, regardless of how the budget and staffing are allocated, it must be flexible enough to allow for year-to-year adjustments to account for the duties of the oversight system that is chosen.

Presentation of Options & Preliminary Direction from the Alameda County Board of Supervisors & Public Protection Committee

Organization of This Section: The ensuing sections provide a detailed synopsis of the background information that has been presented to the BOS and the PPC from October 2021 to July 2023, to include options. Recommendations from the RAJ Project Manager, and preliminary direction from members of the BOS and the PPC as of July 18, 2023 are outlined within the ***Recommendations*** section of this report.

Although somewhat lengthy, this reflects the totality of factors that should be considered in the final decision, to include, but not limited to the following:

- Oversight Configuration & Structure
- Oversight Model Types
- Legal Representation
- Inspector General
- Oversight Board
- Executive Director
- Budget and Staffing
- County Ordinance
- Independent Evaluation

⁶⁴ Civilian Oversight of Law Enforcement, *Report on the State of the Field and Effective Oversight Practices*, Michael Vitoroulis, Cameron McElhiney, Liana Perez, 2021



- Recommended Configuration Options

Background: The exploration of whether Alameda County should establish an oversight system has been explored, by the RAJ Project Manager, since October 2021, with the first public meetings occurring in December 2021. Since then, many activities, as outlined in the main body of this report, have been pursued in an effort to fully inform this report and recommendations therein.

In developing recommendations and options, numerous factors were considered, to include the cost-benefit of different oversight system options, fiscal prudence, the need for oversight independence, and civil rights issues related to the Santa Rita Jail. Consideration was also given to the need to consider the goals of the community and what is being asked of the oversight system created. Specifically, what level of funding and what authority should be given to the system to allow it to carry out its identified task ... **and be successful**. Equally important, consideration was also given to the level of trust (or mistrust) within the community based upon the feedback received by the PPC, BOS, and the RAJ Project Manager during numerous public meetings that have been held since 2021.

Furthermore, feedback from the community and the array of issues with the Santa Rita County Jail, to include the provision of mental health services, high rate of deaths and suicides, and class action lawsuits brought by detainees, suggests that the ACSO could benefit from the accountability and transparency offered through oversight.

To that end, the following subsections provide a synopsis of options related to various aspects of oversight, recommended options, preliminary direction from the BOS and PPC, and feedback from the community.

Oversight Configuration & Structure

The structure of an oversight model/system can vary and encompass a variety of entities commonly referred to by slightly different titles having similar functions. For purposes of this section and for consistency, the discussion related to the different aspects of an oversight system will be referred to by the following titles:

- **OIG**, led by an IG, with the authority to conduct independent investigations, issue subpoenas, review policies, procedures, internal affair reports and processes, etc.;
- **Oversight Board** consisting mainly of civilian volunteers, and an
- **Executive Director** to act as a liaison between the Oversight Board and an OIG, and to provide administrative support to the Oversight Board.

The oversight system could consist of an OIG or an OIG, Oversight Board and Executive Director, or any combination thereof. The scope of authority, for either configuration can encompass select attributes from each of the first three common oversight models (hybrid) noted below, thus allowing for the function of oversight to be performed more



effectively by combining features and authority in a way that complements each other based on the needs of Alameda County.

Oversight Model Types

Throughout this country, four oversight model types have been established, with the fourth (hybrid) consisting of attributes from the other three model options, as noted below:⁶⁵

- **Investigation-focused Model:** May consist of professional civilian investigators who are responsible for conducting independent investigation of complaints against law enforcement officers. Investigation reports may be reviewed by a separate civilian Oversight Board or commission.
- **Review-focused Model:** Typically consists of a civilian Oversight Board or commission comprised of community volunteers who review the results of internal affairs investigations and/or the law enforcement agencies compliance with their own policies, procedures and practices.
- **Auditor/monitor Model:** Focuses on data, trends and patterns, rather than individual complaints, as a means by which to identify needed systematic changes to departmental policies, procedures and training.
- **Hybrid Model:** Consists of select attributes from the preceding three models and typically based upon the unique needs of the jurisdiction.

It should be noted that jurisdictions throughout the country have increasingly adopted oversight structures that encompass different components of the first three models by combining functions of each model to fit the needs of the jurisdiction.

Furthermore, through the adoption of the expansive authority of a hybrid model, Alameda County would retain the flexibility to tailor the oversight system to its unique needs, as needed.

Legal Representation

Approximately 26% of the 58 agencies who responded to a NACOLE survey reported that their Oversight Board has access to independent legal counsel, with the highest percentage within investigative-focused oversight models.⁶⁶ It should be noted that in most circumstances, legal counsel is a part of the structure of the entire oversight body. For example, a hybrid oversight system may include an Oversight Board and an investigatory arm. Access to independent counsel would apply to both arms of the structure. In these structures, the individuals responsible for the operational activity of the oversight entity are also the full-time professional staff responsible for conducting the activities necessary to facilitate that oversight and support the Oversight Board.

⁶⁵ *Models of Oversight*, National Association for Civilian Oversight of Law Enforcement (nacole.org)

⁶⁶ Civilian Oversight of Law Enforcement, *Report on the State of the Field and Effective Oversight Practices*, Michael Vitoroulis, Cameron McElhiney, Liana Perez, 2021



In some circumstances, when independent counsel is assigned to Oversight Boards, it is only in designated circumstances and/or with the advance approval of the legislative body. For example, to obtain advice and counsel on a specific case or issue(s).

Independent legal counsel for the Oversight Board was a primary topic area that was addressed, on numerous occasions, by the public during each of the community engagement meetings and during earlier presentations to the BOS or PPC in 2022. The community opined that if the BOS establishes the Oversight Board, it should grant the Oversight Board the ability to retain independent legal counsel.

It appears that the primary reason for this opinion is community perception of a conflict of interest. For example, under State general and case law, the County Administrative Code, and the county Charter, County Counsel is the official legal advisor to the BOS and all County agencies and department. However, the perception of a conflict-of-interest stems from the fact that County Counsel represents the ACSO. Given that the Oversight Board is a body created by the BOS, County Counsel would also be responsible for advising the Oversight Board on matters involving the ACSO.

Furthermore, a question that should be considered is that given that the Oversight Board would not be an independent body, but rather, a body that exists at the discretion of the BOS, why would it need its own counsel?

To that end, to address the issue of legal counsel, there were several options that were posed to the BOS and PPC, which have also been employed by different oversight bodies throughout the country, to include oversight entities of cities and local agencies in Alameda County and throughout California.

- **Assigned County Counsel:** A senior level attorney in the Office of the County Counsel is an option in which this individual would be responsible for providing legal counsel to the Oversight Board and the OIG. To maintain a level of integrity and create an ethical wall or screen, this attorney (and others in the Office advising on IG/OIG issues) would not represent or advise the ACSO in legal matters.
- **External Legal Counsel:** This option would provide the Oversight Board with the ability to access independent counsel, for a specific purpose, and when approved by the BOS on a case-by-case basis. However, there is concern that if BOS grants external independent legal counsel to the Oversight Board, on a case-by-case basis, then in all likelihood, other boards and commissions appointed by the BOS might also request a similar accommodation.
- **Preapproved Pro Bono Counsel:** This option would allow the Oversight Board to utilize this alternative at will.

NOTE: During the May 23rd BOS Special meeting, members of the Board, based on advice from County Counsel, preliminarily indicated an intent to provide funding for an assigned senior level attorney in the Office of the County Counsel to the oversight system with a budget estimate of ½ time for that attorney.



Inspector General

Regardless of the configuration of an oversight system, if it includes an IG, he/she typically reports directly to the legislative body that created the position for this purpose. Given the significant role of this position, it can be classified as either an independent contractor or a classified employee in the civil service system, with both categories subject to appointment and termination by the legislative body, i.e., BOS.

Responsibilities: Under a hybrid system, the IG could be responsible for any of the following functions, regardless of the configuration:

- **Audit, Investigations & Inspections:** Conduct an audit, investigation, or inspection requested by the BOS, initiate an investigation or audit of the ACSO, without prior authorization of the BOS, or at the request of the Oversight Board. If the OIG does not agree with the Oversight Board's request, it could be forwarded to the PPC or the BOS for a decision.
- **Oversee the Operations of the ACSO:** Facilitate the BOS' responsibility to supervise the ACSO, without obstructing the Sheriff's law enforcement functions, as outlined in Government Code section 25303 and 25303.7.
- **Investigative Arm of the Oversight Board:** Serve as the Oversight Board's investigative arm as it relates to ACSO policies, practices and procedures, to include in-custody deaths, use of force, program services, conditions of confinement, related complaints from the community, and employee discipline.
- **Independent Oversight & Monitoring of ACSO Operations:** Provide independent and comprehensive oversight and monitoring of the ACSO, and report to the BOS, ACSO and/or the public on the ACSO's operations, to include conditions of confinement of persons in the Sheriff's custody or detention facilities, ACSO's responses to complaints related to its operations, investigations, provision of services to inmates, to include medical, pharmaceutical, and mental health services, compliance with civil rights laws, etc.
- **Conduct Investigations.** Investigate matters involving the ACSO, its employees or any other entity or service providers providing services to the ACSO.
- **Attend meetings, reviews and proceedings.** Participate in meetings regarding ACSO incidents, operations, investigations, disciplinary matters, and corrective actions, unless the OIG's presence would obstruct an ongoing criminal investigation or is otherwise prohibited by law.
- **Conduct Reviews.** Conduct reviews of the ACSO's use-of-force patterns, trends, and statistics, to include the ACSO's investigations of use of force incidents and allegations of misconduct, and disciplinary decisions, the quality of the ACSO's internal audits and inspections, and individual grievances/grievance system.
- **Communicate Findings:** Regularly communicate with the BOS, ACSO, and the *Oversight Board, as appropriate*, regarding OIG findings.



- **Work Collaboratively:** Collaborate closely with and support the Oversight Board and Executive Director in carrying out their functions.
- **Power to Subpoena:** Issue subpoenas for records, documents, information, or testimony when appropriate and when consistent with Government Code section 25303.7(b).
- **Publish Reports:** Prepare and present regular reports to the BOS and the Oversight Board. These reports would be public, unless exempt from disclosure under applicable state or federal law.
- **Manage Staff:** Hire, train, supervise, discipline, discharge, transfer, and direct the activities of civil service employees in the OIG.

Minimum Qualifications: In recruiting for the IG position, the following minimum qualifications should be considered for incorporation into the job specification:

- A Juris Doctorate degree from an accredited university
- Licensed to practice law in the state of California
- Ten years of management experience in the role of a practicing attorney in matters related to criminal and/or civil law, conditions of confinement and law enforcement practices
- Five years of experience in the policy formulation, researching, investigating, analyzing, and reporting on complex issues related to law enforcement operations
- Strong written and oral communications skills, and the ability to listen to a variety of viewpoints openly
- Experience in the areas of civil and human rights, specifically in law enforcement and community relations

Desirable Qualifications: Although not mandatory, the following desirable qualifications should also be considered.

- Other than a Juris Doctorate, an advanced degree in human services, public administration, criminal justice, or a similar discipline
- Experience in establishing and maintaining relations with community stakeholders, governmental agencies, law enforcement, and the public in highly sensitive programs
- Knowledge of rules of evidence, constitutional rights related to laws of arrest, search, and seizure, and service of legal process, conditions of confinement and detention operations, investigative strategies and techniques, including use of warrants, interrogations, surveillance, evidence preservations and gathering, crime scene processing, forensics, and interviewing, internal investigations, including administrative and criminal investigations, Public Safety Officers Procedural Bill of Rights, public employment law, interrogation laws and techniques, criminal law and procedures, peace officer training and techniques, including proper tactics regarding legal use of force, state and federal civil rights laws and due process.



- IG Certification through the Association of Inspectors General and the Professional Certification Board.⁶⁷ This certification could be obtained in advance of appointment and/or must be completed and maintained while holding the position of IG for the County of Alameda.

Disqualifying Factors: The credentials and background of the IG are critical and in that the individual chosen must possess essential personal qualifications, including integrity, initiative, dependability, good judgment, and the ability to work cooperatively with others. As such, in addition to possessing the minimum qualifications, the candidate chosen should be free of the following:

- Felony conviction, including by a guilty plea or a plea of nolo contendere;
- Discharge from the military after adjudication by a military tribunal for committing an offense that would have been a felony if committed in California, whether or not the person received a criminal conviction for the offense; and
- Conviction of crimes of dishonesty or conduct in another jurisdiction that would have constituted one of those crimes if committed in California. The listed crimes include, but are not limited to, bribery, corruption, perjury, falsifying evidence, witness tampering, forging or falsifying government records, and tampering with a jury or the jury selection process.

Oversight Board

A seven-member Oversight Board is an option that is recommended. Research indicates there isn't much consistency across Oversight Boards and systems in terms of the number of members. Every jurisdiction is unique from the standpoint of culture, politics, demographics, and so forth, and no two oversight systems are typically alike.

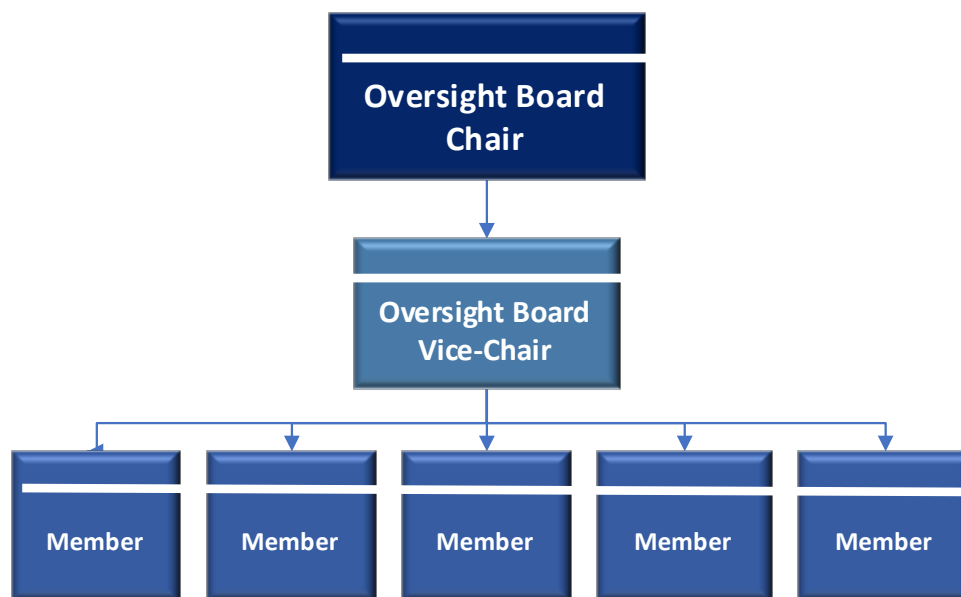
Based on a comprehensive research and outreach to other jurisdictions throughout California and the nation, a seven-member Oversight Board would seem appropriate for Alameda County. This option would ensure representation from each of the individual supervisorial districts through five direct appointments, and representation based upon community input through the two at-large appointments.

The seven-member Oversight Board would consist of a Chair appointed by the BOS, with the advice of the members of the Oversight Board. A Vice-Chair would be appointed by the Oversight Board for a two-year term. All members of the board would have equal voting authority and could be provided a \$100 per meeting stipend to cover general expenses. A maximum \$1,200 annual stipend is recommended for each member.⁶⁸

⁶⁷ Association of Inspectors General, <http://inspectorsgeneral.org/institutes/institute/>

⁶⁸ Payment of a stipend triggers training requirements for sexual harassment and abusive conduct. Government Code Section 53237(b).





Appointment of Oversight Board: An issue that oftentimes impacts the legitimacy of an Oversight Board is the public perception that members of the Oversight Board are beholden to the political will of the body that appointed them. However, pursuant to Government Code 25303.7, *“the members of the sheriff Oversight Board shall be appointed by the board of supervisors. The board of supervisors shall designate one member to serve as the chairperson of the board.”* As such, the appointing power cannot delegate this responsibility, but rather, they can balance their authority, with the common interests of the community, through the process adopted to appoint members.

In general, Oversight Board members are typically appointed in one of four ways:

- By a city mayor and/or city council, board of directors, or BOS who review, interview and select candidates through a pre-established application process;
- Through a selection panel consisting of members of the community who screen applications at the forefront of the selection process and submit a list of candidates to the city mayor and/or city council, board of directors, or BOS for final selection and appointment;
- Through a selection panel consisting of members of the community who screen applications at the forefront of the selection process and submit a list of candidates to the city mayor and/or city council, board of directors, or BOS for final selection and appointment; or
- Through a process in which a designated number of appointments are made by the city mayor and/or city council, board of directors, or BOS and a community selection panel, e.g., five appointments by the BOS and two appointments by a community selection panel.



Oversight Board Appointment Process: Given that one of the primary objectives of the Oversight Board is to maximize its effectiveness through the trust and cooperation that ensues when there is transparency and collaboration with the community at the forefront, the members of the Oversight Board could be appointed by the BOS utilizing a standard application process. It would consist of one appointee from each of the Supervisorial Districts and two at-large appointments. The at-large appointments would be filled utilizing an Advisory Selection Panel (Panel) consisting of five community members. Each Supervisor would select one of Panel members. The Panel would be responsible for recruiting and canvassing potential applicants, reviewing applications and submitting a designated number of nominees to the BOS for interview, final selection, and appointment. The Panel would be expected to meet as a group, in advance of submitting the names of nominees to the BOS, to ensure that the nominees consist of a pool of individuals who are diverse and reflect the socio and economic demographics of the county.

Appointment of the at-large candidate(s) nominated by the Panel would be by vote of the BOS. As the at-large seats become vacant, the same Panel selection and nomination and BOS appointment process would be used to fill the vacant seats. This process would give the community a voice, while allowing the BOS to maintain its decision-making autonomy.

Oversight Board Structure & Parameters: For the Oversight Board to be effective, it must be free from, whether real or perceived, the influence of others, including law enforcement, politics and those with special interests. Equally important, it must have features and a level of authority that is commensurate with its hybrid core oversight functions.

Although not an exhaustive list, it is recommended that the following features be considered for incorporation into Alameda County's Oversight Board structure and duties, further defined within its enabling ordinance:

- **Authority.** Must have sufficient authority and support from the BOS to accomplish Oversight Board goals, and adequate authority to allow them to achieve goals and be responsive to the community.
- **Adequate funding and administrative support.** Should have sufficient funding and administrative support to enable it to fulfill its mission.
- **Access to all critical information.** Includes all necessary information, to include law enforcement policies, procedures, training and systematic issues, imposed discipline arising from allegations of excessive use of force, civil rights, conditions of confinement, all as permitted by law.
- **Regular access to relevant decision-makers.** Includes access to the BOS, ACSO, OIG, PPC, Community Corrections Partnership, etc.
- **Authority to issue subpoenas.** The Oversight Board and OIG should have subpoena powers which would be used consistent with Government Code Section 25303.7(b) and in circumstances where good faith efforts have failed.



Oversight Board Responsibilities: The Oversight Board would accomplish its oversight role by facilitating community engagement opportunities, and ongoing analysis and oversight of the operations of the ACSO, either on its own or at the request of the BOS or ACSO, without interfering with the Sheriff's investigative and prosecutorial functions. It would be responsible for carrying out the following duties:

- **Recommendations.** At the request of the BOS, Sheriff, or community, make recommendations to the BOS and/or ACSO on ACSO operational policies and procedures that affect the community, to include recommendations to create additional operational policies and procedures affecting the community.
- **Investigations.** Utilizing the OIG, request investigations on ACSO-related issues or complaints affecting the community.
- **Reports.** Prior to publishing reports or making recommendations, whether verbally or in writing, to the BOS, the Oversight Board would be required to seek feedback from the OIG and the ACSO.
- **Monitor.** Only at the request of the BOS and through the Office of the Inspector General, monitor the implementation of settlement provisions in litigated matters.
- **Request of the Sheriff:** At the request of the Sheriff, conduct a review of a specific policy and/or program issue.
- **Community Outreach.** Through community meetings and other outreach efforts, obtain community feedback on the use of force, detention conditions and other civil right matters and complaints involving the ACSO, and convey these concerns to the ACSO, either on its own or through the OIG.
- **Function as a Bridge.** Function as a bridge between the ACSO and the community by providing the community additional means of providing input and obtaining answers, on concerns related to ACSO operations, practices and activities.
- **Advisory Role.** Serve in an advisory capacity to the BOS, without the authority to direct the activities of the ACSO, its employees or the imposition of discipline.
- **Public Meetings:** Conduct public meetings, a minimum of 12 annually, in accordance with the Brown Act (Government Code Section 54950, et seq.).

Oversight Board Characteristics: The Oversight Board should be comprised of individuals with expertise in areas that would complement each other in furthering the goals of oversight within Alameda County. This means an Oversight Board comprised of individuals with expertise in areas such as the criminal justice system, legal, mental health, investigations, research, education, conditions of confinement, environmental health and safety, juvenile justice and so forth.

In determining who should serve on the Oversight Board, consideration should be given to the following factors:

- **Inclusion of Retired Sworn Personnel & Justice-Involved Individuals:** The membership of current or former sworn personnel on Oversight Boards is a



controversial issue with some individuals, with advocates arguing that the perceived or actual bias inherent in sworn personnel would tarnish their opinion and influence on this body, as well as compromise the credibility of the Oversight Board in the view of the community. However, the same argument can be applied to the idea that justice-involved individuals should be allowed a seat on the Oversight Board because of their experience with the justice system.

Conversely, opponents opine that if the Oversight Board is going to reflect the diversity and views of the community, it must be inclusive of those who reside in it, regardless of current or prior professional affiliation or experience. They also argue that participation by those with sworn experience would allow the Oversight Board to benefit from individuals who have “walked the line” and who have first-hand practical knowledge and experience in law enforcement operations and culture, and the application of related policies, procedures and practices.

Both arguments bring a valid perspective to the forefront. As such and accounting for the views of the community and the need to create a system that is inclusive, balanced and reflective of diverse perspectives, it is recommended that former sworn personnel, from outside of the county or who have never served with the ACSO in a sworn capacity, be allowed a seat on the Oversight Board, as well as a justice-involved representative.

- **Subjective Factors:** There are other factors the BOS could consider, in making their selections, that are somewhat subjective and more difficult to measure, but nevertheless, important to consider. These desirable factors include such things as:
 - ♦ demonstrated ability to work well with others of opposing viewpoints;
 - ♦ history of collaborative problem solving;
 - ♦ demonstrated high level of personal accountability and integrity;
 - ♦ ability to maintain a big picture perspective; and
 - ♦ a demonstrated commitment to justice, fairness and civil rights issues.
- **Desirable Qualifications:** The desirable qualifications of Oversight Board members should include consideration of the following:
 - ♦ Expertise in a related field that would contribute to an oversight function (e.g., criminal justice system, law enforcement, mental health, juvenile justice, custody, investigations, research, education, financial, academic, legal, victim rights, business, financial, auditing, conditions of confinement, environmental health and safety), including active participation in a community organization actively addressing justice issues;
 - ♦ Knowledge of community issues within Alameda County;
 - ♦ Able and willing to invest the time necessary to perform the duties of an Oversight Board member;
 - ♦ Agreement to complete a Live Scan inquiry conducted by the Alameda County



Human Resource Services Agency prior to appointment on the Oversight Board;

- ♦ Agreement in writing to follow and adhere to state and county policies regarding ethical principles, conflict of interests, and code of conduct established by the County for Oversight Board members;
 - ♦ Agreement to complete a training and orientation program within 60 days of appointment, and ongoing training within 30 days of verbal or written notification from the Executive Director; and
 - ♦ Agreement in writing to maintain absolute confidentiality of privileged and sensitive information.
- **Disqualifying Factors:** The following factors should serve to disqualify an applicant.
- Non-residents of the following counties: Alameda, San Francisco, Santa Clara, San Mateo, Contra Costa, San Joaquin and Stanislaus⁶⁹
 - ♦ Current employees of Alameda County
 - ♦ Current employee of any law enforcement agency, including local, county, state or federal agencies
 - ♦ Former sworn employee of the ACSO
 - ♦ Current employees of contractors of Alameda County
 - ♦ Anyone involved in active litigation against the ACSO or serving in the role of court-appointed monitor
 - ♦ Practicing attorneys who handle or are members of firms or entities that currently handle criminal or civil litigation matters involving Alameda County

Candidates should also be required to submit a statement of interest and an Oversight Board member application prior to consideration for appointment.

Oversight Board Terms & Compensation: It is recommended that the Oversight Board be appointed to staggered terms, with a maximum of two appointments, unless waived by the BOS. The terms would be staggered in four and two-year increments, in which four members are appointed to an initial term of four years, and three to two-year terms. Upon reappointment, the opposite would occur. This would allow new appointees to learn from seasoned Oversight Board members through the overlap that automatically occurs between outgoing and incoming appointees.

Furthermore, it is recommended that members not receive a salary or benefits, but rather, a stipend to cover general expenses related to meetings, not to exceed \$1,200 annually per member.

⁶⁹ Alameda County Board of Supervisor's Standard 's Operating Procedures indicate that appointees to Alameda County Boards and Commissions require that members be residents of the county unless waived by a majority vote of the BOS.



Executive Director

In addition to autonomy and support from the OIG, if an Oversight Board is created it must have the resources necessary to direct and conduct activities commensurate with their responsibilities. As such, it is recommended that the Oversight Board be supported by a full-time Executive Director, who is an employee in the classified civil service, and selected and appointed by the BOS, with the advice of the Oversight Board and the OIG.

Responsibilities: The Executive Director should report to IG, and be responsible for providing leadership, technical and administrative support to the Oversight Board, to include the following:

- Act as a liaison between the Oversight Board and the BOS, OIG, ACSO and the community;
- Organize, plan and coordinate Oversight Board-related activities, to include community outreach in the form of town halls, Oversight Board meetings, social media engagement, etc.;
- Prepare reports for the Oversight Board to the BOS and/or ACSO;
- Carry out the directives of the Oversight Board and advise them on procedures related to its review of investigations, public meetings, etc.; and
- Manage the budget of the Oversight Board, and coordinate appointments and training for the Oversight Board members.

Minimum Qualifications: In recruiting for this position, the following minimum qualifications should be incorporated into the job specification and announcement:

- Management experience in managing human resources, monitoring and controlling expenses and budgets, planning and strategic goal setting, leveraging resources to ensure timely submission of initiatives and major tasks, and hiring, training and coaching staff;
- Experience in establishing and maintaining relations with community stakeholders, governmental agencies, law enforcement, and the public in highly sensitive programs; and
- Strong written and oral communications skills, and the ability to listen to a variety of viewpoints openly.

Desirable Qualifications: Given the complex role of the Executive Director, it is recommended that desirable qualifications include:

- Experience in the areas of civil and human rights, specifically in law enforcement and community relations;
- Experience facilitating the effective functioning of community or volunteer committees;



- Demonstrated understanding and success working with a diverse population, including various ethnic communities, homeless individuals and families, and residents with mental illness;
- Strong diplomatic skills, and the knowledge to effectively set and meet goals and manage staff;
- Knowledge of general legal principles and statutory law, practices, and procedures related to law enforcement investigations or investigations of a related field, and administrative hearings;
- Knowledge of the rules and regulations governing Sheriff operations, organization, and administration; and
- Demonstrated experience in establishing and maintaining relations with community stakeholders and governmental entities.

Budget & Staffing

Regardless of the oversight configuration chosen, the budget and staffing must be commensurate with the duties and authority of the oversight system for it to be effective. This means ensuring the Year 1 budget takes into consideration one-time expenses associated with initial start-up costs. Thereafter, the budget could be based either on a percentage of the Sheriff's budget (.5% up to 1%), with the assumption that as the budget of the Sheriff grows, so do the number of law enforcement officers and potential for increased issues.

The budget could also be based on demonstrated needs, with future years based upon a Maintenance of Effort budget. Technical adjustments thereafter would be made in collaboration with the County Administrator and Auditor-Controller through the normal budgetary process.

County Ordinance

Charter Section 12(e) requires the Board "provide," by ordinance, for the creation of offices, boards and commissions." Therefore, the parameters of the oversight system, must be incorporated into an ordinance and adopted by the BOS.

Independent Evaluation

An evaluation of the oversight system should be conducted by an independent third party, every three years or more often, if deemed appropriate by the BOS. It should include an evaluation of strengths and challenges, and recommendations for improving the oversight system's effectiveness. A Request for Proposal should be released to enable the county to determine different approaches by which to accomplish this objective.

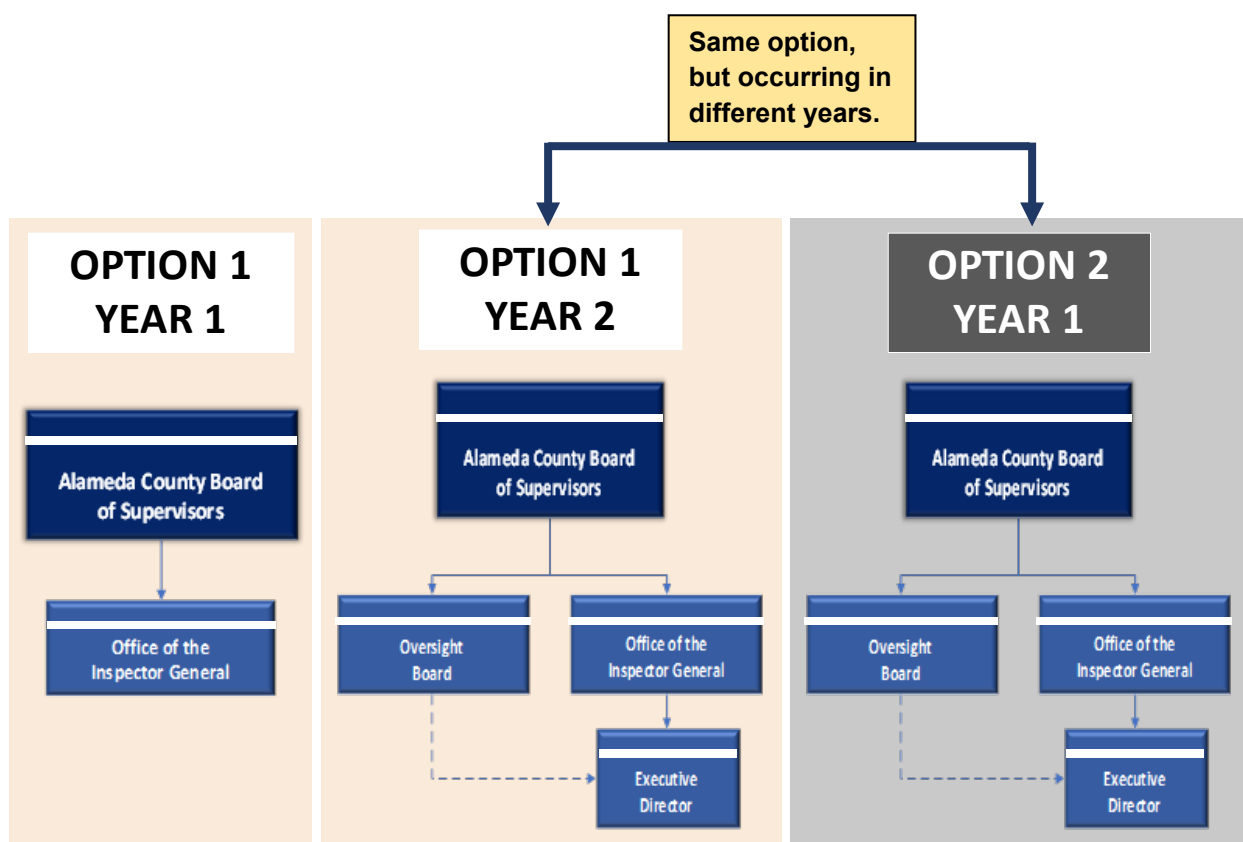
Ultimately, the evaluation should include, as one component, a survey to gauge Oversight Board member's and staff's morale and internal perceptions of management, operations, processes, and procedures. Surveys of this nature can be an effective tool in assessing



how an oversight system is functioning given that those closest to the system are most familiar with the day-to-day operations and are thus acutely aware of how management and operations affect the ability of the oversight system to achieve its goals. The surveys should be completed anonymously and submitted to the third-party evaluator to compile responses and present findings to the BOS.

Recommended Configuration Options

During the May 23rd, June 22nd and July 18th public meetings, the RAJ Project Manager presented three hybrid options to the BOS and PPC. It should be noted that the two options on the right side of the chart on the following page reflect the same configuration – but implemented at different times.



Authority: It was recommended that the proposed oversight system, regardless of which option chosen was chosen, should include hybrid in nature and have the authority to:

- Conduct independent oversight and monitoring;
- issue subpoenas;
- audit, investigate and inspect operations;
- review policies, procedures and trends; and
- prevent civil right violations and litigation by proactively identifying patterns and practices.



Individual Roles: Under option 1, year 1, the OIG would have the authority to carry these functions through the utilization of its staffing resources and authority. Albeit the OIG would be limited in its ability to carry out an array of extensive functions given its limited staffing.

However, under option 1, year 2 or option 2, year 1, the oversight system would be better equipped to carry out these functions given the increase in staffing resources through the use of an OIG, Oversight Board and Executive Director. Under this configuration the overarching objective of the Oversight Board would be to review the policies, practices and actions of the ACSO in the interest of providing accountability and improving practices, and to effect positive change intended to not only impact the community, but the ACSO as well. The Executive Director would be responsible for facilitating the functions of the Oversight Board by providing direct and full-time technical administrative support, and by acting as a liaison with the OIG. The IG would report to the BOS, and work collaboratively with the Oversight Board. Additionally, the OIG would serve as the investigative arm of the oversight structure and have full subpoena power.

Budget & Staffing: The key for the asterisks in the two charts on the following two pages reflect whether the classification is an existing or equivalent Alameda County position or classification from an external agency. It should be noted that priority was given to incorporating existing or equivalent Alameda County classifications.

*	Existing Alameda County Classification Equivalent
**	Existing Los Angeles County Classification Equivalent
***	Existing CDCR Classification Equivalent
(#####)	Indicates Position # of Alameda County Classification Equivalent

Under the option 1, year 1 option, the OIG would be tasked with significant and complex oversight responsibilities requiring an annual financial allocation. Given the nature of this office, the totality of expenses cannot be fully itemized with full accuracy until such time as this OIG is in full operation.

To account for these factors, if this option is chosen, it is recommended that the OIG be allocated a year 1 budget allocation with the caveat that adjustments be made every year thereafter based upon the changing needs of this Office. The same recommendation is made for option 2, year 1 or option 2, year 1.

The budget could be based either on a percentage of the ACSO's budget, 0.5% up to 1%, or on demonstrated need, with future years based upon a Maintenance of Effort budget. The initial budgetary allocation and technical adjustments thereafter could be made in collaboration with the County Administrator and Auditor-Controller through the normal budgetary process.



An initial assessment of costs, taking into consideration salaries, benefits and indirect costs, is reflected in the chart on the following two pages for both configurations and is current as of May 2023.

It should be noted that given the Sheriff's fiscal year 2022 - 23 budget of \$597.5 million, the salaries, benefits and indirect costs of option 1, year 1 equates to approximately \$2.7 million on the low range or .45% of the sheriff's budget, or \$3.5 million or .6% of the Sheriff's budget at the higher range of the salaries, benefits and indirect costs spectrum.⁷⁰

For option 1, year 2 or option 2, year 1, the cost is estimated to be \$3.23 million or .5% on the low end of the salary, benefits and indirect cost scale and a little over \$4.3 or .69% on the higher end.

Option 1, Year 1 Office of the Inspector General Only

Position Title	Total Positions	Low Range Annual Salary + Benefits	High Range Annual Salary + Benefits
** Inspector General	1	\$289,830	\$424,474
** Assistant Inspector General	1	\$230,976	\$346,963
** Community & Public Relations Officer	1	\$147,034	\$171,405
*** Ombudsman	1	\$142,886	\$205,363
* Senior Management Analyst (0207)	2	\$285,075	\$382,054
* Senior Investigator II (8581)	1	\$255,656	\$310,170
* Management Analyst (0206)	2	\$271,622	\$363,814
* Investigator II (8577)	1	\$166,931	\$205,437
* Secretary II (1220)	1	\$116,813	\$138,477
* Administrative Secretary II (1227)	1	\$128,128	\$152,555
* Senior Deputy County Counsel	0.5	\$131,466	\$175,289
INDIRECT COSTS:		\$541,605	\$719,000
TOTALS:	12.5	\$2,708,023	\$3,595,002



Option 1, Year 2 or Option 2, Year 1
Office of the Inspector General,
Oversight Board & Executive Director

Position Title	Total Positions	Low Range Annual Salary + Benefits	High Range Annual Salary + Benefits
Oversight Board Members (Volunteers - Stipend Only)	7	N/A	N/A
SUBTOTALS:	7	N/A	N/A
* Executive Director (0256)	1	\$183,106	\$279,152
* Senior Management Analyst (0207)	1	\$142,538	\$191,027
* Secretary I (1215)	1	\$86,766	\$103,272
INDIRECT COSTS:		\$103,102	\$143,363
SUBTOTALS:	3	\$515,512	\$716,814
** Inspector General	1	\$289,830	\$424,474
** Assistant Inspector General	1	\$230,976	\$346,963
** Community & Public Relations Officer	1	\$147,034	\$171,405
*** Ombudsman	1	\$142,886	\$205,363
* Senior Management Analyst (0207)	2	\$285,075	\$382,054
* Senior Investigator II (8581)	1	\$255,656	\$310,170
* Management Analyst (0206)	2	\$271,622	\$363,814
* Investigator II (8577)	1	\$166,931	\$205,437
* Secretary II (1220)	1	\$116,813	\$138,477
* Administrative Secretary II (1227)	1	\$128,128	\$152,555
* Senior Deputy County Counsel	0.5	\$131,466	\$175,289
INDIRECT COSTS:		\$541,605	\$719,000
SUBTOTAL:	12.5	\$2,708,023	\$3,595,002
CUMULATIVE SUBTOTALS		\$3,223,535	\$4,311,816
OVERSIGHT BOARD ANNUAL STIPEND:		\$8,400	\$8,400
TOTALS:	22.5	\$3,231,935	\$4,320,216





"If we do not maintain justice, justice will not maintain us." Darin Haig



Opportunities for Pretrial Expansion within Alameda County

RAJ
Element 5

Background

The BOS contracted with Researcher/Criminologist (Researcher) Wendy Ware to assist in addressing 5 of the 12 questions associated with RAJ.⁷¹ This section of the report isolates and focuses on element #5 which asks the question:

5. How can the pretrial program be permanently established and expanded to reduce the jail population? An assessment of Alameda County's pretrial hold rate should be conducted as a part of this analysis.

The objective of this element was to prevent individuals from penetrating the criminal justice system further by providing proactive and progressive alternatives for the Superior Court to utilize at the forefront of the legal process. Although not a component of the analysis conducted by Researcher Ware, this section will also speak to the use of collaborative and specialty courts to divert individuals from further penetration into the justice system.

Analysis of the Pretrial Supervision Associated with Santa Rita Jail Releases

Full implementation of the Alameda County Pretrial Program officially began on January 21, 2020. The initial pretrial program utilized the Virginia Pretrial Risk Assessment Instrument (VPRAI). However, it has been reported that the use of the VPRAI has ceased and currently the court system is utilizing the Public Safety Assessment (PSA), developed by Arnold Ventures. Some metrics of the PSA in use were provided and are included in this section.

Analysis was completed of Santa Rita Jail persons with pretrial assessment data scored on the VPRAI and released on or after June 1, 2020. What these data can tell us is limited as far as utilization of the current Pretrial Program and use of the PSA tool, some attributes of Santa Rita Jail releases and limitations to expanding pre-trial can be gleaned.

⁷¹ *Alameda County Resident and Santa Rita Jail Population Trends and Analysis Report*, Consultant and Researcher Wendy Ware, August 2023



Data extract files containing the VPRAI scoring, probation officer recommendations, and judicial recommendations were provided by the Alameda County Probation Department in seven files:

1. Demographics
2. VPRAI assessment and recommendation
3. Referral statuses
4. Judicial order
5. Judicial conditions
6. DPO recommendations
7. DPO conditions

These data files were merged using the referral ID and assessment ID numbers with the base file being the referral status file. This merged file was then combined with the Santa Rita Jail release file using the personal identifier number (PFN). VPRAI assessments had to occur on or between the booking and release dates of a PFN's particular jail stay for an allowable match. Tables 9 through 13 provide data from these matches.

A total of 13,539 assessments were matched to the jail data file corresponding to releases between June 1, 2020 and December 31, 2021. As seen in Table 9, over 80% of 2021 releases participated in the assessment process with most non-participants refusing the assessment or being combative.

The VPRAI scoring revealed the following attributes (Table 10) in the 2021 releases for which an assessment was matched:

1. A large proportion of persons scored were not under supervision at arrest.
2. A large proportion of persons scored had a prior conviction.
3. A large proportion of persons scored did not have pending charges at arrest
4. Just under 50% of persons scored had a history with failing to appear at court.
5. Just under 43% of persons scored had a violent felony charge.
6. Almost 72% (5,246) of VPRAI assessments in 2021 scored a decision of release, the majority with some level of pretrial supervision recommended (Table 11).

While a large percentage of cases scored "release" on the VPRAI, as shown in Table 12, just under 16% of cases are recommended for release by the scoring officer. The major reason for a reversal from the VPRAI score is "Mandatory detention per Penal Code Section 1319 and 1319.5" which over 66% of cases were flagged for in 2021.

California Penal Code Section 1319 dictates that no person arrested for a violent felony may not be released on his or her own recognizance until a hearing is held in open court before the magistrate or judge, and until the prosecuting attorney is given notice and a



reasonable opportunity to be heard on the matter. Further, an investigative report must be completed and presented at the hearing. The report must include the following:

1. Written verification of any outstanding warrants against the defendant.
2. Written verification of any prior incidents where the defendant has failed to make a court appearance.
3. Written verification of the criminal record of the defendant.
4. Written verification of the residence of the defendant during the past year.

Data on the amount of time it takes for completion of an investigative report is not available.

Table 9. Jail Releases by VPRAI Pretrial Assessment Attributes

Attribute	2020 (June-December)			2021		
	Number	Percent	Average LOS (days)	Number	Percent	Average LOS (days)
Total	4,677	100.0%	22.4	8,862	100.0%	15.3
Participant Question						
Non-participant	827	17.7%	28.3	1,524	17.2%	18.2
Participant	3,850	82.3%	21.1	7,338	82.8%	14.7
Non-participant Reason	827	17.7%	28.3	1,524	17.2%	18.2
Combative	111	13.4%	27.7	261	15.6%	22.4
Medical isolation	0	0.0%	-	12	0.7%	18.6
Other	57	6.9%	51.6	90	5.4%	26.7
Refused	622	75.2%	25.0	1,059	63.3%	16.3
Under the influence of drug/alcohol	37	4.5%	49.9	102	6.1%	19.9

Analysis limited to assessments matched to release data (June 2020-December 2021)

Source: Alameda County Probation Department & Alameda County Sheriff's Office



Table 10. Scoring – VPRAI

Attribute	2020 (June-December)		2021	
	Number	Percent	Number	Percent
Total	3,850	100.0%	7,338	100.0%
Under active supervision at arrest				
No	2,681	69.6%	5,383	73.4%
Yes	1,169	30.4%	1,955	26.6%
Charge included felony drug, theft, or fraud				
No	2,820	73.2%	5,241	71.4%
Yes	1,030	26.8%	2,097	28.6%
Has pending charges with offense date prior to arrest				
No	2,816	73.1%	5,451	74.3%
Yes	1,034	26.9%	1,887	25.7%
Has prior conviction for criminal offense				
No	1,103	28.6%	2,003	27.3%
Yes	2,747	71.4%	5,335	72.7%
Has two or more prior FTA				
No	2,200	57.1%	3,799	51.8%
Yes	1,650	42.9%	3,539	48.2%
Has two or more prior violent felony convictions				
No	3,191	82.9%	5,834	79.5%
Yes	659	17.1%	1,504	20.5%
Has a history of drug abuse				
No	2,310	60.0%	4,110	56.0%
Yes	1,540	40.0%	3,228	44.0%
Employment status at arrest				
Employed	1,476	38.3%	3,230	44.0%
Full-time student	2	0.1%	2	0.0%
None-unemployed	2,353	61.1%	4,077	55.6%
Primary caregiver	9	0.2%	9	0.1%
Retired	10	0.3%	20	0.3%
Most Serious Charge				
DUI	24	0.6%	88	1.2%
FTA	3	0.1%	0	0.0%
Non-violent felony	1,032	26.8%	1,872	25.5%
Non-violent misdemeanor	385	10.0%	908	12.4%
Unknown	42	1.1%	0	0.0%
Violent felony/firearm	1,683	43.7%	3,148	42.9%
Violent misdemeanor	681	17.7%	1,322	18.0%



Table 10. Scoring – VPRAI
(Continued)

Attribute	2020 (June-December)		2021	
	Number	Percent	Number	Percent
Scored Risk Level				
1	995	25.8%	1,809	24.7%
2	652	16.9%	1,263	17.2%
3	737	19.1%	1,326	18.1%
4	615	16.0%	1,252	17.1%
5	444	11.5%	884	12.0%
6	407	10.6%	804	11.0%

Source: Alameda County Probation Department & Alameda County Sheriff's Office

Table 11. Scoring Outcomes – VPRAI

Scored Recommendations	2020 (June-December)		2021	
	Number	Percent	Number	Percent
Total	3,850	100.0%	7,338	100.0%
Release decision				
Detain	1,164	30.2%	2,092	28.5%
None	140	3.6%	0	0.0%
Release	2,546	66.1%	5,246	71.5%
Level of Supervision				
Own recognizance	437	11.4%	536	7.3%
Pretrial monitoring	384	10.0%	714	9.7%
Level I	416	10.8%	834	11.4%
Level II	789	20.5%	1,759	24.0%
Level III	520	13.5%	1,103	15.0%
None	1,304	33.9%	2,092	28.5%

Source: Alameda County Probation Department & Alameda County Sheriff's Office



Table 12. DPO Recommendations – VPRAI

DPO Recommendations	2020 (June-December)		2021	
	Number	Percent	Number	Percent
Total	3,850	100.0%	7,338	100.0%
Release Decision				
Detain/eligible pending arraignment	3,176	82.5%	5,909	80.5%
None	34	0.9%	285	3.9%
Release	640	16.6%	1,144	15.6%
DPO Reason for Detain				
High risk to fail based on VPRAI	224	5.8%	410	5.6%
High risk for threat to the public	198	5.1%	618	8.4%
Mandatory detention per PC 1319 & PC 1319.5	2,756	71.6%	4,885	66.6%

Source: Alameda County Probation Department & Alameda County Sheriff's Office

As noted previously, the Alameda County courts are now using the PSA to assess persons for pretrial release as of October 2022. The total number of persons assessed at jail booking for pretrial releases, between October 24, 2000, and April 4, 2023, is 10,369. Table 13a provides limited metrics on the PSA's use during this time period. Between October 24, 2022 and April 4, 2023, some 1,100 persons were eligible for pre-arraignment release and hence assessed using the PSA. Eligible for pre-arraignment release means that persons arrested were provided an opportunity to be released from jail without having to wait for a court date to make the request. The PSA resulted in 49% of persons assessed, 1,109 cases, being released on their own recognizance pre-arraignment. The average time from assessment to release was 26 hours. Persons released pre-arraignment may be subject to various conditions of release that include stay away, no contact, and personal conduct orders. The PSA data provided by the Superior Court began on October 24, 2022 and through the period of April 4, 2023 for this analysis. One year of data will be available as of October 23, 2023, and additional analysis should be completed utilizing this data.

Table 13b reflects the results of individuals on pretrial releases for only those cases that had a case disposition within the above reporting period. Of those released, 13% had an FTA and 24% committed a new offense. It is highly recommended that further investigation be conducted on the number of assessments being conducted using the PSA and the types of releases that result (supervised or otherwise) with a controlled study of success rates. One year of PSA data should be utilized as the basis of a pre-trial re-design, and the pre-trial components should be aligned with other RAJ implemented legal system enacted changes.



Table 13a PSA Metrics October 24, 2022 – April 4, 2023

Bookings Eligible for Pre-arraignment Release	1,109
Assessment Result	Rate
Detain	51%
Release	49%
Average Time from assessment to release	26 hours

Table 13b PSA Metrics October 24, 2022 – April 4, 2023

Total Number of Assessed Bookings	887
Performance Measure	Rate
Failure to appear	13%
New criminal activity	24%
New violent criminal activity	7%

Source: Superior Court of California, Alameda County

Opportunities for Early Intervention & Diversion

Collaborative & Diversion/Specialty Courts: Collaborative justice courts, also known as problem-solving courts, promote accountability by combining judicial supervision with rigorously monitored rehabilitation services and treatment in lieu of detention. Collaborative courts have a dedicated calendar and judge for specific types of offenders (e.g., mental health courts for offenders with mental illness, drug courts for offenders with substance abuse issues).⁷² Collaborative courts operate in a slightly different way with varying eligibility criteria, requirements, length, types of sanctions and incentives, services provided, and graduation criteria.

In 1991, Alameda County opened one of the first collaborative courts in the County and has continued to expand collaborative justice programs.⁷³ Specialty Courts are also utilized to provide another diversionary alternative.

⁷² [Fact Sheet \(ca.gov\)](#)

⁷³ [Collaborative Courts | Superior Court of California | County of Alameda](#)



Types and Numbers of Collaborative Justice Courts in California as of January 2022: California currently has more than 400 collaborative courts in all but three small jurisdictions, with many jurisdictions having four or more types of collaborative courts. The most numerous types of collaborative courts are as follows:

- 84 Drug Courts
- 55 Adult Mental Health Courts
- 47 Veterans' Courts
- 35 Dependency Drug Courts
- 24 Juvenile Drug Courts
- 22 DUI Courts
- 20 Re-entry Courts
- 18 Homeless Courts
- 12 Community Courts
- 12 Juvenile Mental Health Courts

Newer courts such as girls' courts and Commercial Sexual Exploitation of Children courts are also growing. The balance of collaborative courts includes dual diagnosis courts, family law drug courts, truancy courts, and Proposition 36 courts.

For historical perspective, a brief synopsis of both categories of courts within Alameda County are offered below:

Collaborative Courts

- **Felony Drug and Misdemeanor Court:** Accepts individuals with misdemeanors or felonies, pre- or post-plea, and are intended to address health issues and achieve legal relief.
- **Family Treatment Court:** Help parents that have lost custody of their children due to addiction or co-occurring mental health conditions. Participation in this court greatly increases the chance of family reunification and dramatically decreases future contacts with Children's Protective Services.
- **Veterans Treatment Court:** Accepts veterans with misdemeanors or felonies, pre- or post-plea. Veterans in this program are oftentimes dealing with post-traumatic stress disorder, alcoholism, military sexual trauma and/or other issues. This program connects veterans with the benefits they have earned in service to our country. This program helps veterans change their lives and gain legal relief.
- **Re-Entry Court:** Accepts parolees or those on post-release community supervision probation who are violating (or are at-risk to violate) the terms of their supervision due to addiction or co-occurring conditions. These courts help individuals to successfully re-enter society after serving time in state prison.



Other Diversion & Special Court Programs

- **Early Intervention Court:** Early Intervention Court (EIC) is a diversionary court for low-level felony cases (as described in Penal Code Section 1170[h]). Referrals to EIC come from agreements and acquiescence of the District Attorney's Office. The typical term of EIC is one year but can be longer based upon cooperation in treatment and repayment of restitution. Terms of participation include educational goals, maintaining employment, payment of restitution and specific goals set by the participants. EIC typically excludes gun cases, domestic violence and offenses which require Penal Code Section 290 registration. Progress report court dates are set either every two weeks or once a month. The benefits of completion include dismissal of the case and additional relief pursuant to Penal Code Section 851.91.⁷⁴
- **Behavioral Health Court:** Behavioral Health Court (BHC) is a collaborative court case managed by ACBHS. It is designed to address those individuals with SMI by providing linkage to community treatment teams that provide teams that provide intensive case management or wrap around services. Community treatment services are individualized to participant needs and may include psychiatry, medication supports, vocational training, peer coaching, co-occurring substance use treatment, and housing coordination. This court accepts individuals with both misdemeanor and felony cases and includes probation violations, though there is prohibition for domestic violence cases and cases involving guns, except in rare situations. Referrals are made as an "offer" from the District Attorney's Office, but acceptance into the program requires the agreement of all stakeholders in the court. Potential participants must be Alameda County residents and eligible for Alameda County's Mental Health Plan, generally those who are Alameda County Medi-Cal eligible and do not have current private insurance. The program generally lasts for 12-18 months with regular progress reports weekly and eventually monthly. The benefits of the program include dismissal of the case reinstatement of probation with a termination of that probation, for criminal records of the charges to be sealed, or relief under Penal Code Section 851.91.
- **Incompetent to Stand Trial/Felony Incompetency Courts:** This is neither a collaborative or diversionary court, but a treatment court designed to address the treatment needs of those individuals with misdemeanor cases who have been found incompetent to stand trial or select felony incompetency cases where treatment and restoration needs are provided in community settings (rather than a state psychiatric hospital). These defendants are assessed by clinicians from ACBHS and treatment needs are provided by treatment teams who provide regular progress reports. In misdemeanor cases, the court's alternative choices for treatment are described in Penal Code Section 1370.01.⁷⁵ Sufficient cooperation in community-based treatment will generally result in dismissal of the underlying case. The benefits of community treatment is felony cases has yet to be determined.
- **Military Diversion:** Serves U.S. Military Veterans charged with misdemeanors and

⁷⁴ Penal Code Section 851.91 allows a person who has been arrested, but convicted to petition the court, to seal his/her arrest and related records.

⁷⁵ Penal Code Section 1370.01 states that if a defendant is found mentally competent, the criminal process shall resume, the trial on the offense charged shall process, and the judgement may be pronounced.



eligible for diversion under state statute.

- **Mentor Diversion Court:** Diverts persons aged 18-25 who are charged with drug sales.
- **Crossroads:** This is a post-conviction treatment court that includes ACPD and a non-profit organization and allows convicted felons to earn a reduction in type of felony conviction and reduction to a misdemeanor. The 18-month program focuses on providing rehabilitative services to young offenders, 18 to 25 years of age, with non-violent felonies and probation. Upon termination of probation, the charges are either reduced or dismissed and/or fines reduced.
- **Homeless and Caring Court:** Community court serving individuals who are at risk for homelessness by dismissing tickets, fines, and court fees from previous traffic offenses and non-violent misdemeanor convictions.
- **Project Clean Slate:** Serves individuals who have suffered both felony and misdemeanor convictions by reduction and/or expungement of identified prior criminal history through early termination of probation, dismissal, and sealing of prior cases.
- **Alameda County Propositions 47 & 64 Resentencing Program:** Serves individuals convicted of certain felonies by reducing certain felony convictions to misdemeanors.
- **Misdemeanor Pre-Charging Diversion:** Pre-charging alternative that diverts individuals away from the criminal justice system in favor of an appropriate education-based program.
- **Mental Health Diversion and Informal Behavioral Health:** Pre-Charging alternative that refers individuals diagnosed with specified mental illness and those that do not qualify for “formal” behavioral health court.
- **Transitional Age Youth:** Diverts young people, aged 18-25, charged with their first felony. (pilot)
- **Justice Restoration Project:** Provides peer coaching for persons aged 18-34, who have non-serious felony conviction(s) and have committed a new non-serious felony.

Youth

- **Mental Health Collaborative Court:** Serves mentally ill youth and their families with wraparound support.
- **Young Women’s Empowerment Program:** School based program, which serves young women ages 13-18, who are sex trafficking victims, have been sexually exploited or are at risk of sex trafficking or exploitation. (in development)
- **Girls Court:** Serves youth involved in the juvenile justice system who are survivors of sex trafficking or who present with possible concerns for engagement in sex trafficking and other forms of exploitation.
- **SafetyNet:** Team of service providers and other stakeholders who identify youth who are believed to be victims of human trafficking and sexual exploitation or who are at risk of exploitation and connect them with necessary services.



Creation and/or Expansion of Existing Diversionary Courts: In researching promising justice reform opportunities in the form pretrial diversion and/or early intervention options, the RAJ Project Manager held numerous discussions with representatives from the Alameda County Superior Court, to include the Presiding Judge of the Alameda County Superior Court, Judge Charles A. Smiley, representatives from the District Attorney's Office, and the Public Defender, and numerous individuals from the ACSO, ACPD, ACHCSA, ACBHCS, the Alameda Alliance for Health, and numerous community partners.

In addition to the expansion of services provided through CalAIM, PATH and other sources cited in this report, a unique opportunity also exists for Alameda County to create and/or expand diversionary opportunities for defendants through procedural justice and policy modifications, in addition to targeted services at the forefront of the court process. It should also be noted that the Superior Court, District Attorney, Public Defender and the ACPD are in the process of collaborating on a variety of specific policy proposals related to diversion, eligibility criteria and alternatives to incarceration. Some of these concepts have already been implemented, while others are still in the process of analysis, formulation and/or negotiation with the various stakeholders. It is these type of procedural justice reforms that have the potential to have a significant impact on the jail population and in helping to reduce recidivism.

To that end, further exploration should be conducted to determine whether existing courts should be expanded. Consideration should also be given to the creation of new courts – particularly given that enabling legislation allows the following targeted courts to be created:

- **Co-Occurring Disorders (COD) Court:** In 2022 the Alameda County Superior Court judiciary explored the possibility of expanding the COD Court and after several collaborative meetings, they provided the RAJ team a synopsis of their thoughts for expanding this particular court. The basis for their concept centered around the fact that frequently an individual's substance use issues are too severe for BHC, and conversely, a candidate's mental health needs are too extreme for Drug Court. A COD Court could address this population of people who fall between the cracks in our collaborative courts. A COD Court would provide screening, assessment, jail discharge planning, treatment placement, case management (including medication management), peer support, multidisciplinary legal support, judicial oversight, and legal relief for justice-involved people experiencing both acute substance use and mental health conditions. Consideration should be given to the fact that a COD Court could possibly compete for similar clients as those eligible for BHC and drug courts (felony and misdemeanor). However, if there was a commitment from the stakeholders to identify and refer appropriate candidates for these courts, the County could reach capacity in all these courts.

This court would benefit from county-funded expansion of integrated co-occurring treatment and housing opportunities. Integrated addiction and mental health treatment are more effective than sequential or concurrent treatments. As such, county leadership should explore:



- ♦ the possibility of dedicated placement beds in a co-occurring treatment facility, or at least priority placement consideration for the incarcerated population; and
- ♦ explore partnering with recover residences that already have a SUD focus. The Mental health treatment Team could provide mental health case management support on-site to promote a successful stay for this population.

With this funding, the court could contract with a service provider to offer a jobs program to participants that have stabilized in the program. The judiciary in Alameda County has suggested that many participants in that court would be more successful in a COD, allowing BHC to focus on participants with SMI, but mild or no substance use disorder issues. The COD Court would be coordinated by the Office of Collaborative Court Service. This office currently coordinates seven treatment courts. This would give the COD Court access to faster release from custody, evidence-based screening and assessment tools, direct treatment placement through the court's portal, drug testing, independent program evaluations, the collaborative courts data tracking systems, SUD expertise, access to grant funding opportunities, cash incentives for participants, transportation for participants, and excellent partnerships with Judges and stakeholders.

With funding, it may be possible to modify an existing collaborative court into an effective COD Court. Depending on the volume of referrals and the availability of funding, an entirely new court might be an option.

Success metrics would include fewer:

- ♦ arrests,
- ♦ psychiatric hospital contacts,
- ♦ days incarcerated (and jail mental health contacts), and
- ♦ days unhoused

Counties in California operating COD courts are Orange, Los Angeles, Santa Cruz, Kings, Sacramento, and Santa Barbara.

Additionally, consideration should be given to converting the existing Re-entry and PRCS into a COD Court. The basis for this recommendation stems from the fact that oftentimes these same category of justice-involved individuals meet the eligibility criteria for consideration. For example, they may have substance use issues, mental health conditions, involvement with the justice system, a history of homelessness, a need for assistance to apply for and obtain SSI benefits or connection with a medical provider, and in general, they have a high risk of returning to custody unless services to treat their needs are made available.

- **Primary Caretaker Diversion:** On October 8, 2020 Governor Newsom signed Primary Caregiver Diversion (Penal Code Section §1001.83) into law expanding pretrial diversion for primary caregivers of minor children. This law is designed to avoid the trauma and instability caused by parental incarceration while ensuring



accountability and rehabilitation.

- **Restorative Justice Diversion:** Restorative Justice Diversion emphasizes the recognition and repair of harm caused by crimes, while reducing involvement of participants in the criminal justice system. Restorative Justice has been shown to reduce re-offense rates by up to 50% and yields much higher satisfaction rates among participants than the current criminal justice system.⁷⁶

To support the establishment of these courts, consideration should be given to exploring funding options through the Judicial Council of California's Collaborative Justice Program given that they are a key partner in the administration of many statewide grant initiatives to support this effort, CalAIM funding opportunities related to enhanced care management, housing and community supports, and AB 109 resources.

⁷⁶ Restorative Justice Diversion, Center for Restorative Justice



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Marshal's Contract to House Federal Inmates at the Santa Rita Jail

RAJ Elements
6 & 7

Background

Elements 6 and 7 were incorporated into the RAJ Initiative to determine if the existing federal contract is cost-effective and considers all tangible and intangible risk and benefits (i.e., programs, medical and mental health services, litigation) associated with the housing of federal inmates at the Santa Rita Jail. Over a course of this project, a variety of meetings were held and documents, data and/or information reviewed from the County Administrator's Office (CAO) Risk Management Unit, the Auditor-Controller (A-C) Agency and the ACSO in an effort to respond to the following questions:

- 6. What is the actual cost impact to Alameda County of the contract to house federal inmates?**
- 7. Should Alameda County's federal contract at Santa Rita Jail be terminated?**

Marshal's Contract: For historical purposes, the ACSO's three-year contract included a daily rate of \$148 and expired as of July 1, 2022. However, payment of the daily rate remained intact until such time as the ACSO and the federal government entered into a new contract. The table below reflects the revenue received during Fiscal Years (FY) 2019/20 through 2021/22. A difference in revenue was reported between the ACSO and the A-C for each FY, as noted below.

Revenue			
	FY 2019/20	FY 2020/21	FY 2021/22
Federal Contract Revenue (Provided By ACSO)	\$23,043,008	\$21,378,452	\$20,539,884
Federal Contract Revenue (Provided by AC)	\$22,237,296	\$18,819,532	\$19,500,924
Difference between ACSO & A-C	\$805,712	\$2,558,920	\$1,038,960

The ACSO has since entered into a new contract, effective May 1, 2023, for a period of 48 months, at a daily rate of \$170.



Cost & Risk Analysis of the Marshal's Contract

Unfortunately, the receipt of data and information received was insufficient to allow for an adequate response to both elements. The information that was available supports continuing the federal contract; However, it is recommended that under the leadership of the Auditor-Controller (A-C) and CAO, a comprehensive analysis be conducted annually that includes the missing cost components identified below to determine if the cost and risks associated with maintaining the existing contract is in the best interest of Alameda County and the justice-involved population.

During my analysis and in collaboration with the ACSO, several issues surfaced with respect to services that were a part of the old contract's per diem rate that reflected a loss of revenue and an increase in potential liability for the County. These issues have since been resolved through the new contract with the Marshal's Office effective May 1, 2023. They are as follows:

- The old contract required ACSO to pay for medical transport and guarding services as part of the \$148 per diem rate. This means Alameda County was responsible for:
 - ♦ transporting federal inmates to the medical facility from the Santa Rita Jail;
 - ♦ transporting federal inmates to the court from the Santa Rita Jail;
 - ♦ providing guarding services while at the medical facility while in outpatient care; and
 - ♦ providing transportation and guarding services for federal inmates admitted to a medical facility for the duration of their stay.

These services were typically performed by at least two armed deputies. They represented a significant cost for ACSO to absorb on an annual basis, particularly given that there were no additional revenue reimbursements for these services. Additionally, these costs are not tracked. *The new contract has since been modified to reflect the elimination of these services as a part of the per diem rate.*

Additionally, during my assessment of a variety of documents from the ACSO, CAO and A-C, and after numerous discussions with representatives from these entities, it was discovered that there is specific data that is not tracked in the ACSO's jail management system, ATIMS, to allow the production of automated reports for a variety of management purposes. For example, the data below is either (1) tracked manually, (2) not tracked in ATIMS and (3) if it is tracked, it is not tracked separately for federal inmates. These include, but are not limited to:

- federal medical guarding days and associated hours;
- U.S. court transports and associated hours;
- hours associated with the observation of the vulnerable population (*tracked in manual logs only, but not collected for cost analysis*);



- observation hours involving federal inmates on suicide watch (*tracked in manual logs, but not collected for cost analysis*);
- type and number of incidents involving federal inmates;
- staff injuries and workman's compensation costs as a result of incidents involving federal inmates; and
- litigation costs associated with incidents involving federal inmates, to include county counsel, external counsel, open federal cases, litigation settlement costs, etc.

Given the significance of data and its potential impact on revenue and reporting purposes, it is recommended that ATIMS be modified to include additional fields and automated reports to capture this information. A comprehensive analysis, conducted by a cross-section of representatives from the ACSO, A-C, and CAO should be considered as a starting point to add to the annual cost benefit analysis.

Housing Federal Inmates: According to the analysis conducted by Researcher Wendy Ware, on December 28, 2021, approximately 381 offenders were housed in the Santa Rita Jail under federal jurisdiction by custody of the US Marshals.⁷⁷ As displayed in the tables on the following page, these individuals are held on violations and spend 129 days in custody on average. Housing federal inmates is often not a requirement of county jails and eliminating the agreement to house the individuals long-term could have the potential to save around 300 beds in the Santa Rita Jail. More investigation would be needed to examine the underlying county and state criminal charges the individuals may have to firmly estimate the bed space impact.

NOTE: As of August 21, 2023, there are 265 federal inmates housed at the Santa Rita Jail. This equates to about 16% of the inmate total population.

⁷⁷ *Alameda County Resident and Santa Rita Jail Population Trends and Analysis Report*, Consultant and Researcher Wendy Ware, August 2023



Table 14. Federal Cases in Santa Rita Jail on December 29, 2021

Attribute	Number	Percent	Average Length of Stay to Date (days)
Total	381	100.0%	346
Top Charge			
Felony	362	95.0%	341
Violent	23	6.0%	339
Drug	49	12.9%	355
Property	55	14.4%	547
Parole/probation violation	157	41.2%	340
Other non-violent felony	78	20.5%	191
Other	19	5.0%	357
Number of Charges			
One	1	0.3%	340
Two	358	94.0%	300
Three or more	22	5.8%	313

Table 15. Federal Cases Released from Santa Rita Jail 2021

Attribute	Number	Percent	Average Length of Stay (days)
Total	864	100.0%	129
Top Charge			
Felony	777	89.9%	151
Violent	41	4.7%	163
Drug	119	13.8%	195
Property	73	8.4%	114
Parole/probation violation	387	44.8%	92
Other non-violent felony	157	18.2%	213
Misdemeanor	7	0.8%	57
Other	80	9.3%	117
Number of Charges			
One	3	0.3%	774
Two	826	95.6%	128
Three or more	35	4.1%	252



As seen in the data presented in this report, federal inmates committed and held for the U.S. Marshal Service total over 300 on any given day. This amounts to a sizeable proportion (14% in December of 2021) of the average daily jail population. Most of these individuals are housed on a felony violation warrant or a weapons charge.

Table 16. Federal Cases by Classification Level March 13, 2023

Classification Level	Federal		All Other	
	Number	Percent	Number	Percent
Total	320	100%	1,435	100%
General Population	223	70%	992	69%
Minimum	136	43%	301	21%
Medium	42	13%	363	25%
Maximum	45	14%	328	23%
Restricted	95	30%	371	26%
Protective custody	45	14%	240	17%
Protective custody/behavioral health inmate	6	2%	40	3%
Restricted housing	29	9%	65	5%
Gang	15	5%	26	2%
Unclassified	2	1%	72	5%

It is recommended the level of federal inmates housed in the Santa Rita Jail be evaluated and reduced/eliminated to save costs. As shown in Table 16, many of these inmates require specialized housing in restricted areas (30% on March 23, 2023) or in maximum security bedspace in the general population (14%).

Initial steps for reduction of federal inmates: Convene stakeholders to consider serious changes in the policy concerning the housing of federal inmates.

NOTE: In the interest of providing the most recent information, in August 2023 the RAJ Project Manager reviewed updated information regarding the housing location of federal versus county inmates at the Santa Rita Jail. For safety and security reasons, the details of the information reviewed will not be shared in this report. Based upon this review and the distribution of the housing location of the federal inmates, it would not be possible to close a housing unit(s) which would have to occur for any cost savings to be realized. It is recommended that the ACSO continue to conduct a quarterly analysis to determine if, based on population changes, it is logistically and economically feasible to collapse or combine housing units given the continuing reductions in the overall inmate population.



Federal Inmate Reported Residences

With respect to where the 320 federal inmates housed at the Santa Rita Jail reside within the community, a snapshot on March 13, 2023 indicates that approximately 42% provided some or all of their residence information, while the remaining 58% declined.

Of the 42% or 89 who provided some or all of their residence information (excludes transient and missing address information), the majority, 55% or 49, reported that they reside within the City of Oakland. Only 2 of the 320 federal inmates reported residing outside of Alameda County (San Francisco), while 46 reported being transient. However, it is unknown if they were transient within Alameda County or elsewhere. One question raised during discussions with the BOS is, “*What county do federal inmates reside in?*” Given the large percentage of federal inmates without a reported residence address, it is recommended that more robust attempts be made to capture this information. A factor that should be considered (if the federal contract is to be continued) is whether federal inmates who reside in Alameda County should remain close to their families as a rehabilitative motivator and community support as they proceed through their federal legal proceedings.

City	Number	Percentage
Oakland	49	55%
Hayward	24	27%
Berkeley	9	10%
Lathrop	3	3%
San Leandro	2	2%

City	Zip Code	Number
San Francisco	94130	2
Hayward	94541	13
Hayward	94544	11
San Leandro	94578	2
Oakland	94601	11
Oakland	94603	1
Oakland	94605	3
Oakland	94621	34
Berkeley	94703	9
Lathrop	95330	3
Transient	N/A	46
Missing	Missing	185
Total		320



Analysis of the Santa Rita Jail Population

RAJ Elements
1, 8, 9, 10 & 11

Background

As previously mentioned, the BOS contracted with Researcher/Consultant Wendy Ware to assist in addressing specific elements associated with RAJ. However, her analysis helped to address RAJ elements beyond those that were a focus of her initial research. As such, this section will focus on the following 5 elements:

- 1. How does the new model address and achieve reductions of racial disparities in the Alameda County justice system?**
- 8. What opportunities exist to reduce the Alameda County's Jail populations and costs?**
- 9. What information does the existing jail population analysis provide to assist in this RAJ effort?**
- 10. Can investments in RAJ efforts mitigate or eliminate the need to increase jail staffing and jail capital expenditures? How does the current jail litigation impact the alternatives?**
- 11. What jail data is currently available that can assist in this project's analysis of alternatives and existing populations. An analysis of the jail data should be conducted to determine its sufficiency.**

The preceding elements are interrelated and intended to examine the features of the Santa Rita Jail at a more micro level, from costs, staffing and the intake process to programs within the jail, diversion and re-entry opportunities. One of the primary areas of focus was on those with mental health and SUD. This was a priority issue as a component of the RAJ initiative because oftentimes individuals with mental-health and SUD are overrepresented and undertreated in the criminal justice system.

Similar to Researcher Ware's analysis of elements 2 and 5, the overall goal of answering these questions was to determine safe ways to immediately begin reducing the jail population.⁷⁸

The methodology involved for this work centered entirely around implementing data-driven and evidence-based policies, practices, and programs. Aggregate and case-level data from various County departments and entities were examined to identify factors that

⁷⁸ Element #2: What are the arrest rates in each police jurisdiction in Alameda County?

Element #5: How can the pretrial program be permanently established and expanded to reduce the jail population? An assessment of Alameda County's pre-trial hold rate should be conducted as a part of this analysis.



drive jail population growth, and to find and buttress solutions that will lead to improved outcomes.

The prime movers of jail populations include:

- The volume of bookings and/or arrests;
- The pretrial length of stay in jail;
- The volume of community supervision violations; and
- The volume of offenders with multiple jail stays (repeat offenders).

Examination of these drivers for Alameda through analysis of available data provides the bulk of the information presented in this report. Findings that are highlighted focus solely on why the County maintains its current average daily jail population (ADP).

The report will present analysis of the Santa Rita Jail focusing on four areas:

1. The County's recent resident population, crime, and arrest trends.
2. The attributes of the Santa Rita Jail population.
3. The pre-trial assessments associated with jail releases.
4. The attributes of county probationers identified in jail releases.

As data are the key, each section will describe the data collection effort associated with the analysis and the usefulness and limitations of these data. The last section of the will present projections of the future jail population, including the projection methodology and all associated assumptions.

Santa Rita Jail Population Trends & Analysis

This section provides analysis of the Santa Rita Jail population trends. The analysis here is based on both aggregate and individual level data provided by the County. Collectively, these data are used to construct a simulation model of the Santa Rita Jail. From this model a ten-year forecast of the jail population was produced along with recommendations on potential opportunities for bed space reduction.

Analysis in this section seeks to (1) establish an understanding of the flow of offenders through the Santa Rita Jail which is essential for developing population projections for the jail and (2) determine the variety of factors that drive the jail's population over time. To accomplish these goals a wide array of data is required that evaluate both direct and indirect impacts on jail population growth. These factors can be separated into two major categories – external and internal.

External factors reflect the interplay of demographic, socio-economic and crime trends that produce arrests, and offenders' initial entry into the criminal justice process. These data were discussed in the previous section.



Internal factors reflect the various decision points within the criminal justice system that cumulatively determine jail admissions and LOS. These decisions begin with police and end with County officials who, within the context of the court-imposed sentences, have the authority to release, recommit, give and restore a wide array of good time credits, and offer programs that may reduce re-arrest and re-conviction.

The data provided by the County for this effort encompassed these internal factors. The purpose of collecting aggregate data was to examine jail bookings and population trends over time. Also received were three jail extract data files. Two files provided snapshots of the jail population, one for June 29, 2019 and one for December 29, 2022. The third file consisted of all Santa Rita Jail releases for calendar-years 2019 through 2021. The two timeframes for the snapshots and the breadth of the release cohort allowed for analysis of the impact of the COVID-19 pandemic on the Santa Rita Jail system by comparison of pre-COVID-19 (2019) and post-COVID-19 attributes and statistics. All files were provided by the Sheriff's Office with data available from the data system.

The snapshots of the Santa Rita Jail population data allowed a quantitative understanding of the attributes of the population that must be housed and managed daily. The snapshot files were also used to profile the jail population in terms of their socio-demographic attributes, number and type of charges, bail amounts and classification level. The release data were used to track detainees from booking to release to determine the number of persons that entered the jail, the length of time that they remained, and the timing and mode by which they were released.

The simplest way to analyze a jail population is as follows. The size of the population is the product of the admissions and the inmate's length of stay (LOS). This can be simply stated in the following equation.

$$\text{Admissions} \times \text{LOS} = \text{ADP (Average Daily Population)} / 365.25$$

Minor changes in either or both factors can have an enormous impact on the ADP. For example, there were 24,550 bookings into the Santa Rita Jail in 2021. The average length of stay of those released from the jail in 2021 was 32 days. Using the simple calculation of Admissions x LOS, the daily population is estimated to be 2,150. If the number of admissions remained constant, but the LOS was reduced by an average of 3 days, the average daily population (ADP) would drop by 200 persons. Conversely, if the LOS was increased by three days, the local jail population would increase by the same amount.

This example illustrates just how sensitive the local jail system is to law enforcement, court processing and sentencing practices. Of course, if the number of bookings increased or decreased with no change in LOS, the population would also increase or decrease, respectively. By looking at the jail population more closely, disaggregating via case level data, it may be possible to pin-point the drivers of the ADP.

The next section details the Santa Rita Jail population as gleaned from the data and subsequently used to build a simulation model of the jail to produce population projections.



Historical Santa Rita Jail Population Trends: Table 17, on the following page, presents historical bookings to and releases from the Santa Rita Jail by gender between 2017 and 2022.

Bookings sharply decreased in 2020 likely due to mitigation efforts put in place in response to the COVID-19 pandemic. The lower volume of bookings seen in 2020 continued through 2021, however 2022 saw a 7.2% increase in bookings compared to 2021. This trend was seen in both genders. Over the six years of analysis the average annual decrease in bookings was 4.2%.

Table 18 and Figure 6 display the ADP with peaking factor. The population peaking factor is a rough estimate of maximum bed-space needs based on the actual ADP. It is defined as the percentage that the population peak for the year was above the daily average. Controlling for outliers, males have an average bed need 17% above the daily average and females, 35%.

Trends in the ADP from 2017 to 2022 show a contradictory trend when compared with bookings over the same time frame. The total ADP increased a yearly average of 1.1%, while booking decreased 4.2% during the same time frame. Further analyzing, increases in the total ADP were generated entirely by the male population, increasing 2.0% while the female population decreased by over 7.4%.

The contradiction between decreasing bookings and slightly increasing ADP is due to LOS. Table 17 shows an estimated LOS, reported bookings, and ADP for 2017 to 2022. The estimated average LOS since 2017 has increased an annual average of 7.3% with the driving increases coming in 2020 and 2021, likely to the COVID-19 pandemic. Pandemic mitigation efforts nationwide led to a “hardening” of jail populations as many low severity misdemeanor and non-violent felony defendants were released increasing the proportion of persons held with poor criminal histories and violent felony charges. Persons with these attributes typically have longer stays, increasing the average. Further, average lengths of stay increased during the pandemic due to a slowdown in the disposition of criminal charges (court case processing).



Table 17. Historical Santa Rita Jail Bookings and Releases by Gender

Year	Male		Female		Total		Calculated Length of Stay (days)
	Bookings	Releases	Bookings	Releases	Bookings	Releases	
2017	24,999	25,320	9,909	7,961	34,908	33,281	22
2018	22,394	25,656	7,955	7,650	30,349	33,306	26
2019	26,953	28,745	7,162	7,175	34,115	35,920	25
2020	19,716	20,103	4,572	4,665	24,288	24,768	31
2021	19,786	19,681	4,764	4,773	24,550	24,454	32
2022	21,181	21,402	5,129	5,129	26,310	26,531	30
Numeric Change 2017-2022	-3,818	-3,918	-4,780	-2,832	-8,598	-6,750	8
Percent Change 2017-2022	-15.3%	-15.5%	-48.2%	-35.6%	-24.6%	-20.3%	38.2%
Average% Change 2017-2022	-1.9%	-2.0%	-10.8%	-7.1%	-4.2%	-3.2%	7.3%
Percent Change 2021-2022	7.1%	8.7%	7.7%	7.5%	7.2%	8.5%	-5.8%

Source: Alameda County Sheriff's Office;
LOS was calculated using reported number of bookings and ADP

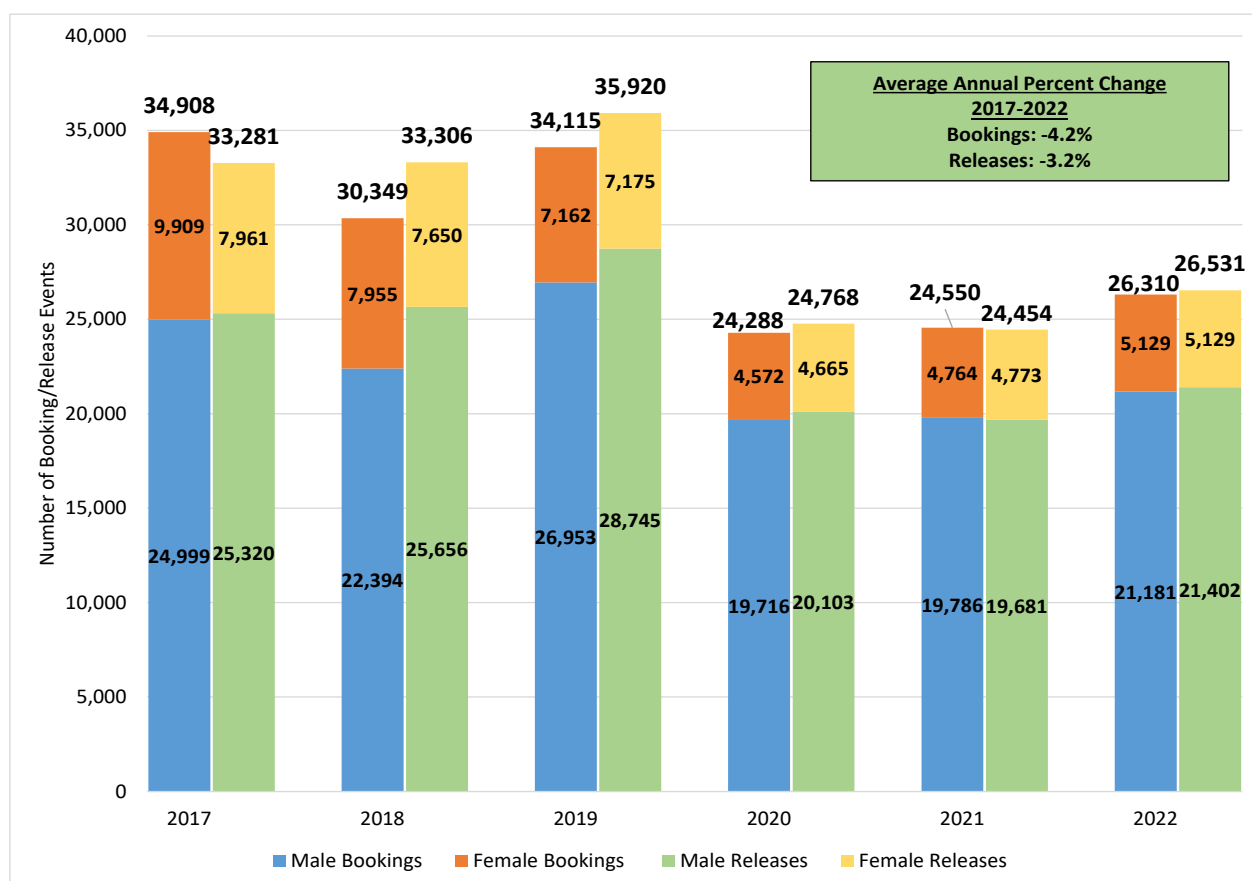
Table 18. Historical Santa Rita Jail Average Daily Population by Gender

Year	Male		Female		Total	
	ADP	Peaking Factor	ADP	Peaking Factor	ADP	Peaking Factor
2017	1,849	25%	229	43%	2,078	27%
2018	1,921	15%	229	13%	2,150	13%
2019	2,165	23%	207	36%	2,372	21%
2020	1,955	25%	139	76%	2,094	27%
2021	2,003	6%	142	25%	2,145	6%
2022	2,018	6%	147	20%	2,165	6%
Numeric Change 2017-2022	169		-82		87	
Percent Change 2017-2022	9.1%		-35.8%		4.2%	
Average% Change 2017-2022	2.0%		-7.4%		1.1%	
Percent Change 2021-2022	0.7%		3.5%		0.9%	

Source: Alameda County Sheriff's Office

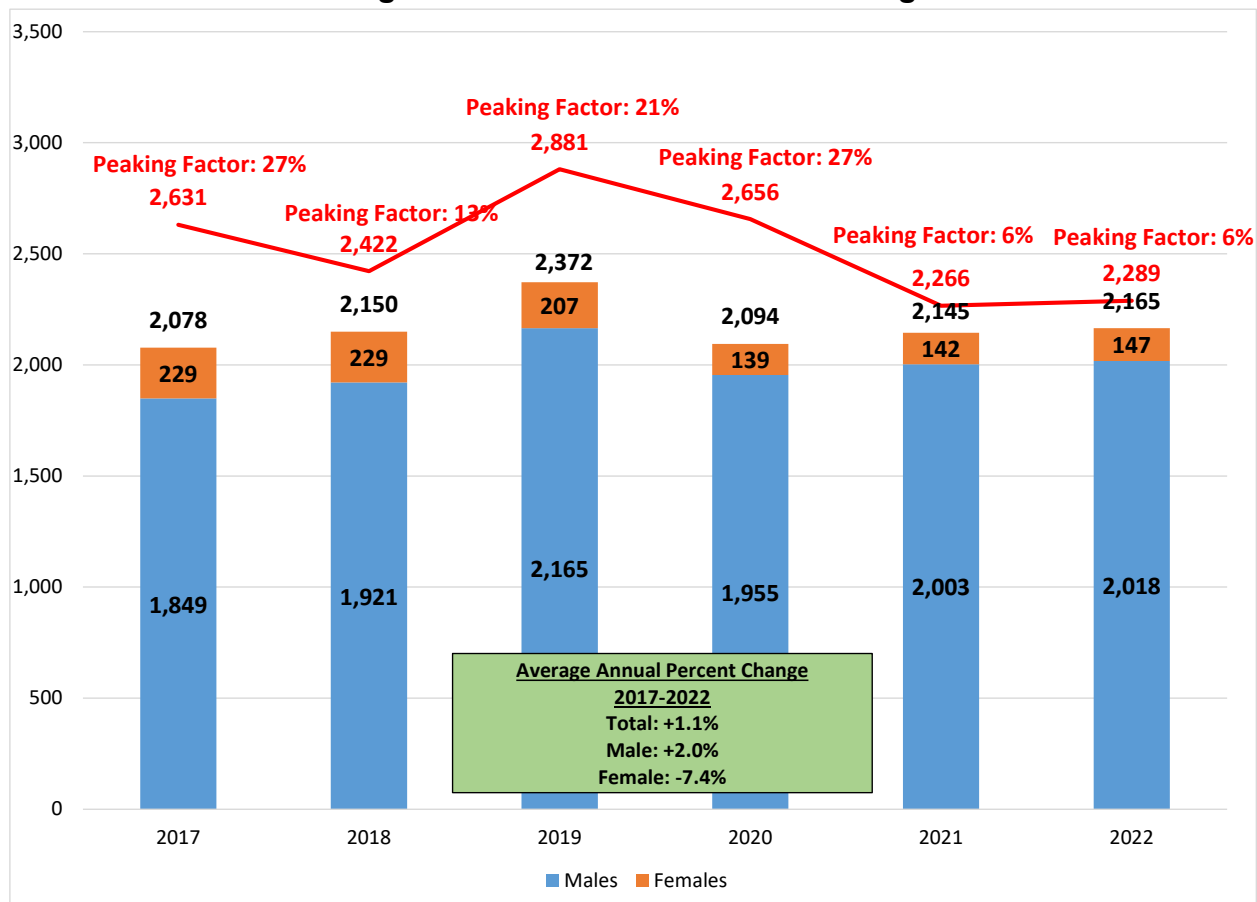


Figure 5. Historical Bookings and Releases by Gender



Alameda County Sheriff's Office



Figure 6. Historical ADP with Peaking

Source: Alameda County Sheriff's Office

Detailed Analysis of the Santa Rita Jail Snapshots: Tables 19 and 20 display data on persons housed in the Santa Rita Jail on one day in June 2019 and one day in December of 2021. As mentioned previously, these data assist in understanding the attributes of the local jail population that is housed and managed daily. Table 10 provides a demographic profile and Table 11 describes the local jail population by most serious offense. The two snapshots are designed to provide a pre/post COVID-19 pandemic comparison.

Summary of Attributes of the Most Recent Santa Rita Jail Snapshot (December 29, 2021)

1. For the 2021 snapshot, the vast majority of the jail population was male (94%). This is high for any jail system. The average percentage of male inmates held in jails nationally over the last six years was 86%.⁷⁹ Males had a significantly longer average length of stay to date than females (329 days for males versus 200 days for females).

⁷⁹ Jail Inmates in 2021 – Statistical Tables, The Bureau of Justice Statistics, December 2021.



2. The average age of persons housed in Santa Rita Jail was 36 years. The majority of persons were in the age range 25 through 44 at release. The average age at release was 36 years old.
3. The largest portion of the jail population by race was African American, 48%, followed by Hispanic at 30%.
4. A majority of persons, 45%, had a bail status of “no bail” (Federal inmates excluded) or a bail amount of zero (37%).
5. The snapshots provided by the Alameda County Sheriff’s Department did not have information on legal status (meaning pretrial versus locally sentenced). It is not uncommon for jail data to lack this level of detail. However, differentiating between pretrial and sentenced inmates is very useful when analyzing jail populations and Alameda County should consider adding this metric to its database.
6. A large portion of the population was admitted as a new arrest (49%). Warrants and DA warrants comprised 18% and 10% or releases respectively.
7. The average length of stay to date for the jail population on December 29, 2021 was 321 days.

*Summary of the Most Recent Santa Rita Jail Snapshot
(December 29, 2021) by Most Serious Offense*

1. Persons held for a most serious charge at the misdemeanor level comprised less than 2% of the population on December 29, 2021. This group had been held an average of 42 days as of this date and were charged with a violent misdemeanor offense.
2. Persons with a felony charge comprised just over 96% the jail population and within them, persons held for a felony murder, sex or assault charge comprised a large portion of the snapshot population (43%). These groups had some of the longest length of stays in the jail so far averaging 685 days for murder, 392 days for sex, and 263 days for assault/battery.
3. Persons with a most serious charge of felony non CJIS comprised 1% of the jail snapshot. This group is a very small portion of the Santa Rita Jail population. Non CJIS only labeled crimes represent a charge not listed in the California Justice Information Services data system)
4. Persons held for a felony robbery charge comprised 10% of the population and collectively averaged a length of stay to date of 270 days
5. Felony community supervision violators (parole, probation, and PRCS) accounted for 9% of the detainee population and had an average length of stay to date of 169 days. The majority of these violators were PRCS violators (151) and had a length of stay to date of 191 days.
6. Persons held for a felony drug sale/trafficking charge comprised 4% of the population and averaged a length of stay to date of 304 days.



7. Persons held for a felony burglary charge comprised 5% of the population and collectively averaged a length of stay to date of 95 days.

*Comparison of Pre/Post COVID-19 Pandemic of
Santa Rita Jail Population Snapshots*

1. The number of persons held for a felony violent most serious charge increased by only 3% when comparing the more recent snapshot to the June 29, 2019 snapshot. However, the proportion of persons held for a felony violent charge increased by 8% in the post-COVID-19 snapshot.
2. The number and proportion of persons charged with a felony drug, felony non-violent, and misdemeanor offense decreased in the post-COVID snapshot. Coupling this with the statistics seen in #1, the Santa Rita Jail, similar to most jails across the nation, has seen a hardening of its population.
3. The proportion of males has increased in the latter snapshot compared to the pre-COVID snapshot and the proportion of racially non-white persons has increased in the latter snapshot.
4. The number of persons held in the Santa Rita Jail decreased post-COVID, 2021, by 11%.
5. While the population has decreased post-COVID, the average length of stay for the sitting jail population has increased from 218 days in 2019 to 321 days in 2021, an increase of 42%. This is an indication of increased case processing times due to court disruptions during COVID.

Table 19. Jail Snapshot Comparison by Attribute

Attribute	June 29, 2019			Dec. 29, 2021			Numeric Pop. Diff.	Percent Pop. Diff.	Percent LOS Diff.
	Number	Percent of Total	Average Length of Stay to Date (days)	Number	Percent of Total	Average Length of Stay to Date (days)			
Total	2,337	100.0%	218.1	2,083	100.0%	321.2	-254	-11%	47%
Gender									
Male	2,141	91.6%	226.3	1,952	93.7%	329.3	-189	-9%	46%
Female	196	8.4%	129.4	131	6.3%	200.1	-65	-33%	55%
Race									
African American	1,122	48.0%	215.7	1,009	48.4%	319.6	-113	-10%	48%
Hispanic	658	28.2%	239.7	631	30.3%	364.7	-27	-4%	52%
White	386	16.5%	189.2	304	14.6%	254.5	-82	-21%	35%
Other	717	30.7%	216.8	139	6.7%	281.2	-578	-81%	30%
Arrest Agency									
Alameda County	648	27.7%	191.3	541	26.0%	256.2	-107	-17%	34%



Table 19. Jail Snapshot Comparison by Attribute

Attribute	June 29, 2019			Dec. 29, 2021			Numeric Pop. Diff.	Percent Pop. Diff.	Percent LOS Diff.
	Number	Percent of Total	Average Length of Stay to Date (days)	Number	Percent of Total	Average Length of Stay to Date (days)			
Total	2,337	100.0%	218.1	2,083	100.0%	321.2	-254	-11%	47%
Sheriff's Office									
Oakland PD	597	25.5%	270.4	563	27.0%	433.6	-34	-6%	60%
US Marshal S.F.	301	12.9%	233.5	355	17.0%	307.1	54	18%	32%
Hayward PD	150	6.4%	219.6	104	5.0%	371.0	-46	-31%	69%
Berkeley PD	113	4.8%	166.7	107	5.1%	167.7	-6	-5%	1%
Freemont PD	86	3.7%	203.0	70	3.4%	211.0	-16	-19%	4%
San Leandro PD	76	3.3%	139.0	68	3.3%	248.5	-8	-11%	79%
CAUSM43 S0	63	2.7%	512.1	15	0.7%	1,164.2	-48	-76%	127%
Union City PD	40	1.7%	268.9	19	0.9%	580.6	-21	-53%	116%
Alameda PD	35	1.5%	186.4	36	1.7%	193.8	1	3%	4%
Livermore PD	31	1.3%	235.1	31	1.5%	267.4	0	0%	14%
BART	29	1.2%	177.0	52	2.5%	170.3	23	79%	-4%
Pleasanton PD	22	0.9%	125.2	15	0.7%	202.6	-7	-32%	62%
Emeryville PD	19	0.8%	107.1	15	0.7%	130.0	-4	-21%	21%
Newark PD	17	0.7%	167.2	11	0.5%	424.5	-6	-35%	154%
Oakland CHP	12	0.5%	94.9	11	0.5%	249.6	-1	-8%	163%
Dublin PD	12	0.5%	109.4	14	0.7%	200.5	2	17%	83%
District attorney	7	0.3%	583.9	5	0.2%	1,262.6	-2	-29%	116%
Hayward CHP	4	0.2%	91.9	1	0.0%	59.9	-3	-75%	-35%
Dublin CHP	2	0.1%	138.7	4	0.2%	302.8	2	100%	118%
Other	73	3.1%	94.0	46	2.2%	145.8	-27	-37%	55%
Age at Release									
18 – 24	462	19.8%	239.9	344	16.5%	356.3	-118	-26%	49%
25 – 34	841	36.0%	231.0	768	36.9%	335.8	-73	-9%	45%



Table 19. Jail Snapshot Comparison by Attribute

Attribute	June 29, 2019			Dec. 29, 2021			Numeric Pop. Diff.	Percent Pop. Diff.	Percent LOS Diff.
	Number	Percent of Total	Average Length of Stay to Date (days)	Number	Percent of Total	Average Length of Stay to Date (days)			
Total	2,337	100.0%	218.1	2,083	100.0%	321.2	-254	-11%	47%
35 – 44	576	24.6%	208.3	579	27.8%	291.0	3	1%	40%
45 and older	458	19.6%	185.0	392	18.8%	306.4	-66	-14%	66%
Average Age	35.3			35.9			0.6	2%	
Median Age	33.2			33.9			0.7	2%	
Admission Reason									
New arrest	1,264	54.1%	183.0	1,023	49.1%	365.4	-241	-19%	100%
Other county	520	22.3%	215.9	461	22.1%	310.6	-59	-11%	44%
Warrant	312	13.4%	331.4	375	18.0%	468.9	63	20%	41%
DA Warrant	211	9.0%	249.3	217	10.4%	347.2	6	3%	39%
Court	25	1.1%	67.2	6	0.3%	335.5	-19	-76%	399%
Other	8	0.3%	67.2	0	0.0%	-	-8	-100%	-
DA citation	1	0.0%	357.4	1	0.0%	-	0	0%	-
Total Bond Amount									
Zero	886	37.9%	195.2	780	37.4%	242.6	-106	-12%	24%
\$500 or less	5	0.2%	221.4	12	0.6%	223.2	7	140%	1%
\$501-\$2,500	4	0.2%	164.1	5	0.2%	417.8	1	25%	155%
\$2,501-\$5,000	22	0.9%	109.9	31	1.5%	113.6	9	41%	3%
\$5,001-\$10,000	13	0.6%	47.2	14	0.7%	113.3	1	8%	140%
\$10,001 and over	183	7.8%	163.3	302	14.5%	273.2	119	65%	67%
No bail (Federal excluded)	1,224	52.4%	246.8	939	45.1%	412.7	-285	-23%	67%

Source: Alameda County Sheriff's Office



Table 20. Jail Snapshot Comparison by Most Serious Charge

Charge	June 29, 2019			Dec. 29, 2021			Numeric Pop. Diff.	Percent Pop. Diff.	Percent LOS Diff.
	Number	Percent of Total	Average Length of Stay to Date (days)	Number	Percent of Total	Average Length of Stay to Date (days)			
Total	2,337	100.0%	218.1	2,083	100.0%	321.2	-254	-11%	47%
Total Felony	2,215	94.8%	224.4	2,003	96.2%	325.8	-212	-10%	45%
Violent	1,241	53.1%	287.2	1,273	61.1%	389.9	32	3%	36%
Assault/battery	301	12.9%	184.1	300	14.4%	263.1	-1	0%	43%
Murder	273	11.7%	660.8	365	17.5%	684.7	92	34%	4%
Robbery	236	10.1%	181.0	197	9.5%	269.8	-39	-17%	49%
Sex	179	7.7%	283.9	221	10.6%	391.5	42	23%	38%
Domestic violence	25	1.1%	76.4	22	1.1%	97.9	-3	-12%	28%
Other Violent	227	9.7%	111.1	168	8.1%	153.0	-59	-26%	38%
Drug	168	7.2%	157.8	88	4.2%	297.6	-80	-48%	89%
Drug Sale	161	6.9%	164.0	85	4.1%	304.0	-76	-47%	85%
Drug Possession/UID	7	0.3%	16.2	3	0.1%	115.0	-4	-57%	610%
Non-Violent	806	34.5%	141.4	642	30.8%	202.6	-164	-20%	43%
Burglary	142	6.1%	78.3	112	5.4%	94.6	-30	-21%	21%
Weapons	123	5.3%	130.5	111	5.3%	198.2	-12	-10%	52%
Vehicle theft	102	4.4%	50.2	69	3.3%	47.4	-33	-32%	-6%
PRCS violation	100	4.3%	115.6	151	7.2%	191.3	51	51%	65%
Fraud/forgery	76	3.3%	253.8	54	2.6%	447.0	-22	-29%	76%
Parole violation	60	2.6%	46.8	23	1.1%	43.0	-37	-62%	-8%
Non CJIS	54	2.3%	501.3	21	1.0%	766.5	-33	-61%	53%
Probation violation	22	0.9%	20.2	3	0.1%	23.3	-19	-86%	15%
Theft	17	0.7%	54.6	19	0.9%	61.3	2	12%	12%
DUI	17	0.7%	126.9	14	0.7%	90.8	-3	-18%	-28%
Other Non-Violent	33	1.4%	219.3	16	0.8%	575.6	-17	-52%	162%
Other Property	60	2.6%	169.7	49	2.4%	252.5	-11	-18%	49%
Misdemeanor	63	2.7%	27.3	37	1.8%	42.4	-26	-41%	55%
Violent	34	1.5%	36.9	30	1.4%	47.5	-4	-12%	29%
Drug	11	0.5%	4.5	3	0.1%	13.7	-8	-73%	204%
Property	8	0.3%	4.9	2	0.1%	30.2	-6	-75%	516%
DUI	2	0.1%	73.5	0	0.0%	-	-2	-100%	-
Other Non-Violent	8	0.3%	28.8	2	0.1%	21.8	-6	-75%	-24%
Other level	59	2.5%	188.4	43	2.1%	345.3	-16	-27%	83%

Source: Alameda County Sheriff's Office



Analysis of Santa Rita Jail Releases: Tables 21 through 25 detail findings concerning releases from the Santa Rita Jail in calendar years 2019, 2020, and 2021. As discussed previously, release data helps determine the attributes of persons moving through the local jail, the length of time that they stay, and the timing and mode by which they are released. Discussion of trends from 2020 is limited. That year can be considered an outlier as conditions producing statistics for 2020 are unlikely to occur again.

General Attributes of Releases in 2021

1. Most releases were male (81%) and had a length of stay of 37 days. Female releases averaged a significantly shorter LOS (12 days). Overall, the average stay for all releases in 2021 was 32 days.
2. Historically, the average time in jail has ranged between 23 and 28 days nationally.⁸⁰ However, due to the COVID-19 pandemics impact on the speed of case processing, jail stays nationally have increased. The Santa Rita Jail average length of stay for 2021 mimics the trends of the national statistics.
3. African Americans and Hispanics averaged a longer LOS than Whites in 2021. This was also the case in 2019 and 2020 but the disparity has decreased in the most recent data. When comparing 2019 and 2021, the average LOS for African Americans increased 29% and 27% for Hispanics. Whites had an average LOS in 2021 59% higher than 2019.
4. Releases without bond information averaged a stay in the jail of 58 days. Releases with a bond of \$10,000 or more had a shorter LOS of 21 days.
5. Persons released that entered the jail as a new arrest (73% of releases) had an LOS of 22 days while persons booked from a warrant (9% of releases) averaged a length of stay at least twice as long.
6. The Alameda County Sheriff's Office was the primary arresting agency for releases in 2021 with the Oakland PD second.

Releases in 2021 by Most Serious Charge

1. As expected, releases of persons charged with a felony violent offense had the longest LOS (47 days).
2. Releases categorized in the felony assault charge group comprised 7% of releases with an LOS of 67 days. Persons with a murder or sex crime charged averaged the longest jail stays.
3. Misdemeanor charge releases comprised 41% of releases and had an LOS of just under 2 days. This group comprised an average of 48 beds in the jail ADP in 2021.
4. Felony charges made up 57% of releases with an LOS of 39 days. These data can be used to estimate that persons charged with a felony comprise around 75% of the jail ADP.

⁸⁰ Jail Inmates in 2021 – Statistical Tables, The Bureau of Justice Statistics, December 2021.



5. Releases with a felony weapons related charge comprised 4% of releases with an LOS of 38 days.

Releases in 2021 by Release Reasons & Length of Stay

1. The 24,579 release events from the Santa Rita Jail were composed of 18,122 persons of which 3,489 (or 19%) were released more than once.
2. Most releases (79%) occurred after 10 days from booking.
3. The primary release reason was 'Citation in jail after booking.' This group comprised 31% of releases and had an average length of stay of less than 1 day. The release reason analyzed for this report is the last release reason assigned to a person's list of charges.
4. Releases exiting due to being "State prison term prescribed" comprised just over 1% of releases but had, by far, the longest LOS of 687 days. As a result, these releases make up a sizable portion of the jail population with an estimated ADP of approximately 550.
5. The LOS for 2021 for state prison bound offenders is nearly twice as long post-COVID as those seen in 2019. This is likely due to court processing delays and backlogs produced by the COVID-19 pandemic.
6. "Probation (formal)" releases accounted for just over 5% of jail releases. This group had an LOS of 64 days – compared with an overall LOS of 31 days for all individuals. This could indicate there are processing delays or overly extensive probation violation processing for in custody individuals. From the data available and results from merging of data across platforms, it was not possible to differentiate between new probation releases and restored probation. It could also indicate that, because it is a probation violation, probation violators are, on the average, simply serving more time. This is an area where further analysis is warranted. However, in order to obtain this data, actual individual case information will need to be reviewed and analyzed.
7. "Own recognizance" releases accounted for just under 9% of releases and had an LOS of 41 days. This is a long average LOS for this release type compared to 2019 and 2020 and made this group a driver of the jail's ADP in 2021. Improving court processing times would reduce the impact of this group on jail bedspace.

*Comparison of the pre-COVID-19 (CY 2019)
and post-COVID-19 (2021) Release Cohorts*

1. CY 2021 releases had an LOS of 32 days, 34% higher than the LOS for 2019. This is due in part to case processing back-logs caused by the pandemic.
2. The proportion of releases when examining gender, race, and age did not see any significant differences between the 2019 and 2021 cohorts.
3. The proportion of 'New arrest' releases decreased post-COVID-19, matching the decline in reported arrests and crime.



4. The median LOS (the median is the number in the exact middle of all values) in 2021 was less than seen in 2019. This indicates the increasing average LOS for 2021 is being driven by groups of individuals staying extremely long in the jail (180 days or more), while the majority stay a relatively short time. As noted above, releases to "State prison term prescribed" and "Probation (formal)" have seen large increases in their LOS for 2021.
5. Federal holds in the Santa Rita Jail averaged a jail stay of 108 days in 2019. This increased 25% to an average LOS of 135 days post-COVID in 2021.
6. The proportion of releases exiting after a stay of 30 days or more did not change significantly post-COVID-19, however, the average time spent over 30 days increased significantly from 155 days in 2019 to 204 days in 2021.
7. If the Santa Rita Jail average LOS was reduced to pre-COVID-19 levels and the rate of bookings were to remain the same as post-COVID-19 levels, the jail ADP would drop by approximately 400 persons.

Table 21. Santa Rita Jail Releases by Attribute

Attribute	2019			2020			2021			Percent LOS Diff. 2019 v 2021
	Number	Percent of Total Releases	Average Length of Stay (days)	Number	Percent of Total Releases	Average Length of Stay (days)	Number	Percent of Total Releases	Average Length of Stay (days)	
Total	36,973	100.0%	23.7	22,779	100.0%	22.6	24,579	100.2%	31.8	34%
Gender										
Male	29,810	80.6%	26.9	18,476	81.1%	25.7	19,787	80.5%	36.6	36%
Female	7,162	19.4%	10.7	4,302	18.9%	9.4	4,791	19.5%	12.3	15%
Other	1	0.0%	3.1	1	0.0%	0.4	1	0.0%	6.5	110%
Race										
African American	13,908	37.6%	30.9	9,023	39.6%	26.3	9,424	38.3%	39.9	29%
Hispanic	10,523	28.5%	21.9	6,720	29.5%	24.6	7,376	30.0%	27.6	26%
White	9,013	24.4%	16.8	4,951	21.7%	15.3	5,308	21.6%	26.6	58%
Other	3,529	9.5%	18.6	2,085	9.2%	17.5	2,471	10.1%	24.9	34%
Arrest Agency										
Alameda County Sheriff's Office	13,147	35.6%	22.5	6,824	30.0%	21.6	7,701	31.3%	33.8	50%
Oakland PD	5,665	15.3%	35.9	4,972	21.8%	20.6	4,203	17.1%	47.4	32%
Livermore PD	1,871	5.1%	9.2	1,027	4.5%	6.0	1,153	4.7%	11.0	20%
Hayward PD	1,518	4.1%	28.0	732	3.2%	27.4	726	3.0%	62.1	122%
Berkeley PD	1,482	4.0%	25.7	930	4.1%	26.3	862	3.5%	37.8	47%
Freemont PD	1,329	3.6%	24.4	590	2.6%	24.4	842	3.4%	28.8	18%
San Leandro PD	1,220	3.3%	18.5	727	3.2%	22.7	720	2.9%	28.8	56%
Dublin PD	1,098	3.0%	4.3	704	3.1%	2.7	884	3.6%	4.0	-7%
Piedmont PD	1,024	2.8%	6.2	671	2.9%	4.7	622	2.5%	10.0	61%



Table 21. Santa Rita Jail Releases by Attribute

Attribute	2019			2020			2021			Percent LOS Diff. 2019 v 2021
	Number	Percent of Total Releases	Average Length of Stay (days)	Number	Percent of Total Releases	Average Length of Stay (days)	Number	Percent of Total Releases	Average Length of Stay (days)	
Total	36,973	100.0%	23.7	22,779	100.0%	22.6	24,579	100.2%	31.8	34%
Hayward CHP	1,020	2.8%	2.0	663	2.9%	1.6	842	3.4%	2.5	25%
Dublin CHP	948	2.6%	1.4	722	3.2%	0.7	1,036	4.2%	1.0	-29%
Alameda PD	905	2.4%	14.0	477	2.1%	11.5	576	2.3%	14.6	4%
BART	772	2.1%	13.8	504	2.2%	8.8	776	3.2%	16.1	17%
Union City PD	709	1.9%	19.2	316	1.4%	18.9	311	1.3%	30.1	57%
Oakland CHP	483	1.3%	9.1	452	2.0%	6.4	487	2.0%	12.3	35%
Other	3,782	10.2%	45.0	2,468	10.8%	63.7	2,838	11.5%	49.4	10%
Age at Release										
18 – 24	6,601	17.9%	24.9	3,822	16.8%	22.5	3,733	15.2%	31.5	27%
25 – 34	13,448	36.4%	24.1	8,268	36.3%	25.0	8,984	36.6%	29.2	21%
35 – 44	8,744	23.6%	25.1	5,776	25.4%	23.1	6,566	26.7%	36.5	45%
45 and older	8,180	22.1%	20.7	4,913	21.6%	18.1	5,296	21.5%	30.8	49%
Average Age	36.0			36.2			36.5			
Median Age	33.7			34.0			34.4			
Admission Reason										
New arrest	25,677	69.4%	18.2	16,981	74.5%	14.2	17,996	73.2%	21.6	19%
Other county	5,613	15.2%	40.1	3,389	14.9%	56.1	3,989	16.2%	51.6	29%
DA warrant	2,160	5.8%	33.2	985	4.3%	36.9	1,216	4.9%	58.8	77%
Warrant	1,240	3.3%	76.6	829	3.6%	47.5	1,070	4.3%	99.5	30%
Court	309	0.8%	23.9	136	0.6%	24.6	104	0.4%	56.3	136%
DA citation	23	0.1%	1.4	0	0.0%	-	2	0.0%	2.6	86%
Citation	6	0.0%	170.3	5	0.0%	1.0	0	0.0%	-	-
Other	1,945	5.3%	2.3	454	2.0%	1.1	202	0.8%	1.3	-43%
Bail at Release										
Zero	7,190	19.4%	36.8	3,530	8.6%	63.5	3,736	15.2%	64.6	76%
\$500 or less	56	0.2%	11.2	4,090	18.0%	3.2	4,200	17.1%	4.3	-62%
\$501-\$2,500	2,979	8.1%	4.1	1,217	5.3%	3.5	1,495	6.1%	3.7	-10%
\$2,501-\$5,000	4,550	12.3%	8.3	2,424	10.6%	10.3	2,782	11.3%	13.0	57%
\$5,001-\$10,000	4,528	12.2%	6.0	2,049	9.0%	6.6	2,581	10.5%	8.9	48%
\$10,001 and over	11,349	30.7%	18.7	7,591	33.3%	15.7	8,420	34.3%	21.2	13%
No bail (Federal excluded)	6,321	17.1%	51.2	1,878	8.2%	64.0	1,365	5.6%	203.3	297%

Source: Alameda County Sheriff's Office; Note:
LOS cannot be determined for React warrant cases due to data issues



Table 22. Santa Rita Jail Releases by Most Serious Charge

Charge	2019			2020			2021			Percent LOS Diff. 2019 v 2021
	Number	Percent	Average Length of Stay (days)	Number	Percent	Average Length of Stay (days)	Number	Percent	Average Length of Stay (days)	
Total	36,973	100.0%	23.7	22,779	100.0%	22.6	24,579	100.0%	31.8	34%
Total Felony	20,347	55.0%	40.3	13,606	59.7%	27.0	14,022	57.0%	39.4	-2%
Violent	8,330	22.5%	55.7	5,699	25.0%	20.6	6,362	25.9%	47.3	-15%
Assault/battery	2,258	6.1%	49.4	1,624	7.1%	41.3	1,787	7.3%	66.7	35%
Robbery	1,456	3.9%	59.3	949	4.2%	58.5	986	4.0%	89.4	51%
Domestic violence	1,343	3.6%	8.3	997	4.4%	6.7	1,135	4.6%	6.3	-24%
Sex	732	2.0%	87.7	382	1.7%	76.4	486	2.0%	141.9	62%
Murder	229	0.6%	455.3	131	0.6%	198.8	222	0.9%	614.3	35%
Other Violent	2,312	6.3%	37.5	1,616	7.1%	32.2	1,746	7.1%	38.1	2%
Drug	1,981	5.4%	33.1	1,145	5.0%	47.7	954	3.9%	37.5	13%
Drug Sale	1,711	4.6%	36.9	1,010	4.4%	53.3	873	3.6%	40.1	9%
Drug Possession	270	0.7%	9.2	135	0.6%	6.2	81	0.3%	8.9	-3%
Non-Violent	10,036	27.1%	28.9	6,762	29.7%	28.8	6,706	27.3%	32.2	11%
Weapons	1,742	4.7%	28.0	1,031	4.5%	37.2	1,003	4.1%	38.4	37%
Burglary	1,575	4.3%	35.8	1,224	5.4%	26.5	1,141	4.6%	41.2	15%
Vehicle theft	1,559	4.2%	25.8	1,328	5.8%	13.6	1,229	5.0%	15.5	-40%
Fraud/forgery	850	2.3%	33.4	512	2.2%	40.7	449	1.8%	25.3	-24%
Non CJIS	633	1.7%	26.4	216	0.9%	47.2	300	1.2%	80.7	206%
Theft	631	1.7%	14.6	389	1.7%	16.6	488	2.0%	13.3	-9%
Parole violation	548	1.5%	31.2	374	1.6%	21.1	409	1.7%	22.1	-29%
Probation violation	360	1.0%	26.4	227	1.0%	22.7	137	0.6%	20.1	-24%
PRCS violation	349	0.9%	77.0	299	1.3%	95.5	387	1.6%	82.9	8%
DUI	342	0.9%	19.1	169	0.7%	29.8	119	0.5%	40.4	112%
Other Non-Violent	420	1.1%	24.8	225	1.0%	38.6	202	0.8%	30.5	23%
Other Property	1,027	2.8%	19.7	768	3.4%	17.1	842	3.4%	17.2	-13%
Misdemeanor	15,585	42.2%	2.4	8,789	38.6%	1.7	10,088	41.0%	1.7	-28%
Violent	3,524	9.5%	4.4	2,258	9.9%	3.5	2,315	9.4%	4.4	0%
Drug	3,186	8.6%	2.1	1,674	7.3%	1.2	2,002	8.1%	1.0	-52%
DUI	3,135	8.5%	0.9	1,695	7.4%	0.5	2,300	9.4%	0.5	-44%
Property	1,844	5.0%	2.7	983	4.3%	1.8	1,067	4.3%	1.2	-56%
Other Non-Violent	3,896	10.5%	2.0	2,179	9.6%	1.3	2,404	9.8%	1.2	-40%
Other level	775	2.1%	24.6	181	0.8%	77.2	252	1.0%	105.5	329%
Unknown	266	0.7%	0.2	203	0.9%	0.2	217	0.9%	100.0	-

Source: Alameda County Sheriff's Office



Table 23. Santa Rita Jail Releases by Release Reason

Release Category	N	Average Length of Stay (days)	Percent of Releases	Calculated ADP
2019				
Total	36,973	23.7	100.0%	2,401
Citation in jail after booking	8,605	1.2	23.3%	28
Bail/bond	4,590	3.9	12.4%	49
Probation (formal)	3,536	22.1	9.6%	214
No complaint	3,400	3.2	9.2%	30
Picked up out of agency	3,344	52.0	9.0%	476
Own recognizance	3,219	20.9	8.7%	184
Part time served	3,097	1.6	8.4%	14
Gross time served	2,640	54.3	7.1%	392
Reason uncoded	2,523	45.7	6.8%	316
State prison term prescribed	625	358.8	1.7%	614
Ordered released	575	13.8	1.6%	22
Dismissed	405	47.8	1.1%	53
Event booked in error	229	0.5	0.6%	0
849B (2) Penal Code Section	99	0.7	0.3%	0
Release probation terminated	74	23.6	0.2%	5
Other	12	117.9	0.0%	4
2020				
Total	22,779	22.6	100.0%	1,401
Citation in jail after booking	6,525	2.4	28.6%	43
Bail/bond	3,348	9.3	14.7%	85
Temporary emergency citation	2,320	2.9	10.2%	18
Own recognizance	2,140	24.0	9.4%	141
No complaint	1,787	2.6	7.8%	13
Picked up out of agency	1,369	92.3	6.0%	346
Probation (formal)	1,242	44.2	5.5%	150
Reason uncoded	1,091	65.2	4.8%	195
Gross time served	971	77.6	4.3%	206
Part time served	444	2.8	1.9%	3
Pretrial probation OR	353	1.0	1.5%	1
Ordered released	263	46.5	1.2%	33
Temporary emergency bail	230	9.5	1.0%	6
Early Release	223	92.3	1.0%	56
Event booked in error	174	0.4	0.8%	0
Dismissed	156	70.8	0.7%	30



Table 23. Santa Rita Jail Releases by Release Reason

Release Category	N	Average Length of Stay (days)	Percent of Releases	Calculated ADP
State prison term prescribed	85	301.1	0.4%	70
Release probation terminated	36	41.0	0.2%	4
849B (2) pc	17	2.0	0.1%	0
Other	5	52.5	0.0%	1
2021				
Total	24,579	31.8	100.0%	2,144
Citation in jail after booking	7,875	1.9	32.0%	41
Bail/bond	3,659	6.4	14.9%	64
Temporary emergency citation	2,408	1.4	9.8%	9
Own recognizance	2,102	44.2	8.6%	254
No complaint	1,816	2.3	7.4%	11
Picked up out of agency	1,630	91.9	6.6%	410
Reason uncoded	1,127	101.2	4.6%	312
Probation (formal)	1,061	56.5	4.3%	164
Gross time served	1,030	91.9	4.2%	259
Temporary emergency bail	484	1.0	2.0%	1
Pretrial probation OR	441	0.9	1.8%	1
State prison term prescribed	293	687.4	1.2%	551
Dismissed	187	54.9	0.8%	28
Event booked in error	171	1.2	0.7%	1
Release probation terminated	168	18.5	0.7%	9
Ordered released	53	106.5	0.2%	15
Early Release	25	111.6	0.1%	8
849B (2) pc	19	0.5	0.1%	0
Part time served	2	70.8	0.0%	0
Other	28	48.5	0.1%	4

Source: Alameda County Sheriff's Office



Table 24. Santa Rita Jail Releases by Length of Stay

Length of Stay	2019	2020	2021
Attribute			
Total Jail Release Events	36,973	22,779	24,579
Total Number of Persons Released	23,464	16,479	18,122
Persons with one release	17,940	13,174	14,624
Persons with two releases	3,061	2,008	2,071
Persons with three releases	1,120	662	767
Persons with four releases	508	269	322
Persons with five or more releases	835	366	338
Average Length of Stay (Mean)	23.7	22.6	31.8
Median Length of Stay	2.3	1.3	1.0
Number releases within 24 hours	12,624	10,847	12,394
Number released between 1 and 3 days	8,242	3,681	3,376
Number released between 3 and 10 days	8,230	3,814	3,630
Number released between 10 and 30 days	2,940	1,305	1,646
Number released between 30 and 90 days	2,789	1,612	1,969
Number released over 90 days	2,093	1,387	1,559
Unknown	55	133	5

Source: Alameda County Sheriff's Office

Table 25. Santa Rita Jail Releases by Length of Stay (Alternative Categories)

Length of Stay	2019	2020	2021
Released within 48 hours	47%	56%	58%
Released 2-13 days	34%	26%	23%
Released after 14-29 days	6%	4%	5%
Released after 30 days or more	13%	13%	14%
Unknown	<1%	1%	<1%

Source: Alameda County Sheriff's Office



Analysis of Persons with a Probation Status Associated with Santa Rita Jail Releases

Data on probationers came from ACPD. These data were a list of all probation referral statuses for each probationer. Ideally, these data would have been matched to the Santa Rita Jail release data using a combination of ID number (PFN) and the charge event number (CEN). However, the completeness of the data with regards to CENs was questionable. Instead, data were matched by PFN and a range of dates for which active referral statuses were available. A probationer status was associated with a specific booking event in the jail if the referral status changed between the booking and release dates or if a referral status was active six months prior to the booking date. An active referral status here is any status event that did not indicate the termination of probation supervision.

Tables 26 through 28 contain the probation status data. Tables 26 and 27 compare jail releases that had or started a probation status while in jail with those that did not by general attributes and most serious charge. Table 28 lists the probation status of cases at release from the jail.

Santa Rita Jail 2021 Releases Associated with Probation Supervision versus Non-Status

1. Persons entering or exiting the jail with an associated probation status averaged a longer LOS than the release without a probation status.
2. The number of releases with an associated probation status decreased each year from 2019 to 2021. This is commensurate with declining probationer caseloads in Alameda County. According to the Alameda County Probation Department data dashboard, the Q4 2019 caseload of 9,032 declined to 7,631 for Q4 2020 and to 5,049 for Q4 2021.
3. Most releases with an associated probation status in 2021 had a most serious felony charge associated with their jail stay. It is not possible to effectively determine if these charges were directly associated with the offenses for which an active probation supervision was referred or for a new charge acquired while on supervision. For non-status releases in 2021 only half had a serious felony charge.
4. The probation status at release for most cases, 2019-2021, was at the felony level and active or pending action.
5. On average, from 2019 through 2021, releases from the Santa Rita Jail with a felony probation revocation status accounted for 18% of the probationers.
6. The long average length of stay for persons with a probation status in 2021 may be a combination of two factors: (1) generalized practice of revoking probation in lieu of filing charges on a new arrest, and (2) an indication of delays in case processing or procedures for persons returned while under probation supervision. Further investigation will need to be completed on probation revocation procedures and



charging practices for probation violations to determine the main drivers and how they may be streamlined or reduced for individuals in custody.

Table 26. 2021 Releases Probationer Status versus Non-Status by Most Serious Charge

Attribute	Non-Probation			Probation Status		
	Number	Percent	Average Length of Stay (days)	Number	Percent	Average Length of Stay (days)
Total	20,742	100.0%	14.2	3,837	100.0%	127.0
Gender						
Male	16,382	79.0%	16.5	432	11.3%	79.5
Female	4,359	21.0%	5.6	3,405	88.7%	133.0
Other	1	0.0%	6.5	0	0.0%	-
Race						
African American	7,562	36.5%	15.2	1,862	48.5%	140.4
Hispanic	6,415	30.9%	12.2	961	25.0%	130.5
White	4,567	22.0%	16.4	741	19.3%	89.0
Other	2,198	10.6%	12.3	273	7.1%	126.5
Age at Release						
18 - 24	3,288	15.9%	9.3	445	11.6%	196.0
25 - 34	7,538	36.3%	12.5	1,446	37.7%	116.1
35 - 44	5,416	26.1%	17.9	1,150	30.0%	124.2
45 and older	4,500	21.7%	16.4	796	20.7%	112.2
Average Age	36.0			36.8		
Median Age	34.1			35.2		
Admission Reason						
Court	80	0.4%	21.6	11	0.3%	52.4
DA citation	1	0.0%	0.4	0	0.0%	-
DA warrant	790	3.8%	16.4	428	11.2%	140.0
Enroute	3,024	14.6%	48.7	270	7.0%	82.0
On view	15,892	76.6%	6.9	2,711	70.7%	110.3
Others	187	0.9%	0.5	12	0.3%	11.7
React warrant	1	0.0%	n/a	2	0.1%	n/a
Warrant	767	3.7%	26.8	403	10.5%	248.5
Bail at Release						
None	7,238	34.9%	31.3	1,998	52.1%	155.6
\$500 or less	52	0.3%	8.5	13	0.3%	145.4
\$501-\$2,500	1,430	6.9%	1.4	65	1.7%	54.0
\$2,501-\$5,000	2,448	11.8%	4.5	334	8.7%	75.4
\$5,001-\$10,000	2,363	11.4%	4.3	218	5.7%	58.5
\$10,001 and over	7,211	34.8%	6.3	1,209	31.5%	110.1

Source: Alameda County Probation Department & Alameda County Sheriff's Office;

Note: LOS cannot be determined for React warrant cases due to data issues.



**Table 27. 2021 Releases Probationer Status
versus Non-Status by Most Serious Charge**

Charge	Non-Probation			Probation Status		
	Number	Percent	Average Length of Stay (days)	Number	Percent	Average Length of Stay (days)
Total	20,744	100.0%	14.2	3,837	100.0%	127.0
Total Felony	10,458	50.4%	22.5	3,564	92.9%	122.3
Violent	4,449	21.4%	18.2	1,913	49.9%	177.2
Assault/battery	1,174	5.7%	22.3	613	16.0%	151.6
Robbery	541	2.6%	28.8	445	11.6%	163.1
Domestic violence	1,062	5.1%	4.2	73	1.9%	37.3
Sex	293	1.4%	34.4	193	5.0%	305.0
Murder	98	0.5%	250.4	124	3.2%	901.9
Other Violent	1,281	6.2%	15.2	465	12.1%	101.1
Drug	773	3.7%	34.1	181	4.7%	51.9
Drug Sale	700	3.4%	37.1	173	4.5%	52.3
Drug Possession	73	0.4%	5.2	8	0.2%	43.0
Non-Violent	5,236	25.2%	24.5	1,470	38.3%	59.6
Weapons	848	4.1%	31.5	155	4.0%	76.1
Burglary	691	3.3%	14.4	450	11.7%	82.3
Vehicle theft	837	4.0%	5.2	392	10.2%	37.6
Probation/parole violation	891	4.3%	48.4	42	1.1%	15.0
Fraud/forgery	345	1.7%	21.6	104	2.7%	37.6
Non CJIS	257	1.2%	78.8	43	1.1%	91.8
Theft	376	1.8%	6.6	112	2.9%	35.9
DUI	92	0.4%	8.4	27	0.7%	149.1
Other Non-Violent	182	0.9%	28.6	20	0.5%	45.7
Other Property	717	3.5%	11.0	125	3.3%	52.6
Misdemeanor	9,840	47.4%	2.4	248	6.5%	10.7
Violent	2,232	10.8%	3.8	83	2.2%	21.8
Drug	1,927	9.3%	0.9	75	2.0%	3.4
DUI	2,292	11.1%	4.3	8	0.2%	27.3
Property	1,041	5.0%	1.1	26	0.7%	3.8
Other Non-Violent	2,348	11.3%	1.1	56	1.5%	4.9
Other level	240	1.2%	104.4	12	0.3%	127.1
Unknown	206	1.0%	1.5	13	0.3%	0.2

Source: Alameda County Probation Department & Alameda County Sheriff's Office



Table 28. Probation Status at Release

Probation Status	2019			2020			2021		
	Number	Percent	Average Length of Stay (days)	Number	Percent	Average Length of Stay (days)	Number	Percent	Average Length of Stay (days)
Total	5,858	100.0%	96	4,352	100.0%	61.2	3,837	100.0%	127.0
Total Felony Level	5,728	98%	98.0	4,325	99%	61.2	3,792	99%	128.2
Active	2,495	43%	63.0	1,341	31%	77.3	1,481	39%	88.8
Closed administrative	492	8%	398.3	153	4%	336.9	328	9%	684.7
Closed neutral	38	1%	67.7	32	1%	42.0	27	1%	79.1
Closed successful	87	1%	91.7	53	1%	25.7	64	2%	41.6
Closed unsuccessful	66	1%	219.4	31	1%	219.8	50	1%	239.3
Pending	816	14%	114.9	1,442	33%	44.2	1,024	27%	96.4
Prop 63	385	7%	22.5	125	3%	21.6	116	3%	28.7
Probation granted	650	11%	97.8	120	3%	124.1	0	0%	-
Revoked	699	12%	24.5	1,028	24%	18.1	702	18%	15.8
Total Misdemeanor Level	130	2%	20.0	27	1%	58.5	45	1%	25.7
Misdemeanor Revoked	9	0%	3.9	5	0%	2.8	12	0%	6.0
Misdemeanor All other	121	2%	21.2	22	1%	71.2	33	1%	32.9

Source: Alameda County Probation Department & Alameda County Sheriff's Office

Projections of the Santa Rita Jail Population

As discussed previously, the simplest way to analyze a jail population is as follows:

$$\text{Admissions} \times \text{LOS} = \text{ADP (Average Daily Population)} / 365.25$$

From this baseline methodology, the Wizard simulation model adds complexity and increases the accuracy of forecasting a local jail population by disaggregating the population into key groups with similar paths through the justice system. The Wizard Simulation model is an example of a stochastic entity in the sense that the model is conceptually designed around the movement of individual cases (detainees) into, through, and out of a local prison. The model also makes use of the Monte Carlo simulation techniques by adding an element of randomness to the simulation model. Random numbers are generated and used by the simulation process to determine the offender group composition and lengths of stay associated with a system. Individual cases are processed by the model through a series of probability distribution arrays or matrices that provide computations for specific cases. When loaded with accurate data, the model mimics the flow of detainees through a local jail and produces a monthly forecast accurate to within $\pm 2\%$.



Table 29 below presents the forecasts generated from this model by gender. Figure 7 displays the total ADP forecast and the total ADP forecast with peaking. Both a baseline projection and a projection with the peaking factor included were generated from the Wizard model.

The baseline forecast is built around the following key assumptions:

1. Bookings will continue to rebound through 2024 but remain under pre-COVID-19 levels. From here admissions will grow at a rate similar to the overall Alameda demographic population growth.
2. A gender specific peaking factor is built into the forecasted ADP equal to the peaking factor observed from 2021-2022.

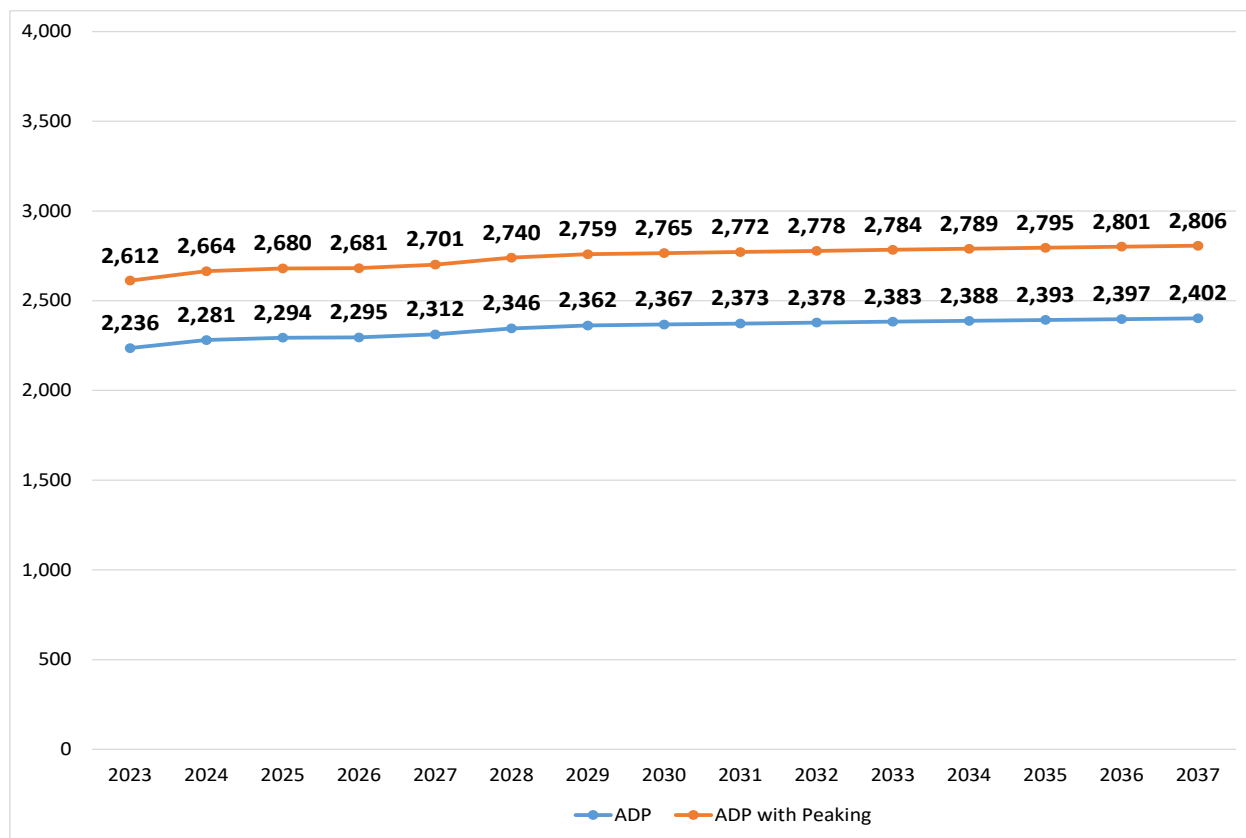
The baseline forecast projects the Santa Rita Jail ADP to grow at an average annual rate of 0.51% between 2023 and 2037. The forecasted ADP in 2037 is 2,806. The baseline forecast presented here assumes no new programs, diversions, alternatives to incarceration, nor faster jail processing times will be implemented over the forecasted time frame.

Table 29. Projections of the Santa Rita Jail Population Baseline & with Peaking

Year	Males		Females		Total	
	ADP	ADP with Peaking	ADP	ADP with Peaking	ADP	ADP with Peaking
2023	2,086	2,434	150	178	2,236	2,612
2024	2,127	2,482	154	183	2,281	2,664
2025	2,137	2,494	156	186	2,294	2,680
2026	2,137	2,493	159	189	2,295	2,681
2027	2,152	2,511	160	191	2,312	2,701
2028	2,184	2,548	161	192	2,346	2,740
2029	2,200	2,567	162	192	2,362	2,759
2030	2,205	2,572	163	193	2,367	2,765
2031	2,209	2,577	164	194	2,373	2,772
2032	2,213	2,582	164	195	2,378	2,778
2033	2,218	2,587	165	196	2,383	2,784
2034	2,222	2,592	166	197	2,388	2,789
2035	2,226	2,597	167	198	2,393	2,795
2036	2,230	2,601	168	200	2,397	2,801
2037	2,233	2,605	169	201	2,402	2,806
Average Annual% Change	0.49%	0.49%	0.84%	0.87%	0.51%	0.52%



Figure 7. Santa Rita Jail Forecast



Milestone Credits to Support Successful Re-entry

Legislation authorizing inmates in county jail to be awarded milestone credits was authorized through the enactment of AB 1597 on June 27, 2016. Since then, inmates sentenced to county jail, pursuant to Penal Code Section 1170(h), may be awarded traditional time credits, as outlined in Penal Code Section 4019. Additionally, inmates may also be awarded time credits for participating in rehabilitative programs pursuant to Penal Code Section 4019.4(a)(1). Rehabilitative programs can include academic, vocational, substance use and care programs (anger management, life skills). Programs can include levels of achievement to an academic performance milestone, which can translate into a sentence credit reduction upon successful completion.

In 2011, as part of the “*Realignment*” of California’s criminal justice system, the state legislature changed the law so that many individuals with felony convictions for non-serious, non-violent, non-sex crimes serve their sentences in county jail rather than in state prison. This change was enacted by Assembly Bill 109, which amended Penal Code Section 1170(h) which sets forth basic rules about who serves their felony terms in prison and versus county jail. This means that although some individuals with felony county jail terms have relatively short sentences, while others long sentences.



For those serving a county jail term for a felony under Penal Code Section 1170(h), good time conduct credits are typically granted for two days for every two days actually served – also known as “*half time*.”

There are other laws that give county jail officials power to award you more credits.⁸¹ These laws grant authority to award:

- increased good conduct credits of 1.5 days for every 1 day served to those participating in in-custody work or job training programs (Penal Code Section 4019.1.); and
- additional “milestone” credits for completing objectives in approved rehabilitation programs (Penal Code Section 4019.4.).

County jail officials may also offer early release programs to ease overcrowding, provide workers for public or non-profit projects, or help people transition back to the community. (Examples – Penal Code Sections 4024.1 through 4024.2.) However, increased credits or early releases for people serving felony jail sentences are at the discretion of county officials.

The laws do not require county officials to provide increased credits or early releases and different counties may have different policies.

In contrast, per 15 CCR Section 3043.3, CDCR inmates serving determinate sentences or sentences of life with the possibility of parole are eligible to earn credits (beyond good conduct and work credits) for successful participation in approved programs.⁸² Additionally, CDCR can make their own credit rules for good behavior and approved rehabilitative or educational achievements under Article I, section 32 of the California Constitution, which was added in November 2016 when voters passed Proposition 57. CDCR’s time credit rules are found in the Title 15 of the California Code of Regulations.⁸³

Currently, within Alameda County, inmates are not awarded milestone credits for their participation and/or completion of programs intended to support their re-entry. The use of earned milestone time credits, as a release incentive, can help build motivation, create stability within the jail and contribute to successful re-entry – particularly given that a larger percentage of inmates within the Santa Rita Jail have a history of violent and disruptive behavior and longer sentences to serve.

In recent discussions (August 2023) with ACSO staff, the Sheriff’s Department is in the process of assessing the feasibility of creating a milestone program for inmates for presentation to the judiciary of the Alameda County Superior Court. Given that the legislation to allow inmates to earn milestone credits has been in effect since mid-2016, this analysis is long overdue.

⁸¹ [Jail, Felony Credits, Releases - September-2022, Prison Law Office](#)

⁸² [Los Angeles County Sheriff's Department, Custody Division Manual, Performance Milestones](#)

⁸³ [Time, Credits in CDCR, June-2021, Prison Law Office](#)



Furthermore, Alameda County should consider seeking modifications to expand existing legislation to allow county jail inmates to be awarded milestone credits for their participation in ***processes and education*** intended to support their re-entry. This would include, but not limited to:

- Re-entry Planning, Processes and Education
- Medi-Cal Application Processes and Education
- Mental Health Programming
- Developmentally Disabled Programming
- Assessments and education related to Mental Health, Physical, Academic, Vocational Aptitude, etc.

Consent Decree in Babu, et al., v County of Alameda

On February 7, 2022, the Court approved the Consent Decree in Babu, et al., v. County of Alameda, et al., N.D. Cal. No. 5:18-cv-07677. The Babu case is a federal class action lawsuit challenging the adequacy of:

- mental health care and treatment at the Santa Rita Jail;
- suicide prevention and the use of safety cells;
- overuse of isolation and adequacy of out-of-cell time; access to programs, services and activities especially for persons with mental health disabilities;
- discharge planning for people with mental health disabilities; sufficiency of accommodations in disciplinary proceedings and in pre-planned use-of-force incidents for persons with mental health disabilities;
- and the overall policies, procedures, and practices regarding COVID-19 on behalf of all those incarcerated at this facility.

The consent decree focuses on the County's failure to provide minimally adequate mental health care and conditions of confinement, to include such things as relying on the excessive use of isolation, providing an insufficient amount of out-of-cell time and programming, inadequate classification systems, and a lack of due process protections. The action also speaks to unequal access to programs and/or a lack of accommodation for individuals with psychiatric disabilities. This would include services and/or activities offered at the jail, including accommodations to individuals with disabilities in use-of-force situations and in disciplinary processes.

Through the consent decree, the County agreed to enhance all of these areas, to include building a more robust re-entry process for inmates prior to release to ensure continuity of care, particularly in the area of mental health. Additionally, the consent decree requires that a new classification system must be implemented that limits the use and duration of restrictive housing, modifications must be made to its use of force policies and procedures, and specific training for all staff must be provided. Lastly, an ombudsman



must be appointed, an ADA coordinator designated and an Inmate Advisory Council established.

As is oftentimes the case with consent decrees of this nature, the impact of the requirements of this action will require increased expenditures in the form of programming and re-entry services, increased staffing, and the enhancement of staff training, and systems and processes to ensure compliance with constitutionally minimum standards of care. Ultimately, the impact of the consent decree will support many of the elements associated with RAJ through improvements to the existing system, and specifically programming and re-entry, to ones that are more robust and responsive to the needs of the inmates. This, along with the health, mental health and the ECM services offered through CalAIM, will undoubtedly contribute to a reduction in the number of inmates through the outcomes associated with the provision of preventative services, community supports and alternatives to incarceration.



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Santa Rita Jail Programming & Re-Entry Planning

RAJ
Element 12

Background

In addition to exploring trends and demographics associated with the Santa Rita Jail, an analysis of programming and re-entry processes, to include diversion and re-entry opportunities, were also explored. One of the primary areas of attention was on individuals with physical and mental health issues and SUD, as evidenced by the information presented and recommendations related to element #3 at the conclusion of this report

This was a priority issue as a component of the RAJ initiative because, as previously stated, oftentimes individuals with mental-health and SUD are overrepresented and undertreated in the criminal justice system. As such, element #12 delved into programming outcomes and investments at the Santa Rita Jail.

12. What are the outcomes of the programs in the jail? Can additional investments in jail programming and re-entry result in decreased costs?

Santa Rita Jail Inmate Services Unit

Under the leadership of Sheriff Sanchez, the ACSO is in the process of expanding inmate programming within Santa Rita Jail, to include Five Keys schools and programs, college-level educational courses through Chabot College, and construction-related vocational training made possible through a Department of Justice grant. In the event the ACSO, in collaboration with the Superior Court, opts to implement a milestone credit program (as discussed in the section entitled “*Milestone Credits for Processes Intended to Support Successful Re-entry*” commencing on page 169), it will be able to use these programs to incentivize inmates to participate in programming to improve outcomes. This is true in particular, among inmates who are serving longer sentences within the facility because they will have the increased ability to complete programs in their entirety given the length of their sentence.

Programs and services currently available to the inmate population include the following:

- **Educational – Contracted provider Five Keys Schools and Programs**
 - ♦ Anger Management
 - ♦ Computers
 - ♦ Cosmetology and Barbering (Theory)



- ♦ Entrepreneurship
 - ♦ English as a Second Language
 - ♦ Financial Literacy
 - ♦ Gardening
 - ♦ GED & High School Diploma
 - ♦ Occupational Safety & Health Administration 10
 - ♦ Parenting
 - ♦ Substance Abuse
- **Re-Entry**
 - ♦ Alameda County Probation Department
 - ♦ Alameda County Sheriff Youth and Family Services
 - ♦ Community-Based Organizations
 - **Library Services**
 - **Religious Services**
 - **Legal Services**

As of October 2022, only approximately 14% of Santa Rita Jail inmates participated in at least one Education, Religious, Legal Services, or Re-Entry Program. As of November 2022, that number increased to approximately 17%. Furthermore, as with most programs, capacity is limited as a result of restraints associated with space, custodial issues (i.e., classification), staffing shortages and funding. However, the ACSO is currently reviewing future programming needs and capacity in response to the Sheriff's strategic (transition) plan.

Operation My Home Town

Element #12 is going to require additional research beyond that which was accomplished by the RAJ team in collaboration with the ACSO given that the last comprehensive analysis related to jail programming was conducted in 2013 and focused on Operation My Home Town (OMHT).⁸⁴ The evaluation was conducted by Hatchuel, Tabernik & Associates (HTA).

In brief, OMHT is an adult offender re-entry program led ACSO and funded by a Bureau of Justice Administration's Second Chance Act grant. OMHT offers a continuum of care to inmates in the Santa Rita Jail who are at medium-or high-risk of recidivating and are returning to the unincorporated Eden area of Alameda County, with a focus on the distressed Ashland/Cherryland communities. The goal of OMHT is to reduce recidivism among the target population and thereby enhance public safety.

From October 2011 through December 2012, OMHT piloted the following program components with sixty participants, in an effort to help them re-enter the community

⁸⁴ *Operation My Home Town Final Evaluation Report, October 2018 – September 2021*, Alameda County Sheriff's Office, Youth & Family Services Bureau Behavioral Health Unit, December 18, 2021



successfully and decrease the likelihood that they would recidivate and be re-incarcerated.

In their report, HTA recommended the continued collection of data to address the following questions.

- What is the effect of OMHT on recidivism and public safety?
- What is the program's long-term effect on participant's housing stability, substance abuse, mental health and employment?
- What are the barriers and lessons learned during the process of program implementation and collaboration?
- To what degree, does the "system" need to change in order to embrace rehabilitation-oriented programming while still performing the necessary incarceration function?
- How do public and community agencies addressing behavioral health and public safety intersect in the reentry process? How can they work together most effectively, while learning best practices from each other?
- How will changes brought on by AB 109 ("public safety re-alignment") and other related state legislation impact the conversation about the efficacy of reentry service provision and utilization?

Given that the evaluation was conducted on a small portion of the population and almost ten years ago, it would be prudent for the ACSO to conduct another more expansive formal assessment in the near future, and periodically thereafter, conduct follow-up assessments to determine the impact of programs and services upon participants, as well on system-level collaboration and functioning.

Sheriff Yesenia Sanchez – Strategic (Transition) Plan

As previously mentioned, under the leadership of Sheriff Sanchez, in mid-2023, the ACSO developed and adopted a strategic plan focused on six overarching categories, to include Re-entry and Rehabilitation. This particular category includes 10 objectives and a multitude of tasks geared towards building a robust program and re-entry system geared exclusively towards meeting the needs of inmates and their families. A status update, on all areas of focus of the strategic plan, can be found on the ACSO's website.⁸⁵

Prior to the adoption of the strategic plan, Sheriff Sanchez convened multiple workgroups of which one was the "Re-entry and Rehabilitation" working group. The group analyzed the current programming offered within the Santa Rita Jail and identified gaps in programming. They engaged with the incarcerated population through a confidential survey to ascertain their needs and programming preferences.

⁸⁵ [Sheriff Yesenia Sanchez Transition \(Strategic\) Plan](#)



The working group's survey team subsequently contacted 1,551 inmates out of a total population of 2,057, resulting in voluntary responses from 600 inmates who provided feedback. These survey participants represented a diverse sample group of the Santa Rita Jail population, including a range of ages, genders, ethnic backgrounds, and classifications. The feedback received was intended to help inform the working group's decisions regarding the implementation of programming and the use of Inmate Services funds. Overall, the survey feedback emphasized a need for increased educational programming, vocational training, and re-entry housing. Furthermore, the working group members recognized the need to expand partnerships with community-based organizations, build relationships with labor unions, and explore alternative housing opportunities in the community. They also discussed the ACSO's role in the RAJ initiative.



Findings & Recommendations

Strategic & Transition Planning

NOTE: This specific section of recommendations applies to a minimum of two or more of the 12 elements of RAJ.

RAJ Elements	
1	<i>How does the new model address and achieve reductions of racial disparities in the Alameda County justice system?</i>
2	<i>What are the arrest rates in each police jurisdiction in Alameda County?</i>
3	<i>What new health and funding related opportunities exist to transform Alameda County's justice model?</i>
4	<i>How can the Sheriff's Oversight Body and/or an Office of the Inspector General be designed into the new RAJ model?</i>
5	<i>How can the pretrial program be permanently established and expanded to reduce the jail population. An assessment of Alameda County's pre-trial hold rate should be conducted as a part of this analysis.</i>
6	<i>What is the actual cost impact to Alameda County of the contract to house federal inmates?</i>
7	<i>Should Alameda County's federal contract at Santa Rita Jail be terminated?</i>
8	<i>What opportunities exist to reduce the Alameda County's Jail populations and costs?</i>
9	<i>What information does the existing jail population analysis provide to assist in this RAJ effort?</i>
10	<i>Can investments in RAJ efforts mitigate or eliminate the need to increase jail staffing and jail capital expenditures? How does the current jail litigation impact the alternatives?</i>
11	<i>What jail data is currently available that can assist in this project's analysis of alternatives and existing populations. An analysis of the jail data should be conducted to determine its sufficiency.</i>
12	<i>What are the outcomes of the programs in the jail? Can additional investments in jail programming and re-entry result in decreased costs?</i>



1. Establish a RAJ Project Manager to Lead the Planning and Implementation of the RAJ Initiative and CalAIM for Justice-Involved Residents

For the County to continue to be successful in its effort to *Reimagine Adult Justice*, the County should assign a dedicated RAJ Project Manager to continue leading the planning and implementation of the many interrelated and complex components of this initiative. As such, to build upon the gains made thus far, it is critical to **immediately** identify and appoint a replacement for the existing RAJ Project Manager with the requisite skills and knowledge to lead this effort. This is going to require an individual with a unique mix of attributes, to include knowledge of the criminal justice system and CalAIM, familiarity with the local justice partners and related community partners, and someone with the ability to work effectively and collaboratively with many partners to continue move this initiative forward. Additionally, engagement with the BOS and other elected officials will continue to be critical to ensure alignment with county priorities.

Furthermore, the RAJ Project Manager will be responsible for collaborating with others to develop a county-level CalAIM implementation plan among MCPs, key justice system agencies, county health and behavioral health, social services, housing departments, and other key stakeholders. This would include developing the PATH 3 implementation plan and coordination with other county departments that are receiving state funds for overlapping CalAIM populations of focus, e.g., unsheltered, individuals with behavioral health needs, foster care, high utilizers, etc.

2. Direct the PPJHC Executive Body to Continue the Implementation of the RAJ Initiative

Given that RAJ is a multiple-year blueprint that will guide activities and serve as a roadmap for change into infinity, it is recommended that this initiative be transitioned to the PPJHC executive body for continued implementation of RAJ. Given the PPJHC's significant leadership role in this process thus far, this body is ideally suited to assume this role under the direction of the replacement for the existing RAJ Project Manager.

The PPJHC executive body would be responsible for, but not limited to:

- convening stakeholders and/or community partners (i.e., impacted members, representatives from community-based organizations, faith-based organizations, advocacy groups, schools, public health, child welfare, legal advocacy, law enforcement, etc.), to support this initiative and help inform strategies and processes;
- preparing ongoing progress and recommendation reports; and
- making presentations to the BOS.



Furthermore, under the framework established by current RAJ Project Manager, Alameda County's PPJHC executive body is now well-positioned to continue being a strong vehicle for interagency collaboration and to continue the CalAIM implementation process – a significant component of RAJ.

3. Mandate the Development of a Long-Term Strategic Plan to Facilitate Continuous Process Improvements

To ensure process improvements continue into perpetuity, a short and long-term systemwide strategic plan, including all the partners, should be developed and presented to the BOS for approval. The strategic plan would help to align, in one overarching plan, all of the County's priorities associated with the justice-involved population.

The process should incorporate the requirements that quarterly reports to the BOS be produced memorializing the progress associated with each of the elements of the strategic plan and memorialized on a county website to promote transparency and accountability.

4. Develop Interdepartmental Data Sharing Solutions

Interdepartmental data sharing solutions should be developed to facilitate the transparent exchange of information between county agencies, to promote coordination of care, help eliminate duplication of effort and inform the overall efforts of agencies serving the same justice-involved clients and their families. This would include leveraging existing data-collection efforts in Alameda County, such as the Social Health Information Exchange which aims to integrate data from various health and social service agencies, criminal justice data from CRIMS, court and probation data contained within Probation's Enterprise Case Management System, etc. It is also recommended that the development of a data-collection infrastructure be led by ITD. An increased capacity for ongoing data collection is critical, particularly given the ongoing systematic changes and evolution of the systems in place.

5. Support the Sheriff's Strategic (Transition) Plan

Under the leadership of Sheriff Sanchez and after assuming this role, in early 2023 she convened a Transition Team to explore her priorities and produce recommendations for improvement. The result was the development and adoption of a strategic plan, in mid-2023, focused on the following six overarching categories.⁸⁶

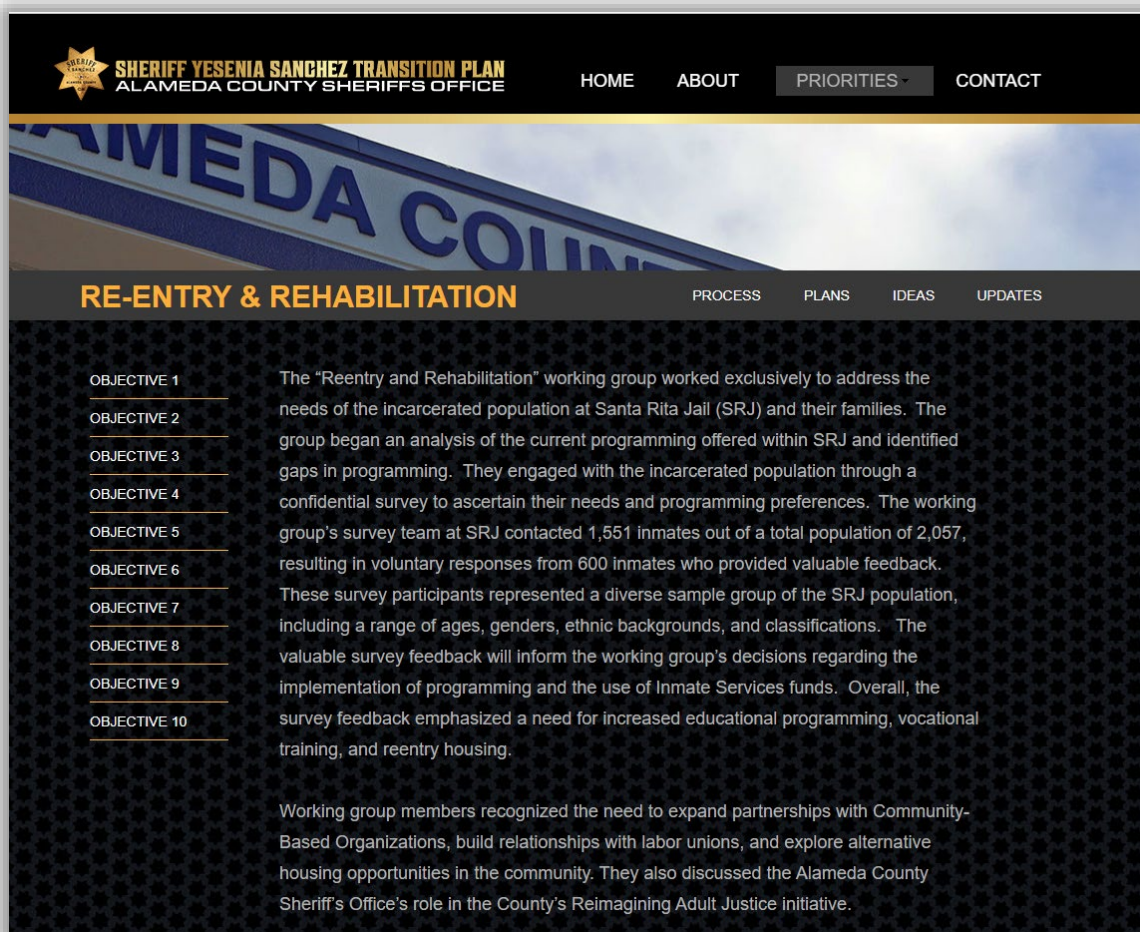
- agency health
- community engagement
- custody
- accountability

⁸⁶ [*Sheriff Yesenia Sanchez Transition \(Strategic\) Plan*](#)



- re-entry and rehabilitation
- racial justice

These six objectives and the many subordinate tasks under each, are in line with the tenets of the RAJ initiative which seeks to improve outcomes through the alignment of priorities and systems, and the enhancement of services and options for the justice-involved population. It is therefore recommended that the BOS support the Sheriff's objectives as she and her team continue working towards building a system that is responsive to the individuals it serves, to include the inmates, their families and the community.



Racial & Ethnic Disparities

RAJ Element

1

How does the new model address and achieve reductions of racial disparities in the Alameda County justice system?

NOTE: The response to this element can *also* be found in recommendations outlined in different sections of this report in that many of the RAJ elements will naturally impact the number of racial minorities in the justice-system through the preventative, re-entry and post services, programs and alternatives that are offered to reduce the prevalence of racial disparities in the justice system.

6. Direct the PPJHC to Establish a RED Subcommittee to Collaborate, *Where Appropriate*, with the Ad Hoc Committee and Reparations Commission to Address RED Issues, and to ensure Alignment with Overarching County RED Strategies

The BOS should direct the PPJHC to establish a PPJHC RED Subcommittee to, where appropriate, collaborate with the Ad Hoc Committee and Reparations Commission, to address overarching Alameda County RED strategies and goals.

The responsibility of this body would be to oversee and direct the activities outlined in recommendations 7 through 14, to include convening stakeholders and community partners (i.e., impacted members, representatives from community-based organizations, faith-based organizations, advocacy groups, schools, social services, legal advocacy, immigration, and law enforcement) to identify decision making points that are driving racial and ethnic disparities at various points of the justice system. The partners would help inform the County's RED strategies and subsequent workplan.

7. Expand the Role of the Existing Director of Diversity, Equity and Inclusion to Include Acting as Coordinator for the PPJHC RED Subcommittee

Given the enormity and long-term effort associated with this element, Alameda County should expand the role of the existing Director of Diversity, Equity and Inclusion to include acting as the Coordinator for the PPJHC RED Subcommittee. This position is currently responsible for directing a team to develop and implement strategies and initiatives, partnering with critical stakeholders to achieve transformation changes, and has oversight of the diversity, equity and inclusion programs, projects and processes for Alameda County. The Director is also responsible for directing and providing internal consulting services and leadership coaching to agencies/departments to support internal efforts to align with the County's overall strategic goals, mission and core values relative to diversity, equity, and inclusion.



As the RED Coordinator, the Director would provide technical and administrative support to the PPJHC RED Subcommittee, and work collaboratively with the RAJ Project Manager to leverage related RAJ subordinate initiatives and to avoid duplication of effort. Furthermore, this individual would work alongside the RAJ Project Manager to oversee the details associated with the County's RED initiative, to include managing deadlines and workflow, scheduling meetings, and ensuring deliverables to the PPJHC and BOS occur on schedule. He/she would be responsible for multiple coordinating and technical aspects of the project and for ensuring the RED workplan remains on course through their leadership role and as a direct representative of the PPJHC.

8. Develop and Execute a Long-Term RED Strategy

A long-term *written* strategy is needed to comprehensively layout RED goals and how Alameda County intends to explore, address and resolve these issues. To accomplish this overarching objective, a long-term RED strategic plan should be developed. It should include, at a minimum, the following requirements:

- an initial assessment of data and decision points along the adult and justice continuum;
- development of a detailed workplan to address RED issues that are identified based upon the initial assessment;
- the plan to provide education and training to those who interact along the adult and juvenile justice continuum;
- the incorporation of a community engagement component; and
- an ongoing monitoring and a continuous process improvement plan.

The following subordinate recommendations expand upon some of these items.

9. Establish or Collaborate with Existing Working Groups to Address Issues Related to RED

Unless already in existence through the Ad Hoc Committee and Reparations Commission, dedicated RED working groups should be established to examine the entire justice continuum, with a focus on disparities in arrest, charging, and sentencing -- each of which may have the greatest effect on disparate outcomes. These working groups should consist of representatives who provide services to the adult and juvenile justice-involved population, e.g., ACHCSA, ACBHCS, ACSSA.



10. Continue Utilizing the Expertise of Researcher/Consultant Wendy Ware to inform the Resolution of RED Issues Through the Continued Analysis of Trends Related to the Santa Rita Jail

Alameda County should continue to utilize the expertise of Researcher/Consultant Wendy Ware to build upon the existing assessment of the Santa Rita Jail population to inform practices related to RED.⁸⁷ This would enable Alameda County to more accurately inform RED strategies through updated findings associated with the justice-involved population.

11. Provide RED Training to Stakeholders Along the Adult and Juvenile Justice Continuum

Training on topics related to RED should be provided to stakeholders along the adult and juvenile justice continuum. These trainings would help to educate stakeholders and the community in finding solutions to reduce RED within the County, to include intentional bias in that*racial disparities are not always the product of intentional biases. They are frequently the result of unconscious and unintentional biases that everyone — African American, white, Hispanic or other — learns and maintains culturally.*⁸⁸

12. Create and Implement Continuous Monitoring Systems

An ongoing monitoring process should be put in place by the County to allow for continuous process improvements through ongoing evaluations and the impact of decisions along the adult and juvenile justice continuum. This should include the ongoing collection and analysis of data to inform outcomes and decisions. By doing so, Alameda County will be poised to support a process to continually improve on issues related to RED by engaging a variety of stakeholders in generating ideas and exploring better ways by which to eliminate justice-related disparities. The idea being that a continuous improvement mindset, by the County, will ultimately contribute to transformational results.

13. In Collaboration with the Ad Hoc Committee and Reparations Commission, Develop an Ongoing Communication Plan to Reinforce Expectations

The significance of consistently communicating the importance and impact of staff's decisions on the issue of disparity cannot be overstated and will be critical in the County's efforts to maintain this issue at the forefront. This is no different than what currently occurs in local, state and federal government in that employees and/or contractors are mandated to attend sexual harassment training as a means by which

⁸⁷ Alameda County Resident and Santa Rita Jail Population Trends and Analysis Report, Consultant and Researcher Wendy Ware, August 2023

⁸⁸ [Reducing Racial & Ethnic Disparities in Jail](#)



to educate staff and/or contracts and eradicate the issue. Although the frequency and content of the training may vary by jurisdiction, based on legislation and local policy, the significance of the issue is maintained at the forefront through the communication that occurs through regular mandated training.

This communication would ideally span through criminal justice agencies or agencies who serve the justice-involved population (Superior Court,, District Attorney's Office, Public Defender's Office, ACSO, ACPD, ACHCSA, ACBHCS, ACSSA) in an effort to mitigate disparity and given that all components of the system are interrelated.

Monitoring disparity is a powerful way to communicate the importance of disparity reduction in that what is measured and discussed is an indicator of what matters. Line staff understand it as such.

Furthermore, it is difficult to effectively tackle disparity in outcomes without adequate information to understand the problem and to determine whether interventions are improving the situation. Analyzing the impact of particular county practices, such as having dedicated probation revocation judges or instituting a graduated response matrix, on outcomes by race or ethnicity of probationers, could provide valuable guidance on effective strategies for reducing disparities.

14. Integrate the ACSO's Strategic Objective Related to Racial Justice into the Overarching County Strategy

As previously stated, under the leadership of Sheriff Sanchez, in early 2023 she convened a Transition Team to explore priorities and produce recommendations for improvement. The result was the development and adoption of a strategic (transition) plan, in mid-2023, focused on six overarching categories, to include racial justice.

The ACSO's racial justice work group identified strategies and reforms needed to allow the organization to demonstrate fair and equitable practices. This effort aimed to identify internal and external concerns around race and inequity in all policies, practices, and procedures. It was the contention of the Sheriff that addressing racial disparities within the ACSO would increase public trust and improve the morale of agency members. The working group further identified external organizations to evaluate racial disparities in policing and next steps to produce a comprehensive understanding of any biased practices that may exist and strategies to eliminate them.

It is therefore recommended that the Sheriff's racial injustice strategy be incorporated into the County's overarching RED strategy through the PPJHC.



Leveraging CalAIM & Investing in the Justice-Involved Population

RAJ Elements

3

What new health and funding related opportunities exist to transform Alameda County's justice model?

10

Can investments in RAJ efforts mitigate or eliminate the need to increase jail staffing and jail capital expenditures? How does the current jail litigation impact the alternatives?

15. Include the California Department of Corrections and Rehabilitation, State Hospitals, and City Jails in the Planning and Implementation Process

Although CalAIM's primary focus is on the county-based criminal justice system, individuals coming from and going to state prison and state hospital can also benefit from improved coordination and support. Without the potential benefits of CalAIM interventions, many released from state prison or state hospital who have serious medical and behavioral health issues are likely to fall into a pattern of homelessness and/or continued involvement in the criminal justice system. The CalAIM planning process should also consider individuals who are incarcerated in city-administered jails. Although many are transferred to Santa Rita Jail, others are released directly to the community.

As part of the CalAIM implementation process, PPJHC should engage CDCR, Department of State Hospitals, and city jail administrators to coordinate releases from these institutions and integrate with CalAIM ECM and re-entry opportunities.

16. Deploy Community Health Workers with Lived Experience - "Trust is the Secret Sauce"⁸⁹

As justice-involved individuals engage with the medical and behavioral health delivery system, trusted relationships can be the key ingredient to successful programs. The recruitment and training of CHWs with lived experiences who understand the unique needs of individuals transitioning from prison and jail can provide the culturally relevant human connection that facilitates warm handoffs and ongoing engagement with community medical and treatment providers.^{90, 91}

⁸⁹ [Improving Care Coordination and Service Delivery for the Re-entry Population, CalHPS, 2018](#)

⁹⁰ [Whole Person Care – Los Angeles Policy Brief: Los Angeles County Re-entry Programs Improve Access to Primary Care for Justice-Involved Adults](#)

⁹¹ [Formerly Incarcerated Community Health Workers Engaging Individuals Returning from Incarceration into Primary Care: Results from the Transition Clinic Network, Frontier in Public Health, August 2021.](#)



As such, it is recommended that an assessment of current efforts to recruit and train individuals with lived experiences who may be able to support CalAIM implementation for justice-involved populations. The PPJHC, in collaboration with the ACSO and community-based organizations, should identify existing barriers that limit CHWs with lived experience in correctional settings and how these barriers can be modified to address security and other concerns.

17. Engage the Broader Criminal Justice System – Not Just Jails and Juvenile Facilities

Jails and juvenile facilities are a critical engagement points for the justice-involved population, but the broader system that includes courts, probation, public defenders, and district attorneys must also be engaged and aligned to promote a strategy for justice-involved individuals that emphasizes treatment for mental health, SUD, and medical issues. Many individuals with serious medical and behavioral health issues can be diverted from incarceration when appropriate alternatives are available. Best practice interventions can offer alternatives at each point in the criminal justice process, from pre-booking to re-entry.

The PPJHC should consider how a continuum of community-based intervention could be developed to support diversion efforts and reduce the incarcerated adult and juvenile population. This is likely to require additional engagement with judges, court administrative staff, district attorney, public defender, and the Care First/Jails Last Task Force to identify specific strategies that can leverage CalAIM resources to reduce the jail population and improve medical and behavioral health outcomes.

18. Actively Engage Individuals Incarcerated for Very Short Stays

Most adult and juvenile inmates are incarcerated for brief periods. Fifty-eight percent of adult inmates are released after 48 hours. An additional 23% are released within two weeks. Further, releases from jails can be unpredictable, often occurring at night after regular work hours when custody staff must immediately execute judicial release orders. Yet, many inmates are booked into jail with identified signs of medical issues, including signs and symptoms of intoxication. A question to explore is, *“What strategies can be effectively employed to engage these individuals and facilitate access to community treatment upon release?”*

For inmates who are likely to be released after very short periods of incarceration, the PPJHC should consider the development of a triage protocol that provides rapid assessment of individuals who are experiencing signs and symptoms of intoxication, initiates appropriate treatment (e.g., medication-assisted treatment and long-term injectable medications), and offers a warm hand-off for follow-up treatment in the community. This should also apply to individuals with alcohol use disorders.



19. Closely Monitor and Track the Medi-Cal Suspension and Unsuspension Process

Although state law has long required the suspension of Medi-Cal eligibility for all inmates, the practice has been limited due to IT coordination and staffing issues between the correctional facilities and the ACSSA. In the past, in Alameda County, very few inmates have had their Medi-Cal suspended. However, it is likely that more inmates will experience eligibility suspensions after 28 days of custody as new IT systems are implemented to automate the suspension process. As the new Medi-Cal enrollment and suspension processes are deployed, outcomes should be monitored to ensure that Medi-Cal eligibility is restored upon release to avoid coverage and service gaps. The implementation of CalSAWS in September 2023 will require an interface with CRIMS and ATIMS to link ACSO, ACPD, and Medi-Cal information and provide a significant opportunity for the county to improve service delivery.

20. Expand Access to Housing for the Justice-Involved Population by Identifying and Removing Barriers

Within the justice-involved population, there is a high incidence of mental health and substance use challenges and housing instability, making access to safe, stable, and affordable housing crucial for this population. When individuals are not housed, other interventions are likely to have limited success. CalAIM can provide tenancy support services and one-time funding for some housing-related costs, but it does not provide rental subsidies or funding for the construction or acquisition of new housing capacity for this population. Other collaborative efforts must address this need.

The PPJHC should identify current barriers to the justice-involved population that limit access to homelessness programs and supports. Additional analysis is needed to determine how many justice-involved individuals become unsheltered as they leave custody. This analysis should also consider the extent and impact of homelessness on individuals with behavioral health needs. As the county develops plans for new state capacity-building resources that address homelessness, consideration should be given that address the unique needs of individuals who are released from custody.

21. Establish Data Systems with the Capability to Track Outcomes

As a demonstration project, the implementation of CalAIM for the justice-involved population will require the identification of metrics for measuring the success and effectiveness of the initiative. The PPJHC should assess existing measures that are now used to determine program effectiveness. This analysis should include an implementation plan that identifies new metrics and processes for collecting and reporting data, as well as plans to leverage existing resources, such as the CHR.

Additionally, one of the first steps in harnessing the power of Alameda County's data is having the right processes in place for collecting, analyzing, and making decisions based on what the data tells us. An initial comprehensive evaluation of the county's



existing data systems, processes, and platforms should be conducted, followed by the design of a customized strategy tailored to meet the CalAIM needs of the justice-involved population.

The resources and skillset at the disposal of ITD and the county partners should be leveraged to identify and develop such a system.

22. Leverage the Knowledge Gained by Researcher/Consultant Wendy Ware in the Development of a Santa Rita Jail Analysis to Further the County's Justice Reform Goals

A critical facet of the Reimagine Adult Justice initiative involved an analysis of the Santa Rita Jail in which Researcher Wendy Ware developed a jail simulation model based upon the attributes of the population. Her analysis included pretrial assessments associated with jail releases and county probationers identified in jail releases. Researcher Ware's methodology centered around implementing data-driven and evidence-based policies, practices, and programs. Aggregate and case-level data from various County departments and entities were examined to identify factors that drive jail population growth and to identify solutions that could lead to improved outcomes.

To build upon this analysis, Alameda County should leverage the results of this analysis and Researcher Ware's expertise to:

- Update the initial report with new data and trends surrounding the Santa Rita Jail population;
- Expand the analysis to include behavioral health data merged with jail data;
- Establish the jail simulation model within ITD and;
- Train county staff to run the jail simulation model in an effort to inform methods by which to improve outcomes, including replicating annually the various aspects of the jail analysis report initially produced by Wendy Ware.

A contract with Researcher Ware should be executed to allow her to transition the jail analysis simulation model and her expertise to ITD, at which point the County would have developed the expertise internally to conduct this annual analysis independently.

23. Execute a Contract with CalHPS to Help Build upon Existing Gains and Strategies in the Implementation of CalAIM for the Justice-involved Population

David Panush, CalHPS, has been assisting the county to leverage health related funding opportunities to benefit the justice-involved population since January 2022 and as a part of the RAJ initiative. Through the establishment of a new contract, Mr. Panush can continue assisting the County in the planning and execution of numerous mandates under CalAIM, and specifically, grants associated with the PATH initiative. This contract will allow Mr. Panush to build upon tasks in which CalHPS facilitated the identification of strategies to maximize access and enrollment in physical and behavioral health programs, build sufficient capacity and related infrastructure, housing and community support systems for the justice-involved population.



Sheriff's Oversight

RAJ Element

4

How can the Sheriff's Oversight Body and/or an Office of the Inspector General be designed into the new RAJ model?

NOTE: The recommendations outlined below are presented in a different fashion than the other areas of this section of the report in that they are geared towards showing an evolution of direction from the PPC and the BOS.

Recommendations from the Reimagine Adult Justice Project Manager

24. Establish a Hybrid System Consisting of an Oversight Board, Executive Director and OIG

The BOS should adopt a hybrid system consisting of an Oversight Board, Executive Director and an OIG as outlined in option 1, year 1. Under this configuration, the Executive Director would report to the IG and support both the Oversight Board and OIG. The Oversight Board and OIG would report directly to the BOS. All parties would be expected to work collaboratively to support the hybrid oversight system.

25. Establish a Seven-Member Oversight Board

The BOS should establish a seven-member Oversight Board. Each Supervisor would select one member with all members appointed by the Board. The two remaining at-large candidates would be nominated by an Advisory Selection Panel consisting of members of the community and subject to approval by the BOS.

26. Establish a Diverse Oversight Board Consisting of Members of the Community

To maintain a balanced perspective and ensure the Oversight Board has the benefit of a diverse set of opinions and knowledge, Oversight Board members should include individuals with expertise in areas that would further Alameda County's oversight objectives. Additionally, Oversight Board members should be diverse and reflect the socio and economic demographics of the County.

27. Establish a Hybrid System with Expansive Authority

The hybrid oversight system should include authority to conduct independent oversight and monitoring; issue subpoenas; audit, investigate and inspect operations; review policies, procedures and trends, and; made recommendations to prevent civil right violations and litigation by proactively identifying patterns and practices.



28. Establish a Civil Service IG Position to Direct the OIG

The OIG should be led by an IG with a Juris Doctorate degree, licensed to practice law in California, with experience in matters related to criminal and civil law, conditions of confinement and law enforcement practices. The IG should be a classified position in the civil services system and appointed by the BOS.

29. Establish an Executive Director to Provide Support to the Oversight System

The Oversight Board should be provided direct technical and administrative support by a full-time Executive Director who reports to the IG and provides services to the Oversight Board and the OIG. The Executive Director should have the requisite skills to work effectively with the multicultural community, and a wide array of professional and elected stakeholders.

30. Allocate a Sufficient Budget to Allow the Oversight System to Carry Out its Functions Effectively

The Oversight Board and OIG should be allocated sufficient resources to enable each to carry out their functions effectively. Annual adjustments should be made to ensure their resources remain commensurate with their authority and duties. The initial budgetary allocation and technical adjustments thereafter should be made in collaboration with the County Administrator and Auditor-Controller through the normal budgetary process.

31. Appoint Dedicated Legal Counsel for the Oversight Board

The Oversight Board and OIG should be supported by a senior level attorney in the Office of the County Counsel.⁹²

32. Enact the Oversight System Through an Ordinance

As required by the County Charter, the establishment of the Alameda County Sheriff's oversight system should be enacted through a county ordinance.

33. Conduct Period Evaluations for Effectiveness

Alameda County's oversight system should be periodically evaluated to determine its effectiveness. The evaluation should be conducted by an independent third party with expertise in oversight within multiple jurisdictions.

⁹² It is County Counsel's opinion that the Office of the County Counsel, based on county charter and government code, is the only entity that can provide legal counsel for the proposed function. The BOS requested a legal opinion on this issue.



May 23, 2023 Preliminary Direction from the Alameda County Board of Supervisors

Preliminary Direction #1: Adopt option 1, year 1, with the option to add an Oversight Board and Executive Director in Year 2, if deemed necessary. The OIG shall include an Ombudsman to act as a liaison between the OIG and the community.

Preliminary Direction #2: Establish a hybrid oversight system to allow Alameda County to build a system that is tailored to the needs of Alameda County. The system shall, minimally, have the authority to conduct independent oversight and monitoring; issue subpoenas; audit, investigate and inspect operations; review policies, procedures and trends, and; make recommendations to prevent civil rights violations and litigation by proactively identifying patterns and practices.

Preliminary Direction #3: Create and hire an IG classification to lead the OIG.

Preliminary Direction #4: If an Oversight Board is established in the future, it should consist of members who are volunteers from the community. Prior or retired law enforcement personnel would not be prohibited from being considered for membership.

Preliminary Direction #5: The OIG should be staffed and funded (approximately) as outlined in the option 1, year 1 chart at the top of page 59. The initial budgetary allocation and future technical adjustments shall be made in collaboration with the County Administrator and Auditor-Controller through the normal budgetary process.

Preliminary Direction #6: A senior level attorney in the Office of the County Counsel should provide legal support to the hybrid oversight system, including the Oversight Board and the OIG.

Preliminary Direction #7: Establish the oversight system through the enactment of a county ordinance drafted by the Office of the County Counsel consistent with BOS direction.

Preliminary Direction #8: Prior to the adoption of any of the preceding seven items, obtain concurrence from the PPC and the community's feedback through a public forum.



June 22, 2023 & July 18, 2023 Preliminary Direction From The Public Protection Committee & the Alameda County Board of Supervisors



At the conclusion of the June 22, 2023, meeting and after extensive discussion, the PPC supported the preliminary direction from the BOS, with the exception of #1. Given the historical issues at the Santa Rita Jail and after listening to extensive feedback from the community, the PPC opted to support the adoption of option 2, consisting of the establishment of an OIG, Oversight Board and Executive Director in year 1. The PPC directed that this modification be returned to the full Board for final consideration.

In response, on July 18, 2023, a follow-up presentation was made to the BOS in which they preliminarily agreed with the PPC's modification, with the caveat that a final decision would be made at the upcoming September 19th Board meeting. A recap of these modifications are outlined below.

Modified Request to Adopt the Following Items

Adopt option 2 which includes the establishment of an Office of the Inspector General, Ombudsman, Oversight Board and Executive Officer in year 1.

Establish a hybrid oversight system to allow Alameda County to build a system that is tailored to the needs of Alameda County. The system shall, minimally, have the authority to conduct independent oversight and monitoring; issue subpoenas; audit, investigate and inspect operations; review policies, procedures and trends; and prevent civil rights violations and litigation by proactively identifying patterns and practices.

Create and hire an IG classification to lead the OIG. The classification of the IG shall be a civil service position and subject to removal, at will, by the BOS.

Create an Oversight Board consisting of volunteers from the community. Prior or retired law enforcement personnel would not be prohibited from being considered for membership. Additional discussion will occur regarding the number of Oversight Board members and the composition.

The initial budgetary allocation and future technical adjustments shall be made in collaboration with the County Administrator and Auditor-Controller through the normal budgetary process and shall include the staffing levels outlined in option 2.

A half time Senior County Counsel shall be identified and/or established to support the hybrid oversight system, and to provide the OIG and the BOS with dedicated and privileged legal counsel. This position will report to the Office of the County Counsel.

Establish the oversight system through the enactment of a county ordinance and in collaboration with the Office of the County Counsel.



Alameda County Pretrial Program

RAJ Element

5

How can the pretrial program be permanently established and expanded to reduce the jail population? An assessment of Alameda County's pre-trial hold rate should be conducted as a part of this analysis.

34. Expand Pretrial Release and Explore Removing Limitations

Alameda County should seek opportunities to expand the Pretrial Program to include supervised release for defendants charged with a broader array of felony crimes and who have been in custody for three days or more, regardless if arraignment occurred or not. There is strong evidence that supervised pretrial release is an effective method for reducing the pretrial felon population in jail systems. Alameda County's pretrial assessment program is currently utilizing the Arnold Foundation PSA to gauge pretrial release risk for cases. The VPRAI is no longer in use.

While the VPRAI is not being used, analysis has shown that, although the VPRAI recommends release for a larger number of individuals, because of pre-existing State and other procedural limitations, very few of the low risk classified individuals are being released within three days. Some low-level ranked individuals were held longer than more serious felony charged individuals who make bail. It should be determined by further study of the PSA if it is also subject to this limitation. This policy needs examination and revision at some level if it is also hampering the PSA's ability to funnel persons to pretrial supervision.

Initial steps for expanding pretrial release: The Alameda County courts are currently using the PSA to assess persons for pretrial release to the community. Comprehensive case level data on the PSA's use and long-term performance is currently limited. It is highly recommended that further study of the PSA be done to determine if its use can be expanded and/or improved upon. Further, a review of policies that limited the use of expedited pretrial release due to Penal Code Section 1319 and 1319.5 should be completed. This review should include a study of the complexity of these cases, including seriousness and number of charges, criminal history, previous FTAs and risk to the victim.

35. Expand the Existing Co-occurring Disorders Court

In 2022 the Alameda County Superior Court judiciary explored the possibility of expanding the COD disorders court and after several collaborative meetings, they issued the RAJ team a synopsis of their proposal for expanding this particular court. The basis for their proposal centered around the fact that frequently an individual's substance use issues are too severe for BHC, and conversely, a candidate's mental



health needs are too extreme for Drug Court. A COD disorders court could address this population of people who fall between the cracks in our collaborative courts.

The target population could be anyone in the justice system that meets clinical criteria. Typical clients would have moderate to severe substance use and mental health conditions, history of criminal justice involvement, history of homelessness, a need to link to SSI benefits, need assistance establishing/reconnecting with medical provider, require psychiatric medication services, have impaired family relationships, have difficulty managing affairs independently, and face a higher risk of recidivism without intervention.

To treat this population more effectively, this court would benefit from county-funded expansion of integrated co-occurring treatment and housing opportunities. Integrated addiction and mental health treatment are more effective than sequential or concurrent treatments. As such, county leadership should explore:

- ♦ the possibility of dedicated placement beds in a co-occurring treatment facility, or at least priority placement consideration for the incarcerated population; and
- ♦ explore partnering with recover residences that already have a SUD focus. The Mental health treatment Team could provide mental health case management support on-site to promote a successful stay for this population.

With this funding, the court could contract with a service provider to offer a jobs program to participants that have stabilized in the program. The judiciary in Alameda County has suggested that many participants in that court would be more successful in a COD, allowing BHC to focus on participants with SMI, but mild or no substance use disorder issues. The COD court would be coordinated by the Office of Collaborative Court Service. This office currently coordinates seven treatment courts. This would give the COD Court access to faster release from custody, evidence-based screening and assessment tools, direct treatment placement through the court's portal, drug testing, independent program evaluations, the collaborative courts data tracking systems, SUD expertise, access to grant funding opportunities, cash incentives for participants, transportation for participants, and excellent partnerships with Judges and stakeholders.

With funding, it may be possible to modify an existing collaborative court into an effective COD Court. Depending on the volume of referrals and the availability of funding, an entirely new court might be an option.

36. Transform the Existing Re-entry & PRCS Court into a Co-occurring Disorders Court

Consideration should also be given to converting the existing Re-entry and PRCS into a COD Court given that oftentimes these individuals meet the eligibility criteria for consideration, i.e., moderate to severe substance use and mental health conditions, history of criminal justice involvement, history of homelessness, a need to link to SSI benefits, a need for assistance establishing/reconnecting with a medical



provider, require psychiatric medication services, have impaired family relationships, have difficulty managing affairs independently, and face a higher risk of recidivism without intervention.

37. Create or Expand Existing Diversion Courts

In an effort to provide alternatives to incarceration to individuals undergoing the court process, consideration should be given not only to expanding the COD court, but to expanding existing collaborative or specialty courts focused on diversion and/or alternatives. Furthermore, consideration should also be given to the creation of new courts, to include:

- Primary Caretaker Diversion
- Restorative Justice Diversion
- Homeless Court
- Re-Entry Court for Juveniles and Adults
- Truancy Court
- Commercial Sexual Exploitation of Children Court

38. Support the District Attorney's efforts to promote the fair, impartial and expeditious pursuit of justice by ensuring that case dispositions are appropriate for the offense and equitable, and whenever possible, address the root causes of harm, including but not limited to expanded diversion opportunities and sentencing reforms aimed at reducing racial bias.

Since the elected District Attorney was sworn into office in 2023, she has initiated, supported and/or expressed her support for a variety of existing or new reforms to address unlawful conduct, enhance victim services and address the root causes of adult and juvenile justice involvement. As related to reforms designed to directly address root causes of harmful behavior and prevent crime, these reforms include, but are not limited to, the following: (1) expansion and/or creation of collaborative courts and social service interventions for those coming in contact with the criminal justice system, particularly those suffering from mental illness; (2) establishment of age-appropriate programs to address violations by youth between the ages of 18 and 25; (3) greater support for investments in public health strategies; (4) evaluation and implementation of effective re-entry programs for returning community members; (5) removal of barriers to employment and education; and (6) the creation of institutional support for family reunification, access to housing, job training and opportunities, healthcare and legal services. Implementation of these reforms, coupled with the District Attorney's work to build consistency and standardization into case disposition, is further designed to reduce racial bias and inequality, and increase accountability in the administration of justice in Alameda County.



Some strategies have already been implemented and/or are in process, and many are in the process of analysis, formulation, and/or negotiation with the various justice partners, to include the judiciary, Public Defender's Office, ACPD and others. These reforms are rooted in evidenced-based practice and support the objectives of RAJ and overall County's strategy to providing the justice-involved population for opportunities to thrive within our communities through alternatives to incarceration and support for the families and the community.

39. Explore Funding Opportunities to Support Alternatives to Incarceration & Pretrial

Funding options through the Judicial Council of California's Collaborative Justice Program should be explored given that they are a key partner in the administration of many statewide grant initiatives to support this effort. Information regarding collaborative justice programs and grants can be obtained by contacting the Judicial Council at email address below. Additionally, CalAIM funding opportunities related to enhanced care management, housing and community supports, and AB 109 resources should also be explored.

Collaborative.Justice@jud.ca.gov

As a part of this process, the justice partners group (led by the Presiding Judge of the Superior Court and includes the District Attorney, Public Defender, ACSO, and ACPD) should review the District Attorney and Public Defender's recommendations for procedural changes and diversion expansion opportunities, and prioritize implementation based upon a consensus from the impacted partners.

40. Assess the Existing Inmate Population to Determine Options for Diversion

Assuming there were no limits on the types of programs or number of treatment slots available in the community, an assessment should be conducted to determine what portion of individuals incarcerated at the Santa Rita Jail could be diverted. After assessing the level of care and treatment slots needed by justice-involved individuals who are appropriate for diversion, determine how this aligns with current community-based capacity. This assessment should then be conducted on an ongoing basis.

By conducting this assessment, two objectives can be accomplished:

- gaps in community programs can be determined; and
- future needs can be more accurately predicted and filled by leveraging community resources, and state and federal funding sources.



Marshal's Contract to House Federal Inmates at the Santa Rita Jail

RAJ Elements

6

What is the actual cost impact to Alameda County of the contract to house federal inmates?

7

Should Alameda County's federal contract at Santa Rita Jail be terminated?

41. Explore the Reduction or Elimination of Federal Inmates Based upon the Population Analysis

On December 28, 2021, approximately 381 offenders were housed in the Santa Rita Jail under federal jurisdiction by custody of the U.S. Marshals. These individuals are held on violations and spend 129 days in custody on average. Housing federal inmates is often not a requirement of county jails and eliminating the agreement to house the individuals long-term could have the potential to save around 300 beds in the Santa Rita Jail. More investigation would be needed to examine the underlying County and State criminal charges the individuals may have to firmly estimate the bed space impact. Furthermore, many of these inmates require specialized housing in restricted areas (30% on March 23, 2023) or in maximum security bedspace in the general population (14%).

Initial steps for reduction of federal inmates: Convene stakeholders to consider changes in the policy concerning the housing of federal inmates.

42. Explore a Modification to the Sheriff's Jail Management System, ATIMS

Given the significance of data and its potential impact on revenue, it is suggested that ATIMS be modified to include additional fields and automated reports to capture critical data. These modifications would allow the ACSO to track data to help inform the risk and benefits associated with the U.S. Marshal's contract. The items that should be tracked include, but are not limited to:

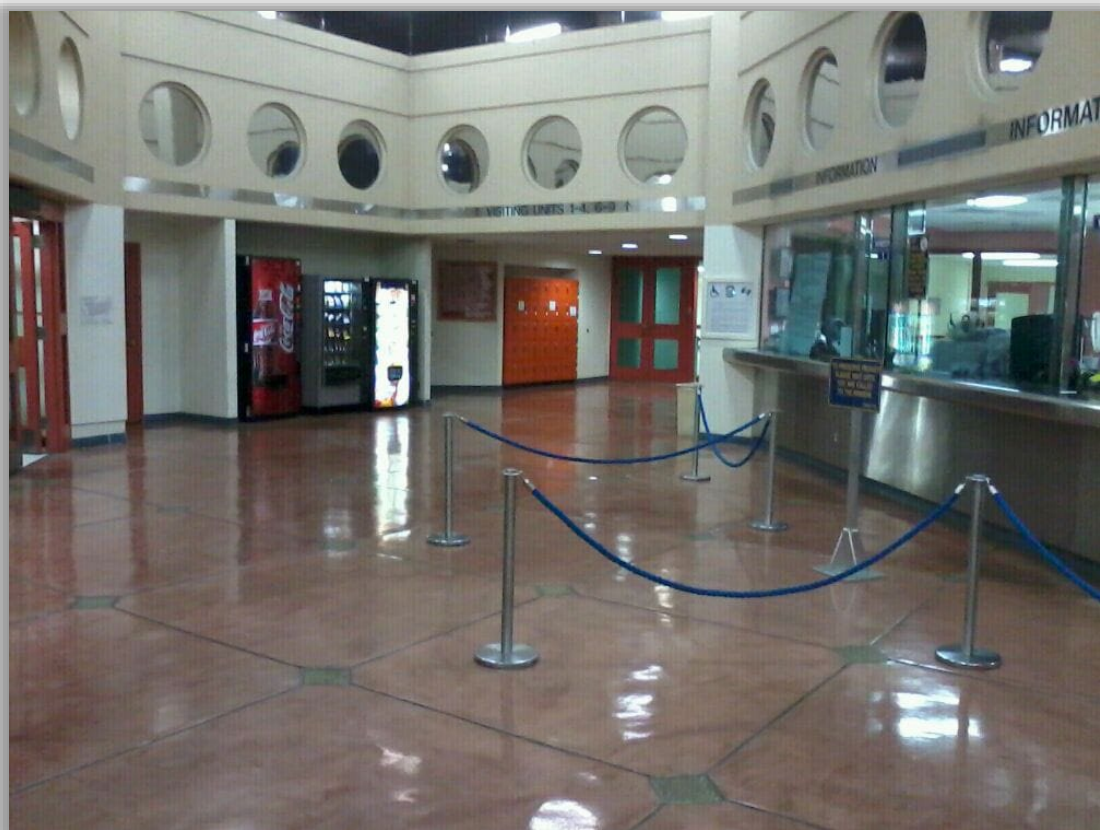
- federal medical guarding days and associated hours
- U.S. court transports and associated hours
- hours associated with the observation of the vulnerable population (*tracked in manual logs only*)
- observation hours involving federal inmates on suicide watch (*tracked in manual logs*)



- type and number of incidents involving federal inmates
- staff injuries and workman's compensation costs as a result of incidents involving federal inmates
- litigation costs associated with incidents involving federal inmates, to include county counsel, external counsel, open federal cases, litigation settlement costs, etc.

43. Mandate an Annual Analysis of the Existing U.S. Marshal's Contract to Determine the Cost and Risk to Alameda County

It is recommended that under the leadership of the CAO, a comprehensive analysis be conducted to determine if the cost and risks associated with maintaining the existing contract is in the best interest of Alameda County and the justice-involved population. It is further recommended that so long as the contract remains, the CAO should conduct a similar cost-benefit analysis on an annual basis for the BOS.



Santa Rita Jail Population Analysis

RAJ Elements

- 1 *How does the new model address and achieve reductions of racial disparities in the Alameda County justice system?*
- 2 *What are the arrest rates in each police jurisdiction in Alameda County?*
- 8 *What opportunities exist to reduce the Alameda County's Jail populations and costs?*
- 9 *What information does the existing jail population analysis provide to assist in this RAJ effort?*
- 10 *Can investments in RAJ efforts mitigate or eliminate the need to increase jail staffing and jail capital expenditures? How does the current jail litigation impact the alternatives?*
- 11 *What jail data is currently available that can assist in this project's analysis of alternatives and existing populations. An analysis of the jail data should be conducted to determine its sufficiency.*

These recommendations should be seen as a first step in putting policies and procedures in place to use jail bedspace more responsibly in Alameda County. These recommendations would each need further analysis, pilot testing, and planning before being put into practice.

44. Implement a Jail Population Review Team (JPRT)

As shown in the population analysis portion of this report, large contributors to the current jail ADP are people sentenced to state prison, released to probation, federal inmates and, those released on their own recognizance. The jail stay of these groups is heavily dependent on court decisions that cannot be modified by the Sheriff. For a substantial decline in the Santa Rita Jail population to occur there must be actions taken that would effectively reduce the length of stay for these release groups.

Increasing the efficiency of case management is a difficult and complicated task. A good start to the process, and one that benefits other facets of the jail, is the creation of a jail population review team (JPRT), the purpose of which is to regularly review the jail population to find persons who meet certain criteria that suggest they should not be further incarcerated. Alameda County currently does not have a JPRT or an associated jail population manager.

The primary recommendation of this report is for Alameda County to implement a JPRT. This group would consist of the following members:

1. Sheriff's Office Representative;



2. District Attorney Representative;
3. Superior Court Judge;
4. Public Defender Representative;
5. Department of Probation Representative;
6. Behavioral Health Services Representative; and
7. Pretrial Services Representative.

The JPRT would establish the criteria for examining individuals and would allow panel members to be empowered to provide recommendations regarding such matters as bail amounts, pretrial release recommendations, and plea agreements.

One often targeted group in these situations are individuals who are highly likely to receive a prison sentence but have had their final court disposition delayed due to a variety of court continuances. To identify these people the following selection criteria is recommended:

1. Person's legal status is pretrial and;
2. Person has been incarcerated for more than 180-365 days.
3. Person needing complex behavioral health referrals and treatment.

The task of the JPRT would be to review these cases to see if a suitable plea agreement can be reached between the DA and defense counsel. Expediting the plea agreement would pose no risk to public safety as these people will continue to be incarcerated in state prison once convicted.

A second targeted group for the JPRT would be pretrial detainees who have been incarcerated for over 30 days. This group is less likely to receive a prison sentence and may have more complex cases, warrants and violation. They are also possible candidates for supervised pretrial release. The task of the JPRT would be to determine which of these people could be released on their own recognizance or to pretrial supervision or have their plea agreements expedited.

Initial steps for convening a JPRT: Conducting a “stress test” for the jail system is an excellent way to initiate conversation among stakeholders on the issues surrounding delays in case processing. The purpose of a stress test is to conduct a case-based review of a representative sample of people who have been recently released from the jail, who, under jail population reduction measures, would not be incarcerated in the future or could serve less time in jail if the plan is implemented. In other words, it is testing whether jail population reductions measures will have the desired impact on the jail population if successfully implemented. But it will also point out other options the jail should consider in its jail reduction plan.

The methodology of the stress test involves analyzing two data files (the past 12 months of jail releases and a snapshot of the current jail population) and identifying



people who have been targeted by the jail system to either 1) be diverted from the jail and/or 2) have their LOS reduced.

Typically, about 30-40 cases are selected in advance. The stress test is administered by an outside, independent (i.e., unbiased) consultant. The sample selection is done in close coordination with the site. For each case sampled, the jail will need to create a packet of information to be reviewed by the participants. That packet should include each case's arrest description, criminal history, any risk assessment, and other relevant factors that the criminal justice system will consider in diverting the person from the jail or reducing the LOS.

In the room should be a representative from the Sheriff's Office, a District Attorney representative, a Superior Court Judge, a Public Defender, a Probation Department representative, a Behavioral Health Services representative, and a Pretrial Services representative. In short, the stress test serves as a practice JPRT. There should be a single person who presents the "case" to the group who then determine whether this person can 1) be diverted from the jail or 2) have their length of stay reduced by releasing the person to the community (and perhaps a program) or expediting the processing of the case. This process should take about 3-4 hours.

45. Increase the Efficiency of Case Processing

Increasing efficiency and expediting case processing is an area Alameda County should invest in. It is well recognized that delays in the time it takes to dispose of criminal charges pose a major problem in the U.S. criminal courts, particularly following the COVID-19 pandemic. The National Center for State Courts has concluded that one of the major reasons for excessive court delay is the excessive use of requests for continuances – especially for those people detained in pretrial status.⁹³

Building off knowledge gained from the JPRT, Alameda County should develop a formal policy on the issuance of continuances in terms of how they should be submitted to the court, reasons for the continuance and the length of the continuances. There are also resource related issues that impact the use of continuances. Reasons for repeated continuance should be examined and new alternatives, funding, or programs initiated to alleviate the delays. Such delays in other jurisdictions typically revolved around insufficient resources allocated for the defense, delays in assigning counsel, adequate time to review the case, and the associated evidence, or discovery of a conflict whereby new counsel needs to be located and assigned. In addition, the resolution of supervision violations often delays case processing.

Specifically for Alameda, efforts should be made to streamline the probation violation process. To accomplish this objective, actual case-level probation violation data should be pulled to determine if and how the probation violation process can be streamlined. As shown earlier in this report, persons exiting the Santa Rita Jail with a probation status averaged over 100 more days in jail (in 2021) than those without a

⁹³ [Delivering-Timely-Justice-in-Criminal-Cases-A-National-Picture](#)



probation status.

Initial steps for increasing the efficiency of case processing: Like the creation of a JPRT, holding a stress test for the jail system is the ideal environment for introducing and discussing with pertinent stakeholders the policies and ideas that could reform case processing. In addition to diverting offenders from jail, the focus of a case processing centered stress test is to identify longer portions of a case disposition's history to discuss how these can be improved.

46. Increase Data Management and Production of Standardized Reports

The Santa Rita Jail has a large amount of data at its disposal. The data extract files provided for analysis in this study were of an excellent standard. The scope of variables available were broad and the counts and statistics accurately reflected the Santa Rita Jail population. Further, a data warehouse office has already been established and staffed. Expanding use of the data warehouse and empowering it with the ability to generate standardized reports that protect inmate privacy but promulgate essential data to stakeholders would be an easy reform to implement.

While these data were certainly not complete, the large amount of information available, if organized and merged properly, could be used by staff and, most importantly, a JPRT to make informed decisions concerning jail operation. A data-informed approach will be essential for:

1. The development of performance measures. This is particularly necessary in the case of the new Pretrial Program.
2. The determination of the impact of policy changes, programs, and other reforms on the number bookings and length of stay of these bookings in jail. As we have demonstrated in this briefing document, these are the key monitoring factors for jail reduction strategies. The Santa Rita Jail currently does not have any way of tracking these statistics let alone disaggregating them into the various groups impacted by reforms.
3. The analysis of data to identify jail trends is a necessity for understanding how a jail works. Planning for future needs cannot happen effectively without first understanding a jail system as it is.
4. Information sharing with other agencies and medical and behavioral health organizations has recently improved in Alameda County as a data sharing agreement has been created between stakeholders. Timely information sharing improves outcomes and saves resources. Information sharing efforts can be interfered with by the misunderstanding of patient privacy regulations. Laws such as HIPAA are often misinterpreted, leading administrators to take overly conservative approaches with respect to protected information. Medical and behavioral health information is essential for planning programming needs both during jail stays and post-release. A further benefit of the creation of a JPRT is that its compilation of diverse stakeholders will enable trust by identifying common informational needs and allowing consensus in the proper way to share



essential data.

Specific recommendations for improvement to the jail data are as follows:

1. Increase the usage of the current data warehouse to include standardized report production.
2. Link jail data to the Pretrial Program data.
3. Establish standardized outcomes in the data for the Pretrial Program.
4. Link jail data to medical and behavioral health data, being mindful to protect patient privacy.
5. Add jail classification and security information to the data.
6. Add a standardized legal status to the jail data.
7. Standardize the way release mechanisms are identified in the jail data.
8. Establish daily, weekly, and monthly standardized reports to be used by staff, stakeholders, and a JPRT. Specifically, create a monthly jail release report (to include number of releases, LOS, method of release).
9. Develop a link between all active criminal cases to persons in custody.
10. Develop a court continuance data file and report (to include requested by whom, reason date, length approved).

Initial steps for increasing data management: The initiation of a monthly convening of all relevant agency's data staff focusing on data exchange, source management, validity, completeness of all data items, and potential security issues as they arise.

47. Begin Assessing Behavioral Health Needs at Intake and Explore Alternative Options

In terms of behavioral health, jail staff need to understand which bookings to focus on and what will address a person's needs. Developing a standardized assessment to coordinate with the classification/intake system will service both staff and the jail population. Currently, all individuals entering the jail are screened by the County's Behavioral Care Services and are assign to a level of care (1 through 4). Current estimates show the jail population at each level provided on the following page:

Assigned Level of Care	Number	Percent
Level 1	328	22%
Level 2	348	24%
Level 3	163	11%
Level 4	573	41%

**Data provided for 4/17/2023*

While overall numbers were available as described in the table above, at the time of the writing of this report, more detailed individual case level data was not provided. It



was reported that a data sharing agreement was signed between stakeholders so that the process of assessing the jail population's behavioral and medical health needs could begin. However, the case level health data provided for this report (despite the signing of the data sharing agreement and County attorney's approval of mitigation measures) had all charge data removed by county staff after the health data was merged with ACSO jail data. As a result, further analysis could not be conducted.

Information sharing efforts are still being hampered by overly conservative approaches with respect to protected information. Medical and behavioral health information is essential for determining potential diversion placements and planning programming needs both during jail stays and post-release.

Initial steps for exploring alternative options: Similar to creation of a Jail Population Reduction Team, holding a stress test for the jail system is the ideal environment for introducing and discussing with pertinent stakeholders the policies and ideas that could lead to changes in the current systems way of assessing behavioral health needs. This type of exercise could generate further trust and allow health data to be shared and utilized on an ongoing basis for improvement of the criminal justice system for all participants.

48. ACBHCS Should Have a Larger Role in the Substance Use Assessment of Inmates to Determine the Appropriate Community Level of Care to Connect Clients to ACBHCS Substance Use Treatment

ACBHCS's Adult Forensic Behavioral Health conducts a brief initial assessment (BUA) for every individual who is booked into Santa Rita Jail. The purpose of the BIA is to:

- Identify suicide/self-harm risk;
- Make a clinical determination regarding the individual's level of care (our range of X-4 is equivalent of no services needed/wanted-sever mental illness); and
- Make a clinical determination if the individual requires placement in a Therapeutic Housing Unit, which is based on their level of care.

ACBHCS also screens for substance use, but Wellpath conducts a more comprehensive assessment for substance use, withdrawal, and need for MAT at intake. With new CalAIM mandates, ACBHCS should play a larger role in substance use assessments to determine the appropriate community level of care required and to connect clients to ACBHCS substance use treatment.

49. Explore the Establishment of Cite and Release Centers

A total of just over 14,000 or 58% of all cases released from the Santa Rita Jail in 2021 served under 48 hours with an average length of 13 days. The majority of the cases had only 1 charge for a misdemeanor crime, served just over 11 hours in jail



before being released with a citation or on bond.⁹⁴ The half day length of stay results in a disruption of lives including job loss, childcare disruptions, and other familial disruptions. More investigation is needed to explore other alternatives including citations made by arresting police or a citation center rather than the jail. Eliminating these offenders from being brought to the jail and housed would reduce the workload of admitting /releasing jail staff by over 55%. Other jurisdictions have implemented similar centers and/or triage centers throughout the nation.

50. Establish a Community-Based Rehabilitation Program (CBRP)

To target services with accuracy within specific communities, it is recommended that a deeper analysis of the inmate population over an extended period of time be explored, and a community specific rehabilitation strategy to promote services developed. The strategy should be developed in collaboration with those most likely to be impacted, to include inmates, their families and the communities intended to be the recipients of these services. By incorporating this level of inclusiveness into this strategy, Alameda County will be in a better position to not only determine the most appropriate services by community, but the residents will feel empowered and likely be the best advocates for promoting the DBRP within their own communities. It is also recommended that a marketing component be developed to make inmates and community residents aware of opportunities for services provided through the use of community-based organizations and local resources. Through this bottom-up approach to delivering services, Alameda County will be better positioned to provide more inclusive, realistic and sustainable services to the individuals who need it the most.

Additional Opportunities for Bedspace Reduction

The following represent areas for opportunities to reduce the ADP within the jail and reduce prolonged involvement of individuals with the justice system. These areas require additional research, data collection and pilot testing before implementing.

Probation Revocation LOS: Probation revocations moving through the Santa Rita Jail are currently serving 127 days, almost four times the overall LOS for all jail releases of 32 days. It is unclear why these individuals are serving longer than the average, and most cases are committed directly by the Alameda County Sheriff's Office.

Table 30 on the following page shows that the majority of these cases are returned for either primary or a new violent felony or felony property crime. The cases serving the longest time when returned are eventually transferred to state prison on a conviction after serving over one year in the Santa Rita Jail.

A more in-depth study is needed to determine: (1) if any of the cases not transferred to state prison can be diverted or re-released on supervision in a more timely manner and (2) if expediting case processing for these cases would shorten the LOS in jail. The

⁹⁴ *Alameda County Santa Rita Jail Analysis*, July 2023, Researcher Wendy Ware, Consultant



“stress test”, mentioned in the recommendation section of this report, would provide such an examination.

Based on estimates with the data currently available, shortening the LOS an average of 30 days for probation revocations would save an additional 300 beds.

Table 30. Releases from Santa Rita Jail 2021 with a Probation Status

Attribute	Number	Percent	Average Length of Stay (days)
Total	3,837	100.0%	127
Felony	3,564	92.9%	137
Violent	1,913	49.9%	202
Drug	181	4.7%	52
Property	1,183	30.8%	56
Parole/probation violation	42	1.1%	15
Other non-violent felony	245	6.4%	84
Misdemeanor	248	6.5%	11
Other	25	0.7%	65
Number of Charges			
One	295	7.7%	50
Two	406	10.6%	80
Three or more	3,136	81.7%	140
Arresting Agency			
Alameda County Sheriff's Office	1,584	41.3%	108
Oakland PD	775	20.2%	212
Berkely PD	258	6.7%	95
Hayward PD	188	4.9%	192
San Leandro PD	142	3.7%	114
Fremont PD	129	3.4%	146
BART	118	3.1%	87
Livermore PD	83	2.2%	71
Alameda PD	81	2.1%	76
Other	479	12.5%	71
Release Reason			
Gross time served	684	17.8%	117
Own recognizance	652	17.0%	85
Probation (formal)	555	14.5%	83
Bail/bond	366	9.5%	20
Picked up out of agency	364	9.5%	141
State prison term prescribed	261	6.8%	732
Citation in jail after booking	251	6.5%	33
Temporary emergency citation	195	5.1%	3
Release probation terminated	124	3.2%	22



Table 30. Releases from Santa Rita Jail 2021 with a Probation Status

Attribute	Number	Percent	Average Length of Stay (days)
Total	3,837	100.0%	127
Other	385	10.0%	115

Expediting Case Processing: Reducing overall LOS within the Santa Rita Jail is the single most effective way to reduce the jail population. Shortening the LOS in jail by 10 days overall would reduce the jail population by almost 700 beds. That kind of reduction across the board is not feasible and a more targeted approach to reduce case processing times is a more realistic option. The table below shows the LOS for offenders, not mentioned in the previous opportunities are those eventually transferred to state prison, those serving gross time served, those picked up out of agency and those released on probation (mostly not a revocation). Reducing the LOS by only 2-3 weeks for those four categories would save 325 beds. Further reduction, solely in offenders transferred to state prison, could save an additional 100-150 beds. Targeted approach to expediting case processing takes a coordinated effort and cooperation by all parties (judges, prosecutors and client attorneys) to reduce continuances and case dispositions delays. The “stress test”, discussed earlier in this report, is an effective exercise in establishing where delays are occurring and how to target reductions. The implementation of a jail population reduction team can also assist in monitoring case processing times for individuals housed in jail.

Table 31. Releases from Santa Rita Jail

Release Category	2021			
	N	Average LOS (days)	Percent of Releases	Calculated ADP
Total	24,579	31.8	100.0%	2,144
State prison term prescribed	295	684.1	1.2%	553
Gross time served	1,305	95.9	5.3%	343
Picked up out of agency	1,364	90.1	5.5%	336
Reason uncoded	912	101.9	3.7%	254
Own recognizance	2,138	40.6	8.7%	238
Probation (formal)	1,282	63.6	5.2%	223
Bail/bond	3,638	5.6	14.8%	56
Dismissed	205	79.3	0.8%	45
No complaint	1,931	5.3	7.9%	28
Release probation terminated	180	36.1	0.7%	18
Ordered released	53	104.3	0.2%	15
Citation in jail after booking	7,699	0.7	31.3%	15



Table 31. Releases from Santa Rita Jail

Release Category	2021			
	N	Average LOS (days)	Percent of Releases	Calculated ADP
Total	24,579	31.8	100.0%	2,144
Temporary emergency citation	2,408	1.4	9.8%	9
Early Release	23	110.1	0.1%	7
Other	29	17.3	0.1%	1
Temporary emergency bail	484	1.0	2.0%	1
Pretrial probation OR	441	0.9	1.8%	1
Event booked in error	172	1.2	0.7%	1
Police officer release	19	0.5	0.1%	0
Part time served	1	3.9	0.0%	0



Santa Rita Jail Programming & Re-Entry Planning

RAJ Element

12

What are the outcomes of the programs in the jail? Can additional investments in jail programming and re-entry result in decreased costs?

51. Support the Sheriff's Priority and Plan Related to Re-Entry & Rehabilitation

Sheriff Sanchez' strategic plan includes a focus on re-entry and rehabilitation. Within this overarching goal, there are 10 subordinate objectives and 51 specific actionable tasks, to include an evaluation of the existing programs and re-entry services at the Santa Rita Jail. The 10 objectives focus on:

- Establishing an integrated re-entry system
- Creating an internal re-entry task force to manage the re-entry system
- Treating individuals in custody with dignity and respect
- Creating a reception/intake unit
- Maintaining and developing policies to initiate re-entry planning at intake
- Creating an in-custody veteran's program
- Evaluating existing and potential funding for re-entry services
- Creating pathways to housing
- Providing opportunities to acquire skills and knowledge, to include education and job training

Given the alignment of these tasks with the overall objectives of the RAJ initiative, it is recommended that the County support the ACSO's goals related to re-entry and rehabilitation.

52. Conduct an Initial and Ongoing Evaluation of Programs and Re-Entry Services to Measure Outcomes

To ensure the ACSO's programs and re-entry services are improving outcomes and to identify gaps in services, an initial evaluation should be conducted by an external entity with expertise in evidence-based practices and programming – similar to the 2011/12 evaluation conducted by HTA. Furthermore, to continue identifying gaps based upon the changing needs of the population and demographics, periodic evaluations should continue to be conducted into perpetuity.



53. Create a Dedicated Research Unit

To ensure the Sheriff's systems, practices and programs are informed by high-quality data and the latest knowledge in the field of evidence-based practices and effective rehabilitative programs, the ACSO should dedicate and/or establish a research unit to collect data and analyze and evaluate the ACSO's programs, services, inmate population, and processes. Through this unit, the ACSO will be better positioned to ensure its programs and practices are informed by data and strategies moving forward are implemented with fidelity.



Afternoon skyline aerial view of the urban core of downtown Oakland



Alameda County Board of Supervisors



David Haubert
Vice President
District 1



Elisa Márquez
District 2



Lena Tam
District 3



Nate Miley
President
District 4



Keith Carson
District 5



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Acknowledgements

County Administrator's Office

County of Alameda - CA



CALIFORNIA
HEALTH
POLICY
STRATEGIES, LLC.



I would like to take this opportunity to extend a special acknowledgement to the many partners who contributed to the success of Phase 1 of the RAJ initiative. I would like to especially express my gratitude to Supervisor Elisa Márquez, District 2, Christopher Miley, Chief of Staff and District 2 staff for their unwavering support and commitment to the RAJ initiative. It is an honor to have worked with each and every one of you in furthering the County's overarching mission to enrich the lives of Alameda County residents through visionary policies and accessible, responsive, and effective services.

Public Protection, Justice & Health Collaborative Executive Body

Yesenia Sanchez	Sheriff-Coroner	Alameda County Sheriff's Office
Marcus Dawal	Chief Probation Officer	Alameda County Probation Department
Dr. Kathleen Clanon	Medical Director	Alameda County Health Care Services Agency
Dr. Karyn Tribble	Director	Alameda County Behavioral Health Care Services
Andrea Ford	Agency Director	Alameda County Social Services Agency
Matthew Woodruff	Chief Executive Officer	Alameda Alliance for Health
Scott Coffin	Former Chief Executive Officer (Designee)	Alameda Alliance for Health



Alameda County Administrator's Office

Susan Muranishi	County Administrator	Lucretia Akiril	Director of Risk Management
Melanie Atendido	Principal Analyst		

Alameda County Auditor-Controller

Melissa Wilk	Clerk-Recorder	Craig Boyer	Assistant Controller
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Alameda County Behavioral Health Care Services

Juan Taizan	Forensic, Diversion & Re-Entry Services Director	Kinzi Richhold	Chief Nursing Officer
Chet Meinzer-Valentino	Division Director	Cristi Lannuzzi	C&C Advisors
Jessica Barragan	Administrative Assistant	Alicia Chavez-Penner	C&C Advisors
Christine Gerchow	Division Director	Carla Justice	Public Consulting Group
Dainty Castro	Administrative Specialist II	Asia Jenkins	Secretary II

Alameda County Counsel's Office

Donna Ziegler	County Counsel	Raymond Leung	Deputy County Counsel
Andrea Weddle	Chief Assistant County Counsel		



Alameda County District Attorney's Office

Pamela Price	District Attorney	Justin Collar	Director of Strategic Initiatives
Christina Chandler	Senior Assistant District Attorney	L.D. Louis	Former Assistant District Attorney
Tara Anderson	Assistant Chief of Admin. & Operations		

Alameda County Health Care Services Agency

Nancy Hallaron	Deputy Director	Morgan Brannon	Administrative Assistant
Aneeka Chaudry	Deputy Director	Sara Garmisa	Senior Management Analyst
Linda Chaboud-Beardsley	Executive Program Coordinator		

Alameda County Information Technology Department

Tim Dupuis	Chief Information Officer	Karl Ruddy	Application Systems Engineer III
Sybil Gurney	Assistant Chief Information Officer	Joseph Prabahar	Application Systems Engineer III
Manu Shukla	Technical Services Director	Arnel Abalos	Senior Infrastructure Services Analyst
Daphne Roberts	Technical Services Director	Ramana Athi	Application Systems Engineer III
Mike Dobbins	Technical Services Director		



Alameda County Probation Department

Brian Ford	Assistant Chief	Janine Grisbey	Re-Entry Services Coordinator
Adrienne Chambers	Deputy Chief Probation Officer	Robert Walton	Probation Specialist
Shauna Conner	Deputy Chief Probation Officer	Gina Temporal	Contracts Manager
Binh Cao	Finance Director	Jessica Fort	Former Superintendent
Tyler Zatcoff	Re-Entry Services Coordinator	Laura Chavez	Former Chief of Research
Corrine Lee	Re-Entry Services Coordinator		

Alameda County Public Defender's Office

Brendon Woods	Public Defender	Youseef Elias	Assistant Public Defender
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Alameda County Sheriff's Office

Richard Lucia	Undersheriff (Retired)	Joe Charles	Lieutenant
Justin Miguel	Captain	Michael Buckhout	Lieutenant
April Luckett-Fahimi	Captain	Daniel Murphy	Sergeant
Oscar Perez	Captain	Jon Rudolf	Deputy
Anthony De Sousa	Captain	Kelly Glossup	Youth & Family Services Manager



Alameda County Social Services Agency

Anissa Basoco-Villarreal	Assistant Agency Director	Michelle Love **	Assistant Agency Director
Antionette Burns	State Divisional Operations Services Manager	Gloria Carroll **	Former Division Director
Marilyn Balderas **	Program Manager	Alisa Loveman	Supervising Program Specialist
Jeannette Perez	Supervising Program Specialist	Juan Ventanilla	Program Specialist
Tammy Lue	Program Specialist	Selia Johnson **	Program Specialist

** Children & Family Services Department

Alameda County Superior Court

Charles Smiley	Presiding Judge	Morris Jacobson	Judge
James Cramer	Judge	Gavin O'Neill	Principal Analyst
Greg Syren	Judge	Cory Jacobs	Principal Analyst

Alameda Alliance for Health

Kerry Landry	Health Care Consultant	Jeanette Murray	Executive Assistant
Tiffany Cheang	Chief Analytics Officer		

Consultants

Wendy Ware	Consultant & President JFA Institute	Darren Xanthos	Consultant, CalHPS
David Panush	President, CalHPS	Sarah Arnquist	SJA Health Solutions
Margarita Perez	Consultant RAJ Initiative		



External Partners			
Michael Durbin	Health Services Administrator Wellpath	Professor Michele Deith, Juris Doctorate	University of Texas at Austin, Law School
Luke Johnson	Assistant Health Service Administrator Wellpath	Director Cameron McElhiney	National Association for Civilian Oversight of Law Enforcement
Professor Sharon Fairley	Juris Doctorate, University of Chicago, Law School		

County, Local, State & Federal Partners
Public Protection Committee
Community Corrections Partnership Executive Committee
California Department of Health Care Services
California Department of Corrections & Rehabilitation - Division of Adult Parole Operations
Alameda County City Police Chiefs
Sonoma Independent Office of Law Enforcement Review & Outreach
Community Police Review Agency, Oakland
Faith in Action
League of Women Voters of Oakland
Community Advisory Board
Office of the Inspector General, Oakland
Los Angeles Civilian Oversight Commission
Los Angeles County Inspector General's Office
Bay Area Rapid Transit (BART) Police Citizen Review Board
BART Office of the Independent Police Auditor
City & County of Denver Citizen Oversight Board
City of San Diego, Commission on Police Practices
City & County of San Francisco, Department of Police Accountability
City & County of San Francisco, Police Commission



Appendix

CaAIM & PATH

Enhanced Care Management

Outreach and Engagement: MCPs are required to develop comprehensive outreach policies and procedures that can include, but are not limited to:

- Attempting to locate, contact, and engage Medi-Cal beneficiaries who have been identified as good candidates to receive ECM services promptly after assignment to the plan.
- Using multiple strategies for engagement, including in-person meetings, mail, email, texts, telephone, community, and street-level outreach, follow-up if presenting to another partner in the ECM network, or using claims data to contact other providers the beneficiary is known to use.
- Using an active and progressive approach for outreach and engagement until the beneficiary is engaged.
- Documenting outreach and engagement attempts and modalities.
- Using educational materials and scripts developed for outreach and engagement.
- Sharing information between the MCP and ECM providers to assess beneficiaries for other programs if they cannot be reached or decline ECM.
- Providing culturally and linguistically appropriate communications and information to engage members.

Comprehensive Assessment and Care Management Plan: MCPs must conduct a comprehensive assessment and develop a comprehensive, individualized, person-centered care plan with beneficiaries, family members, other support persons, and clinical input. The plan must incorporate identified needs and strategies to address those needs, such as physical and developmental health care, mental health care, dementia care, SUD services, long-term services and supports (LTSS), oral health services, palliative care, necessary community-based and social services, and housing.

- **Enhanced Coordination of Care:** Enhanced coordination of care includes coordination of the services necessary to implement the care plan. This coordination could include the following:
 - ♦ Organizing patient care activities in the care management plan.
 - ♦ Sharing information with the care team and family members or support persons.
 - ♦ Maintaining regular contact with providers, including case conferences, ensuring continuous and integrated care with follow-up with primary care, physical and developmental health care, mental health care, SUD treatment,



CalAIM & PATH (continued)

LTSS, oral health care, palliative care, necessary community-based and social services, and housing.

- **Health Promotion:** MCPs must provide services to encourage and support lifestyle choices based on healthy behavior, such as identifying and building on successes and support networks, coaching, and strengthening skills to enable identification and access to resources to assist in managing or preventing chronic conditions, smoking cessation or other self-help recovery resources, and other evidence-based practices to help beneficiaries with the management of care.
- **Comprehensive Transitional Care:** MCPs must provide services to facilitate transitions from and among treatment facilities, including developing strategies to avoid admissions and readmissions, planning timely scheduling of follow-up appointments, arranging transportation for transitional care, and addressing understanding of rehabilitation and self-management activities and medication management.
- **Member and Family Supports:** MCPs must ensure the beneficiary and family, or support persons are knowledgeable about the beneficiary's conditions, including documentation and authorization for communications, providing a primary point of contact for the beneficiary and family or support persons, providing for appropriate education of the beneficiary and family or support persons, and ensuring the beneficiary has a copy of the care plan and how to request updates.
- **Coordination of and Referral to Community and Social Support Services:** MCPs must ensure any present or emerging social factors can be identified and properly addressed, including determining appropriate services to meet needs such as housing or other re-entry services and coordinating and referring beneficiaries to available community resources and following up to ensure services were provided.

Community Supports – Menu of CalAIM CS ⁹⁵

CalAIM's CS can include the following programs:

- **Housing Transition Navigation Services:** These services assist beneficiaries with obtaining housing. Examples include conducting a tenant screening and housing assessment that identifies the participant's preferences and barriers related to the successful tenancy; developing individualized housing support searching for housing and presenting options; assisting in securing housing, including the completion of housing applications and securing required documentation (e.g., Social Security card, birth certificate, prior rental history); assisting with benefits advocacy, including assistance with obtaining identification and documentation for SSI eligibility and supporting the SSI application process; identifying and securing available resources to assist with subsidizing rent (such as Section 8 or Section 202); identifying and securing resources to cover expenses, such as security
-

⁹⁵ [DHCS, Medi-Cal re-entry Policy Guide, January 2023](#)



CalAIM & PATH (continued)

deposit, moving costs, adaptive aids, environmental modifications, and other one-time expenses; and communicating and advocating on behalf of the client.

DHCS Non-binding Pricing Guidance Rate Range: \$324-\$449 per person per month

- **Housing Deposits:** These include services identifying, coordinating, securing, or funding one-time services and modifications necessary to enable a person to establish a basic household that does not constitute room and board. They include security deposits required to obtain a lease on an apartment or home; set-up fees/deposits for utilities or service access; first-month coverage of utilities, including but not limited to telephone, gas, electricity, heating, and water; or first month and last month's rent as required by the landlord for occupancy. Eligibility is extended to the same groups eligible for Transition Navigation Services.

DHCS Non-binding Pricing Guidance Rate Range: \$5,000 (once in a lifetime)

- **Housing Tenancy and Sustaining Services:** Tenancy and sustaining services are provided with the goal of maintaining safe and stable tenancy once housing is secured. Examples include early identification and intervention of behaviors that may jeopardize housing, such as late rental payment, hoarding, substance use, and other lease violations; education and training on the role, rights, and responsibilities of the tenant and landlord; coaching on developing and maintaining key relationships with landlords/property managers; assistance in resolving disputes with landlords and/or neighbors to reduce risk of eviction; and providing independent living and life skills including assistance with and training on budgeting, including financial literacy and connection to community resources.

DHCS Non-binding Pricing Guidance Rate Range: \$413-\$475 per person per month

- **Short-Term Post-Hospitalization/Correctional Facility Housing:** This service may provide *up to six months* of housing for recuperation for beneficiaries who are homeless and who have high medical or behavioral health needs. This provides the opportunity to continue their medical/psychiatric/SUD recovery immediately after exiting an inpatient hospital (either acute or psychiatric), substance abuse or mental health treatment facility, custody facility, or recuperative care. This service would generally be available once in an individual's lifetime.

DHCS Non-binding Pricing Guidance Rate Range: \$97-\$118 per day

- **Recuperative Care (Medical Respite):** This is short-term residential care for individuals who no longer require hospitalization but still need to heal from an injury or illness (including behavioral health conditions) and whose condition would be exacerbated by an unstable living environment. It allows individuals to continue their recovery and receive post-discharge treatment while obtaining access to primary care, behavioral health services, case management, and other supportive social services, such as transportation, food, and housing. Examples: interim housing with a bed and meals and ongoing monitoring of the individual's ongoing medical or behavioral health condition, e.g., monitoring of vital signs, assessments, wound



CalAIM & PATH (continued)

care, and medication monitoring. Also, limited or short-term assistance with activities of daily living, coordination of transportation to post-discharge appointments, connection to any other ongoing services an individual may require, including mental health and SUD services.

DHCS Non-binding Pricing Guidance Rate Range: \$181-\$226 per diem

- **Respite:** Includes services provided by the hour on an episodic basis or by the day or overnight on a short-term basis because of the absence of or need for relief for those persons normally providing the care to individuals.

DHCS Non-binding Pricing Guidance Rate Range: \$26-\$38 per hour

- **Day Habilitation Programs:** Includes programs designed to assist the participant in acquiring, retaining, and improving self-help, socialization, and adaptive skills necessary to reside successfully in the person's natural environment. Examples of training include the use of public transportation; personal skills development in conflict resolution; community participation; developing and maintaining interpersonal relationships; daily living skills, e.g., cooking, cleaning, shopping, and money management.

DHCS Non-binding Pricing Guidance Rate Range: \$46-\$67 per diem

- **Nursing Facility Transition/Diversion to Assisted Living Facilities, such as Residential Care Facilities for the Elderly (RCFE) and Adult Residential Facilities (ARF).** These services include the facilitation from nursing facility transition back into a home-like, community setting and/or prevent skilled nursing admissions for beneficiaries with an imminent need for nursing facility level of care.

DHCS Non-binding Pricing Guidance Rate Range: \$422-\$496 per diem

- **Nursing Facility Transition to a Home:** Assists individuals to live in the community and avoid further institutionalization. Examples include non-recurring set-up expenses for individuals who are transitioning from a licensed facility to a living arrangement in a private residence where the person is directly responsible for his or her own living expenses. Allowable expenses are those necessary to enable a person to establish a basic household that do not constitute room and board such as:
 - ♦ Assessing the participant's housing needs and presenting options;
 - ♦ Assisting in searching for and securing housing, including the completion of housing applications and securing required documentation, e.g., Social Security card, birth certificate, prior rental history;
 - ♦ Communicating with landlord if applicable and coordinating the move;
 - ♦ Identifying the need for and coordinating funding for services and modifications necessary to enable a person to establish a basic household that does not constitute room and board, such as:



CalAIM & PATH (continued)

- Security deposits required to obtain a lease on an apartment or home,
- Set-up fees for utilities or service access,
- First month coverage of utilities including telephone, electricity, heating and water,
- Services necessary for the individual's health and safety such as pest eradication and one-time cleaning prior to occupancy,
- Home modifications, such as an air conditioner or heater, and
- Other medically necessary services, such as hospital beds or Hoyer lifts to ensure access.

DHCS Non-binding Pricing Guidance Rate Range: \$422-\$496 per person per month

- **Personal Care (beyond In-Home Services and Supports) and Homemaker Services:** Includes assistance with Activities of Daily Living, such as bathing, dressing, toileting, ambulation or feeding. Personal Care Services can also include assistance with Instrumental Activities of Daily Living, such as meal preparation, grocery shopping and money management. Services provided through the In-Home Supportive Services (IHSS) program include housecleaning, meal preparation, laundry, grocery shopping, personal care services (such as bowel and bladder care, bathing, grooming and paramedical services), accompaniment to medical appointments and protective supervision for the mentally impaired. **Note:** these are services above and beyond any approved county IHSS hours when additional hours are required and if IHSS benefits are exhausted.

DHCS Non-binding Pricing Guidance Rate Range: \$29-\$38 per hour

- **Environmental Accessibility Adaptations (Home Modifications):** Consists of physical adaptations to a home that are necessary to ensure the health, welfare and safety of the individual, or enable the individual to function with greater independence in the home, without which the participant would require institutionalization. Examples include ramps and grab-bars to assist beneficiaries in accessing the home; doorway widening for beneficiaries who require a wheelchair; stair lifts; making a bathroom and shower wheelchair accessible, e.g., constructing a roll-in shower.

DHCS Non-binding Pricing Guidance Rate Range: \$7,500 lifetime cap

- **Meals/Medically Tailored Meals:** Consists of meals delivered to the home immediately following discharge from a hospital or nursing home when members are most vulnerable to readmission, as well as meals provided to the member at home that meet the unique dietary needs of those with chronic diseases.

DHCS Non-binding Pricing Guidance Rate Range: \$7-\$12 per delivered meal

- **Sobering Centers:** These centers are an important alternative to jail for individuals with SUD. Currently, individuals who are intoxicated in public can be charged with



CaAIM & PATH (continued)

“disturbing the peace” as a public nuisance. In many cases these individuals are booked into jail and released when sober. Sobering centers provide an alternative that bypasses the criminal justice system and allows for more effective engagement of participants into ongoing treatment. (See Santa Clara County’s Mission Street Center which reports that the county jail has experienced a 26% decrease in intoxication bookings as a result of the sobering center alternative.⁹⁶)

DHCS Non-binding Pricing Guidance Rate Range: \$154-\$186 per diem

⁹⁶ [*DHCS, Whole Person Care Promising Practices: A Roadmap for Enhanced Care Management and In Lieu of Services, December 2020.*](#)



Sheriff's Oversight

December 2021 "On the Spot" Community Survey Results			
	Districts 1 & 2	Districts 3 & 4	District 5
1. The Alameda County Board of Supervisors should establish a Sheriff's Oversight Board.			
Strongly Agree	89%	80%	97%
Agree	3%	7%	3%
Neutral	3%	3%	0%
Disagree	3%	4%	0%
Strongly Disagree	3%	7%	0%
2. If you have more information, would it change your position?			
Yes	5%	5%	5%
No	76%	76%	78%
Uncertain	18%	19%	17%
3. If established, what type of Sheriff's Oversight Board model should Alameda County adopt?			
Investigation	16%	19%	16%
Review	6%	10%	2%
Monitor	6%	7%	7%
Hybrid	72%	63%	75%
4. If a Sheriff's Oversight Body is established, should the Alameda County Board of Supervisors also establish an Office of the Inspector General?			
Strongly agree	65%	61%	75%
Agree	21%	17%	9%
Neutral	3%	12%	17%
Disagree	6%	3%	0%
Strongly disagree	6%	8%	0%
5. If you had more information, would it change your position?			
Yes	6%	13%	15%
No	69%	64%	49%
6. If established, the Sheriff's Oversight Board members should consist of civilian volunteers, rather than paid staff/professionals.			
Strongly agree	62%	55%	66%
Agree	18%	27%	17%
Neutral	13%	4%	10%
Disagree	3%	11%	7%
Strongly agree	5%	4%	0%
7. Should retired sworn personnel be eligible for membership on the Sheriff's Oversight Board?			
Strongly agree	8%	14%	2%
Agree	11%	5%	12%
Neutral	8%	8%	16%
Disagree	21%	18%	12%
Strongly agree	52%	55%	58%



Sheriff's Oversight (continued)

January 2022 Online Community Survey Results: The following reflects responses received from the 34 members of the public who participated in the January 2022 civilian oversight online survey. Participants were asked to rank the significance of incorporating each element into the subject matter noted in the question, with 1 being the most important.

Question #1	
What should the role of the oversight body be?	
1.	Independence, to include the ability to initiate independent investigations
2.	Access to records and facilities, to include investigations, proposed disciplinary actions, citizen complaints, etc.
3.	Clearly defined and adequate jurisdiction and authority, to include monitoring/auditing complaints, use of force, etc., and determining policy related matters that the ACSO should investigate further
4.	Access to law enforcement executives and internal affairs staff, to include the Office of the IG
5.	Power to subpoena records and other relevant documents
6.	Adequate funding and operational resources
7.	Stipend for Oversight Board members
8.	Access to independent counsel
9.	Hold public hearings
10.	Ability to review Sheriff Department policies, training and other systematic areas, and make recommendations

Question #2	
What should the key focus areas for the oversight body be?	
1.	Jail operations, to include in-custody death, use of force incidents, etc.
2.	Reviewing internal affairs investigations and disciplinary actions
3.	Citizen complaints
4.	Community outreach and engagement
5.	Sheriff Department policies and practices
6.	Review of relevant reports and documents to determine trends and patterns
7.	Working with law enforcement to assess crime prevention strategies and alternatives
8.	Program opportunities for those in custody at the jail, to include pretrial and diversion opportunities
9.	Avenues for inmates in the jail to have access to their families, i.e., video, in person
10.	Effective re-entry connections to supportive services upon release



Sheriff's Oversight (continued)

Question #3

What should the role of the OIG be?

1. Full-time, independent civilian oversight
2. Independent investigatory power
3. Sufficient budget and resources consistent with its mission
4. Ability to monitor operations and internal investigations to ensure that critical incidents and allegations of misconduct receive thorough, fair and effective investigations and resolutions
5. Ability to receive, review and/or investigate citizen complaints
6. Authority to investigate deaths of individuals in custody, to include use of force incidents in the jail
7. Actively solicit input from the Oversight Body
8. Power to subpoena records and other relevant documents
9. Recommend disciplinary actions to the ACSO
10. Develop and make recommendations to the Sheriff on the use of force policy, internal affairs review processes, critical incidents, etc., to include preparing and submitting reports to the BOS

Question #4

What should the characteristics of the membership of the oversight body be?

1. Proportionate ethnic representation based on Alameda County demographics
2. Proportionate gender representation based upon Alameda County demographics
3. Individuals with current or prior justice involvement
4. Families of individuals with current or prior justice
5. Individuals with expertise in relevant areas impacting the justice-involved population, i.e., mental health, re-entry services, health care services, employment, education and research
6. Diversity



Sheriff's Oversight (continued)

Question #5 What training should the oversight body be provided?	
1.	Ride-alongs with law enforcement
2.	Confidentiality
3.	State and local laws that affect a law enforcement officer's rights and privacy, to include laws governing public records and public meetings
4.	Case law on stops, detention, search and seizure, the rights of an arrestee, etc.
5.	Criminal justice process, to include arrest, booking, arraignment, bail, hearings, and trial
6.	Constitutional conditions of confinement
7.	Prison Rape Elimination Act
8.	Procedures on the investigation and review of shootings and in-custody deaths
9.	Policies related to the management of mentally ill individuals and those under the influence of drugs or alcohol
10.	Specific oversight operations, procedures and bylaws, including complaint intake

Community Feedback: The following reflects synthesized general themes based upon written and verbal feedback from the community during the December 2021 and January 2022 community engagement meetings, and the January 2022 on-line community survey.

The Oversight Body should:	
✓	Be supported by an OIG
✓	Be a hybrid model which includes different elements of the different types of models that have been established throughout the country
✓	Be staffed by civilian volunteers, with the exclusion of retired sworn personnel
✓	Diverse, inclusive, and empowered through the use of independent legal counsel, independent investigatory powers, subpoena and policymaking powers over operations, and with the authority to assess employee discipline
✓	Include a dedicated funding stream, adequate staffing, access to relevant testimony, records and reports, and auditing and review authority, and with the ability to hold regular public meetings
✓	Include bylaws that speak to how the Oversight Body obtains community input
✓	Be provided relevant training to ensure members of the body have the basic knowledge
✓	Include formerly incarcerated individuals, family members of justice-involved clients and individuals with relevant experience in re-entry and mental health, and/or from specific communities and organizations
✓	Be compensated to allow those with financial limitations to dedicate their time to this function



Sheriff's Oversight (continued)

Other Comments:
The establishment of an Oversight Board and an OIG will help restore imbalance and community trust.
An independent selection panel should be established to make decisions on who serves on the Oversight Board. This type of system would strengthen transparency, credibility and confidence in the process.
Care needs to be given to ensure that individuals on the Oversight Board are not simply using their role as a “stepping stone” to support their political aspirations.
If an Oversight Board had been established years ago, many lawsuits, to include the Babu litigation, could have been averted.
The establishment of an Oversight Board will help rebuild community trust and reduce negative interactions and confrontations with the ACSO and its residents.
Although most participants felt that law enforcement (current or prior) should be excluded from serving on the Oversight Board because of perceived bias and mistrust from the community, there were some comments to suggest that if the purpose of this body is to build a bridge between the community and the ACSO, then the views of law enforcement should be exchanged, deliberated, and used to help build that bridge.
If retired law enforcement personnel are not excluded from membership on the Oversight Board, there should be a “cooling off” period.
Community participation did not reflect diversity of opinion in this county, but rather, a focused group of individuals with good intentions, but not looking to build bridges between the community and ACSO.



Sheriff's Oversight (continued)

Biography of National & Academic Experts

**Professor Michele Deitch,
Juris Doctorate, Harvard Law School
Lyndon B. Johnson School of Public Affairs
University of Texas**

Professor Michele Deitch holds a joint appointment as a distinguished senior lecturer at the Lyndon B. Johnson School and the Law School. She is an attorney with over 30 years of experience working on criminal justice and juvenile justice policy issues with state and local government officials, corrections administrators, judges and advocates. She specializes in independent oversight of correctional institutions, prison and jail conditions, managing youth in custody and juveniles in the adult criminal justice system.

Professor Deitch co-chairs the American Bar Association's (ABA) Subcommittee on Correctional Oversight and helped draft the ABA's *Standards on the Treatment of Prisoners*. Her numerous articles about correctional oversight include a 50-state inventory of prison oversight models and many reports on juvenile justice that have received national attention. Her TEDx talk, "*Why are we trying kids as adults?*" was named a TEDx Editor's Pick in January 2015.

Deitch brings criminal justice policy issues to a broader audience through her frequent commentary in national and local media and has significantly impacted public policy through legislative testimony and work with key legislators, including on Texas's Sandra Bland Act. She also chaired the Travis County (Texas) Sheriff's Advisory Committee on the Women's Jail, which proposed a reimagined, gender-responsive facility for women.

Prior to entering academia, Professor Deitch served as a federal court-appointed monitor of conditions in the Texas prison system, policy director of Texas's sentencing commission, general counsel to the Texas Senate Criminal Justice Committee, and consultant to justice system agencies around the country.

She has won numerous teaching awards, including being named to the 2019 Texas 10 list of the most inspiring professors at The University of Texas at Austin. She has been a Soros Senior Justice Fellow and is the recipient of the 2019 NACOLE Flame Award for significant contributions to correctional oversight.



Sheriff's Oversight (continued)

Professor Sharon R. Fairley Juris Doctorate, University of Law School

Professor Sharon Fairley is a graduate of the University of Chicago Law School and has taught at the Law School since 2015. She became a Professor from Practice in 2019. Her teaching responsibilities include criminal procedure, policing, and federal criminal law.

Before joining the Law School, Professor Fairley spent eight years as a federal prosecutor with the United States Attorney's Office for the Northern District of Illinois, investigating and trying criminal cases involving illegal firearms possession, narcotics conspiracy, bank robbery/murder, murder for hire and economic espionage, among other criminal acts. She also served as the First Deputy IG and General Counsel for the City of Chicago OIG.

In December 2015, following the controversial officer-involved shooting death of Laquan McDonald, Professor Fairley was appointed to serve as the Chief Administrator of the Independent Police Review Authority, the agency responsible for police misconduct investigations. She was also responsible for creating and building Chicago's new Civilian Office of Police Accountability.

Professor Fairley's academic research and writing focuses on criminal justice reform with an emphasis on police accountability. She graduated *magna cum laude* from Princeton University with a Bachelor of Science degree in Mechanical and Aerospace Engineering and also holds a Master of Business Administration in Marketing from The Wharton School of the University of Pennsylvania.



Sheriff's Oversight (continued)

Cameron McElhiney
Director of Training & Education
National Association for Civilian Oversight of Law Enforcement

Director Cameron McElhiney plays a leading role in developing, coordinating, delivering, and evaluating local, regional, and national training programs for NACOLE. She also provides support to oversight practitioners and advocates across the country.

Director McElhiney's work has led her to assist those wishing to establish or enhance civilian oversight mechanisms whether through training or consultation. She has been able to assist communities throughout the United States, Mexico, the Caribbean, Europe, and Asia in this capacity. Additionally, she served as the project manager and a secondary author on a recent project exploring the state of the field, the thirteen principles, and effective practices for civilian oversight of law enforcement.

Director McElhiney first became involved with civilian oversight in 1998 when she was appointed to the Indianapolis Citizens' Police Complaint Board. She served with this Board for six years, including two as President. Since 2005, she has performed work for NACOLE as a contractor, later transitioning to Operations Coordinator, and eventually becoming the Director of Training and Education.

Beyond her work with NACOLE, she served on the Board of Directors of a local Montessori school and volunteers with local civic organizations where she assists with governance issues, succession planning, budgeting, fundraising and membership drives, and special events.

Director McElhiney received her undergraduate degree in political science from DePauw University.



Glossary of Select Terms – Santa Rita Jail Analysis

Release Reasons

Penal Code Section 849(b)(1): A California penal code that permits police to release arrestees if there are insufficient grounds to make a criminal complaint.

Citation in jail after booking: Citation and release after completion of the initial booking process.

Temporary emergency citation: A COVID-19 mitigation measure allowing law enforcement to issue citations in the field or after booking with a release with a written promise to appear for persons meeting certain circumstances.

Temporary emergency bail: A COVID-19 mitigation measure issued by the Judicial Council of California ordering a temporary emergency bail schedule reducing bail to zero for misdemeanors and felonies with a list of offenses that are exceptions.

Miscellaneous

ADP: Average daily jail population for a one-year period.

ALOS: The average length of stay in jail, usually measured in days.

“At-risk” population: Males ages 15-34 have the highest risk of arrest in the nation. Males Ages 20-44 have the highest risk of incarceration in the nation.

Median: The value in the exact middle of a set of numbers.

Most serious charge: The charge with the highest severity for which a person has been booked into a jail. Charges are ranked by level (felony over misdemeanor, etc.) and by nature (violent over property, etc.). The most serious charge is a key determiner of a person’s time spent in jail as more serious charges take longer to process in the courts and have more restrictions on the mechanisms for release from jail.

Non CJIS: A charge that does not have a corresponding penal code in the California Justice Information System.

PC 1319: A California penal code that is listed as a mandatory override to detain on the Alameda County pretrial risk assessment form. The law, in summary, dictates that no person arrested for a violent felony may be released on his or her own recognizance until a hearing is held in open court before the magistrate or judge, and until the prosecuting attorney is given notice and a reasonable opportunity to be heard on the matter.

PC 1319.5: dictates that no person arrested for a violent felony may not be released on his or her own recognizance until a hearing is held in open court before the magistrate or judge, and until the prosecuting attorney is given notice and a reasonable opportunity to be heard on the matter



Glossary of Select Terms – Santa Rita Jail Analysis (continued)

Peaking Factor: A rough estimate of maximum bed-space needs based on the actual ADP. It is defined as the percentage that the population peak for the year was above the daily average.

Praxis: A tool to assist pretrial services with developing bail recommendations and determining appropriate levels of case supervision. This tool that provides guidance to pretrial services relating to the appropriate recommendation of detain or release and risk posed by the defendant, that are reasonably necessary to address the risk of pretrial failure. If pretrial supervision is appropriate, the praxis also provides guidance for the appropriate level of supervision (frequencies and types of contacts also known as differential case supervision).



Acronyms

AB 109	Assembly Bill 109
A-C	Auditor Controller
ACBHCS	Alameda County Behavioral Health Care Services
ACHCSA	Alameda County Health Care Services Agency
ACPD	Alameda County Probation Department
ACSO	Alameda County Sheriff's Office
ACSSA	Alameda County Social Services Agency
ADP	Average Daily Population
ATIMS	Activities Tracking Information Management System
BHC	Behavioral Health Court
BOS	Alameda County Board of Supervisors
BSCC	Board of State and Community Corrections
CalAIM	California Advancing & Innovating Medi-Cal
CalHPS	California Health Policy Strategies, LLC
CAO	Chief Administrator's Office
CAPI	Cash Assistance for Program & Immigrants
CCE	Community Care Expansion
CCR	California Code of Regulations
CCPEC	Community Corrections Partnership Executive Committee
CDCR	California Department of Corrections & Rehabilitation
CEN	Change Event Number
CHW	Community Health Worker
COD	Co-Occurring Collaborative Court
CPP	Commission on Police Practices
CRB	Community Review Board
CRIMS	Consolidated Records Information Management Systems
CS	Community Supports
DHCS	California Department of Health Care Services
DMC-ODS	Drug Medi-Cal Organized Delivery System
DPA	Department of Police Accountability
EIC	Early Intervention Court
ECM	Enhanced Care Management
FBI	Federal Bureau of Investigations



Acronyms (continued)

HHAP	Homeless, Housing, Assistance, and Prevention Program
HHP	Healthy Homes Program
HTA	Hatchuel, Tabernik & Associates
IG	Inspector General
IPP	Incentive Payment Program
ITD	Information Technology Department
ITR	Intake, Transfer and Records
JPRT	Jail Population Review Team
LACSD	Los Angeles County Sheriff's Department
LOS	Length of Stay
MAT	Medical Assisted Treatment
MCP	Managed Care Program
NACOLE	National Association of Civilian Oversight of Law Enforcement
OIG	Office of the Inspector General
OMHT	Operation My Home Town
PATH	Providing Access and Transforming Health
PFN	Personal File Number
PPC	Public Protection Committee
PPJHC	Public Protection, Justice & Health Collaborative
PRCS	Post Release Community Supervision
PSA	Public Safety Assessment
RAJ	Reimagine Adult Justice
RED	Racial & Ethnic Disparities
SFPD	San Francisco Police Department
SSI	Supplemental Security Income
SSP	State Supplementary Payment
SMI	Serious Mental Disorder
SUD	Substance Use Disorder
VPRAI	Virginia Pretrial Risk Assessment Instrument
WPC	Whole Person Care



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**"Alone we can do so
little; together we
can do so much."
Helen Keller**

