DATE: March 5, 2020, Regular Meeting
TIME: 2:00 PM
PLACE: Board of Supervisors’ Chambers

AGENDA

-- The recommended actions appearing on the agenda are those recommended by staff. The Committee may take other actions relating to the issues as may be determined following consideration of the matter and discussion of the recommended actions.

-- Items that will require action by the Board of Supervisors may be forwarded to a future Board of Supervisors meeting for consideration.

-- Language interpretation services are available. Please contact the Office of the Clerk of the Board at (408) 299-5001 no less than three business days prior to the meeting to request an interpreter.

-- Persons wishing to address the Committee on any item on the agenda are requested to complete a Request to Speak Form and give it to the Deputy Clerk so the Chairperson may call speakers to the podium when the item is considered. Request to Speak Forms must be submitted prior to the start of public comment for the desired item, and for items on the Consent Calendar or added to the Consent Calendar, prior to the call for public comment on the Consent Calendar.

-- In compliance with the Americans with Disabilities Act and the Brown Act, those requiring accommodations in this meeting should notify the Clerk of the Board's Office 24 hours prior to the meeting at (408) 299-5001, or TDD (408) 993-8272.

-- To obtain a copy of any supporting document that is available, contact the Office of the Clerk of the Board at (408) 299-5001.

-- Any disclosable public records related to an open session item on a regular meeting agenda and distributed by the County to all or a majority of the Board of Supervisors (or any other commission, or board or committee) less than 72 hours prior to that meeting are available for public inspection at the Office of the Clerk of the Board, 70 West Hedding Street, 10th Floor, during normal business hours.

-- Persons wishing to use the County’s systems to present audio/video materials when addressing the Committee must provide the materials to the Office of the Clerk of the Board at least two business days in advance of the meeting. Speakers with audio/video materials must adhere to the same time limits as other speakers and will not be granted additional time to address the Committee. The County does not guarantee the ability to present audio/video material, and the Chairperson may limit or prohibit the use of the County’s systems for the presentation of such material.

COMMUTE ALTERNATIVES: The Board of Supervisors encourages the use of commute alternatives including bicycles, carpooling, and hybrid vehicles. Public transit access is available to and from the County Government Center, 70 West Hedding St., San Jose, California by VTA Light Rail and bus lines 61 and 181. For trip planning information, visit www.vta.org or contact the VTA Customer Service Department at (408) 321-2300.

Opening

1. Call to Order.

2. Public Comment.

   This item is reserved for persons desiring to address the Committee on any matter not on this agenda. Members of the public who wish to address the Committee on any item not listed on the agenda should complete a Request to Speak Form and place it in the tray near the podium. The Chairperson will call individuals to the podium in turn.
Speakers are limited to the following: three minutes if the Chairperson or designee determines that five or fewer persons wish to address the Committee; two minutes if the Chairperson or designee determines that between six and fourteen persons wish to address the Committee; and one minute if the Chairperson or designee determines that fifteen or more person wish to address the Committee. All Request to Speak Forms must be submitted prior to the start of Public Comment.

The law does not permit Committee action or extended discussion of any item not on the agenda except under special circumstances. If Committee action is requested, the Committee may place the matter on a future agenda. Statements that require a response may be referred to staff for reply in writing.

3. Approve Consent Calendar and changes to the Committee's Agenda.

Items removed from the Consent Calendar will be considered at the end of the regular agenda for discussion. The Committee may also add items on the regular agenda to the Consent Calendar.

Notice to the public: there is no separate discussion of Consent Calendar items, and the recommended actions are voted on in one motion. If an item is approved on the consent vote, the specific action recommended by staff is adopted. Members of the public who wish to address the Committee on Consent Calendar items should comment under this item. Each speaker is limited to two minutes total.

**Regular Agenda - Items for Discussion**

4. Receive semi-annual report from the Office of Reentry Services relating to the Public Safety Realignment Program (Assembly Bill 109) and other Reentry initiatives. (ID# 100564)

5. Receive report from the Office of the County Executive relating to the New Jail Construction Project. (Referral from January 28, 2020 Board of Supervisors meeting, Item No. 22) (ID# 100248)

6. Receive report from the Office of the County Executive relating to a surveillance camera rebate program and information on expanding local camera registries in the unincorporated areas. (Referral from June 4, 2019 Board of Supervisors meeting, Item No. 18) (ID# 99712)

7. Receive annual report from the Office of the County Executive relating to the Juvenile Justice Systems Collaborative. (ID# 100337)

**Announcements**

8. Public Safety and Justice Department Head/Court announcements.

**Consent Calendar**

9. Approve minutes of the February 6, 2020 Regular Meeting.
10. Adjourn to the next regular meeting on Thursday, April 2, 2020 at 2:00 p.m. in the Board of Supervisors' Chambers, County Government Center, 70 West Hedding Street, San Jose.
DATE: March 5, 2020
TO: Public Safety and Justice Committee
FROM: Javier Aguirre, Director of Reentry Services
SUBJECT: Public Safety Realignment (AB 109) and Reentry Semi-Annual Status Report

RECOMMENDED ACTION
Receive semi-annual report from the Office of Reentry Services relating to the Public Safety Realignment Program (Assembly Bill 109) and other Reentry initiatives.

FISCAL IMPLICATIONS
There are no fiscal implications associated with acceptance of this report.

REASONS FOR RECOMMENDATION
The County of Santa Clara’s Public Safety Realignment Spending Plan was adopted by the Board of Supervisors on September 27, 2011 (Item No. 19). The Administration remains committed to keeping the Public Safety and Justice Committee (PSJC) and the Board of Supervisors informed about the implementation of Assembly Bill 109 (AB 109) and reentry-based initiatives.

Active AB 109 cases under Probation supervision
As of December 31, 2019, there were 1,589 cases on Probation’s Caseload, of which 1,038 were being actively supervised and 551 had a bench warrant. Currently, thirty-seven Probation Officers are assigned to AB 109 (PRCS and 1170(h)MS) supervision. In addition, five of the thirty-seven Probation Officers are assigned to the Reentry Resource Center (RRC) and are responsible for processing and assessing clients upon their release from custody.
AB 109 Population In Custody

<table>
<thead>
<tr>
<th></th>
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<td>PRCS Flash</td>
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<td>PRCS</td>
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<td>436</td>
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<td>402</td>
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</tbody>
</table>

*Snapshot taken from a single day at the end of each month*

Realignment Population Breakdown

As of December 31, 2019, 8,615 individuals had reentered the community under AB 109. This breaks down to 10,850 reentry events as some individuals reentered more than once under an AB109 classification. The number of AB 109 reentries has remained more or less stable since 2015 at about 300 releases per quarter.

The Realignment population can be broken down into three subpopulations, which are commonly referred to as AB109 classifications:

- 1170(h) Mandatory Supervision (MS)
- 1170(h) Straight Sentence without Supervision
- Post Release Community Supervision (PRCS)

Initial Input:

Classification & No. & Percent

- 1170(h) Mandatory Supervision (MS) & 2,109 & 20%
- 1170(h) Straight Sentence without Supervision & 3,949 & 36%
- Post Release Community Supervision (PRCS) & 4,792 & 44%

Transition and Discharge Planning

The Adult Reentry Strategic Plan work and Community Corrections Plan objectives highlight the development of reentry transition/discharge plans for clients. At the April 15, 2015 (Item No. 7) Public Safety and Justice Committee meeting, the Committee received a report relating to the current and future transition and discharge efforts and directed the Administration to prepare a Board Resolution reflecting the principles of a Transition and Discharge Planning Policy for Offenders.

On June 9, 2015 (Item No. 80), the Board of Supervisors approved a Board Resolution approving the implementation of individualized reentry planning policy.

Between July 1, 2017 and June 30, 2019, the Office of Reentry Services (ORS) had received over 2,000 plans. Transition planning functionality was also added to the Reentry Center’s
Referral Tracking System (RTS), which launched in January 2019. However, transition planning did not allow for a consistent jail-to-community transition and only simple information can be shared in the plans. As a result, ORS solicited for Service Navigator/Case Management vendors and moved away from reliance on transition planning (plans can still be submitted in RTS).

Three service navigation vendors came onboard in July 2019 and are receiving referrals from custody staff, the superior courts, and the community. When a custody referral is received, the navigators meet with clients in custody and begin creating a release plan. The navigators will then meet the client at release and case manage them for up to six months.

**Medi-Cal Program Enrollment In-Custody**

Assembly Bill 720 (AB 720), signed into law by Governor Jerry Brown on October 8, 2013, expanded the Affordable Care Act in California. AB 720 allows counties to enroll incarcerated individuals in the Medi-Cal program prior to being released. Additionally, costs associated with Medi-Cal are covered using federal funds. AB 720 addresses one of the main barriers to reentry by helping formerly incarcerated individuals access physical, mental health, and substance abuse services.

Since April 2012, the Social Services Agency’s Department of Employment and Benefit Services (DEBS) staff at the Reentry Resource Center have been enrolling Probationers under AB 109 and other criminal justice clients (such as state parolees) in Medi-Cal. In March 2014, Santa Clara County conducted a pilot project over six weeks to screen and enroll minimum security inmates and inmates waiting for residential treatment placement into Medi-Cal as part of AB 720. On August 26, 2014 (Item No. 21) the Board of Supervisors approved the funding for one Rehabilitation Officer in the Department of Correction (DOC) and eleven positions in DEBS to screen and submit Medi-Cal applications. The goal is to have Medi-Cal in place when an individual is discharged from jail. Staff fully implemented the program beginning on October 15, 2014.

As of November 14, 2019, a total of 11,057 Medi-Cal applications were submitted with only three percent denied. Applicants who are not approved through this effort are either not eligible or have existing cases in the system.

- About 20 percent of the inmates who were enrolled in Medi-Cal were female
- The majority of applications were submitted through the County jails

Medi-Cal enrollment provides individuals access to health care and an opportunity for the County to receive federal reimbursement for specific treatment services. Improvements in the health of our custody and reentry populations is critical to reducing recidivism and facilitating the successful reintegration and reentry of formerly incarcerated individuals back into Santa Clara County communities.
ORS Contracted Services

In addition to partnering with multiple county and community organizations to provide a holistic service linkage network, ORS also monitors several contracts that provide reentry services. Currently, ORS monitors eleven core reentry service contracts and sixteen programs/scopes overall. ORS is currently working with San José State University to provide college classes in custody and is working with the County’s Office of Education to provide high school diploma programming at the Reentry Center. Both of these education contracts are expected to start within the next few months.

To facilitate the implementation and evaluation of the new contracts, and service linkage through the RRC as a whole, ORS released a Request for Proposals (RFP) for an organizational consultant in 2018. The consultant has now completed phase one of the project and has established the evaluative framework that will guide the rest of the project.
CHILD IMPACT

The recommended action could have a positive impact on building safer communities and stronger families, receiving the report will better inform leadership and the community and assist in efforts aimed at reducing crime and recidivism through proper assessment and effective programming in-custody and in the community.

SENIOR IMPACT

The recommended action could have a positive impact on senior inmates, receiving the report will better inform leadership and the community and assist in efforts aimed at improving linkages between inmates/formerly incarcerated individuals and the resources and benefits needed for a stable, self-sufficient, successful lifestyle.
SUSTAINABILITY IMPLICATIONS
The recommended action will have no/neutral sustainability implications.

BACKGROUND
In 2011, California’s Public Safety Realignment Act (AB 109) was passed to reduce overcrowding in California’s prisons. Commonly referred to as ‘Realignment’, this legislation shifted the responsibility of incarcerating and supervising lower-level, nonviolent offenders from the state level to the county level. Now, felons who commit nonviolent and less serious offenses serve their sentences in county jails, instead of state prisons, and are supervised by local probation departments, instead of parole. To assist the counties with taking on this challenge, funding was allocated to each local jurisdiction and each county was tasked with determining how to distribute the funds most effectively.

In response to the new legislation and in order to preserve public safety, the County of Santa Clara adopted an implementation and spending plans that included investment into reentry interventions, through the formation of a collaborative Adult Reentry Network. The Reentry Resource Center and the Office of Reentry Services were established to support these efforts. The RRC serves as the hub of the Reentry Network and ORS provides oversight of the Realignment funds to public agencies and community organizations to increase capacity for reentry services and evidence-based programming.

On March 1, 2011 (Item No. 15), the Board of Supervisors approved the establishment of a cross-systems reentry network to develop and implement a County Adult Reentry Work Plan. On October 23, 2012 (Item No. 26), the Board of Supervisors unanimously approved a Five-Year Adult Reentry Strategic Plan, which was created in collaboration with the National Council on Crime and Delinquency and a 23-member strategic planning team. After its first five years in operation, the Reentry Network partners looked ahead to the next three years with the aim of further reducing recidivism rates and increasing public safety through evidence-based practices. To that end, ORS engaged a social impact design firm to help foster an environment of creative problem-solving and collaboration, and to produce innovative ideas that would help guide the strategy for the next three years. After approval by the Re-Entry Network and the Public Safety and Justice Committee, this three-year strategic plan was approved by the Board on April 23, 2019 (Item No. 26).

On a semi-annual basis, the Office of Reentry Services provides the Public Safety and Justice Committee with a status report on Public Safety Realignment programs and services, the current Adult Reentry Strategic Plan, and other Reentry initiatives.

CONSEQUENCES OF NEGATIVE ACTION
The Public Safety and Justice Committee will not receive regular updates on the progress of the Public Safety Realignment Program (AB 109), the Adult Reentry Strategic Plan, and other Reentry initiatives.
ATTACHMENTS:

- FY19_20 Semi-Annual Report I_FINAL (PDF)
- Public Safety Realignment and Reentry Services Semi Annual PPT_PSJC_3.5.20 (PDF)
Public Safety and Justice
Realignment (AB109) and Reentry Services

Semi-Annual Report
July 2019 – December 2019

PREPARED BY
COUNTY OF SANTA CLARA: OFFICE OF REENTRY SERVICES

ORS MISSION STATEMENT
To reduce recidivism and facilitate reentry, by implementing evidence-based practices and partnering with a collaborative network of services and community supervision.
Background ..................................................................................................................................... 2
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Realignment Supervision Caseloads ............................................................................................... 4
Realignment Demographics ............................................................................................................ 6
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Adult Probation Department – Contracted Services .................................................................... 17
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Background

Since the passage of California’s Public Safety and Realignment Act (AB109) in 2011, Santa Clara County has established a collaborative Adult Reentry Network, an Office of Reentry Services, and two Reentry Resource Centers (RRC). These initiatives have continued to evolve and grow over the years.

In 2015, the Office of Reentry Services (ORS) began providing reports to the Public Safety and Justice Committee (PSJC). These reports update PSJC on the status of the Realignment population and initiatives funded through AB 109. This is the first semi-annual report of FY 19/20, which covers the first half of the fiscal year (July 2019 – December 2019).

Realignment Classifications

The Realignment population can be broken down into three subpopulations, which are commonly referred to as AB109 classifications:

- **PRCS**: The Post Release Community Supervision population is comprised of lower level felons released from state prison into county supervision. Instead of being supervised by parole, they are supervised by the Adult Probation Department.

- **1170(h)**: Individuals sentenced under penal code 1170(h) serve their felony sentence in a county jail rather than a state prison. Those sentenced under 1170(h) are lower level felons and can be split into two separate classifications.
  - **1170(h) MS**: ‘MS’ stands for Mandatory Supervision. Similar to the PRCS population, these individuals are supervised by probation officers. This type of sentence is also commonly referred to as split or blended sentencing, because only part of the sentence is served in custody, and the remainder is served within the community under mandatory supervision.
  - **1170(h) Straight**: Those who are not given a split/blended sentence are referred to as straight or “no tail” individuals. Individuals with a straight sentence serve their entire sentence in custody and are released without supervision.

While the Realignment population is the priority, AB 109 funds are utilized by the County of Santa Clara to fund initiatives that serve all reentry clients. Depending on the program, non-Realignment target populations are identified based on how recently they were released, their level of criminogenic risk, their individual needs, and their level of self-sufficiency.
Realignment Reentries

As of December 31, 2019:

- 8,615 individuals had reentered Santa Clara County under Realignment
- There had been 10,850 reentries overall, as some individuals were AB 109 more than once
  - 44% (4,792) of reentries were under PRCS
  - 36% (3,949) were under 1170(h) – without supervision
  - 20% (2,109) were under 1170(h) – with mandatory supervision

PRCS releases from state prisons and 1170(h) releases from Santa Clara County correctional facilities have flattened out since 2015.

Office of Reentry Services: Public Safety Realignment and Reentry Services FY19/20
Realignment Supervision Caseloads

The majority of Realignment clients under supervision are supervised by the Adult Probation Department (APD) under PRCS or 1170(h) MS. However, some 1170(h) clients are released into the Custodial Alternative Supervision Program (CASP). Participants in this program are released early and serve the remainder of their custodial sentence within the community, under the intensive supervision of a specialized unit of Sheriff’s Office deputies.

Probation AB 109 Caseload

As of December 31, 2019:

The Adult Probation Department was supervising 1,589 individuals. Of these individuals 1,038 (65%) were active and in compliance. Clients with a bench warrant status often return to compliance and are usually noncompliant due to technical violations. During this time, PRCS clients had a higher rate of bench warrants compared to 1170MS clients, which has been observed throughout past iterations of this report.

<table>
<thead>
<tr>
<th>Status</th>
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<tr>
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<tr>
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<td>Caseload Total</td>
<td>1,228</td>
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<td>1,589</td>
</tr>
</tbody>
</table>

![AB109: Probation Caseload Status](image)
Custodial Alternative Supervision Program (CASP)

CASP allows clients to serve the remainder of their sentence in the community under supervision by a specialized unit of Sheriff’s deputies. While finishing their sentence in the community, CASP participants can look for work, live at home, and reconnect with family. If the client is not working, they must attend daily pro-social programming. If the client is employed, supervision deputies work with the client to check-in during work hours. CASP participants can be quickly remanded to custody if the supervision team feels it is necessary or if the participant reoffends.

**In Calendar year 2019:**
- There were 94 dispositions for 93 individuals – 75 (80%) were successful completions
- As of December 31, 2019: 33 participants were still in progress and in compliance
- During the year, 3 participants absconded, and were returned to custody
- There were 90 entries into the program during the year – 44 between July and December

### CASP Dispositions

<table>
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<th>Count</th>
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<td>In progress (no outcome yet)</td>
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<tr>
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<tr>
<td>Technical/Other</td>
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<tr>
<td>Absconded</td>
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<tr>
<td>Program Failure</td>
<td>3</td>
</tr>
<tr>
<td>New Law Violation - Felony</td>
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</tr>
</tbody>
</table>

Many times, when a CASP participant does not complete initially, they are returned to custody to stabilize and then released back into the program. For example, participants who fail a drug test or commit other violations often return to the program after stabilizing and complete.

During the calendar year, there was only one new law violation. There were no new law violations in the first half of the fiscal year (July 2019 – December 2019).
Realignment Demographics

Demographics have not changed significantly over the course of Realignment in Santa Clara County. The Realignment population is majority male and Hispanic/Latino in ethnicity. The average age is about 41 years old, the oldest Realignment client was born in 1927.

The residence breakdown shows the most common cities of residence, all other cities are under one percent. Nearly 60% of individuals released under AB 109 report living in San Jose. City of residence best indicates where the individual was living prior to custody, not necessarily their destination post-release. Many individuals are homeless at the point of release, but some have an address listed even if they have no place to live, while others have no address listed.
Reentry Resource Centers (RRCs)

As of December 2019, the RRCs had served over 20,000 unique reentry clients since its doors opened in February 2012. While an exact number is difficult to calculate due to lack of data systems during the first years of operation, the RRC serves over 5,000 individuals a year on average (many overlap year-to-year). In January 2019, ORS launched a new database that collects more comprehensive and accurate information.

San Jose Reentry Resource Center (SJ RRC)

Between January 2019 and December 2019:

- There were 5,255 unique clients served at the RRC; 22% were female
- At least 40% of clients were homeless at intake (about 12% did not report housing status)
- At least 50% of clients were unemployed and actively looking for work at intake, about 82% were unemployed overall

Each quarter the San Jose RRC receives over 6,000 visits from over 2,000 unique clients. Aside from formal probationers, realignment clients are typically the largest cohort/population visiting the center, representing just over 20 percent of RRC clientele. The “other” category shown in the chart above is comprised of multiple populations such as unsupervised general releases, pretrial clients, and individuals seeking expungement (record clearance).

Social Services are still the most requested/utilized service at the RRC as most clients need to apply for benefits after release from custody. Substance use treatment, food and clothing, the Mobile Medical Unit (medical/psychiatric), and housing assistance are the next four most requested services.
South County Reentry Resource Center (SCRRC)

The goal of the South County RRC is to increase services to AB109 and Probation clients residing in Gilroy, San Martin and Morgan Hill, assist them in successfully stabilizing in the community, and to reduce recidivism. The South County RRC offers: employment referrals to Catholic Charities; medical services at the Mobile Medical Unit; record expungement through the Public Defender’s Office; Mental Health and Substance Abuse screenings and assessments by Behavioral Health; faith-based services through the Good Samaritan Project; Probation support, service navigation; and a space for Probation officers to meet with their South County defendants.

Between January 2019 and December 2019:

- The South County RRC was visited 1,538 times with 1,416 return visits
- 235 individual clients were served
- 30% of the clients served were female
- There were 122 intakes in 2019

The charts above show that South County’s client flow remained steady during the 2019 calendar year. Additionally, the South County RRC is currently serving a higher rate of female clients and a higher rate of realignment clients compared to the San Jose center. Total visits are increasing at a higher rate than individual clients due to the addition of services like the Medical Mobile Unit and service navigation. This results in more follow up appointments with clients. Additionally, Probation now has a consistent presence at the facility and more parolees are accessing services at the South County RRC.
Public Benefits – Social Services Agency (SSA)

SSA is the most visited partner at the RRC. Benefits such as General Assistance, CalFresh (food stamps), and Medi-Cal enrollment (if they are not enrolled in custody) are most clients’ first step upon exiting custody.

Between July 2019 and December 2019:

- SSA processed 1,527 applications for 1,384 individual applicants through the RRC
- Overall, there were 1,007 household recipients of benefits

539 (54%) of recipients were homeless at the time they applied
721 individuals received General Assistance – 401 (56%) were employable
819 individuals received CalFresh food assistance
236 individuals received Medi-Cal health coverage
$226,785 was granted through General Assistance
$445,070 was granted through CalFresh

![SSA Benefits Recipients](image_url)
Medical Mobile Unit – Valley Homeless Healthcare Program

The Valley Homeless Healthcare Program (VHHP) hosts a medical bus known as the Medical Mobile Unit (MMU), which visits different locations throughout the County, including both Reentry Resource Centers (San Jose and Gilroy). The MMU provides an invaluable service to reentry clients, especially those who have high medical and/or psychiatric needs that require medication.

The MMU has a medical doctor and a psychiatrist on board, who provide healthcare, write prescriptions, give advice, and link patients to other health-based appointments at County health facilities for needs that cannot be addressed on the bus. MMU patients can also be linked to dental services as well. Community Health Workers (CHW) and Social Workers case manage high need clients and provide wrap-around supportive services.

Overall, the MMU was visited 4,405 times during the calendar year; both visits and unique clients increased over the year. CHW numbers are significantly undercounted. CHWs utilize google forms to track encounters with clients in the field where connectivity is often an issue. From these forms it appears over half of encounters are not tracked in HealthLink. VHHP is currently working on identifying solutions.
Behavioral Health Services Department (BHSD)

At the San Jose RRC, BHSD operates a service linkage team that screens clients for both general and clinical needs. This team, referred to as the Behavioral Health Team (BHT), then sets up appointments for both substance use treatment and mental health treatment in the community and makes referrals out to other reentry partners. Recently, the team has also started providing outpatient services. While clients can access county-funded drug and alcohol treatment and mental health treatment through the RRC and BHT, they can also access these services through other portals such as call centers.

RRC Behavioral Health Team (BHT)

Between January 2019 and December 2019, the BHT:

- Served 2,059 unique clients over the course of 6,503 visits
- Conducted 626 critical needs screenings
- Conducted 681 clinical needs screenings
- Sent 964 referrals to clinical services
  - 821 referrals to substance use treatment providers
  - 143 referrals to mental health treatment providers
- Sent 260 referrals to Community-Based Organizations

![RRC Behavioral Health Team: Screenings and Referrals](image)
Behavioral Health – Substance Use Treatment Services (SUTS)

The numbers below show RRC clients who were admitted to SUTS after their RRC intake. For this report, not all clients served were AB 109, but all clients had been registered at the RRC prior to their admission in SUTS.

**Between January 2019 and December 2019:**

- 797 individuals were admitted to SUTS services after registering at the RRC – not all of these clients were specifically linked from the RRC.
- There were about 1,925 admission events (some clients had multiple admissions).
  - 1,163 (60%) of these admissions were billed to the AB 109 cost center.
- Those admitted to recovery residential are provided transitional housing while they are enrolled in Outpatient.

*In order to identify RRC clients in their database, SUTS staff match clients by name and date of birth. Clients/patients are often listed differently in different databases. For example, an individual might be listed as “Robert” in one system and “Bob” in the other. As a result, the numbers reported above are lower than the actual number of clients served.*
Behavioral Health – Mental Health Treatment Services

The numbers below show clients who were served by Realignment-funded mental health services, which include five levels of care. The figures below include all individuals served within these justice-specific programs during the calendar year — there were 853 admissions overall.

<table>
<thead>
<tr>
<th>Level of treatment</th>
<th>FY19 Q3</th>
<th>FY19 Q4</th>
<th>FY20 Q1</th>
<th>FY20 Q2</th>
<th>Total (unduplicated)</th>
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<tr>
<td>Crisis Residential</td>
<td>42</td>
<td>46</td>
<td>34</td>
<td>46</td>
<td>125</td>
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<tr>
<td>Full-Service Partnership</td>
<td>379</td>
<td>410</td>
<td>433</td>
<td>435</td>
<td>714</td>
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<td>Post-Release Community Supervision</td>
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<td>Evan’s Lane Outpatient</td>
<td>30</td>
<td>25</td>
<td>21</td>
<td>24</td>
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- **Crisis Residential:** Designed for justice-involved clients with severe mental illness and substance abuse disorders. This level of care offers short-term, community-based, crisis residential treatment to persons who may pose some risk of harm to self or others and who may have severe functional impairment.

- **Full-Service Partnership:** Designed for justice-involved adults with a severe mental illness and substance use conditions needing an intensive service program. Services include individualized assessment and treatment plans, intensive case management, individual and group therapy, medication, family/community support and flex funding.

- **PRCS:** Designed to assist and support individuals released from correctional facilities under Post Release Community Supervision (PRCS). Services provided are individual assessments, psychiatric evaluation, individual and group therapy, case management services, medication monitoring and crisis intervention.

- **Evans Lane OP and Residential:** Designed for Criminal Justice involved adults with severe mental illness and substance abuse conditions who would benefit from an outpatient service program and combined transitional housing program that offers support 24 hours per day for up to one year.

*Evan’s Lane Residential Data is stored in a different database and will be provided at the end of the fiscal year.*
Behavioral Health – Faith Based Reentry Centers (FBRC)

Behavioral Health also contracts with four faith-based reentry centers under the Faith Reentry Collaborative. Each center provides wrap-around services to reentry clients. Clients can receive one-touch services (one-time linkage/service) or wrap-around case management.

<table>
<thead>
<tr>
<th>Services Provided</th>
<th>Bible Way (Destiny)</th>
<th>Breakout (Good Samaritan)</th>
<th>Bridges of Hope</th>
<th>Maranatha (Mission Possible)</th>
<th>Re-entry Center</th>
<th>Total Number of Services</th>
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<tr>
<td>Faith Counseling</td>
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<td>1,481</td>
<td>27</td>
<td>669</td>
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<td>Transportation</td>
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<td>970</td>
<td>365</td>
<td>677</td>
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<td>133</td>
<td>153</td>
<td>14</td>
<td>778</td>
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<tr>
<td>Legal Assistance</td>
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<td>190</td>
<td>213</td>
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<td><strong>FBRC Total</strong></td>
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<td><strong>4,096</strong></td>
<td><strong>1,215</strong></td>
<td><strong>2,572</strong></td>
<td><strong>77</strong></td>
<td><strong>11,339</strong></td>
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</table>

During the calendar year, the FBRCs provided 11,339 services to reentry clients. The Reentry Center faith-based staff assess and refer clients to the FBRCs, so not all services provided at the RRC locations are accounted for in the table above.
Office of Supportive Housing – Reentry Housing Programs

The Office of Supportive Housing (OSH) oversees an array of supportive housing initiatives. Reentry clients are linked to housing support in a variety of different ways, one of which is through reentry-specific channels.

The Reentry Rapid Rehousing (RRRH) programs follow an evidence-based model and provide a time-limited rental subsidy with supportive services to homeless households for a period of six months to two years. The goal of the RRRH programs is to support households until they become self-sufficient.

Homeless reentry clients are screened for these programs using the Vulnerability Index - Service Prioritization Decision Assistance Tool (VI-SPDAT). Clients screened at the RRC may be eligible for any of the 24 County Rapid Rehousing programs, not just reentry-funded programs.

Between July 2019 and December 2019:

- there were 154 VI-SPDAT assessments conducted at the RRC. These are the assessments captured under OSH’s network, clients also receive assessments through other partners who access the HMIS database.
- Most assessments conducted at the RRC fell within the permanent supportive housing (55%) and rapid re-housing (42%) ranges – only three percent were in the minimal range.
- Of the 154 assessed, 112 (73%) were placed in the community queue, which led to 17 enrollments in housing programs and 8 housing placements.
- Many reentry client assessments happen outside the Reentry Center, for example, 130 clients were enrolled in the RRRH program and 80 were housed overall. While just 8 of those 130 enrolled clients were assessed at the Reentry Centers.
Public Defender – Reentry Expungement Program

The Public Defender’s Office (PDO) is also housed at the RRC. PDO operates the Reentry Expungement Program (REP), which assists clients with record clearance.

Between July 2019 and December 2019:

- PDO paralegals conducted 274 screening interviews
  - From these interviews 167 (61%) clients were accepted
  - Those not accepted were not eligible for expungement or were financially overqualified for the program

- 700 dockets/cases (not clients) were submitted for expungement were heard in court, this does not include petitions filed and awaiting judgement
  - 648 (93%) dockets were granted relief
  - 52 (7%) cases were denied (7) or withdrawn (45)

- As of December 2019, about 12,410 people had contacted REP since the program began in September 2013
Adult Probation Department – Contracted Services

The Adult Probation Department (APD) has three contracts supported by Public Safety Realignment funds: two vocational education contracts and one cognitive behavioral contract.

Vocational Education and Employment – Catholic Charities

Catholic Charities provides an array of vocational support services educational, vocational and employment services to adults on probation. Once enrolled in the program, staff help the client develop an individualized service plan. Clients receive job readiness services that help them with resumes, applications and interviews, while staff match clients to job opening based on their particular skills and strengths. Clients also receive job retention services to help them maintain employment and work through obstacles they encounter.

Between July 2019 and December 2019:

- Probation referred 50 (unique) clients to Catholic Charities
- Catholic Charities completed 44 employment preparation services for 27 clients
- There were 26 (unique) clients who successfully retained employment for 30 days or more
- During this period, the program also completed 183 job development and placement sessions for 48 distinct clients and 45 job retention sessions

Employment preparation services include resume development, interview preparation, and disability awareness education while Job development services include providing job leads to clients, attending job fairs with clients, developing job opportunities with employers, and scheduling job interviews with employers and engaging in follow-up. Retention services are aimed at helping client maintain employment. Retention milestone outcomes will be reported at the end of the year.
Vocational Education and Employment – Center for Employment Opportunities (CEO)

In February 2017, the Center for Employment Opportunities (CEO) opened its San Jose office through a partnership with the Santa Clara County Probation Department and CalTrans. The CEO model is designed to engage participants recently released from incarceration. The program is both personalized and highly structured. Although there are distinct stages of the CEO model, participants move through the phases at their own pace, enabling each person to focus on addressing their unique barriers to employment. While in the program, clients continue to learn skills and collect a daily paycheck providing litter abatement on streets and highways. CEO also matches clients to employment opportunities and utilizes vocational specialists to assist clients. Once placed, clients receive 12 months of ongoing support for job retention.

Between July 2019 and December 2019:

- There were 213 enrollments – some clients were enrolled more than once
- 180 (85%) of the enrolled clients received job readiness training
- 40 (19%) of clients had secured employment following successful completion of the program
- CalTrans work crews collected 16,404 bags of roadside litter
- Work crews completed 24,776 hours of work

CEO tracks clients’ milestones from 90 days to one year of continuous work. During the previous six months, fifty-five clients retained employment for at least 90-days and up to 365 days.
Cognitive Behavioral Programming – Caminar

Caminar (formerly Family & Children Services) provides prosocial classes with a cognitive behavioral approach. These sessions are conducted by trained counselors who offer individualized treatment plans. Caminar provides client treatment services, using a curriculum-based behavioral change approach that addresses behavioral health issues, substance abuse, and other concurrent challenges. Each client gets an individual intake and assessment that helps identify the client’s specific needs. The 16-week program can consist of individual counseling sessions and group counseling sessions, depending on the client’s needs. Topics covered are designed to increase the decision-making skills of high-risk clients.

Between July 2019 and December 2019:

- Probation submitted 220 referrals for 193 unique clients to Caminar
- Caminar completed 85 intakes and assessments
- There were 121 group sessions and 124 individual sessions of behavioral programming
- There were 39 completions as of December 2019

The chart below shows the total number of referrals and services provided from the start of the current fiscal year (July 2019). The large discrepancy between the number of referred clients (220) and the number that completed the program (39) can be attributed to several factors including the fact that a large number of clients were active in the program at the time of this analysis (the program is approximately four months in length), and that a large percentage of clients that were referred to the program never received services because they did not return calls, or did not show up to their initial appointment.

The chart below shows the total number of referrals and services provided from the start of the current fiscal year (July 2019). The large discrepancy between the number of referred clients (220) and the number that completed the program (39) can be attributed to several factors including the fact that a large number of clients were active in the program at the time of this analysis (the program is approximately four months in length), and that a large percentage of clients that were referred to the program never received services because they did not return calls, or did not show up to their initial appointment.
Office of Reentry Services – Contracted Services

The Office of Reentry Services (ORS) oversaw several reentry services contracts between July 2019 and December 2019. The services provided are broken down below into the following categories: employment, legal, behavioral, service navigation, and education. As of January 2020, these contracts employed about 60 staff – many of whom have lived experience.

In Spring of 2019, ORS began soliciting for new contracts, as the previous contracts had reached their term limits. From that solicitation, ORS brought on eight new contracts, which started in July 2019. As a result, only two quarter’s worth of data are available for these contracts. The first quarter (July-September) was considered ramp-up time and was focused on implementing the new contracts and setting up logistics, resulting in lower numbers earlier in the year, as the vendors were working with ORS and partners to establish referral channels and other operations.

Employment Services

One of the largest barriers for people recently released from custody is finding gainful employment, especially with a criminal record and in a high cost of living area. ORS provides three types of employment services to clients in custody and in the community post-release:

1. **Subsidized employment:** Clients receive paid on-the-job training and traditional paychecks. Through this type of program clients are receiving an income while learning practical skills and gaining experience.

2. **Dayworker programs:** Clients who need quick access to income are paid daily after completing their work.

3. **Job readiness/employment linkage:** Clients learn skills, tips, and tricks and are directed to resources designed to help them gain employment. Clients are also provided with leads and are connected to employer networks. Clients also receive services to help them maintain employment once they have secured a job.
New Opportunity Work (NOW) Program – Goodwill of Silicon Valley

Goodwill of Silicon Valley provides a variety of services to help justice-involved individuals enter the workforce after their time in custody. Participating clients in-custody can take classes on job readiness and life skills critical for them to find and keep employment. These classes also contain cognitive behavioral comments which help clients learn to regulate their behavior. In the first six months, classes were provided to over 1,000 participants and nearly 200 clients have completed these classes while in custody. After release, clients can participate in two employment programs:

**Daywork**: Clients with manual labor skills can participate in the Day Worker Program which provides immediate short-term placements and additional one-touch supports.

- In the first six months, 33 clients participated in the Day Worker Program and all were able to find short-term placements.

**Subsidized employment**: The second program is a 90-day subsidized employment program available to clients which includes job readiness training, transitional employment, employment connection services, and peer support. In the first half of the year:

- 173 formerly incarcerated clients enrolled in the employment program and have taken job readiness classes in the community
- 95 have taken life skills classes that will increase their ability to find and retain jobs
- A total of 59 clients were placed into permanent employment, and (as of December 2019) 13 have held that position for at least 90 days (many had not been employed for 90 days yet).

Clients enrolled in Job Readiness/CBT classes in custody

<table>
<thead>
<tr>
<th></th>
<th>Jul</th>
<th>Aug</th>
<th>Sep</th>
<th>Oct</th>
<th>Nov</th>
<th>Dec</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clients</td>
<td>118</td>
<td>360</td>
<td>170</td>
<td>140</td>
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Clients enrolled in subsidized employment

<table>
<thead>
<tr>
<th></th>
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<th>Aug</th>
<th>Sep</th>
<th>Oct</th>
<th>Nov</th>
<th>Dec</th>
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<tr>
<td>Clients</td>
<td>34</td>
<td>27</td>
<td>17</td>
<td>39</td>
<td>32</td>
<td>24</td>
</tr>
</tbody>
</table>

Packet Pg. 32
Right Directions Program – Catholic Charities

Catholic Charities provides reentry adults employment preparation, job search assistance, and retention support. Additionally, Catholic Charities serves clients required to register pursuant to California Penal Code Section 290. Assessment results and client choice guides the development of each client's individualized services plan. Employment representatives and a peer mentor guide and support RDP clients with reentry efforts. Other support provided includes, tattoo removal, financial literacy classes, and assistance with obtaining job-related items (e.g., uniforms, clothing).

During the first six months of the fiscal year:

- 56 (62% of fiscal year goal) clients were enrolled and attended job readiness classes
- 27 clients were placed into permanent employment through the program

Dayworker Support Program – ConXion to Community

ConXion to Community (CTC) provides transitional employment to recently released ex-offenders, homeless clients, and others needing to earn money while looking for steady employment. Participants obtain transitional employment working in various industries such as: minor home repair, construction, warehouse, moving, housekeeping and general labor. Participants are assessed for barriers and skill level and placed accordingly. While at the CTC Center, participants have access to a computer lab, ESL classes, job readiness workshops, skills training and are offered meals and shower facilities while they wait. Clients seeking permanent employment work with a specialist to obtain a steady job.

During the first six months of the fiscal year:

- 220 clients enrolled in the dayworker program
- 145 clients were placed in short-term employment
Legal Services

Legal barriers can hinder clients’ efforts to reenter society. For example, clients are often overburdened by fines and fees or cannot afford the legal assistance they need to get their lives on track. ORS contracts with two legal service providers to help eliminate barriers preventing clients from achieving their goals.

Pro Bono of Silicon Valley – Family and Civil Law

Pro Bono Project provides workshops to clients in custody that cover a variety of topics addressing barriers to reentry. Pro Bono also provides one-time consultations, legal advice, and extended legal representation. Pro Bono helps clients with most non-criminal legal issues such as child custody/visitation, guardianship, bankruptcy, consumer housing, and employment. In the first six months, Pro Bono attorneys:

- Provided 31 legal workshops to about 1,500 (duplicated) participants in custody
- Provided legal advice to 82 unique clients in the community
- Provided 53 clients with legal representation

Workshop participants often receive legal advice and assistance filling out forms. In the community, Pro Bono also has a vast network of attorneys who will teleconference with clients if special expertise is required.

Outreach Court – Superior Court of California

Community Outreach Court is a collaborative court intended to assist clients whose inability to pay court-related fines/fees is a demonstrated hindrance to their successful reintegration into the community. Eligible cases include traffic and/or light rail tickets, and court-ordered and/or Department of Tax and Collections (DTAC) fines and fees affiliated with misdemeanor and/or felony convictions in Santa Clara County. During the first two quarters of FY2020 the Superior Court:

- Received 47 applications for Community Outreach Court
- Calendared 30 new clients (some clients were calendared previously)
- Heard a total of 285 cases

While most clients are granted relief (there are often multiple cases per client), exact numbers are not known at this time. ORS will work with Superior Court to track outcomes for the full fiscal year.
Behavioral Programming

Preventing recidivism does not rely solely on providing resources. Teaching clients to understand how their thought process leads to negative behaviors is a key component in teaching them to learn from past mistakes. ORS provides psychosocial programming and meditation-based life skills classes to clients in custody.

Restore! Program – Carry the Vision

Carry the Vision provides classes based in mindfulness and self-awareness that give incarcerated individuals the skills to re-direct their thoughts and make positive decisions, manage negative emotions, reduce stress and anxiety which lead to negative behavior, and to realize a sense of purpose and meaning to their life. In the first two quarters, Carry the Vision has offered two curriculums: Restore Life Skills, which offers transferable tools and practices to support building compassion, peace and engendering personal responsibility for the client; and Restore Leadership, which builds on the first class and offers tools for self-awareness, self-management, and effective living.

- From July through December, Carry the Vision led 201 sessions in custody with an average of 680 individuals participating each month.

Project LEARN – Health Right 360

Health Right 360 offers classes in-custody clients based in cognitive behavioral therapy to help individuals improve their coping, reasoning, social, and problem-solving skills; to reduce their risk of alcohol and drug relapse; and reduce recidivism by retraining old habits into more prosocial behaviors. In the first six months of the fiscal year, two curriculums have been offered in-custody: Seeking Safety which promotes the development of coping skills to support and sustain safety from trauma triggers, substance use and impulsive behaviors; and Thinking for a Change focuses on the development and use of social skills and problem-solving skills, as well as cognitive restructuring regarding criminal thinking errors that are common among justice-involved individuals.

- In the first two quarters, HR360 led over 254 sessions in custody with an average of 503 clients participating each month.

HR360 also provides a Cognitive Behavioral Therapy Overview Class to clients of the Department of Pre-Trial Services which offers practical exercises and homework activities that are designed to help the participants retrain patterns of thought and begin to reshape their motivations, beliefs, emotions and behaviors.

- From July through December, HR360 offered 12 CBT class sessions to Pre-Trial Services Clients with a total of 144 clients participating.
Service Navigation

In an effort to build a direct bridge from jail to the community, ORS contracted with three organizations to provide service navigation:

1. **LINKED**: Receives referrals from the courts and the community
2. **Never Give Up**: Receives referrals from the jails and the community
3. **SJSU Research Foundation**: Receives referrals from the jails and the community

The three service navigators meet with clients in custody, in court, or in the community, and work with them to provide a reentry plan. If the client is referred from jail, case managers meet with the clients when they are still in custody and begin the process prior to release. For those already released, the case managers meet with them in the community and start the process at the Reentry Resource Center. Once a referral is received, the service navigators must screen/assess the client prior to enrollment.

Once the client is enrolled, a reentry plan is created, and the service navigators case manage clients for up to six months. The case management is centered around helping clients navigate the Adult ReEntry Network, and other resources. The case managers also assist with job search, housing search, filling out paperwork, transportation, and referrals to other services.

- During the first two quarters of the fiscal year, the three service navigators assessed and enrolled 272 clients and linked 224 clients to services
- All enrolled clients receive a reentry plan which serves a guide to get them stabilized in the community
Education

ORS currently provides two education programs. One is a vocational course that provides college credit and certification to clients who want to be drug and alcohol counselors. The other provides parenting classes in custody and in the community.

**ORS is currently developing three additional education programs:**

1. ORS is contracting with the County Office of Education to provide reentry clients with a high school education. Classes will be offered every weekday and each client will be assessed in regard to how many credits they need to graduate.

2. ORS is also in the process of contracting with SJSU to provide college courses in custody. These courses will focus on teaching students legal issues and rights and will offer transferable college credits to those who pass.

3. ORS recently partnered with Coursera (no-cost MOU) to provide free online courses to reentry clients. Clients will be able to access Coursera’s full menu of content free of charge from any computer.

San Jose City College – Peer Mentor Certification and Financial Literacy

SJCC provides Drug and Alcohol Studies classes at the reentry resource center. These classes teach students how to become a peer mentor and represent the first step in becoming a licensed counselor. For the Fall 2019 semester 30 students were enrolled and X passed the first semester.

- 30 students enrolled in the Fall 2019 semester (full capacity)
- 28 (93%) students passed the Fall 2019 semester and were eligible to enroll in the Spring 2020 semester – the highest pass rate so far
- 26 students enrolled in the Spring 2020 semester

This contact also provides financial literacy workshops and one-on-one financial coaching to reentry clients. Workshops are offered once per week at the Reentry Center or partner sites.

FIRST 5 – Parenting Programs

ORS partnered with FIRST 5 in September of 2019. While FIRST 5 is still hiring, they have been providing three parenting curriculums (Triple P, Opening Doors, and InsideOut Dad) in custody and at the RRC. There were 45 sessions provided to 320 clients since September, about 184 unique participants completed a curriculum and received a certification of completion.
## Data Sources

<table>
<thead>
<tr>
<th>Type</th>
<th>Provider</th>
<th>Source/Database</th>
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<td>Realignment population demographics</td>
<td>Information Services Department (ISD)</td>
<td>Criminal Justice Information Control (CJIC)</td>
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<tr>
<td>Reentry Resource Center snapshot</td>
<td>Technology Services and Solutions (TSS)</td>
<td>Referral Tracking System (RTS)</td>
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<td>Social Services - Benefits</td>
<td>Social Services Agency</td>
<td>CalWin Database</td>
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<td>Behavioral Health RRC team</td>
<td>Behavioral Health Services Department</td>
<td>Unicare/Access databases</td>
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<td>Behavioral Health – Mental Health Services</td>
<td>Behavioral Health Services Department</td>
<td>Unicare database</td>
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<td>Behavioral Health - Substance Use Treatment Services</td>
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<td>Office of the Sheriff</td>
<td>CJIC and Excel databases</td>
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<td>Adult Probation Department</td>
<td>Supervision High-tech Automated Record Keeping System (SHARKS)</td>
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<td>Reentry Expungement Program</td>
<td>Public Defender Office</td>
<td>PDO Database</td>
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Public Safety Realignment & Reentry Services
Semi-Annual Report
July 2019 – December 2019

Office of Reentry Services

Public Safety and Justice Committee: March 5, 2020
Between October 2011 and December 2019, 8,615 unique individuals were released from County jails and State prisons and reentered the community under AB 109.

There were 10,850 AB 109 reentry events during this period.

*Data for the realignment population trends and demographics were provided by TSS: from the CJIC database*
AB 109 Probation Caseload

As of December 31, 2019:

- The Adult Probation Department was supervising 1,589 individuals
- 1,038 (65%) were active
- 551 (35%) had bench warrants

*Data provided by Adult Probation Department from the SHARKS database*
In Calendar Year 2019:

- There were 90 CASP entries (44 for FY20 Q1 and Q2)
- There were 94 exits from the program during the year
- 75 (80%) participants were successful by the end of the year
- As of December 31, 2019: 33 individuals were still in progress and in compliance

*CASP data provided by Office of the Sheriff*
During calendar year 2019:

- The San Jose RRC served 5,255 unique clients (22% female)
- At least 40% of clients were homeless at intake
- At least 50% of clients were unemployed and actively looking for work at intake, about 82% were unemployed overall

Top requested resources:
1. General Assistance
2. CalFresh (Food Stamps)
3. Housing Assistance
4. Food/Snack
5. Healthcare
6. Clothing
7. Identification
8. Employment
9. Substance Use Treatment
10. Medical Mobile Unit

San Jose RRC - Clients Served

<table>
<thead>
<tr>
<th></th>
<th>FY19 Q3</th>
<th>FY19 Q4</th>
<th>FY20 Q1</th>
<th>FY20 Q2</th>
</tr>
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<tr>
<td>Unique Individuals</td>
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<td>Total Visits</td>
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<td>6,257</td>
</tr>
</tbody>
</table>

SJ RRC - Clientele

- Parole: 15%
- Realignment (AB109): 21%
- Formal Probation: 30%
- Other: 34%

RRC data provided by ISD from the Referral Tracking Systems (RTS)
During calendar Year 2019:

- The SCRRC was visited 1,416 times and served 235 unique clients
- There were 122 new intakes at the SCRRC
- 30% of clients served were female
- Realignment clients made up 24% of the SCRRC clientele

*South County RRC Data is tracked by ORS staff using an Excel database.*
During the calendar year, the BHT served 2,059 unique clients and had 6,503 visits.

During this time, BHT conducted 626 critical needs screenings and 681 clinical needs screenings.

There were 821 referrals to substance use treatment and 143 referrals to mental health treatment.
The Medical Mobile Unit (VHHP) served over 400 clients each quarter and was visited 4,405 times during the fiscal year.

Behavioral Health Services Department provided 1,925 admissions to Substance Use Treatment Services for RRC clients and 853 admissions to realignment-funded Mental Health Services.

The Faith-Based Collaborative’s reentry centers provided 11,339 services to reentry clients, each center served 100-300 individuals per quarter.
The Office of Supportive Housing enrolled 130 clients in Rapid Rehousing Programs, housing 80 households during the first half of the fiscal year.

The Public Defender’s Reentry Expungement Program (REP) accepted 167 new clients for record clearance and submitted 700 cases to the courts (93% granted relief).

The Adult Probation Department enrolled 240 clients in their vocational contracts and 85 clients to cognitive behavioral programming.

Social Services Agency processed 1,527 applications for 1,384 households through the RRC office – 1,007 received benefits.
Office of Reentry Services Contracts
(July 2019 - December 2019)

- 229 REENTRY CLIENTS WERE ENROLLED IN EMPLOYMENT PROGRAMS
- 86 WERE PLACED INTO PERMANENT EMPLOYMENT
- 253 CLIENTS WERE ENROLLED IN DAYWORKER PROGRAMS
- 31 LEGAL WORKSHOPS WERE PROVIDED TO 1,500 PARTICIPANTS
- 53 CLIENTS WERE REPRESENTED PRO BONO
- 285 CASES WERE HEARD IN OUTREACH COURT
- 201 SESSIONS OF LIFE SKILLS AND 254 SESSIONS ON CBT/PSYCHOSOCIAL CLASSES WERE PROVIDED TO CLIENTS IN CUSTODY
- 500 – 600 CLIENTS PARTICIPATED IN EACH OF THESE PROGRAMS EACH MONTH
- 272 CLIENTS WERE ENROLLED IN SERVICE NAVIGATION
- 224 CLIENTS WERE LINKED TO SERVICES BY CASE MANAGERS
Questions?
DATE: March 5, 2020
TO: Public Safety and Justice Committee
FROM: Martha Wapenski, Deputy County Executive
SUBJECT: Report back on New Main Jail South Construction

RECOMMENDED ACTION
Receive report from the Office of the County Executive relating to the New Jail Construction Project. (Referral from January 28, 2020 Board of Supervisors meeting, Item No. 22)

FISCAL IMPLICATIONS
There are no fiscal implications associated with receiving this informational report, however the possible cost implications are described in detail below. Any future fiscal implications as a result of approving the Recommended Action will be brought to the Board of Supervisors for approval.

REASONS FOR RECOMMENDATION
At the January 28, 2020 (Item No. 22) Board of Supervisors meeting, the Board received information on the budget timeline, costs, and operational impact of the New Jail Construction Project, and considered a recommendation to reject $80 million in State funding for the project and instead utilize County lease revenue bond funding (see attached). While the Administration is still recommending the rejection of the State funding for the reasons outlined in the attached report, today’s report to PSJC provides additional information based on the January 28, 2020 Board discussion.

The Board approved a referral from Supervisors Ellenberg and Simitian that the Administration provide a report to the Public Safety and Justice Committee (PSJC). In addition to the attached report, this report-back includes information relating to:

- Historical cost increases and fiscal implications regarding jail construction efforts
- Reasons for declining the State funding
- Actions of other counties declining State funding for jail construction
- Potential Financing Costs and Tax Exemption Status
Engagement of the County’s legislative delegation to facilitate jail funding at the State level

The Board also directed that, following the discussion and receipt of this report at PSJC, Administration provide recommendations to the full Board on March 10, 2020.

Historical Cost Increases

The history of the project scope and the site changes from Main Jail East to Main Jail South are outlined below. Also included is information about increased project costs because the sites have changed, there have been cost escalations, and the project grew to include demolition of Old Main Jail South and temporary office space.

Initially, on August 11, 2015 (Item No. 17), the Board considered a facility estimated to cost approximately $258 million when the County was submitting the application to the State for Senate Bill (SB) 863 funding of Main Jail East. As the County was preparing to submit the application to the State, the Project team worked with an architectural firm to program the facility and make plans to determine what it would contain and to demonstrate to the State that the County was serious about the funding.

Since the application for Main Jail East was submitted in August 2015 and following the death of Michael Tyree, the Board convened a Blue Ribbon Commission on Improving Custody Operations that provided recommendations on improving both jail operations and healthcare. Based on these recommendations and input from experts hired by the County, the project team modified the plan for the facility to add additional special management housing and also clinic space for dental, ophthalmology/optometry, and physical therapy services, a surgical clinic, and dialysis services. These changes were approved by the Board on February 23, 2016 (Item No. 11). In addition, based on community input, in-person non-contact visitation space was included in the design plans. The Project was also modified to add six months onto the timeline, so that there would be sufficient time for construction. These factors increased the estimated cost of the facility by $23.5 million, to a total of $281.5 million.

On January 23, 2018 (Item No. 9), the Board approved a change to the project location from the Main Jail East site to the Main Jail South site. This change required that the old Main Jail South be demolished and a new Main Jail South be built on the same site, instead of building a Main Jail East at Hedding and San Pedro. The change from the Main Jail East site to Main Jail South site was done because of the County’s decreasing jail population due to the many jail diversion and bail reform initiatives. Also, the original project was on a narrow piece of land and was less efficient than the Main Jail South site. The Main Jail South site allowed for more functional and wider spaces, and better natural lighting. This change required the Project team to:

- Address temporary relocation of existing Main Jail South office staff,
- Prepare for abatement and demolition of Main Jail South, and
- Design and build the new Main Jail South.

As a result, the design efforts needed to be re-started for a modified facility on a different
site, which took a significant amount of time. In addition to the site change, staff also incorporated Board and community input to include larger dayrooms for programming and treatment and larger recreation yards. There was also a need for more custody and custody health staff space due to the additional positions added by the Board since 2016. In addition, the demolition of Old Main Jail South also required other items to be replaced:

1. New vehicle sallyport
2. Replace existing office space that was part of Old Main Jail South
3. Replace the Alcohol Investigation Bureau space
4. New loading dock/generator

As a result of these changes, the revised New Jail Construction Project estimate was $337 million.

On August 14, 2018 (Item No. 11), the Board approved an updated resolution for construction of “New Main Jail South,” plans to finance the facility, authorization of advertisement of the Request for Qualifications (RFQ) part of the solicitation for the Design Build Contractor for New Main Jail South, an authorization to the County Executive, or designee, to issue addenda as necessary to the Request for Qualifications, an authorization to the County Executive, or designee, to solicit bids for the Old Main Jail South Abatement/Demolition project, and an authorization to issue addenda as necessary for that solicitation. The report identified factors that led to the need for additional square footage and a higher Project estimate of $365 million:

- Steel tariffs, imposed by the federal government, had increased the per-square foot cost of the facility. There is a substantial usage of steel in the facility’s structural framing and electrical systems.
- Addition of sub dayrooms to the mental health housing units so that there are more opportunities for out of cell time for mental health patients.
- Reconfiguration of Acute Housing dorms, which changed the shape of the building to allow for greater visibility into the housing units and cells needed to safely manage the housing units.
- New meditation rooms to provide additional space for inmate self-help mental health improvement.

It should be noted that the current design and cost reflect and incorporate numerous value engineering recommendations to minimize projects costs.

Then on January 28, 2020 (Item No. 22), the Board received a report on New Main Jail South Construction. As part of that report, the Board was informed that, as a result of delays experienced awaiting State approval to issue the Request for Proposals (RFP), the estimated Project occupancy date has shifted from Spring 2023 to March 2024, and the estimated Project cost has increased from $365 million to $390 million. The additional $25 million
includes $16 million in project costs due to State delays, along with another $9 million for unforeseen costs:

Increased Project cost due to State delays - $16 million:

- Previous escalation factors provided to the Board included additional construction costs of approximately $1.3 million per month. This estimate also includes additional funding required for construction management, and soft costs such as capital project managers, and increased Planning Department review costs tied to increased project costs.

Unforeseen costs - $9 million:

- Provision of an alternate power source for the temporary Richey Modular Offices and Alcohol Investigation Bureau and the need for many other utility connections that were not expected.
- Relocation of numerous communication and power lines that were not identified by the utility companies, which required extensive investigation of existing lines to map out and re-route of interconnected facilities that share the same utility tunnel/trenches.
- Additional studies associated with the site and design of the New Main Jail South.
- Costs for Technology Services and Solutions (TSS) equipment and additional TSS staff coordination efforts.

Reasons for Declining the State Funding

As stated in the report to the Board on January 28, 2020, the value of the State funding has been declining as the project timeline continues to shift. This requires the County to cover the increased project costs, and delays the County from being able to open this necessary facility to implement new programming and treatment initiatives. There is also significant value to the County in constructing a facility more quickly than using the State funding process, for the purposes of reaching compliance with the two jail-related federal consent decrees.

Moving forward without funding from the State may prevent the possible loss of the tax-exempt status of the County bonds associated with the jail project if the construction goes past the allowable time due to likely State delays. Losing tax-exempt status means a negative impact on the County’s credit rating and the probability that the County would have to pay interest on the bonds reset to taxable rates, resulting in higher debt service costs and possible fines.

Rejecting State funding and using solely County funding to build the facility would allow the County to bond against the building. The County cannot bond against the building under the State funding scenario, because the State would hold title to the building. This would be an opportunity lost, and very counter-productive because the County has contributed most of the funding to this project. In addition, given the significant County budget deficit projected for
FY 2020-2021 and future years, the County would benefit more by keeping control of the building so that the County retains the ability to bond against it in future years.

If the Board approves the use of lease revenue bonds for the shortfall caused by the rejection of State funding and the escalation costs, the debt service cost for this project amortized over 30 years is estimated to be $18.2 million per year, with the total debt service estimated to cost $545.5 million. This is in comparison to the August 14, 2018 legislative file that provided an estimated cost of $11.0 - $11.9 million per year for the previously assumed County bond amount of $201 million.

The next step with the State is signing real estate ground lease agreements after the County receives confirmation that they have accepted our proposed project site. The State indicated it would be harder to back out from the real estate ground lease agreements and would require commitment from the County to proceed. If the Board approves moving forward with the State funding, given the challenges and delays in moving through the State process and a review of slipped milestones, the Project team is projecting a best-case-scenario occupancy date of December 2024. The estimated escalation cost would be an additional $11.7 million over and above the $390 million cited in the January 28, 2020 legislative file. If a decision is made by the Board in March 2020 to proceed without State funding, the occupancy date is estimated to be March 2024.

- **Actions of Other Counties Declining State Funding**

Following the January 28, 2020 Board discussion, the County’s legislative staff reached out to other urban counties for feedback about their participation in the State process. Two urban counties shared their rationale about declining State jail construction funding, on the condition of anonymity:

- County determined during a comprehensive fiscal analysis of the project that the operation of the facility over time was cost prohibitive. To date, the County continues to operate its old facility (i.e., no new facility has been built).

- County returned the first grant due to a requirement (Assembly Bill 900 – Phase I) that conditioned receipt of jail construction funds on the county’s siting of a state secure reentry facility -- the County did not have an appropriate site available for that purpose, so it could not comply and returned the award. The County then submitted a different proposal in a later round of competitive grants to construct a new wing attached to an existing detention facility. The County subsequently learned, after it was conditionally awarded funds, that the scope of the project (an expansion of an existing facility) would have required that the entire facility be brought up to present-day seismic standards. The costs of the seismic upgrade were prohibitive, so the County relinquished the state construction grant. It has since built a new facility without state financial assistance.

Many other counties have relinquished their State funds for these jail projects. In looking at Assembly Bill (AB) 900 Phase I funding, a majority of counties awarded (nineteen) were unable to complete the State Lease Revenue Bond financing requirements, and so they
relinquished their awards. Throughout the recent award cycles of State funding to counties for jail construction, some relinquished the funds as a result of “strings attached” that they were unwilling to comply with, such as siting a reentry facility to house those released from California Department of Corrections and Rehabilitation (CDCR), or to make seismic renovations to their existing facilities (both San Mateo County). Others have relinquished State funds because they determined they were unable to staff the new facilities (Lake County and Shasta County) or because they decided there were opposed to building a new jail (San Francisco County). The challenges in working through the State process have been well documented in the media and many counties have been delayed by years in opening their new facilities or wings.

- **Potential Financing Costs and Tax Exemption Status**

The Finance Agency plans to issue tax-exempt lease revenue bonds to finance the construction of the new jail facility. Normally with lease revenue financing, the County would pledge the building that is being acquired or constructed as collateral for the bonds. Because the State has determined that, in order to get the $80 million grant, the County has to pledge the new jail facility to the State’s financing, the County instead has to look to pledge other assets for its lease revenue bonds related to the jail facility. These assets must be what investors consider “essential” to County operations and they must be valued high enough to match the bond amount. Because the County has several buildings already pledged to other bond financings, the available “pool” of buildings is relatively limited. Care must be taken to ensure that the County leaves facilities available for other critical funding needs, such as the behavioral health facility and other facility needs at Valley Medical Center (VMC).

During the discussion at the January 28, 2020 Board meeting, there was mention of staggering the State and County bond issuances. If the County proceeds with the State bond funding, there are challenges of staggering the County and State bond issuances appropriately, as the General Fund would need to have the available funding if the County bond were to be delayed. Tax-exempt bond proceeds must be expended within three years of issuance. Failure to comply with this requirement can result in the entire bond issuance being deemed taxable by the Internal Revenue Service (IRS), which will cost the County money both in increased interest costs and in potential penalties and fines. There is concern that the County is not in control of the construction schedule for the jail building as the State reserves the right to review change orders. This may cause delays in construction spending, which may cause difficulty in meeting the three-year spend-down requirement.

One way to overcome this concern of spending tax-exempt bond proceeds within three years of issuance is to issue the County bonds on a taxable basis. This will cost more than a tax-exempt financing, but would remove the time sensitivity. A recent analysis done by the County’s municipal advisor shows that taxable bonds issued at today’s market rates will cost approximately $18 million more in debt service over the life of the bonds compared to tax-exempt bonds. Another way is to issue variable rate commercial paper notes (on either tax-exempt or taxable basis depending on thorough tax analysis) to fund the costs of construction as the project is proceeding and then convert them to long-term fixed rate bonds at construction completion. This would subject the County to market and interest rate risk by
waiting to issue fixed bonds until the end of construction. Both the commercial paper notes and the subsequent fixed rate bonds will incur costs of issuance, including the cost of bond counsel, disclosure counsel, municipal advisors, rating agencies, and printing. The commercial paper notes will also incur costs related to the necessary supporting letter of credit as well as fees for the remarketing of the notes. For the reasons noted above, the Administration does not believe issuing bonds on a taxable basis is worth the cost on the higher interest rate, and the commercial paper notes has the risk of the market and interest rate risk as well as two bond issuances (for notes and bonds).

As stated above, if the Board approves the use of lease revenue bonds for the shortfall caused by the rejection of State funding and the escalation costs, the debt service cost for this project amortized over 30 years is estimated to be $18.2 million per year, with the total debt service estimated to cost $545.5 million. This is in comparison to the August 14, 2018 legislative file that provided an estimated cost of $11.0 - $11.9 million per year for the previously assumed County bond amount of $201 million.

5. Engagement of the Legislative Delegation

The Administration reached out to Senator Beall’s office to make them aware of the concerns from the January 28, 2020 report to the Board, and request their assistance if the County proceeds with the State funding. There was a willingness from his office to assist the County in resolving issues expeditiously with the State agencies. Following Board direction in March, other members of the legislative delegation will be engaged as well.

CHILD IMPACT

The recommended action will have no/neutral impact on children or youth.

SENIOR IMPACT

The recommended action will have no/neutral impact on seniors.

SUSTAINABILITY IMPLICATIONS

The recommended action will have no/neutral sustainability implications.

BACKGROUND

Background on State delays

In December 2018, the Board approved a delegation of authority to issue the Request for Proposal (RFP). As such, the County has been ready to issue the RFP since early 2019. Despite months of working to get the required State approvals for the RFP, by Summer 2019 it was still not approved by the State. Given this heightened concern about the impact of these delays on costs and timelines, in July 2019, the Administration provided an off-agenda status report to the Board (see attached as part of the January 28, 2020 legislative file attachment). At the time of this writing, the County still does not have State approval of the RFP, and the State is unable commit to a schedule for the RFP approval.

It is important to note that through 2018 and 2019, there have been frustrating and costly delays associated with the review and approval process required by the 4 State agencies
involved with this project. The project team has had many discussions with the State on the importance of the project and the urgency surrounding it.

Because of the State delays, the occupancy date has shifted from Spring 2023 to March 2024. State delays have also triggered the construction escalation factors, resulting in project cost increases of $16 million dollars. The State has significant control of the project schedule and the State acts on its own timetable, costing the County millions of dollars. Approval of the Recommended Action would allow the County to move forward with lease revenue bonds instead of State funding of $80 million. While it is extremely difficult to recommend the rejection of the State funds, doing so would:

- Clear the costly log jam on the construction timeline;
- Prevent the possible loss of the tax-exempt status of the County bonds associated with the jail project if the construction goes past the allowable time due to likely State delays. Losing tax exempt status means a negative impact on the County’s credit rating and the probability that the County would have to pay interest on the bonds reset to taxable rates, resulting in more debt service cost and possible fines;
- Allow the County to construct a facility more quickly than using the State funding process, for the purposes of reaching compliance with the two jail-related federal consent decrees;
- Prevent having to pay General Condition costs of $750,000 a month if the State delays cause the contractor to go beyond the 30 months in the RFP;
- Prevent the State from holding title to a County facility, meaning the County would be unable to bond against the facility in the future. This would be an opportunity lost, and very counter-productive because the County has contributed most of the funding to this project; and
- Likely reduce some of the County’s costs and make contractors more interested in bidding on the project due to less onerous and costly insurance language.

As stated in previous reports to the Board, because the Project is receiving $80 million from the State, the Project requires constant coordination and communication with numerous State agencies, all of which must approve the plans. The Project team also ensures the plans conform with State requirements for financing and bonds, real estate, State Fire Marshal permitting, and Board of State and Community Corrections (BSCC) policies. The Project team has experienced frustrating and costly delays throughout 2018 and 2019 associated with the State review, approval, and oversight process required by numerous State agencies. It should be emphasized that the State has significant control of the project schedule as the County is unable to proceed through the various milestones without State approval, and the State acts on its own timetable.

**History of Board Actions**

On June 9, 2015 (Item No. 74), the Board of Supervisors approved an Initial Study and Mitigated Negative Declaration, which was prepared for this project pursuant to provisions of the California Environmental Quality Act (CEQA), and which is required to demonstrate
readiness to proceed with the project. The County has documentation of CEQA compliance and a letter from County Counsel certifying the associated statute of limitations has expired and that no challenges were filed.

On August 11, 2015 (Item No. 17), the Board of Supervisor adopted a Resolution authorizing the application for Senate Bill (SB) 863 Jail Construction Financing and approved the draft application for SB 863 Jail Construction Financing.

On February 23, 2016 (Item No. 11), the Board of Supervisor approved a resolution for SB 863 financing and the administrative approvals to apply for this grant funding. The new building will address the changing nature of the inmate population as well as the increased length of stay in custody as a result of the State of California’s AB109 Realignment program. The new facility will not only replace an outdated facility, but it will also address the need for inmate programs (education, substance abuse, job placement, life skills, etc.) along with the need to provide treatment to the increased number of inmates that require mental health treatment. The County of Santa Clara sought and received partial project funding via the State of California lease-revenue bond funds under the Senate Bill (SB) 863 Bond funding measure in order to reduce the need for bed space through treatment. This funding will help replace deteriorating housing areas with re-entry, educational, vocation, and rehabilitation treatment beds, and increase the number of mental health treatment beds.

On February 7, 2017 (Item No. 19), the Board adopted an updated resolution for construction of “Main Jail East” consistent with SB 863. The update was necessary since the Board approved the initial resolution for SB 863 financing in February 2016. The State of California Board of State and Community Corrections (BSCC) asked the County to update the Board resolution to account for funding changes in the project and to demonstrate the County’s commitment to the State for the County’s plan to move forward with this project and the receipt of $80 million of State funding.

On January 23, 2018 (Item No. 9), the Board approved a Notice of Exemption and Addendum to and use of the Mitigated Negative Declaration for the South Main Jail Replacement Project, a modified project scope on the Main Jail South site, an updated resolution for construction of “New Main Jail South,” and plans to finance the facility.

On August 14, 2018 (Item No. 11), the Board approved an updated resolution for construction of “New Main Jail South,” plans to finance the facility, authorization of advertisement of the Request for Qualifications (RFQ) part of the solicitation for the Design Build Contractor for New Main Jail South, an authorization to the County Executive, or designee, to issue addenda as necessary to the Request for Qualifications, an authorization to the County Executive, or designee, to solicit bids for the Old Main Jail South Abatement/Demolition project, and an authorization to issue addenda as necessary for that solicitation.

On December 4, 2018 (Item No. 12), the Board approved a contract award for the abatement of demolition of Old Main Jail South, authorization of the County Executive, or designee to issue Change Orders, and ratification of an addendum to bid documents.

On December 18, 2018 (Item No. 40), the Board approved a resolution to reimburse certain
expenditure from New Jail Facility bond proceeds, approval and authorization of the Request for Proposals (RFP) for the Design Build Contract for the New Main Jail South Project, authorization to the County Executive, or designee, to make clarifications, minor changes and issue addenda, and to negotiate agreements to pay a stipend.

On January 28, 2020 (Item No. 22), the Board received a report on New Main Jail South Construction and information on delays as a result of the State process and a recommendation to reject $80 million in State Senate Bill 863 funding and utilize County lease revenue bonds funding for the New Jail Construction Project.

CONSEQUENCES OF NEGATIVE ACTION

The Committee will not receive the requested information.

ATTACHMENTS:

- 1-28-20 Report back on New Main Jail South Construction_leg file and off-agenda (PDF)
DATE: January 28, 2020
TO: Board of Supervisors
FROM: Martha Wapenski, Deputy County Executive
SUBJECT: Report back on New Main Jail South Construction

RECOMMENDED ACTION
Under advisement from August 27, 2019 (Item No. 23): Consider recommendations relating to the New Jail Construction Project. (Office of the County Executive)

Possible action:

a. Receive report relating to the budget, timelines, and operational impacts of the New Jail Construction Project.

b. Authorize Administration to reject $80 million in State Senate Bill 863 funding and utilize County lease revenue bonds funding for the New Jail Construction Project.

FISCAL IMPLICATIONS
There are no fiscal implications associated with receiving this informational report, however the possible cost implications are described in detail below. Any future fiscal implications as a result of approving the Recommended Action will be brought to the Board of Supervisors for approval.

REASONS FOR RECOMMENDATION
At the August 27, 2019 (Item No. 23) Board of Supervisors meeting, the Board approved a referral from Supervisor Ellenberg that the Administration provide information regarding the cost increases, timelines, and operational impacts of the New Jail Construction Project. As part of the discussion, the County Executive agreed to provide additional information to the Board to provide the history of impacts on jail construction efforts over the past ten years.

In December 2018, the Board approved a delegation of authority to issue the Request for Proposal (RFP). As such, the County has been ready to issue the RFP since early 2019. Despite months of working to get the required State approvals for the RFP, by Summer 2019 it was still not approved by the State. Given this heightened concern about the impact of these delays on costs and timelines, in July 2019, the Administration provided an off-agenda status report to the Board (see attached). At the time of this writing, the County still does not
have State approval of the RFP, and the State is unable commit to a schedule for the RFP approval.

It is important to note that through 2018 and 2019, there have been frustrating and costly delays associated with the review and approval process required by the 4 State agencies involved with this project. The project team has had many discussions with the State on the importance of the project and the urgency surrounding it.

Because of the State delays, the occupancy date has shifted from Spring 2023 to March 2024. State delays have also triggered the construction escalation factors, resulting in project cost increases of $16 million dollars. The State has significant control of the project schedule and the State acts on its own timetable, costing the County millions of dollars. Approval of the Recommended Action would allow the County to move forward with lease revenue bonds instead of State funding of $80 million. While it is extremely difficult to recommend the rejection of the State funds, doing so would:

- Clear the costly log jam on the construction timeline;
- Prevent the possible loss of the tax-exempt status of the County bonds associated with the jail project if the construction goes past the allowable time due to likely State delays. Losing tax exempt status means a negative impact on the County’s credit rating and the probability that the County would have to pay interest on the bonds reset to taxable rates, resulting in more debt service cost and possible fines;
- Allow the County to construct a facility more quickly than using the State funding process, for the purposes of reaching compliance with the two jail-related federal consent decrees;
- Prevent having to pay General Condition costs of $750,000 a month if the State delays cause the contractor to go beyond the 30 months in the RFP;
- Prevent the State from holding title to a County facility, meaning the County would be unable to bond against the facility in the future. This would be an opportunity lost, and very counter-productive because the County has contributed most of the funding to this project; and
- Likely reduce some of the County’s costs and make contractors more interested in bidding on the project due to less onerous and costly insurance language.

Details on these issues, as well as a response to the Board referral, are provided below.

**Details and Impacts of State Delays**

As stated in previous reports to the Board, because the Project is receiving $80 million from the State, the Project requires constant coordination and communication with numerous State agencies, all of which must approve the plans. The Project team also ensures the plans conform with State requirements for financing and bonds, real estate, State Fire Marshal permitting, and Board of State and Community Corrections (BSCC) policies. The Project team has experienced frustrating and costly delays throughout 2018 and 2019 associated with
the State review, approval, and oversight process required by numerous State agencies. It should be emphasized that the State has significant control of the project schedule as the County is unable to proceed through the various milestones without State approval, and the State acts on its own timetable.

Timeline and Cost Impact

Since the last report to the Board, as a result of delays experienced awaiting State approval to issue the Request for Proposals (RFP), the estimated Project occupancy date has shifted from Spring 2023 to March 2024, and the estimated Project cost has increased from $365 million to $390 million. The additional $25 million includes $16 million in project costs due to State delays, along with another $9 million for unforeseen costs:

Increased Project cost due to State delays - $16 million:

- Previous escalation factors provided to the Board included additional construction costs of approximately $1.3 million per month. This estimate also includes additional funding required for construction management, and soft costs such as capital project managers, and increased Planning Department review costs tied to increased project costs.

Unforeseen costs - $9 million:

- Provision of an alternate power source for the temporary Richey Modular Offices and Alcohol Investigation Bureau and the need for many other utility connections that were not expected.
- Relocation of numerous communication and power lines that that were not identified by the utility companies, which required extensive investigation of existing lines to map out and re-route of interconnected facilities that share the same utility tunnel/trenches.
- Additional studies associated with the siting and design of the New Main Jail South.
- Costs for TSS equipment and additional TSS staff coordination efforts.

Another concern of the Project team is the possibility of additional delays once the Design Build project is awarded to the winning bidder. In the likely event that there are months-long delays caused by the four State agencies involved in the approval process, the County would be charged with General Condition (GC) costs of approximately $750,000 per month, if the County or State cause the contractor to go beyond the 30 months required in the RFP. The GC costs would be in addition to approximately the $1 million per month in escalation costs described above. If there are 12 to 24 months of delays, the estimated additional project cost is approximately $21 to $42 million dollars between the escalation and the GC costs. If the project delays further, there is also a concern that County departments will feel driven to request capital projects to achieve consent decree compliance in advance of the new jail construction, which could cause tens of millions of dollars in additional capital and operational costs if approved.
Liability and Insurance Concerns

The County has been required to review many agreements with the State and has worked to identify and raise all concerns as it relates to liability, insurance requirements, financing issues, and other ownership requirements. The State heard the County’s concerns, but was unwilling and unable in many circumstances to modify language to address the County’s concerns. Many of those concerns require the County to cover State costs and could make it more costly and problematic to insure the new facility. Rejecting the State funding will likely reduce some of the County’s costs and also make it likely contractors will be interested in bidding on the project due to less onerous and costly insurance language.

Other Counties Relinquished State Funds

Many other counties have relinquished their State funds for these jail projects. In looking at Assembly Bill (AB) 900 Phase I funding, a majority of counties awarded (nineteen) were unable to complete the State Lease Revenue Bond financing requirements, and so they relinquished their awards. Throughout the recent award cycles of State funding to counties for jail construction, some relinquished the funds as a result of “strings attached” that they were unwilling to comply with, such as siting a reentry facility to house those released from CDCR, or to make seismic renovations to their existing facilities (both San Mateo County). Others have relinquished State funds because they determined they were unable to staff the new facilities (Lake County and Shasta County) or because they decided there were opposed to building a new jail (San Francisco County). The challenges in working through the State process have been well documented in the media and many counties have been delayed by years in opening their new facilities or wings.

Risks for Existing Lease Revenue Bond Financing

The State funds comes with risks for the County’s lease revenue bond financing. Bond proceeds have to be expended within three years of issuance in order to remain tax-exempt. There is concern if the State delays the project once the contract is awarded to the Design Build firm. If continued State delays impact the construction schedule, the tax-exempt status of the County’s lease revenue bonds could be jeopardized. If the bonds are deemed taxable, the County would have to pay higher interest rates as well as potential fines and there could be a negative impact on the County’s credit ratings, which will have significant implications for all County bond financings, not just the jail-related one. In addition, since the State would hold title to the facility, the County will be unable to bond against the facility for other projects in the future. Since the County has contributed the majority of funding to the facility, it would be an opportunity lost.

Recommendation

Given the significant delays caused by the various State agencies and the resulting cost increases, Administration is recommending that the Project team utilize additional lease revenue bonds from our County issuance instead of using the State’s $80 million in SB 863 jail construction financing. If the Board approves Recommended Action b, the Administration would continue to explore funding options to ensure there is sufficient General Fund dollars until the bonds are issued closer to the construction date.
Administration will also work to prepare for issuance of lease-revenue bonds to have financing available to fund the construction of the new facility. If the Board approves the use of lease revenue bonds for the shortfall caused by the rejection of State funding and the escalation costs, the debt service cost for this project amortized over 30 years is estimated to be $18.2 million per year. This is in comparison to the August 14, 2018 legislative file that provided an estimated cost of $11.0 - $11.9 million per year for the previously assumed County bond amount of $201 million.

Report-back on Operational Impacts, Costs, and History of Jail Construction Efforts

Operational Impacts: Jail Population

As presented numerous times at Board and Committee meetings over the past few years, the County has spent a significant amount of time and resources to analyze and monitor the jail population, and update jail population projections based on data. It has been done as part of past jail facility need assessments that included jail population projections. The County also commissioned a study in 2017 when the new jail facility was downsized due to the many jail diversion and bail reform initiatives. The 2017 jail population consultant projected a future population of 3,500 inmates. However, there needs to be a certain percentage of empty beds at each security level, to allow for the constant movement up and down between security levels. In this way, the Sheriff’s Office has flexibility and can more efficiently re-classify the inmate up or down depending on circumstances. When this is added to the seasonal peaking effects of the jail population, the expert stated the needs will increase the projected beds from 3,900 to 4,100.

Operational Impacts: Treatment and Programming Space

This new facility is needed to allow for treatment and programming space that is not sufficient in our current jail facilities. Additionally it is anticipated that the Service Model and Operational Planning (SMOP) Plan for the Elmwood Campus will identify many housing units in need of replacement in addition to space for additional programming. This would require future additional investment in the County’s jail facilities in order to have the appropriate space and environment to reflect the County’s values and the Board’s direction. Given the many experts assisting the County over the past few years and the recommendations that they have been making, the project team has worked to incorporate modifications to the Project. The Board has also provided direction on operational and design elements based on a previous Project report to the Board. The New Jail project is based on research on the impact of light, color, materials, acoustics and access to nature murals affect mental and physical well-being. This research is being used to inform design decisions throughout the new facility. Research shows that facilities that integrate color, light, and natural elements can have significant, positive effects on the psychological and physical health of both inmates and staff. Use of natural materials, such as wood and paintings in dayrooms, may offer a more normalized environment, which can be beneficial to inmate behavioral change. Normalized environments can actually be less expensive, and experience shows that inmates in a more normalized environment will vandalize it less. All of these modifications were presented to the Board for approval, along with the Project budget impact...
of these changes. Because these past design modifications required additional time and therefore extended the facility opening date, the project team remains sensitive to maintaining the project schedule.

Operational Impacts: Consent Decrees

The County is under two consent decrees related to jail conditions. As the remedial plans for these consent decrees were developed and as operational changes have taken place over the years, there were many changes that were needed in order to incorporate the necessary space for planned operational changes. Examples include sub dayrooms and other areas to provide adequate out of cell time, program and treatment space, and adequate space for the increased staffing. This resulted in increases in one-time construction costs, reported to the Board previously, that help optimize staffing efficiencies and the safe management of the housing units by Correctional Deputies.

Cost Increases

During 2018, the Board requested information about cost containment and project oversight efforts. This information was provided to the Board on December 4, 2018 (Item No. 12). Given the Project’s size and complexity, it is particularly important to ensure that costs are carefully monitored and controlled. The Project team is very cognizant of the cost risks if the schedule slips and therefore has been working diligently to keep the Project on schedule and minimize risk to cost escalators. As the Project budget has been developed, staff have utilized two means of validating project costs: one by the bridging consultant based on square feet and one by the construction management firm based on systems. The latest construction estimates were within 3 percent of each other, a variance well within industry norms.

The Project team brought on a construction management firm early to get their construction perspective and involve the firm in the team’s strategic planning as the Project was being scoped and developed. The construction management firm has also been working to keep all the components of the Project on track, deal with potential site logistic problems and how to mitigate cost variables such as construction worker site access. The construction management firm is also advising on construction trends and impacts related to other projects in the state. The firm also looks at state and federal changes in construction that may affect costs, material costs, and labor constraints. The Project team has been proactively investigating the site conditions and performing the underground and demolition work to minimize site unforeseen conditions and reduce the unknown factors for bidders. This up-front work also reduces bid cost contingencies. There will be a full-time team of construction management staff on site using management software to track and monitor requests for information and proposed change orders, in order to monitor and control costs.

Cost risks with the project remain and are under scrutiny by the team as the Project progresses, especially as tariffs remain a concern for steel costs and the timeline changes add cost to the project. As discussed in past legislative files, changes were made to the structural system, which had the benefit of reducing square footage, but resulted in the use of more steel. Unfortunately steel prices remain volatile due to uncertainties in the supply chain as a result of trade tariffs implemented by the Federal government. As a result, this has caused professional estimators to factor in higher steel costs.
History of Jail Construction Efforts

On January 10, 2012 (Item No. 16), the Administration presented a report related to the 2011 Local Jail Construction Financing Program, Assembly Bill 900 Phase II (AB 900). AB 900 was a statewide lease revenue bond financing program for construction or expansion of county jails. At that time, the Board voted not to move forward with this financing program, and directed Administration to continue gathering information for a future study session.

On October 3, 2013 (Item No. 6), the Administration provided a report to the Board’s Public Safety and Justice Committee with a recommendation to fund a comprehensive jail needs assessment. The comprehensive jail facility needs assessment was to consider alternatives to current facility conditions, and provide one-time capital costs and ongoing operational costs for each alternative. The alternatives would include combinations of continued use or replacement of existing facilities, or building new facilities, as well as an assessment of the need for programming/classroom space. On December 17, 2013 (Item No. 17), the Administration provided a report to the Board with a recommendation to fund a comprehensive jail needs assessment. The report outlined the need to focus on completing project plans and specifications for short term projects, directed the departments and Administration to work together to develop an outline for short and long term capital projects, and identify a process to address jail facility needs. The Administration also committed to conducting a comprehensive jail facility needs assessment and considering other systems that support the need for population management and increased security, such as a jail management system, expanded video surveillance inside Main Jail North, expanded video surveillance at Elmwood, and an assessment of all locks and doors at Main Jail North for replacement.

During 2014, the County and its contractor, MGT of America, worked on a jail facility needs assessment, which required much information sharing once the contract was awarded in June 2014. As this work was being done, the Administration continued recommending additional funding to jail facilities to ensure their facility needs were being addressed, and the Board approved that funding.

On February 10, 2015 (Item No. 21), the Board received a report relating to Department of Correction Needs Assessment/Facility Study. The assessment focused on needs for additional maximum-security and high-medium security beds, the increased demand for medical services, the increased number of inmates requiring mental health treatment and to ensure that the County is meeting the needs of the growing female population. Given the age of the County’s jail facilities and because Main Jail South required continuous and increasing maintenance and repairs, the assessment recommended replacing Main Jail South. With Board support, the Administration began looking at potential sites and working on pre-design work that was necessary as part of the California Environmental Quality Act process for the County to pursue State funding for new jail facilities. In addition to this work, continued investments were made to the jail facilities as part of capital allocations to address maximum security and medical needs.

Based on the jail facility needs assessment and other related factors, the Board agreed to apply for State funding as part of the Senate Bill (SB) 863 that was offered to counties in
2015 to replace jail facilities. On August 11, 2015 (Item No. 17), the Board was asked to approve a resolution authorizing the application for SB 863 jail construction financing along with a delegation of authority and a draft application for SB 863 jail construction financing. County staff submitted the County’s application on August 28, 2015. The County received notification on December 17, 2015 of the Board of State and Community Corrections conditionally awarding $80 million in state lease revenue bond financing.

Since the application for Main Jail East was submitted in August 2015, the death of Michael Tyree occurred and the Board convened a Blue Ribbon Commission on Improving Custody Operations to make recommendations on improving both jail operations and healthcare. Based on these recommendations and input from experts hired by the County in response to those recommendations, the County modified the plan for the facility to add additional special management housing and also clinic space to address need for dental, ophthalmology/optometry, and physical therapy services, a surgical clinic, and dialysis services. These changes were approved by the Board on February 23, 2016 (Item No. 11). In addition, based on community input, in-person non-contact visitation space was reestablished to the design plans. The Project was also modified to add six months onto the timeline, so that there would be sufficient time for construction. These factors increased the estimated cost of the facility by $23.5 million. Main Jail East was to be built on the corner of Hedding and San Pedro and would have kept Main Jail North and Main Jail South operational while Main Jail East was being constructed. Main Jail South could have been taken offline and plans would have been prepared for demolition only when it was ready to be emptied.

On January 23, 2018 (Item No. 9), the Administration made a recommendation at this Board meeting and the Board agreed to change the project location and demolish the old Main Jail South and build a new Main Jail South on the same site, instead of building a Main Jail East at Hedding and San Pedro. The change from the Main Jail East site to Main Jail South site was done because of the County’s decreasing jail population due to the many jail diversion and bail reform initiatives. This change required the Project team to:

1. Address temporary relocation of existing Main Jail South office staff,
2. Prepare for abatement and demolition of Main Jail South, and
3. Design and build the new Main Jail South.

As a result, the design efforts needed to be re-started for a modified facility on a different site, which took a significant amount of time. In addition to the site change, staff also incorporated Board and community input to include larger dayrooms for programming and treatment and larger recreation yards. There was also a need for more custody and custody health staff space due to the additional positions added by the Board since 2016. In addition, the demolition of Old Main Jail South also required other items to be replaced:

- New vehicle sallyport
- Replace existing office space that was part of Old Main Jail South
- Replace the Alcohol Investigation Bureau space
- New loading dock/generator
As a result of these changes, the revised New Jail Construction Project estimate was $337 million.

On August 14, 2018 (Item No. 11), the Board approved an updated resolution for construction of “New Main Jail South,” plans to finance the facility, authorization of advertisement of the Request for Qualifications (RFQ) part of the solicitation for the Design Build Contractor for New Main Jail South, an authorization to the County Executive, or designee, to issue addenda as necessary to the Request for Qualifications, an authorization to the County Executive, or designee, to solicit bids for the Old Main Jail South Abatement/Demolition project, and an authorization to issue addenda as necessary for that solicitation. The report identified factors that led to the need for additional square footage and a higher Project estimate of $365 million:

- Steel tariffs, imposed by the federal government, have increased the per-square foot cost of the facility. There is a substantial usage of steel in the facility’s structural framing and electrical systems.
- Addition of sub dayrooms to the mental health housing units so that there are more opportunities for out of cell time for mental health patients.
- Reconfiguration of Acute Housing dorms, which changed the shape of the building to allow for greater visibility into the housing units and cells needed to safely manage the housing units.
- New meditation rooms to provide additional space for inmate self-help mental health improvement.

It should be noted that the current design and cost reflect and incorporate numerous value engineering recommendations to minimize projects costs.

**CHILD IMPACT**

The recommended action will have no/neutral impact on children or youth.

**SENIOR IMPACT**

The recommended action will have no/neutral impact on seniors.

**SUSTAINABILITY IMPLICATIONS**

The recommended action will have no/neutral sustainability implications.

**BACKGROUND**

On June 9, 2015 (Item No. 74), the Board of Supervisors approved an Initial Study and Mitigated Negative Declaration, which was prepared for this project pursuant to provisions of the California Environmental Quality Act (CEQA), and which is required to demonstrate readiness to proceed with the project. The County has documentation of CEQA compliance and a letter from County Counsel certifying the associated statute of limitations has expired and that no challenges were filed.

On August 11, 2015 (Item No. 17), the Board of Supervisor adopted a Resolution authorizing the application for Senate Bill (SB) 863 Jail Construction Financing and approved the draft
application for SB 863 Jail Construction Financing.

On February 23, 2016 (Item No. 11), the Board of Supervisor approved a resolution for SB 863 financing and the administrative approvals to apply for this grant funding. The new building will address the changing nature of the inmate population as well as the increased length of stay in custody as a result of the State of California’s AB109 Realignment program. The new facility will not only replace an outdated facility, but it will also address the need for inmate programs (education, substance abuse, job placement, life skills, etc.) along with the need to provide treatment to the increased number of inmates that require mental health treatment. The County of Santa Clara sought and received partial project funding via the State of California lease-revenue bond funds under the Senate Bill (SB) 863 Bond funding measure in order to reduce the need for bed space through treatment. This funding will help replace deteriorating housing areas with re-entry, educational, vocation, and rehabilitation treatment beds, and increase the number of mental health treatment beds.

On February 7, 2017 (Item No. 19), the Board adopted an updated resolution for construction of “Main Jail East” consistent with SB 863. The update was necessary since the Board approved the initial resolution for SB 863 financing in February 2016. The State of California Board of State and Community Corrections (BSCC) asked the County to update the Board resolution to account for funding changes in the project and to demonstrate the County’s commitment to the State for the County’s plan to move forward with this project and the receipt of $80 million of State funding.

On January 23, 2018 (Item No. 9), the Board approved a Notice of Exemption and Addendum to and use of the Mitigated Negative Declaration for the South Main Jail Replacement Project, a modified project scope on the Main Jail South site, an updated resolution for construction of “New Main Jail South,” and plans to finance the facility.

On August 14, 2018 (Item No. 11), the Board approved an updated resolution for construction of “New Main Jail South,” plans to finance the facility, authorization of advertisement of the Request for Qualifications (RFQ) part of the solicitation for the Design Build Contractor for New Main Jail South, an authorization to the County Executive, or designee, to issue addenda as necessary to the Request for Qualifications, an authorization to the County Executive, or designee, to solicit bids for the Old Main Jail South Abatement/Demolition project, and an authorization to issue addenda as necessary for that solicitation.

On December 4, 2018 (Item No. 12), the Board approved a contract award for the abatement of demolition of Old Main Jail South, authorization of the County Executive, or designee to issue Change Orders, and ratification of an addendum to bid documents.

On December 18, 2018 (Item No. 40), the Board approved a resolution to reimburse certain expenditure from New Jail Facility bond proceeds, approval and authorization of the Request for Proposals (RFP) for the Design Build Contract for the New Main Jail South Project, authorization to the County Executive, or designee, to make clarifications, minor changes and issue addenda, and to negotiate agreements to pay a stipend.

CONSEQUENCES OF NEGATIVE ACTION
The Board will not receive the requested information.

**ATTACHMENTS:**

- Updated Information on New Main Jail South Timeline - July 2019 off-agenda report (PDF)
- NEW JAIL FACILITY presentation for Jan 28 BOS Board Mtg (PDF)
DATE: July 8, 2019

TO: Honorable Board of Supervisors
   Jeffrey V. Smith, County Executive

FROM: Martha Wapenski, Deputy County Executive
      Tony Filice, Program Manager III

SUBJECT: Updated Information on New Main Jail South Timeline

This off-agenda report serves to provide an update to the Board on the timeline related to the New Main Jail South construction. At the December 18, 2018 Board meeting, the Administration received a delegation of authority to issue the Request for Proposals (RFP) for New Main Jail South. Since that time, the multi-departmental County team has been working with many State agencies to obtain their approvals to advertise the RFP. Despite months of collaborative efforts with the State agencies, the County still does not have the State’s approval to issue the RFP and is still working through various real estate issues with the State. Based on previous collaboration with the State on this project, it was anticipated that sufficient time was projected to go through the State processes, but there were State administrative processes and legal issues related to risk management and real estate that have caused a delay to the project. Many other documents were also under discussion and there was an extensive amount of back-and-forth before the agreements could be executed. In addition, one of these State departments is actively involved in the preparation of the State budget and this project has not been their priority.

The County has been ready to issue the RFP since early 2019, but is unable to do so without the State’s approval, given the $80 million of funding from the State. There has been much discussion with the State about the importance of the project and urgency related to it, but the State is unable to commit to a schedule for RFP approval and so the current best estimate for County release of the RFP is September 2019. As such, it would change occupancy of the new facility from Spring 2023 to Fall 2023.
Administration has been working diligently to address all of the State issues in order to mitigate the delays, and wanted to update the Board given the impact to the New Main Jail South project. The Administration will update the Board once approval from the State has been received.

cc: Chief Board Aides
    Miguel Marquez, Chief Operating Officer
    James R. Williams, County Counsel
    Megan Doyle, Clerk of the Board of Supervisors
    Mary Ann Barrous, Agenda Review Administrator
DATE: March 5, 2020
TO: Public Safety and Justice Committee
FROM: Martha Wapenski, Deputy County Executive
SUBJECT: Surveillance Camera Registry Program

RECOMMENDED ACTION
Receive report from the Office of the County Executive relating to a surveillance camera rebate program and information on expanding local camera registries in the unincorporated areas. (Referral from June 4, 2019 Board of Supervisors meeting, Item No. 18)

FISCAL IMPLICATIONS
This report is informational in nature and acceptance of the Recommended Action will not impact the General Fund. Any possible future funding impacts will come to the Board separately.

REASONS FOR RECOMMENDATION
At the June 4, 2019 (Item No. 18) Board of Supervisors meeting, the Board approved a referral from Supervisor Ellenberg and requested that Administration return to the Board with a report on a surveillance camera rebate program and information on expanding local camera registries. The Board had a robust discussion and requested that the Administration include a number of additional considerations in the report-back, given privacy concerns and potential implications associated with the County’s Surveillance-Technology and Community-Safety Ordinance. The Board limited the scope of the report to residences and businesses in the unincorporated area and specified that a study of dollar amounts for rebate not be included. The Administration convened meetings with the Privacy Office, Office of the County Counsel, and Office of the Sheriff in August and September 2019 to collaborate on the report-back and provide the information below.

This report contains the Board’s requested information about developing a surveillance camera rebate program and expanding local camera registries:

1. Clarification of relationship between registry and rebate.
2. Number of residences and businesses in the unincorporated area.
3. List of rebate and registry programs in other jurisdictions.
4. Survey results of other jurisdictions using rebate and/or registry programs.
5. Information on the Board’s request to consider the potential overuse, misuse, and misapplication of surveillance technology under the program.
6. Privacy Language on Websites.
7. Research on the impact of home surveillance cameras on crime.
8. Implications of the Surveillance-Technology and Community-Safety Ordinance and legal questions.
9. Next steps on establishing a program in the County of Santa Clara.

**CHILD IMPACT**
The recommended action will have no/neutral impact on children and youth.

**SENIOR IMPACT**
The recommended action will have no/neutral impact on seniors.

**SUSTAINABILITY IMPLICATIONS**
The recommended action will have no/neutral sustainability implications.

**BACKGROUND**

1. **Clarification of the Relationship Between Registry and Rebate**
   
   As part of the referral, the Board asked the departments to clarify the relationship between a registry and a rebate. A registry is the database that stores a list of surveillance camera owners and associated information such as address and camera type. A rebate program, on the other hand, would allow a government entity to provide a resident or business with a partial return of the original payment for the surveillance camera. A rebate program would have to include a registry to track applications and payment disbursals. However, a registry would not have to include a rebate program.

2. **Number of residences and businesses in the unincorporated area**

   Since the County does not yet have a business license registry, the Administration worked with the County’s Department of Planning and Development to try to ascertain the number of residences and businesses within the unincorporated area. Because data can be queried in different ways, the purpose of the referral was considered to ensure the data is responsive. Based on the data query, it is estimated that there are 18,694 parcels with residences and 979 parcels with businesses in the unincorporated area.

3. **List of Surveillance Rebate and Registry Programs in Other Jurisdictions**

   Generally, the Camera Registry Programs (CRP) are being promoted to city and county residents as a tool for law enforcement to enhance crime prevention by identifying cameras in an area where a crime occurred and following up on potential leads. The counties and cities are also promoting the use of these voluntary registry programs as creating safer neighborhoods and enhancing public safety.
Rebate Programs:

- Washington D.C.
- San José in District 9, offered through Councilmember Pam Foley’s office that was launched in September 2019 and has enough funds for about 90 cameras.
- Spokane, Washington offers a camera rebate program for their downtown businesses, through their annual business fee.
- Detroit, Michigan started a program to connect cameras at eight gas stations with the Detroit Police Department as part of a crime-fighting partnership.
- Reading, Pennsylvania created a program in December 2018 available to residents, businesses, nonprofits and religious institutions to install security cameras on their properties and register them.
- Several southern California cities partnered with Ring to provide discounts to some of their residents, and those programs have now ended.

Voluntary Registry Programs:

- National: Law enforcement agencies are developing various databases or participating in programs that allow homeowners and businesses to register their private surveillance cameras to provide access to recordings.
- California Counties (through their respective Sheriff’s Office): Kern, Marin, Napa, Placer, San Mateo, Shasta, Solano
- Cities in Santa Clara County: Campbell, Los Gatos, Milpitas, Monte Sereno (shared with Town of Los Gatos), San José, Santa Clara, Saratoga

4. Survey Results of Other Jurisdictions Using Rebate and/or Registry Programs

Staff contacted jurisdictions within California and nationally that administer Camera Rebate Programs and/or Camera Registry Programs. That list is included in Attachment A. The key findings were:

- Various jurisdictions stated that the primary reasons for starting a program was to prevent crime, assist police with solving crimes, save police time and resources during investigations, and public safety.
- Most programs were not modeled after any other existing program, but some jurisdictions were aware of similar programs in other cities or counties.
- The maximum camera rebate amount varied $100 per address for residents or businesses (City of San José – District 9) to $500 per home address and $750 per business with a maximum rebate of $200 per camera (Washington, DC). To be eligible for the camera rebates, jurisdictions require residents to purchase cameras that meet minimum specifications, are located outside, show proof of installation, and other requirements.
• For areas with only registry and not rebate programs, respondents stated that there was no annual cost to run the program. If any funding would be needed, then it would most likely come from the department’s budget. For the rebate programs, the cost ranged from one-time funds of $10,000 (City of San José – District 9) to $500,000 annual budget (Washington, DC) to be used for camera rebates. Funding for the camera rebates mostly came from General Funds. The Spokane, Washington program was the only exception and used Business and Tenant Assessment revenues for the rebates associated with their Crime Prevention Through Environmental Design (CPTED) program.

• Most of the rebate programs were approved through their respective councils, while the registry program was approved internally by the law enforcement agency that is administering the program.

• Existing staff was used to administer and implement both the rebate and registry programs for all jurisdictions contacted.

• Currently, most jurisdictions are not tracking any outcomes or results, but are working to start in the near future. The counties or cities that do track data are tracking the number applications for rebates received, number of cameras installed, number of completed rebate applications, and number of cameras registered.

• Regarding liability, three of the four locations with a camera rebate program did consider liability issues if people misused cameras and decided to include indemnification language in the rebate applications. For the counties and cities administering a camera registry program, some did review liability issues and others did not. At this point in time, none of the camera rebate or registry programs reported having any liability issues.

• In respect to the camera rebate programs, some of the challenges certain locations had administering the program were ensuring the process was not too cumbersome for residents and rebate requirements were easily understood by the public. For the registry program, most law enforcement agencies continue to work on getting the buy-in from the residents, ensuring the public registers their cameras, and educating the public on the purpose of the registry program.

5. Information on the Board’s request to consider the potential overuse, misuse, and misapplication of surveillance technology under the program

Home surveillance camera technology is rapidly changing, with growing capabilities including higher resolution levels and more convenient methods of sharing footage. Facial recognition is another capability on the horizon. These increased capabilities can lead to a corresponding increase in the potential for misuse. There are three main areas where misuse of surveillance technology under a rebate program could occur: government misuse, camera owner misuse, and privacy and security risks associated with using networked devices such as home surveillance cameras. These areas are discussed in more detail in Attachment B.

Little empirical research regarding the effect of home surveillance cameras on crime has been undertaken. Extrapolating from the research of the MIT Technology Review and CCTV studies in general provided in Attachment C, it is not possible at this stage to say what impact home surveillance cameras have on crime rates in the United States.

7. **Privacy Language on Websites**

The privacy language being included in the camera registry websites’ information pages vary from detailed to general. There seems to be an understanding by many law enforcement agencies of the importance of including privacy guidelines as part of their respective registry program. The language is included in Attachment D.

8. **Implications of Surveillance-Technology and Community-Safety Ordinance and Legal Questions**

The referral from the Board asked the Administration to explore implications of the Surveillance-Technology and Community-Safety Ordinance as it would relate to this potential program and how it might apply, including the potential use of public funds. The Ordinance is not triggered if the County does not acquire an ownership interest in the cameras, does not use the cameras, and does not require the camera owners to turn over the data (video, still-frame pictures, audio, etc.) from the cameras. (See County Ordinance Code, Division A40, Section A40-2). The mere use of public funds does not trigger the Ordinance if Section A40-2 is not triggered.

First, the Ordinance is not triggered unless a County department seeks funds for the cameras, acquires the cameras, uses the cameras, or enters into an agreement for the County to acquire, share, or otherwise use cameras or the data (recordings, images, etc.) from the cameras. Unless the Board directs otherwise, there is no indication that any County department will be doing any of those things.

Second, framed slightly differently, the Ordinance is not triggered if as part of any registry or grant/reimbursement program, the County does not (1) obtain an ownership interest in the cameras, (2) use the cameras, or (3) require the camera owners to give the County access to the cameras or their data (recordings, images, etc.).

Third, the Ordinance is not triggered if the camera owner simply puts his/her name on a list/registry, such that the Sheriff’s Office or District Attorney’s Office can either (1) request the data and the owner can choose to provide it or not; or (2) obtain a search warrant or other court order to get the data.

Regarding the County’s potential liability if rebates were provided, a disclaimer tied to the registry and/or an agreement tied to any related grant/reimbursement involving the County paying/reimbursing the camera owner may limit the County’s legal exposure if that disclaimer/agreement specifies that the County is not in any way directing or controlling how the cameras are used. Based on the purpose and goals of any proposed program, the Office of the County Counsel can craft a recommendation for the specific language of an appropriate disclaimer/agreement.
9. Next Steps

Based on the survey of other jurisdictions, voluntary registry is more common than rebate programs. With regard to this County, 8 of the 15 cities in the county have already established registry programs without rebates. Given that there is a General Fund cost to a rebate program and a camera registry would be free, the Administration is recommending that the Board consider starting a surveillance camera registry pilot program in the County unincorporated area. A pilot program would allow for data collection related to potential misuse and the cameras’ impact on crime. If the Board wishes to contemplate a rebate program, any action approved by the Board that has a fiscal impact related to a rebate could be considered during the FY 20-21 budget process.

Establishing a surveillance camera registry in the unincorporated area of the County would create an opportunity for any residences or businesses that were interested in joining the registry to do so, and another mechanism by which the Sheriff’s Office or the District Attorney’s Office can request or obtain a search warrant for the data. Based in the survey of other jurisdictions, Sheriff’s Offices were typically the agency that maintained the registry.

If the Board approves a pilot registry, the Administration and the Office of the Sheriff would develop appropriate guidelines for using the registry. This could include ensuring that the County will not attempt to have direct access to camera feeds, camera footage will not be used in conjunction with other County approved surveillance technologies without appropriate authorization from the Board to include the use facial recognition software on video footage, requests are for official business only, footage shall not be requested to harass, intimidate, or discriminate against any individual or group, and training must be provided to any personnel with access to the registry.

CONSEQUENCES OF NEGATIVE ACTION

The Public Safety and Justice Committee will not receive the requested information on a surveillance camera rebate program and expanding local camera registries.

LINKS:

- Linked To: 97113 : 97113

ATTACHMENTS:

- Attachment A - Camera Surveillance Rebate-Registry Programs Matrix (PDF)
- Attachment B_ Potential Misuse of Surveillance Technology (PDF)
- Attachment C_Impact of Cameras on Crime (PDF)
- Attachment D_Privacy Language on Government Websites (PDF)
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<td>City of San Jose - District 9 Administrator:</td>
<td>• Assist police with solving crimes</td>
<td>Part 1: Yes, Washington, DC. Part 2: Not aware of any other rebate programs.</td>
<td>Yes - In the application included language that cameras can't be used for illegal purposes and that the camera is still owned by the resident. City attorney looked at the language included and approved it.</td>
<td>Used existing staff - one District 9 staff member.</td>
<td>$10,000</td>
<td>Figuring out how to get the funds available. Coordination between various part of city government – City Attorney’s Office, SJPD, and District 9. There was a need to make sure all online information on the website was understood by the public. Have worked to ensure that residents know that the feed is not owned by the government.</td>
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<tr>
<td>City of San Jose - District 9 Office</td>
<td>• Save police time and resources during investigations</td>
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<tr>
<td>City of San Jose - District 9 Office</td>
<td>• Crime prevention</td>
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<tr>
<td>Washington, DC Administrator: Office of</td>
<td>• Public Safety</td>
<td>Parts 1 and 2: No</td>
<td>Yes, require in the application that residents agree to language that states the individual will not use the camera for any unlawful activity and will comply with and indemnification language in application. There is also additional liability language as part of the application.</td>
<td>Used existing staff – One Special Assistant. This position is an appointee by the Mayor and just rolled the duties of the program as part of the department of Office of Victim Services and Justice grants.</td>
<td>$500,000 annually</td>
<td>No, only to make sure the forms are easy to use and emphasize certain detail.</td>
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<td>Victim Services and Justice Grants</td>
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<tr>
<td>Downtown Spokane, Washington Administrator:</td>
<td>• Deter Crime</td>
<td>Part 1: No</td>
<td>Liability clauses included in the application require applicants to agree to hold harmless.</td>
<td>Used existing staff - 2 Ambassadors do footwork on assessments and follow up.</td>
<td>$26,000</td>
<td>Had to revamp forms and process due to some residents finding the process too cumbersome.</td>
</tr>
<tr>
<td>Business Improvement District</td>
<td>• Crime Prevention Through Environmental Design (CPTED) program found through research.</td>
<td>Part 2: Pittsburgh, PA only other Crime Prevention Design (CPTED) program</td>
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<tr>
<td>City of Monrovia (Program Inactive) Administrator: City Manager’s Office</td>
<td>• Reduce Crime</td>
<td>Parts 1 and 2: No</td>
<td>Liability was not considered when developing the program.</td>
<td>Used existing staff - Management Assistant was doing the day-to-day work.</td>
<td>$65,000</td>
<td>In the beginning, mostly making sure people fit the requirements. Ensure cameras purchased after money allocated for the rebates.</td>
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<td>County/City</td>
<td>Question 7</td>
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<tr>
<td>City of San Jose - District 9 Office</td>
<td>Number of applications received</td>
<td>General Fund - Using discretionary funds for districts to implement worthwhile programs</td>
<td>Approval by Mayor</td>
<td>Minimum camera system specifications as far as storage and megapixels and that it’s deemed an outside camera. Ring and nest doorbells do qualify as long as pointing outside the house and monitoring outside areas. Must be a resident of District 9 to receive a rebate.</td>
<td>$100 per address - residents/business. An individual could potentially get a rebate for multiple addresses of $100 each. Rebate not attached to the number of cameras.</td>
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<tr>
<td>Washington, DC Office of Victim Services and Justice Grants</td>
<td>Number of cameras installed to date</td>
<td>General Fund</td>
<td>Approval by Council</td>
<td>Register camera and show proof of purchase. Staff member inspects installation of camera.</td>
<td>Maximum $500 per home address and $750 per business with maximum rebate of $200 per camera.</td>
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<tr>
<td>Downtown Spokane, Washington Business Improvement District</td>
<td>None</td>
<td>Business and Tenant Assessment revenues that come into the organization.</td>
<td>Approval by City Council</td>
<td>Submit an initial request form and give permission to BID to complete a CPTED assessment. Must be a business in the Downtown Spokane area.</td>
<td>$2,500 per land parcel</td>
<td></td>
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<tr>
<td>City of Monrovia (Program Inactive) City Manager’s Office</td>
<td>Number of many who people received rebates</td>
<td>General Fund Reserves</td>
<td>Approval by City Council</td>
<td>Must be a Monrovian resident and maximum $250. Purchased after implementation of program, and submit proof of installation and submitted within 60 days of purchase of system.</td>
<td>$250 per resident. Not for businesses.</td>
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<td>Question 3</td>
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| City of Campbell Administrator: Campbell Police Department | • Reduce Crime  
• Public Safety  
• Get Public involved to help police department | Part 1: No                 | Yes - Have not had any issues so far.                                      | Used existing staff - 1 Social Media staff member as the liaison to provide information to the public. | None       | No         |
| City of Santa Clara Administrator: Santa Clara Police Department | • Public Safety             | Part 1: No                 | No - Voluntary Program. Police department does not have access to any video. If resident volunteers to register, then department can request video footage from the individual. | No - The registry is just a list of the information provided by a resident when registering. | None       | No         |
| City of Milpitas Administrator: Milpitas Police Department | • Speed up investigations  
• Reduce Crime                                | Part 1: No                 | Yes, but no liability issues were identified.                              | No, software develop by internal IT staff. Police department staff handle any inquiries. | None       | No         |
| County of Solano Administrator: Solano County Sheriff’s Office | • Reduce Crime  
• Public Safety  
• Time Saving Measure to assist with investigations | Part 1 and 2: No         | Yes, only liability is if people think that the department may violate their privacy. To respond to this, the department has worked to educate the public on the program. | Used existing staff.                                                           | None       | No         |
<p>| County of Placer Administrator: Placer County Sheriff’s Office | • Time Saving Measure to assist with investigations and locate footage within retention period | Part 1: Yes, City of Roseville and County of Sacramento. | No, the registry program does not have direct access to the cameras or video. The registry is completely voluntary, so not a whole lot of liability issues. | Used existing staff - IT staff and one deputy as the point person. 4-5 staff members, but not fulltime work. | None       | No         |</p>
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<tr>
<td>City of Campbell Administrator: Campbell Police Department</td>
<td>None</td>
<td>No current costs, but funding would come from Department budget</td>
<td>Departmental approval</td>
<td>N/A</td>
<td>N/A</td>
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<tr>
<td>City of Santa Clara Administrator: Santa Clara Police Department</td>
<td>None</td>
<td>No current costs, but funding would come from Department budget</td>
<td>Respondent unaware of the approval process</td>
<td>N/A</td>
<td>N/A</td>
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<tr>
<td>City of Milpitas Administrator: Milpitas Police Department</td>
<td>None</td>
<td>No current costs, but funding would come from Department budget</td>
<td>Departmental approval</td>
<td>N/A</td>
<td>N/A</td>
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<tr>
<td>County of Solano Administrator: Solano County Sheriff’s Office</td>
<td>Number of cases that cameras assisted with investigation</td>
<td>No current costs, but funding would come from Department budget</td>
<td>Departmental approval</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>County of Placer Administrator: Placer County Sheriff’s Office</td>
<td>Number of cameras registered</td>
<td>No current costs, but funding would come from Department budget</td>
<td>Departmental approval</td>
<td>N/A</td>
<td>N/A</td>
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<td>County/City</td>
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<td>County of Shasta</td>
<td>• Residents to partner with the Sheriff's Office to help solve crimes</td>
<td>Part 1: Yes, Redding Police Department and other registries in Oregon were used as models for the registry website.</td>
<td>No, because department is not systems online. It is based on consent of the individual.</td>
<td>Used existing staff - IT staff to set up registry and administrative secretary that completes entries once they are submitted.</td>
<td>None</td>
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<tr>
<td>County of Marin</td>
<td>• Combat crime • Time Saving Measure to assist with investigations</td>
<td>Part 1: No, but did get idea from Placer County's Eagle Eye Program.</td>
<td>No, voluntary program. Only provide residents the opportunity to register their cameras and provide contact information.</td>
<td>Used existing staff - Technology Services Unit developed online format and one sergeant to provide information to the public.</td>
<td>None</td>
</tr>
<tr>
<td>Napa County</td>
<td>• Reduce Crime • Public Safety</td>
<td>Part 1: Yes, reviewed camera registry programs provided by Vacaville and other nearby jurisdictions.</td>
<td>Yes, wanted to ensure it was legal and did not have any issues.</td>
<td>Used existing staff.</td>
<td>None</td>
</tr>
<tr>
<td>Kern County</td>
<td>• Speed up investigations</td>
<td>Part 1: Yes, did borrow information from other programs. Reviewed other programs' agreements and criteria - City of Berkeley, Fairfield, and Manteca.</td>
<td>No, same as law enforcement going door-to-door searching for camera and use secure servers.</td>
<td>Used existing staff.</td>
<td>Unknown by respondent</td>
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<td>County/City</td>
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<tr>
<td>County of Shasta</td>
<td>None</td>
<td>No current costs, but funding would come from Department budget</td>
<td>Departmental approval</td>
<td>N/A</td>
<td>N/A</td>
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<tr>
<td>Administrator: Shasta County Sheriff’s Office</td>
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<tr>
<td>County of Marin</td>
<td>None</td>
<td>No current costs, but funding would come from Department budget</td>
<td>Departmental approval</td>
<td>N/A</td>
<td>N/A</td>
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<tr>
<td>Administrator: Marin County Sheriff’s Office</td>
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<tr>
<td>Napa County</td>
<td>None</td>
<td>No current costs, but funding would come from Department budget</td>
<td>Departmental approval</td>
<td>N/A</td>
<td>N/A</td>
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<tr>
<td>Administrator: Napa County Sheriff’s Office</td>
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<tr>
<td>Kern County</td>
<td>None</td>
<td>No current costs, but funding would come from Department budget</td>
<td>Departmental approval</td>
<td>N/A</td>
<td>N/A</td>
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<tr>
<td>Administrator: Kern County Sheriff’s Office</td>
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ATTACHMENT B

Information on the Board’s request to consider the potential overuse, misuse, and misapplication of surveillance technology

Home surveillance camera technology is rapidly changing, with growing capabilities including higher resolution levels and more convenient methods of sharing footage. Facial recognition is another capability on the horizon. These increased capabilities can lead to a corresponding increase in the potential for misuse. There are two distinct but related types of access this misuse could potentially occur: government access to home surveillance camera footage, and homeowners use of footage. Also included are the potential risks associated with using networked devices such as home surveillance cameras.

Government Access

With regard to government access to footage, the rapid increase in home surveillance camera sales (from 54 million in 2018 to a projected 120 million in 2023), combined with the network capabilities of the internet, means law enforcement agencies (LEA) can more easily obtain home surveillance camera footage in a variety of ways. They can request footage directly from homeowners who have registered their cameras with LEAs, or, because footage is now commonly stored on company servers in the cloud, LEAs can seek footage directly from those companies. Corporations can also make home surveillance camera footage easy to obtain.

Amazon’s Ring has garnered a great deal of attention in recent months from consumers, police departments, the press, and Congress. Ring cameras are popular with consumers, with over 10 million installed worldwide as of August 2019, and its Neighbors app was the 23rd most-downloaded social app on iOS as of July 2019. Ring is well-known for its partnerships with police departments, which can take a variety of forms. One common approach involves Ring providing cameras to police departments to give away to residents. In return, police departments promote Ring on social media and other venues. As of December 2019, Ring had entered into over 600 such police partnerships. Ring’s popularity and marketing techniques have led to members of Congress seeking information from the company about the potential civil liberties and privacy implications of its products.

Additionally, Ring has created a neighborhood social networking site called “Neighbors,” which includes a special site for LEAs known as the Ring Neighbors
Portal (LEA Portal). The LEA Portal “allows police to monitor postings by users in the Neighbors app that are categorized as crime-related ‘neighborhood alerts’ and to see the group conversations around those postings - a feature left unmentioned in Ring's public descriptions of the software.” It also allows police to view the location of Ring customers on a Google-powered map and provides a convenient way for law enforcement to request footage. Police can “enter an address and time frame of interest and see a map of active cameras in [their] chosen area and time, select the homes they're interested in, and Ring takes it from there, creating an auto-generated form letter that prompts users to provide access to their footage.”

There are many instances where this kind of information could help LEAs fulfill their public safety function. However, the increased convenience of accessing home surveillance camera footage create opportunities for misuse. This includes the potential to request footage from home surveillance camera owners unrelated to any specific reports or investigations of crime. Another avenue for misuse includes profiling based on characteristics such as race or age. One study of CCTV in the United Kingdom found that “black people were between one-and-a-half and two-and a-half times more likely to be targeted for surveillance than their presence in the population would suggest” and that “one-third of people were surveilled merely on the basis of belonging to a particular social or subcultural group.”

New features, such as facial recognition, make it easier to identify and track individuals as they move through areas where those cameras are present.

Homeowner Use

As with all forms of technology, people can use home surveillance cameras to engage in both acceptable and unacceptable behavior. One relatively

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5 See Nancy La Vigne et al., Using Public Surveillance Systems for Crime Control and Prevention, Urban Institute, September 2011 (noting the “potential for abuse through fishing expeditions of footage databases and the development of digital dossiers on individuals that are not based on probable cause or reasonable suspicion”).

A straightforward method of misusing home surveillance cameras is to aim them at areas where people do not normally expect to be recorded. Aiming a camera over the fence at a next door neighbor’s yard or windows is an example of this type of behavior. Similarly, aiming a camera across the street at a neighbor’s house that captures all their comings and goings could also violate norms of acceptable behavior.

Other avenues for misuse are presented by the social aspect of home surveillance cameras offered through companies like Ring and Nextdoor. Although online social networks provide many benefits, they can also be problematic. Racial profiling is one of the biggest problems these sites face, and companies such as Nextdoor have struggled with racism on their platforms.\(^7\) Ring’s Neighbors site faces similar issues. One recent report analyzing posts on the Neighbors app about portions of New York City found that people of color are disproportionately depicted in video posts and that racist language is often used to describe people shown in videos.\(^8\)

**Privacy and Security Risks**

Finally, like many other devices connected to the internet, home surveillance cameras are susceptible to unauthorized access and hacks.\(^9\) Bloomberg recently reported that Ring “fired at least four employees for improperly seeking access to customer data over the last four years.”\(^10\) In March 2019, security researchers detailed a method for spying on Ring home surveillance cameras by gaining access to the Wi-Fi network that the cameras are connected to.\(^11\) Another Ring

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vulnerability failed to require users to re-log into their accounts after a password had been changed. In practice this vulnerability prevented Ring owners from revoking access to those who previously had authority to login to the account. Owners of Google’s home surveillance cameras have also been the victim of hacks. This type of misuse can lead to privacy violations and other harms to camera owners.

Impact of Surveillance Cameras on Crime

Little empirical research regarding the effect of home surveillance cameras on crime has been undertaken. Extrapolating from the research of the MIT Technology Review and CCTV studies in general provided below, it is not possible at this stage to say what impact home surveillance cameras have on crime rates in the county.

The closest corollary is an investigation by the MIT Technology Review of claims by Ring in 2016 that its cameras reduced burglaries in the Wilshire Park area of Los Angeles.¹ The publication’s analysis of public crime data demonstrated that the districts studied by Ring actually showed increases in burglaries during the same time frame.

The MIT Technology Review also reported on the results of a pilot program undertaken in 2017-2018 by West Valley City (WVC), the second largest city in Utah, to analyze the effect of Ring doorbell cameras on property crime. WVC chose two similar and adjacent neighborhoods consisting of about 700 homes each for the pilot. In one neighborhood, around 70 homes received a Ring doorbell from WVC, while the second neighborhood received no Ring doorbells from WVC. One year later, property crimes declined in both neighborhoods, but at different rates. The neighborhood that did not receive any Ring doorbells actually saw greater declines (32% less) in burglaries and auto thefts than the neighborhood that did receive the Ring doorbells (25% less).²

In contrast to the dearth of research on home surveillance cameras, numerous studies have been done on systems involving cameras aimed at highly trafficked “public” spaces, that is, areas where there is some expectation of being seen by others, such as major intersections, business establishments, public transportation, or parking lots. These systems are typically referred to as closed-circuit television³

² It is important to note that this study does not satisfy generally accepted research standards, and as a result the only conclusion we can draw about the pilot is that it did not demonstrate that Ring cameras have any effect on crime in those WVC neighborhoods.
³ “Closed-circuit” means “a television installation in which the signal is transmitted by wire to a limited number of receivers.” Merriam Webster’s New Collegiate Dictionary 250 (9th ed. 1986). Although these signals can now be transmitted wirelessly, the moniker is still widely used.
(CCTV) cameras. While CCTV cameras can serve many purposes, the predominant justification for their use is crime deterrence.\(^4\)

Like CCTV cameras, home surveillance cameras serve a wide variety of purposes, including crime deterrence.\(^5\) Both technologies use video footage as their primary means of operation. And, home surveillance cameras also capture public spaces. A cursory review of video clips uploaded to the Neighbors app shows that many home surveillance cameras capture public sidewalks, streets, and neighbors’ homes. Unlike CCTV cameras, however, home surveillance cameras are generally located on and aimed at private residences, such as the entrances to homes, private driveways, backyards, and even inside homes. Although this is not a rule, for the most part home surveillance cameras are marketed as a tool to monitor private homes. Despite this difference, given that CCTV and home surveillance cameras share similar purposes and work in similar ways, studies examining CCTV can be useful for drawing some general conclusions about the impact of video surveillance on crime in general.

Two studies in particular are worth noting given their comprehensive nature. A 2015 meta-review of 41 prior CCTV studies concluded that CCTV can help reduce theft from vehicles in car parking lots, but has no effect on violent crime.\(^6\) These results are similar to those found by a major study of San Francisco’s CCTV camera system published by researchers from UC Berkeley in 2008.\(^7\) The UC Berkeley researchers observed an approximately 30 percent decline in average daily property crimes after the installation of CCTV cameras, with roughly half of this decline being driven by a drop in thefts from a vehicle. On the other hand they found no statistically significant change in violent crime rates (the absolute rates actually increased slightly) after the installation of CCTV cameras.

Where CCTV was found to be associated with a reduction in crime rates, researchers noted that it was paired with other actions, such as fencing, security personnel, and improved lighting. A common theme of many of these studies is that surveillance cameras should not be deployed as a stand-alone tactic.\(^8\) Instead,

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\(^7\) Jennifer King et al., The San Francisco Community Safety Camera Program. An Evaluation of the Effectiveness of San Francisco’s Community Safety Cameras, CITRIS (2018).

“[t]he use of CCTV needs to be supported by a strategy outlining the objectives of the system and how these will be fulfilled. This needs to take account of local crime problems and prevention measures already in place.”

Privacy Language Included in the Camera Registry Websites

City of Campbell

Registration is voluntary and there is no cost associated with registration. Registering your information does not provide the Campbell Police Department with direct access to your camera and you may delete your registration at any time. Your personal information will be kept confidential by the Police Department and will only be accessed by law enforcement personnel who are conducting an investigation.

You will only be contacted by the Campbell Police Department in the future if there is a criminal incident in the vicinity of your security camera. Police personnel, if necessary, may request a copy of any video captured by your camera, which may assist in the investigation of a crime.
1. Any footage containing or related to criminal activity may be collected by the Campbell Police Department for use as evidence during any stage of a criminal proceeding.
2. Under no circumstances shall registrants construe that they are acting as an agent and/or employee of the City of Campbell and/or the Campbell Police Department through the program.
3. If necessary, the Campbell Police Department will contact you directly, using the information provided on this site, to request the appropriate video surveillance footage.

Town of Los Gatos

The Department is requesting that residents and businesses register their surveillance systems at www.JoinOnWatch.org. In the event of a crime, investigators will contact you to ascertain footage if suspect information is captured on your camera.

City of Milpitas

The Police Department will not have remote access to your surveillance camera systems. Camera footage is provided to the Police Department solely at the camera owner's discretion.
City of San Jose

Through the program, SJPD will be able to directly contact CRP registrants who are using video in an area in which a crime occurred. Police would ask CRP registrants to check their video surveillance system for a specific date and time for video that may show activity involved with a crime, such as a getaway car or the direction that a person of interest was headed.

Online Surveillance Camera Policy and Terms of Use: Registration is voluntary and there is no cost associated with registration. Registering your information does not provide SJPD with direct access to your camera. You may delete your registration at any time. An individual’s personal information will be kept confidential by the City unless subject to disclosure by court order. Your information will be accessed by law enforcement personnel who are investigating a crime in the vicinity of where your camera is located. You will only be contacted by the San Jose Police Department in the future if there is a criminal incident in the vicinity of your security camera. Police personnel, if necessary, may request a copy of any video captured by your camera, which may assist in the investigation of a crime.

City of Santa Clara

The database only keeps record of the existence of a camera, its location, building address, camera specifications and contact information of the resident/business… Registering a system does not automatically grant police permission to view or turn over video, unless, of course, police have probable cause and have obtained a subpoena.

County of San Mateo

Should I be concerned about my privacy? No. The information you register is kept confidential. The San Mateo County Sheriff’s Office does not have direct access to your surveillance system. If a crime occurs near your home or business, the Sheriff’s Office may contact participants of the program and request a copy of their footage for evidence or investigative leads.
DATE: March 5, 2020
TO: Public Safety and Justice Committee
FROM: Martha Wapenski, Deputy County Executive
SUBJECT: Juvenile Justice Systems Collaborative Annual Report

RECOMMENDED ACTION
Receive annual report from the Office of the County Executive relating to the Juvenile Justice Systems Collaborative.

FISCAL IMPLICATIONS
There are no fiscal implications associated with this informational report.

REASONS FOR RECOMMENDATION
The Juvenile Justice Systems Collaborative (JJSC) meets quarterly to discuss issues and interventions related to reducing disproportionate minority contact and confinement of youth of color in Santa Clara County. This annual report updates the Public Safety and Justice Committee (PSJC) on the JJSC’s progress and activities.

This report covers two JJSC meeting dates, August 23, 2019 and November 14, 2019. The JJSC met and received updates on the following topics:

August 23, 2019
- 2018 Juvenile Justice Annual Report
- JJSC Membership Ad Hoc Committee
- Race Equity in Justice Systems (REJS) Workgroup Report
- Race Equity through Prevention (REP) Workgroup Report

November 14, 2019
- Vera Institute of Justice and Initiative to End Girls’ Incarceration in Santa Clara County
- Alternatives to prosecution for children under the age of 12 (SB 439)
- 2019 High School Suspension Analysis Update from the W. Haywood Burns Institute
• Report on revisions to the Juvenile Justice Systems Collaborative bylaws
• Race Equity in Justice Systems (REJS) Workgroup Report
• Race Equity through Prevention (REP) Workgroup Report

CHILD IMPACT
The recommended action positively impacts Every Child Safe – Juvenile Arrest Rate Indicator, because the activities of the JJSC focus on reducing racial and ethnic disparities within the Juvenile Justice System and preventing further penetration into the system when possible.

SENIOR IMPACT
The recommended action will have no/neutral impact on seniors.

SUSTAINABILITY IMPLICATIONS
The recommended action will have no/neutral sustainability implications.

BACKGROUND

August 23, 2019 Meeting Summary

2018 Juvenile Justice Annual Report
The County of Santa Clara Juvenile Justice Annual Report provides insight into the juvenile justice process by reporting the number of arrests and referrals to the Probation Department, petitions filed, and dispositions for juveniles tried in court, while highlighting various programs and services available to youth and families throughout the juvenile justice system. Additionally, the report focuses on racial and ethnic disparities and gender differences at various decision points. Calendar Year 2018 saw a decrease (three percent) in the number of juvenile offenses compared to Calendar Year 2017. Calendar Year 2017 was the first year, since this annual report started in 2011, where Santa Clara County had an increase in juvenile offenses compared to the previous year. Probation in collaboration with juvenile justice system partners have closely monitored this data to identify any trends and to implement appropriate responses as needed.

The structure of the report is organized into key sections that outline the continuum of care that youth and their families might be involved in through the juvenile justice system:

1. Introduction to County of Santa Clara juvenile justice system
2. Innovation and changes to the juvenile justice system in 2018
3. Preventive and community initiatives
4. Youth at entry to the juvenile justice system
5. Factors that lead youth to anti-social behavior
6. Examining disproportionality at key entry points in the system
7. Collaborative juvenile justice interventions
8. Looking ahead to 2019
JJSC Membership and Ad Hoc Committee

The JJSC approved the creation of an Ad Hoc Committee comprised of five JJSC members for the purpose of providing a forum to discuss and review membership applications. With the objective of making recommendations to the County Executive, or designee, about current membership positions, attendance requirements, member’s duties, and other related topics. The Ad Hoc Committee will benefit the JJSC by ensuring the Collaborative and both standing work groups have a method to review membership on an ongoing basis in particular as members transition in and out of seats.

November 14, 2019 Meeting Summary

Vera Institute of Justice and Initiative to End Girls’ Incarceration

The Vera Institute of Justice is an independent nonprofit national research and policy organization in the United States. The Vera Institute is working with the Juvenile Justice Gender Responsive Task Force and reporting to the Juvenile Justice Systems Collaborative on the progress of significantly reducing and ultimately eliminating the incarceration of girls in the County of Santa Clara. This County is one of five selected national sites to receive technical assistance and training.

Vera is partnering with the County of Santa Clara on an initiative to reduce and ultimately end incarceration of female youth. Vera’s partnership includes technical assistance comprised of three areas: Diagnostic Assessment, Strategic Planning and Planning and Implementation.

The presentation by the Vera Institute is part of the diagnostic assessment and outlines the 2017 juvenile hall admissions. The casefile reviews 70 out of the 130 unique girls admitted to detention in 2017.

Areas identified in the casefile review:

1. Sexual Orientation and Gender Identity
2. Abuse Histories
3. Economic Need and Housing Instability
4. Intergenerational System Involvement
5. School Pushout
6. Mental and Behavioral Health

Alternatives to prosecution for children under the age of 12 (SB 439);

Senate Bill 439 (SB 439) changes the court jurisdiction for minors under the age of 12 except for instances of:

1. Murder.
2. Rape by force, violence, duress, menace, or fear of immediate and unlawful bodily injury.
3. Sodomy by force, violence, duress, menace, or fear of immediate and unlawful bodily injury.
4. Oral copulation by force, violence, duress, menace, or fear of immediate and unlawful bodily injury.

5. Sexual penetration by force, violence, duress, menace, or fear of immediate and unlawful bodily injury.

The State is mandating all counties to develop a protocol for addressing alternatives to prosecution for children under the age of twelve by January 1, 2020. SB 439 focuses on effective responses to address childhood misbehavior using the least restrictive alternatives available including school, health, and community-based services. SB 439 impacts a small number of children who are generally cited for low-level offenses. Over the past 10 years, children eleven years and younger accounted for less than 1% of referrals to probation, and 65% were referred for misdemeanor or status offenses and handled through diversion efforts. The Dually Involved Youth Under 14 Subcommittee, made up of various system partners, is currently working on a plan and will report at an upcoming meeting of the Juvenile Justice Systems Collaborative. Addresses jurisdiction of the juvenile court and ability to prosecute youth under the age of 12 years old. The JJSC will forwarded the protocol to the January 9, 2020 Public Safety and Justice Committee meeting for consideration, discussion and next steps.

The purpose of this protocol is to provide guidance to Santa Clara County Law Enforcement agencies in 1) making informed decisions regarding incarceration of youthful offenders; and 2) interacting with children age 11 and under who engage in truant or delinquent behavior but do not fall within juvenile justice court jurisdiction.

The goal of Santa Clara County law enforcement agencies shall be to 1) minimize unnecessary incarceration of youthful offenders by seeking alternatives to custodial confinement; and 2) comply with the requirements of Welfare and Institutions Code §§ 601, 602 and 602.1 as enacted by Senate Bill 439.

2019 High School Suspension Analysis Update from the W. Haywood Burns Institute

The W. Haywood Burns Institute provided a verbal presentation to the Juvenile Justice Systems Collaborative (JJSC) on preliminary data gathered on the analysis being conducted on high school suspensions in Santa Clara County for the Race Equity through Prevention (REP) workgroup. The Burns Institute presented analysis data on cumulative enrollment, suspension and discipline data for public schools in Santa Clara County. The time frame examined consists of School Year (SY) 2013-2014 through SY 2017-2018. Analysis will provide a high-level examination of schools within the county by race/ethnicity and gender. Suspension rates by school districts will be reviewed for school year 2017-2018, including disparity gaps, if any.

At the October 11, 2019 meeting, REP workgroup members reviewed countywide data, specifically disparities within school districts and are working to narrow an approach to invite school districts to partner in supporting current district efforts, as well as develop new strategies that apply a racial equity lens to reduce racial disproportionality. Approaches that are being reviewed by the REP include examining how to get the proposed goals in this project achieved at districts that show the highest rates of disparities, while making sure that
the schools that participate are approached specifically to address their needs and wants. Additionally, the REP will examine how to work with school districts that want to participate in initiatives to address disparities, but do not necessarily show high levels of disparities in comparison to other districts. This information will be used to narrow the future analysis of suspensions at school districts to concentrate efforts on specific schools indicating the greatest racial and/or gender disparities for suspensions. The analysis will look at Santa Clara County by region (North County, Central, and South County) and invite school districts to create partnerships in efforts to further examine school data and work together on policy and practices that address racial disproportionality within their school suspension rates.

**Revisions to the Juvenile Justice Systems Collaborative Bylaws**

The Juvenile Justice Systems Collaborative (JJSC) was created by Board Resolution on July 1, 2008 to provide a channel for system partners to work together in the best interest of youth in the juvenile justice system while preventing and reducing the unnecessary detention of youth. The current JJSC Bylaws are set to expire on June 30, 2020.

The current JJSC Bylaws were approved by the Board of Supervisors on June 6, 2017 and are set to expire on June 30, 2020. In working to revise the JJSC Bylaws, recommendations were provided to revise and align the current bylaws with the goals of the Collaborative.

At the November 14, 2019 JJSC Regular Meetings, the Collaborative discussed and approved the proposed revisions to the JJSC Bylaws regarding:

- Meeting attendance requirements to align with other County committees
- Possible addition of membership seats as well as renaming seats based on the original intent to avoid confusion
- Addition of grant oversight responsibilities to the Collaborative
- Changes to Workgroup membership
- Creating flexibility for membership in the working groups
- Other related modifications.

On December 17, 2019, the Board of Supervisors approved the proposed revisions to the JJSC bylaws.

Additionally, the JJSC is currently planning to present to the Board of Supervisors a resolution for adoption to extend the Juvenile Justice Systems Collaborative (JJSC) for an additional three years beyond June 30, 2020 in early Spring 2020.

**Race Equity in Justice Systems (REJS) Workgroup Report**

**Electronic Monitoring Program (EMP)**

The Electronic Monitoring Program (EMP) committee goals are to promote best practices and ensure equity in the use of EMP; to ensure the use of EMP properly aligns with its purpose; to identify eligibility criteria for EMP to ensure equity; determine EMP success for youth of color; and develop policy recommendations to ensure youth of color are successful.
The committee is working to identify additional alternatives to detention. The Research and Development (RaD) team provided phase III of the research questions and received the additional youth surveys. The committee is working on the eligibility criteria, community-based alternatives and the impact of restrictive EMP.

**High Risk Youth**

The High-Risk Youth committee focuses on ensuring race equity, promoting child well-being, and reducing racial and ethnic disparities related to youth currently involved in the justice system while continually improving justice system processes. This committee is focused on youth who have committed three or more serious offenses. The committee will investigate potential interventions for this target population and develop policy recommendations to ensure youth of color receive developmentally appropriate dispositions. The committee is working with County Counsel on a memorandum of understanding (MOU) and a standing order to share information. The committee did not meet during this reporting period.

**Risk Assessment Instrument (RAI)**

The W. Haywood Burns Institute provided a 2014-2018 calendar review of the RAI instrument data. The RAI is a tool used to inform decision making at Juvenile Hall by predicting the likelihood of youth failing to appear at the first court hearing and of reoffending before the first court hearing. Analysis will be conducted to measure correlations between RAI scores, failure to appear in court and recidivism. This report should be completed by the end 2019. Youth demographics including age, gender and race/ethnicity will be included in the analysis to measure correlations between RAI predictions and outcomes.

**Dually Involved Youth Unit (DIYU)**

DIYU continues to identify collaborative and integrated methods to address the service needs of dually involved youth, including but not limited to, WIC 241.1 report structural revisions, Child and Adolescent Needs and Strengths (CANS) timeline and process modifications, and design thinking strategies with Court Appointed Special Advocate (CASA). During the past few months, we have prioritized revising and implementing WIC 241.1 report structure and format changes. Structure and format changes allow for improved reporting clarity and consistency between probation staff and social work staff. Additionally, the newly revised structure helps standardize information for judges to make informed decisions. As of July 2019, the DIYU uses the new WIC 241.1 report structure. Additional priorities included process and timeline changes to the CANS assessment. This is to utilize the most effective practices and to align with new statewide requirements while utilizing the CANS in Child and Family Team Meetings (CFT). Starting September 16, 2019, the timeline for CANS completion will be extended to 30 days from receiving the WIC 241.1 order.

The DIYU has also engaged in strategic thinking activities designed to identify the most effective practices for collaborative functioning between CASA and unit staff, including deepening partnerships with agencies to provide services for higher-risk youth, and development of an education strategy for youth transitioning into adulthood. The DIYU also
Race Equity through Prevention Workgroup (REP) Report

Ceres Policy Research Report relating to the school-to-juvenile-justice involvement pathway including avenues for disruption

Dr. Angela Irvine from Ceres Policy Research presented to the REP Workgroup preliminary research findings on the possible link of school disciplinary action and involvement with the juvenile justice system. Preliminary findings included research conducted across the counties of Santa Clara, Santa Cruz, Marin, and Sacramento. Locations included city/county school districts and one County Office of Education high school (in Sacramento). All jurisdictions were asked to provide a list of variables by November of 2018, but only a patchwork of data variables was available for analysis. The sample included a total of 5,861 senior high school students in 2017 or 2018. Initial findings indicated that having a low GPA, having higher than average truancy, being arrested, being a boy of color, and being a girl of color all predicted higher than average suspensions and expulsions within the school districts examined.

Additionally, having a low GPA, being a boy of color, and suspensions and expulsions predicted future arrests. The data show that truancy at age 14, arrests at age 13, and suspensions at age 12 predict long-term cumulative experience with school discipline and may also predict arrests. Further data collection is required in Santa Clara County and requests have been made through the County Office of Education to identify more accurate intervention points. The REP workgroup members will use the information from this presentation and discussion for best practices within REP work plan items, such as racial disproportionality analysis of all County high school district suspension and expulsion data.


The Office of Cultural Competency provided the REP Workgroup with an update on the community engagement strategy. The JJSC Community Engagement Framework was created by a subcommittee workgroup that was comprised of members from both the Race Equity in Justice Systems (REJS) and Race Equity through Prevention (REP), including community partners. The Community Engagement Work plan includes a set of Community Engagement Guiding Principles and work plan recommendations related to youth, family, and community engagement. The guiding principles and work plan were created in late 2017 and updated May of 2019. The REP workgroup members, in conjunction with the REJS workgroup community engagement efforts, will use the information from this presentation and discussion for next steps and to update the estimated timelines.

Innovative Ideas Project for the Juvenile Justice Systems Collaborative Funding

The Office of Cultural Competency (OCC) presented to the REP Workgroup on July 13, 2018 on the Juvenile Justice System Collaborative’s (JJSC) efforts to fund innovative program ideas and/or approaches to prevent and/or reduce entry of youth, with a focus on youth of color, into the juvenile justice system in Santa Clara County.
OCC provided an oral report on the procurement process and status to select a qualified proposer or proposers to implement innovative project ideas that align with the efforts of the JJSC’s workgroups. The JJSC has available $100,000 for one (1) year of funding to support youth programs and efforts to prevent entry into, or early intervention from further penetration into the juvenile justice system.

New Hope for Youth (NHFY) was selected after an Informal Competitive Procurement (ICP) process was completed. The pilot will implement a new culturally and developmentally responsive prevention and early intervention middle school program is anchored in engaging students with prosocial activities. The new program, “Si Se Puede” (“Yes, it can be done,” or “Yes, we can”), will promote personal and group confidence. Further, the program’s name is in alignment with promoting a culturally based, and positive youth development approach. The Si Se Puede pilot program focuses on addressing barriers to learning and healthy development in middle school students. NHFY will work with school administrators in selecting the youth best suited for the pilot, such as high-risk middle schoolers, and with the following objectives:

1. Provide prevention and early intervention programming that focuses on race equity for youth, including programming and interventions for high-risk youth who appear to be at risk for escalation into juvenile justice involvement, and

2. Addresses the development of approaches to improve the engagement of target youth (and their parents) that are disconnected from school and may provide an alternative to removing students from the school learning environment through engagement and prosocial supports and services.

**Si Se Puede Pilot**

The pilot described above was launched at the start of the school year in August 2019. The CEO of New Hope for Youth presented to the Race Equity through Prevention (REP) workgroup on the status of the Si Se Puede innovative idea project. New Hope for Youth (NHFY) is a non-profit organization that works to serve and reach out to all gang impacted, as well as at-risk youth, young adults, their families and communities. This is achieved by means of educational programs, individual and family care and intervention, support, and resource opportunities that support a healthy, positive, and productive lifestyle. NHFY staff have a diverse background that provides credibility and understanding to the youth they serve.

New Hope for Youth’s Si Se Puede Program began implementation in Alum Rock Union School District (ARUSD), at Fischer and Lee Mathson Middle Schools. The two schools are in situated in a generally economically distressed community, and includes the ZIP codes of 95116 and 95122. These ZIP codes constitute the largest input of Juvenile Justice referrals/arrests within the county, where a large percentage affects children of color. These factors contribute to over-representation of Latino and African Ancestry youth in the juvenile justice system. The Si Se Puede program will service up to 30 unduplicated youth at each of the middle schools, for an overall total of 60 youth.
The target youth population for the Si Se Puede Program may possess multiple risk factors; and exhibit on-going high-risk behaviors that may lead to suspension/expulsion, juvenile justice or child welfare involvement and not being promoted from middle school. The age range is 11 to 14 years, attending the target middle school(s), and exhibiting three or more of the following risk factors:

- Students exhibiting bullying, aggressive, violent behavior with peers and teachers, chronic absenteeism, low academic performance and low commitment to school;
- Youth exhibiting high-risk and delinquent behaviors in their neighborhoods who have come to the attention of police officers, may have received a warning, or were given a citation, but were not arrested;
- Youth who have had an initial contact with the juvenile justice system through citation hearing or being arrested and whom juvenile probation has determined are eligible for a diversion program;
- Students experiencing poverty, home disruption, homelessness, poor parenting or parental discord, inadequate positive supervision, neglect, etc.;
- Youth experiencing delinquent peer influence, approval, attachment/allegiance, time spent during and after-school with peers.

NHFY is providing the following services:

**Family Support/Education Services**

- Family Basic Needs Assistance, Parenting Support/Education, and Referral Services for Si Se Puede program youth/families.
- Parent involvement will be proactively promoted by the program. Encourage Si Se Puede Program parents to have a parenting role and home involvement in their children’s education.
- Provide to participating parents quarterly two-hour parent support/education groups with other Si Se Puede Program parents. Parents will participate in a facilitated educational discussion on community life and risk factors from a “youth perspective,” to increase their knowledge of community conditions and parental skills to support their child.
- Conduct discussion groups and organize appropriate presenters. Presentations will be conducted in English and Spanish to assure participation and learning for all in attendance. This approach will also be utilized to bridge the language and information gap that often exists between Spanish speaking parents and their children regarding community living conditions, peer pressures, substance use, and also to empower their parenting role in supporting their child.
- Encourage parent engagement and volunteer participation in the program as a core feature of the program.

**Youth Mentoring/Intervention Services**
• Tailor the intervention services to serve the highest need youth referred and enrolled at the school sites, which are at risk of suspension/expulsion, engaged in violent/bullying, and law enforcement contacts.

• Assign trained youth mentors to work with the youth and their family for the length of the term of this contract. Together, they will formulate an intervention service plan incorporating youth, family and school goals supporting the youth and family toward their achievement.

• The Si Se Puede program will promote positive youth development and resilience of youth by enhancing their self-cultural identity, life-social skills and sense of family/community and personal power. Program lessons and interactions will reinforce protective factors and address specific risk factors that influence risky behavior within the formal and informal discussions about the difference between healthy and unhealthy risk taking.

• Create youth opportunities to bridge the gap between knowledge acquired in life skills learning groups and apply learning related to decision-making and positive peer relations.

• The Si Se Puede program will organize and implement small discussion groups to enable youth to explore their personal, family, and/or community thoughts or concerns about alcohol and other drug use through shared participation in one another’s experiences.

• Facilitate conversations about healthy life-style activities, behaviors and feelings of well-being that can be gained from the healthy activity, and the ways in which risky behaviors such as gangs, alcohol and drug use can interfere with those benefits.

• Conduct Joven Noble/Xinachtli life skills-rituals of passage for youth.

Afterschool Recreation Activity and Enrichment/Fieldtrip Program

1. Provide an Afterschool Recreation Activity and Enrichment Program that will provide scheduled pro-social, supervised out of school recreation activities and field trips to introduce youth to new settings, events, and activities in the regional area that are cultural, social or educational in nature.

2. Organize transportation accommodations at no extra cost to the County.

The REP workgroup members will use the information from this report out and discussion to align workplan ideas and 2020 project lists. NHFY will return to REP in Spring 2020 to provide an update on progress and share insights.

CONSEQUENCES OF NEGATIVE ACTION

PSJC will not receive this informational report.
ATTACHMENTS:

- REJS Work Plan 2020  (PDF)
- REP Work Plan 2020  (PDF)
- Juvenile Justice Systems Collaborative Annual Report PPT  (PDF)
## Race Equity in Justice Systems Workgroup  
### 2020 Work Plan

<table>
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</table>
| **High Risk Youth**   | 1. Using current data, identify a target population we define as “high risk” for purposes of this subcommittee only.  
2. Identify youth who appear to be at risk for escalating juvenile justice involvement based on the number of arrests and crimes  
3. Investigate interventions and potential interventions for this target population  
4. Develop policy recommendations to ensure youth of color receive developmentally appropriate dispositions | 1. Determine if current interventions are effective  
2. Develop services to meet the needs of youth who fall into this target population  
3. Measure progress (effectiveness of policy changes)  
4. Meet to review data and track trajectory of youth who fall into this target population (three or more arrests) | Completed Jan. 2019  
- Description, Goals, Purpose and Objectives  
- Committee communication, information sharing, target population  
Feb-March 2019  
- Identify data to collect for youth identified  
- Engage South County Law Enforcement agencies  
March-May 2019  
- Collect identified youth data.  
May-June 2019  
- Consolidate data  
Dec. 2019  
- Data Sharing agreement  
- System partner data | Carolyn Powell,  
Sup. District Attorney  
Nisreen Baroudi,  
Sup. Public Defender |

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**Note:** 
- Completed Jan. 2019
- Feb-March 2019
- May-June 2019
- March-May 2019
- Dec. 2019

**Attachment:** REJS Work Plan 2020 (100337: Juvenile Justice Systems Collaborative Annual Report)
## Race Equity in Justice Systems Workgroup
### 2020 Work Plan

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<tr>
<td></td>
<td>2. Clarify and document purpose of EMP/CRP to ensure use aligns with limited purpose.</td>
<td>2. Learn about stakeholder and youth perceptions of the purpose and experience of EMP/CRP.</td>
<td> Completed March 2018</td>
<td>Jean Pennypacker, Juvenile Justice Commission</td>
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<td></td>
<td>3. Investigate eligibility criteria for EMP/CRP to ensure equitable and appropriate use.</td>
<td>3. Learn about Probation Policies, procedures and data to ensure equitable and appropriate use of EMP/CRP.</td>
<td> Completed July 2018 - Stakeholder survey</td>
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<td></td>
<td>4. Investigate success on EMP/CRP for youth of color.</td>
<td>4. Promote success for youth of color on EMP/CRP.</td>
<td> Completed March -Aug. 2018</td>
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<td></td>
<td>5. Develop policy recommendations to ensure youth of color are successful.</td>
<td></td>
<td> Completed Jan. 2019, staff survey.</td>
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<td> Completed May 2019 Administer focus groups (Youth, Parent)</td>
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<td> Completed May-June 2019 Phase II of EMP data.</td>
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<tr>
<td><strong>Reduce Unnecessary Admissions to Juvenile Hall for youth of color</strong>&lt;br&gt;(Work accomplished through RAI Subcommittee)</td>
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<td></td>
<td>1. Complete RAI Validation Study</td>
<td>1. Determine if the RAI Tool is being used appropriately</td>
<td>RAI validation study summer 2020.</td>
<td>RaD – Validation Study (JPD - RESII)</td>
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<td></td>
<td>2. Continue to monitor overall RAI process</td>
<td>2. Meet quarterly to review RAI data and identify areas of concern.</td>
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- Completed Oct 2019 Analyze Phase III EMP data
- Completed Nov 2019 Youth and parent focus group
- Jan 2020 Eligibility Criteria. Restrictive EMP grid CBO Alternatives
- Feb 2020 Completed phase IV of data.
# Race Equity in Justice Systems Workgroup  
## 2020 Work Plan

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<tr>
<td><strong>On-going</strong></td>
<td></td>
<td>1. Use currently available data <em>(including RAI Report and Annual Report, JJSC Monthly trends)</em> to identify target populations</td>
<td>Ongoing</td>
<td>REJS Leadership</td>
</tr>
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<td></td>
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<td>2. Utilize quarterly RAI reports to monitor DMC at JH Intake <em>(including Placement Failures and Gang/VOP overrides)</em></td>
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<td>3. Utilize DEJ quarterly reports to monitor impact of DEJ on youth of color.</td>
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<td><strong>Data Capacity/Data Utilization</strong></td>
<td>Ensure the regular use of accurate and reliable data to highlight disparities and track progress</td>
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</table>
| **Governance Structure**   | Develop decision-making process used to identify new target populations and/or discharge existing subcommittees | 1. identify new target populations and discharge existing work groups.  
2. Use currently available data *(including RAI Report and Annual Report)* to identify target populations | Each year REJS will meet to determine new target population | REJS Leadership and Burns Institute |
| **Sunset 2018**             |                                                                       |                                                                                                                                               |               |                                      |
# Race Equity in Justice Systems Workgroup
## 2020 Work Plan

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<tr>
<td>Reducing Term on Probation for youth of color</td>
<td>1. Ensure equity in length of time on probation</td>
<td>1. Finalize and implement streamlined Probation Conditions and agreement form.</td>
<td>Completed May 1, 2018</td>
<td>Vone Kegarice and Alex Villa, Probation Division Manager</td>
</tr>
<tr>
<td></td>
<td>2. Investigate circumstances for long probation terms for youth of color.</td>
<td>2. Implement dismissal guidelines for Probation staff to utilize for consideration of wardship dismissal. Implement formal Probation Officer Protocol to review for possible dismissal at regular intervals</td>
<td>Completed August 2018</td>
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<td></td>
<td>3. Develop policy recommendations to ensure youth of color do not remain on probation unnecessarily.</td>
<td>3. Monitor implementation to ensure equity – develop data collection process with ITD and RaD.</td>
<td>Ongoing Bi-annually</td>
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<td>4. Develop array for services for youth who are dismissed from Probation, if needed.</td>
<td>Ongoing</td>
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<tr>
<td>Reduce Transfer of cases to Adult Court</td>
<td>1. Reducing the number of youth of color transferred to adult court on non-life term cases.</td>
<td>1. Continue to monitor cases transferred to Adult Court</td>
<td>Completed</td>
<td>Carolyn Powell, Sup. DA</td>
</tr>
<tr>
<td>(Work accomplished through Direct File Subcommittee)</td>
<td>2. Account for how Cases are handled through the Judicial Transfer Process to Adult Court</td>
<td>2. Review and revise procedures, as needed</td>
<td>Data collection review Bi-annually</td>
<td>Nisreen Baroudi, Sup. PD</td>
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<td></td>
<td></td>
<td>3. Monitor use of Written Advisement for all cases found unfit for juvenile court</td>
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## Discretionary Bench Warrants

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<tr>
<td>Implement/Adopt DBW policy for the Probation Department and the Courts.</td>
<td>Monitor DBW pilot, make any necessary changes to the process, as based on data and information from stakeholders.</td>
<td>Completed</td>
<td></td>
<td>Carl Tademaru</td>
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# 2020 Race Equity through Prevention (REP) Workgroup Work Plan

## Overall Goals and Objectives

<table>
<thead>
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| a) Reduce suspensions and expulsions for youth of color, particularly African American and Latinx youth, in Santa Clara County | 1. Invite partnership with Santa Clara County School Districts or specific schools to co-develop an assessment and recommend changes to policies and practices that address racial and ethnic disparities and other inequities, including:  
   a. Partner with the Santa Clara County Office of Education to build relationships with district and school administrations.  
   b. Partner with one or two districts or schools that have significant disparities based upon the data, offer assistance or when invited by partners to evaluate student data for racial/ethnic disparities.  
   c. Leverage existing frameworks in districts and/or schools (e.g., MTSS, LCAP).  
   d. Assist in the development of policies, initiatives and programs that improve school climate and student engagement (e.g., attendance).  
   e. Co-create alternatives to suspension and expulsion that are not exclusionary and do not remove students from the learning environment.  
   f. Monitor data to assess progress, including qualitative data, particularly from students who have been suspended or expelled.  
  
2. Identify recommendations and implement advocacy steps that can have greater impact across systems.  
  
3. Support other partnerships that inform the work of REP and the JJSC.  
   a. The VERA Institute and Office of Women’s Policy to end girls’ incarceration within Santa Clara County  
   b. Tia Martinez and SCCOE to review the school-to-prison pipeline holistically and identify avenues for cross-system coordination to address family and youth needs, as well as student engagement in school and prosocial activities. |
### Overall Goals and Objectives

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| b) Eliminate use of suspension for 48900(k) violations, also known as willful defiance. | 1. Work with partner districts/schools to find alternatives to suspensions for willful defiance.  
2. Identify strategies to inform and engage administrators and teachers around supports for students.  
3. Work with the County Office of Education and school districts to develop recommendations and implement advocacy steps to expand the ban on willful defiance from K-8 to all grades, K-12, and provides alternatives and supports to administrators, teachers, and families. |
| c) Increase community engagement in the Race Equity through Prevention (REP) Workgroup. | 1. Work with the W. Burns Institute and JJSC workgroups to review and implement the community engagement framework, including:  
   a. Coordination across workgroups to maximize reach of these efforts and avoid duplication.  
   b. Partner with Community, which may include scheduling evening meetings and at locations accessible to the community.  
2. Work with Youth Advisory Council (YAC) to create a space that is youth-friendly, where young people feel comfortable and equipped to authentically engage. |
Juvenile Justice Systems Collaborative Annual Report

MARCH 5, 2020

- OFFICE OF THE COUNTY EXECUTIVE
- PROBATION DEPARTMENT
Juvenile Justice Systems Collaborative (JJSC) Overview

- Meets quarterly to discuss issues and interventions related to reducing disproportionate minority contact and confinement of youth of color in Santa Clara County.

- Provides a channel for system partners to work collaboratively in the best interest of minors in the juvenile justice system while preventing or reducing unnecessary detention.

- Two workgroups:
  - Race Equity in Justice Systems Workgroup
  - Race Equity through Prevention Workgroup
JJSC Meeting Highlights

AUGUST 23, 2019 MEETING

• 2018 Juvenile Justice Annual Report
• JJSC Membership Ad Hoc Committee
• Race Equity in Justice Systems Workgroup Report
• Race Equity through Prevention Workgroup Report

NOVEMBER 14, 2019 MEETING

• Vera Institute of Justice and Initiative to End Girls' Incarceration
• Alternatives to prosecution for children under the age of 12 (SB 439)
• 2019 High School Suspension Analysis Update
• Revisions to the JJSC Bylaws
• Race Equity in Justice Systems Workgroup Report
• Race Equity through Prevention Workgroup Report
Race Equity in Justice Systems (REJS) Workgroup Update

- Electronic Monitoring Program
- High Risk Youth
- Risk Assessment Instrument
- Dually Involved Youth Unit
Race Equity through Prevention (REP) Workgroup Update

- Report from the Ceres Policy Research relating to the school-to-juvenile-justice involvement pathway including avenues for disruption

- Juvenile Justice Systems Collaborative Community Engagement Framework and Work Plan

- Innovative Ideas Project for the Juvenile Justice Systems Collaborative Funding
DATE: February 6, 2020, Regular Meeting  
TIME: 2:00 PM  
PLACE: Board of Supervisors’ Chambers

MINUTES

Opening

1. Call to Order.

Chairperson Ellenberg called the meeting to order at 2:00 p.m. A quorum was present.

<table>
<thead>
<tr>
<th>Attendee Name</th>
<th>Title</th>
<th>Status</th>
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<tbody>
<tr>
<td>Susan Ellenberg</td>
<td>Chairperson</td>
<td>Present</td>
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<tr>
<td>Mike Wasserman</td>
<td>Vice Chairperson</td>
<td>Present</td>
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2. Public Comment. (ID# 100393)

One individual addressed the Committee.

3. Approve Consent Calendar and changes to the Committee's Agenda.

Item Nos. 4a, 6, and 7 were added to the Consent Calendar. Item No. 5 was held to March 5, 2020.

RESULT: APPROVED AS AMENDED [UNANIMOUS]  
MOVER: Susan Ellenberg, Chairperson  
SECONDER: Mike Wasserman, Vice Chairperson  
AYES: Ellenberg, Wasserman

Regular Agenda - Items for Discussion

4. Receive reports from the Office of the Sheriff.

a. Receive report from the Office of the Sheriff relating to the academy, recruitment, and staffing levels. (ID# 100170)

   Added to the Consent Calendar at the request of Chairperson Ellenberg.

4.a RESULT: RECEIVED

b. Receive report from the Office of the Sheriff relating to specific training topics for public safety. (ID# 100172)

   Chairperson Ellenberg requested that the Office of the Sheriff provide an off-agenda report to the Committee on date uncertain relating to training.
recommendations that have been implemented in the last twelve months and how effectiveness is evaluated based on that data.

Chairperson Ellenberg requested that the Office of the Sheriff provide an off-agenda report to the Committee on date uncertain relating to practical competency training, including staff competency regarding less tangible skills such as domestic violence responses and the abolishment of dehumanizing language.

4.b RESULT: RECEIVED

c. Receive report from the Office of the Sheriff relating to quarterly inmate grievance trends. (ID# 100168)

Two individuals addressed the Committee.

Captain David Sepulveda, Department of Correction, and Lieutenant Joe Nguyen, Grievance Unit Coordinator, Office of the Sheriff, provided information relating to inmate grievances, including statistics, trends and responses to those trends, and next steps.

4.c RESULT: RECEIVED

5. Receive report from the Office of the County Executive relating to a surveillance camera rebate program and information regarding expansion of local camera registries in unincorporated Santa Clara County. (Held from November 7, 2019, Item No. 4) (ID# 98259)

Held to March 5, 2020 at the request of Administration.

5 RESULT: HELD [UNANIMOUS] Next: 3/5/2020 2:00 PM
MOVER: Susan Ellenberg, Chairperson
SECONDER: Mike Wasserman, Vice Chairperson
AYES: Ellenberg, Wasserman

6. Receive semi-annual report from the Employee Services Agency relating to Fiscal Year 2020 extra-help usage for agencies/departments reporting to the Public Safety and Justice Committee. (ID# 100050)

Added to the Consent Calendar at the request of Chairperson Ellenberg.

6 RESULT: RECEIVED

7. Receive report from Chairperson Ellenberg relating to final selection of 2020 Study Session topics. (ID# 100243)

Added to the Consent Calendar at the request of Chairperson Ellenberg.

7 RESULT: RECEIVED
Announcements

8. Public Safety and Justice Department Head/Court announcements.

No announcements were made.

Consent Calendar


<table>
<thead>
<tr>
<th>9 RESULT:</th>
<th>APPROVED [UNANIMOUS]</th>
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<tbody>
<tr>
<td>MOVER:</td>
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<td>AYES:</td>
<td>Ellenberg, Wasserman</td>
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Adjourn

10. Adjourn to the next regular meeting on Thursday, March 5, 2020 at 2:00 p.m. in the Board of Supervisors' Chambers, County Government Center, 70 West Hedding Street, San Jose.

Chairperson Ellenberg adjourned the meeting at 2:32 p.m.

Respectfully submitted,

Dave Leon
Deputy Clerk