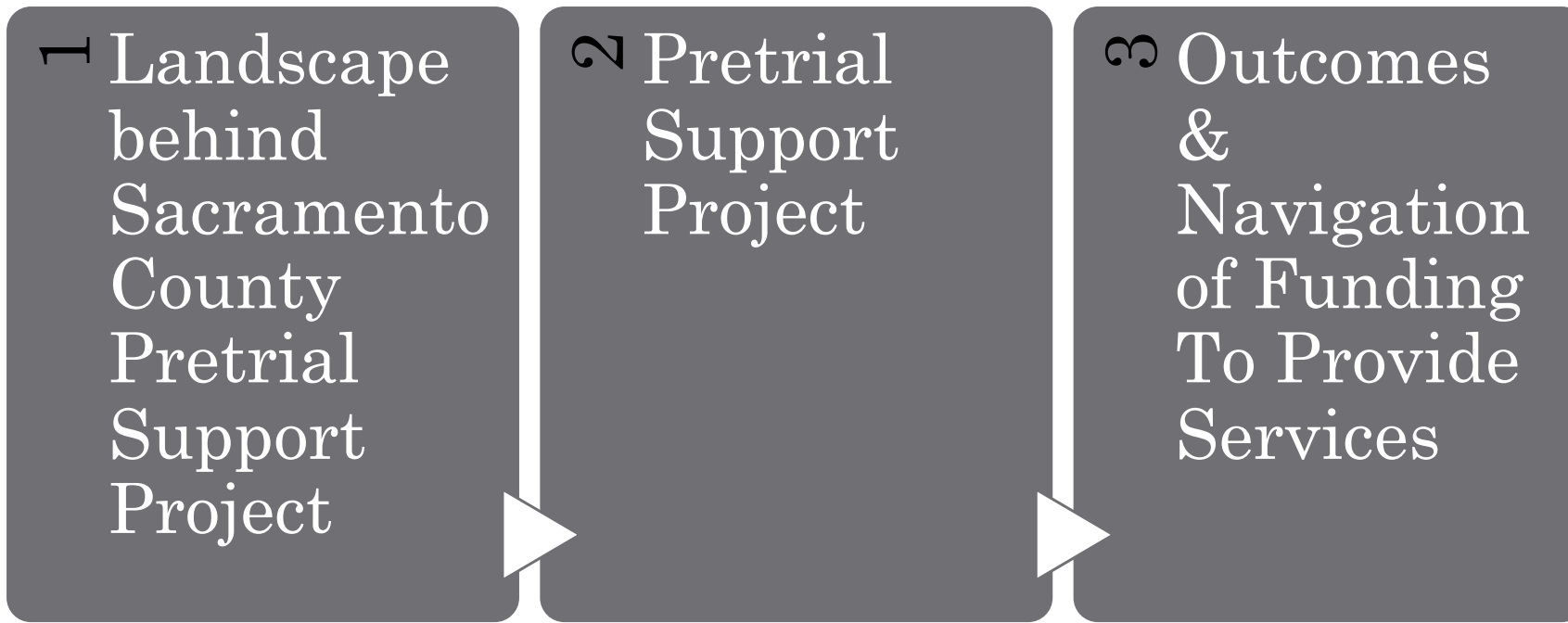


# Addressing Equity, Public Health & Justice

Through a Holistic Defense, Multi-System Pretrial Support Project

April 6, 2023: Judge Lawrence Brown, Dr. Ryan Quist, Tiffanie Synnott



Understanding the Pretrial Support Project

# Landscape Behind Pretrial Support Project

What led and continues to drive the implementation of Sacramento County  
Pretrial Project, 2018-Present



# Landscape

\*Sacramento County Mental Health Workgroup, Kevin O'Connell Research, "Select Crime and Correctional System Data Trends", June 2021, August 2021 and June 2022

\*\*Public Defender Mental Health Diversion Study 2019

\*\*\*Sacramento County Adult Correctional Health, Jail Inmate Population: Mental Health, April 26, 2022

*In re Humphrey*, 19 Cal.App.5<sup>th</sup> 1006 (2018), Supreme Court of California held:

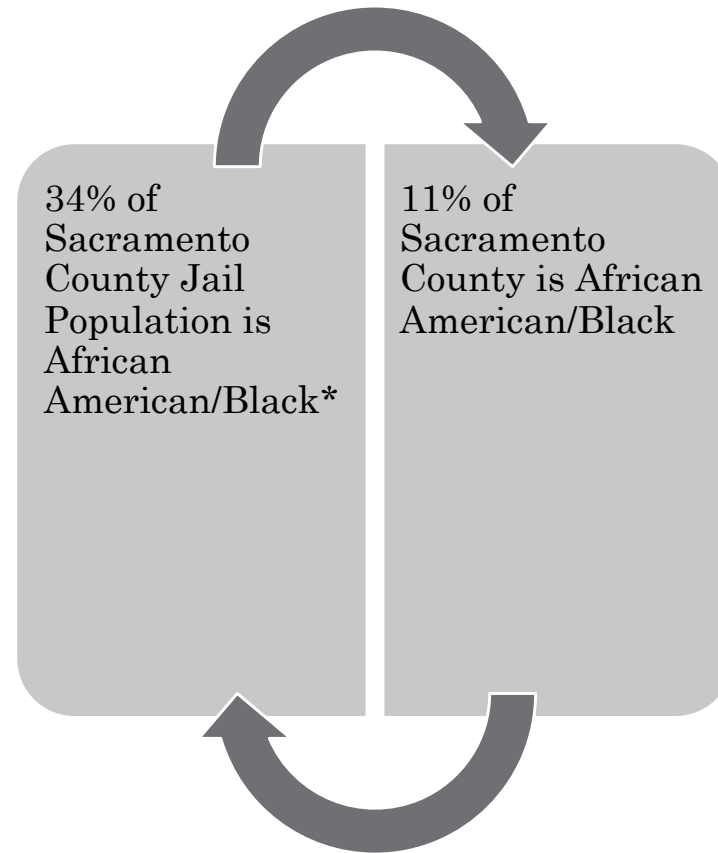
- Detaining a Person pretrial solely because they cannot afford bail violates due process and equal protection
- California Courts must consider ability to pay when setting bail and courts cannot set unaffordable bail that would result in pretrial detention unless there is clear and convincing evidence that no other condition would reasonably protect public safety and ensure court appearances

New Supreme Court of California Case

“the due process and equal protection clauses of the 14<sup>th</sup> Amendment require the court to make two additional inquiries and findings before ordering release condition on the posting of money bail- whether the defendant has the financial ability to pay the amount of bail ordered and, if not, whether less restrictive conditions of bail are adequate to serve the government interests.....”\*

Highlights Economic Disparity  
and need for less restrictive conditions within the community

*\*In re Humphrey*, 19 Cal.App.5<sup>th</sup> 1006 (2018)



## Sacramento County Racial Disparity

\* Sacramento County Mental Health Workgroup, Kevin O'Connell Research, June 2022 (reflects data from 2018-2022)



60%

- Inmates released return in 2 years\*

70%

- Jail population are recidivist\*

## Revolving Door at the Sacramento County Jail

\* Sacramento County Mental Health Workgroup, Kevin O'Connell Research, June 2022 (reflects data from 2018-2022)



## **Intersection of Mental Health and Incarceration is happening across the nation:**

- 2 million times each year, people with SMI are booked into jails
- 2 in 5 people who are incarcerated have a history of mental illness (37% in state and federal prisons and 44% in local jails)
- About 3 in 5 people (63%) with a history of mental illness do not receive mental health treatment while incarcerated in state and federal prisons
- Less than half of people (45%) with a history of mental illness receive mental health treatment while held in local jails
- People who have healthcare coverage upon release from incarceration are more likely to engage in services that reduce recidivism

**Sacramento County is *not* alone**

\*The National Association of Mental Illness, *Mental Health By The Number*, June 2022

## **Sacramento County is *not* alone**

### **Racial Disparities within the criminal justice system is happening across the nation:**

- Black Americans are incarcerated in state prisons across the country at nearly 5 times the rate of whites\*
- 40 percent of all incarcerated parents were African-American fathers\*\*

### **Intersection of Unhoused and Incarceration is happening across the nation:**

- 32% of unsheltered homeless individuals report both having “mental health issues” and being ever incarcerated\*\*\*
- 28% of unsheltered homeless individuals report having recently been release of from jail or prison\*\*\*
- 70% of unsheltered homeless report a history of incarceration\*\*\*
- 17-39% of people experience homelessness in 30 days prior to jail stay\*\*\*\*

\*The Sentencing Project, *The Color of Justice: Racial and Ethnic Disparity in State Prisons*, 2021

\*\*PEW Charitable Trusts, *Collateral Costs: Incarceration's Effect on Economic Mobility* (Washington, DC: PEW Charitable Trusts, 2010).

\*\*\* California Health Policy Strategies, *Supporting the Prison & Jail Population—A Strategy for Reducing Unsheltered Homelessness in California*, 2019

\*\*\*\* The Council of State Governments presentation from Council on Criminal Justice and Behavioral Health, *Defining, Screening, and Assessing for Homelessness Risk in California*, January 2022.

# Incarceration leads to collateral consequence that impact: Income, Housing, and the Ability to Support Families

- Before being incarcerated, two-thirds of male inmates were employed and more than half were the primary source of financial support for their children.\*
- After release, former male inmates work nine fewer weeks annually and take home 40 percent less in annual earnings, making \$23,500 instead of \$39,100.\*\*
- Data from 2007 show that African-American children and Hispanic children were 7.5 times more likely and 2.3 times more likely, respectively, than white children to have an incarcerated parent.\*\*
- Formerly incarcerated individuals are 10 times more likely to be homeless than the general public. \*\*\*

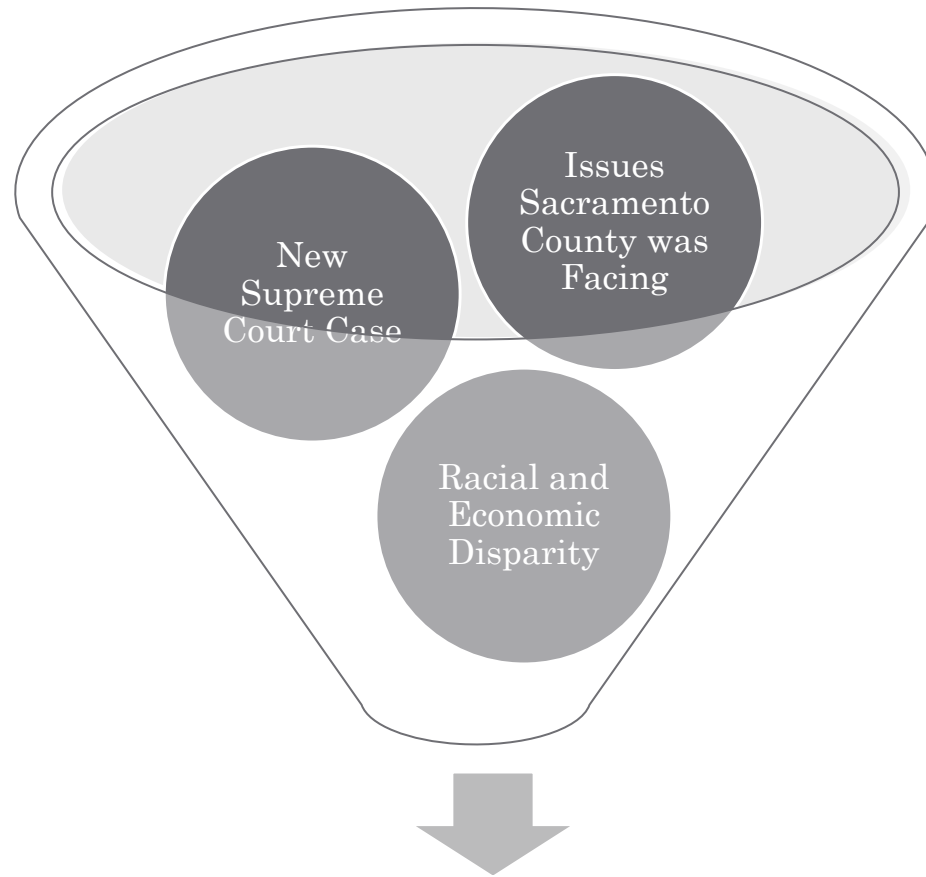
\* PEW Charitable Trusts, *Collateral Costs: Incarceration's Effect on Economic Mobility* (Washington, DC: PEW Charitable Trusts, 2010).

\*\* Holly Foster and John Hagen, *The Mass Incarceration of Parents in America: Issues of Race/Ethnicity, Collateral Damage to Children, and Prisoner Reentry*, *Annals of the American Academy of Political and Social Science* 623 (2009): 179-194

\*\*\*Lucas Couloute, *Nowhere to Go: Homelessness among formerly incarcerated people*, Prison Policy Initiative, 2018.

Landscape:

- Increase Mental Health/Incarceration
- Increase Unhoused/Incarceration
- Max Capacity in jail
- New Supreme Court Case
- Racial & Economic Disparity
- Collateral Consequences



Pretrial Support Project

Sacramento County's Response:  
Create a Multi-System Pretrial  
Approach Centered in Holistic Defense

# Pretrial Support Project

An innovative change in approach and process to address equity,  
public health & justice

**Pretrial Support Project is anchored in a holistic defense approach that uses a multi-system collaboration approach.**

Holistic Defense: Focus is on the “whole client” not just their criminal case

## National Studies Show Impact of Holistic Defense:

- Harvard Law Review, *The Effects of Holistic Defense on Criminal Justice Outcomes*, 132 Har.L.Rev 819, (2019) found holistic defense reduced incarceration without harming public safety.
- Bronx Defenders found holistic defense reduced expected sentence by 24% and save their clients 1.1 million days in custody over a 10 year time period\*

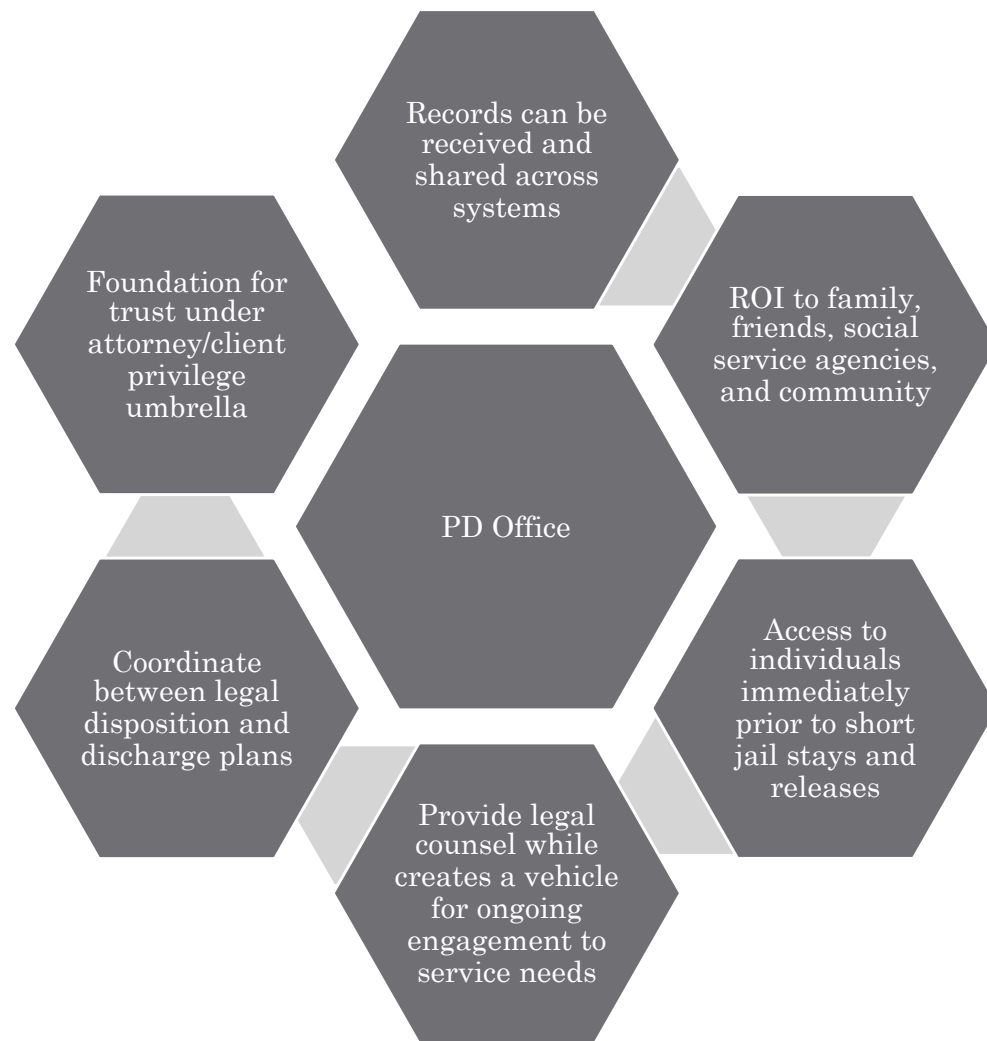
## Holistic Defense Outcomes

\*Harvard Law Review, *The Effects of Holistic Defense on Criminal Justice Outcomes*, 132 Har.L.Rev 819, (2019)

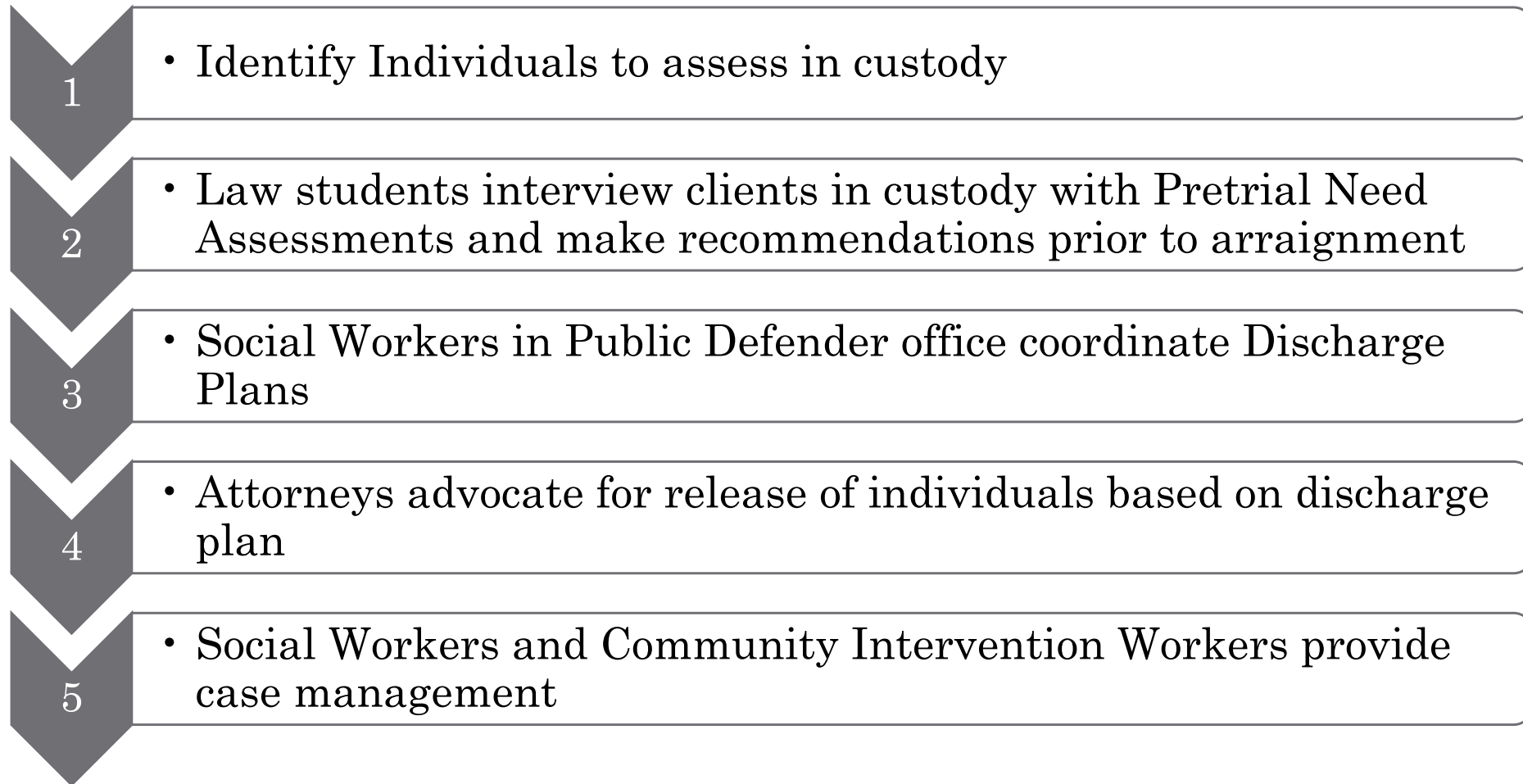


Using a Holistic Defense Approach to anchor a pretrial program to ensure coordination of safe releases and ongoing engagement





# What can a Public Defender Office do differently?



## Applying a Holistic Defense Approach to the Pretrial Support Project: 5 Basic Steps

Goal is to interview individuals prior to arraignment

Individuals housed on mental health floors have priority

Quick review of previous criminal history to identify justice involved mental health issues

## 1. Identify individuals in custody to assess

**Includes Four Evidenced Based Tools *PLUS* critical information that Justice Partners want to know before releasing individuals. Evidence Based Tools Include:**

- 1. BJMHS, Brief Jail Mental Health Screener**
- 2. CAGE-AID, Substance Use Screener**
- 3. ACES, Trauma Screener**
- 4. HSCR, Homeless Screener**

**2. Conduct a Pretrial Need Assessment Screener**

## *Plus*

- Race/Ethnicity
- Pronouns preferred
- Language Preference
- Education/Employment/Military/Financial
  - History of ALTA, special vocational skills, whether they need assistance in connecting to government assistance, employment, or education
- Transportation
- Housing
- Physical Health
- Foster Care/CPS history
- Community Ties
  - Length of time they have lived in Sacramento, who they live with, involvement in community churches or organizations, whether they have children, whether they have animals, previously in a court program, any major events coming up in their life

Entire Pretrial Interview takes approximately 30 minutes

After the Pretrial Need Assessment Screener is conducted, law students will record the outcomes of the 4 evidence based tools & make recommendations. Recommendations may include:

- Motion to Release from Custody
- Social Worker Follow up (referrals/linkage need to mental health, substance use, mentors, physical health, general assistance, food, clothing, housing, etc.)
- COVID issues
- Possible in competent to stand trial
- Collaborative Court referral
- Diversion referral

Once recommendations are made, the Pretrial Need Assessment is forwarded to attorneys and the social worker department.

Recommendations made

**If case is flagged for Social Worker Support, Social Worker Department will:**

**1**

**Review the Pretrial Support Need Assessment Screener**

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**2**

**Conduct further assessments and interviews of clients if needed**

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**3**

**Coordinate with Department of Behavioral Health, Correctional Health, Social Service Agencies, and Community Partners to create a coordinated, safe, jail discharge plan**

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**3. Social Workers in PD office coordinate Discharge Plans**

Coordination through the social workers include:

- Review Records
- Share information across systems through a Release of Information
- Ensure warm hands offs from jail to community providers
- Operate as a liaison between community, providers, the Defense Attorney, and the Courts
- Provide ongoing progress reports to Court
- Support engagement through motivational interviewing, crisis response, and coordination of pending criminal case

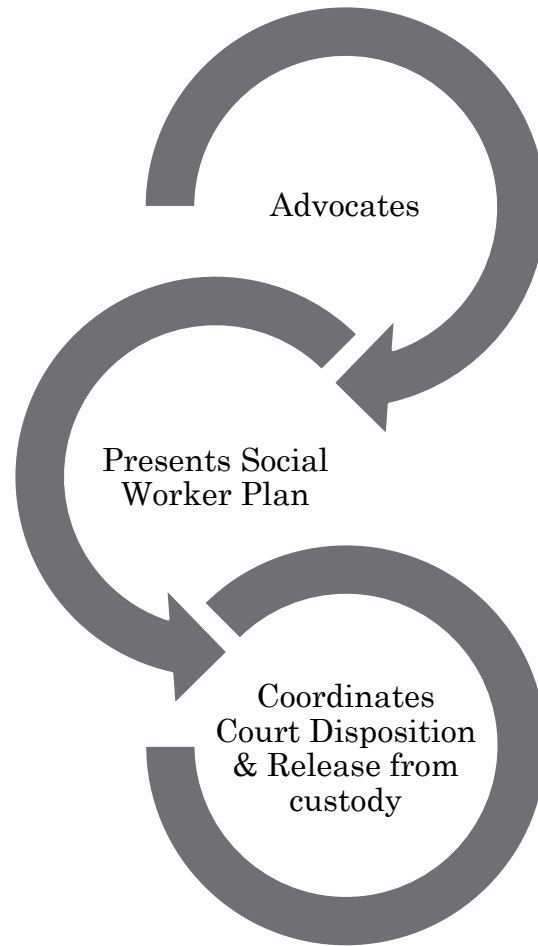
## System Coordination & Partnership



Attorneys advocate for the release of individuals with:

1) information provided from the Pretrial Need Assessment and

2) the safe, coordinated jail discharge plan developed by social workers & partners

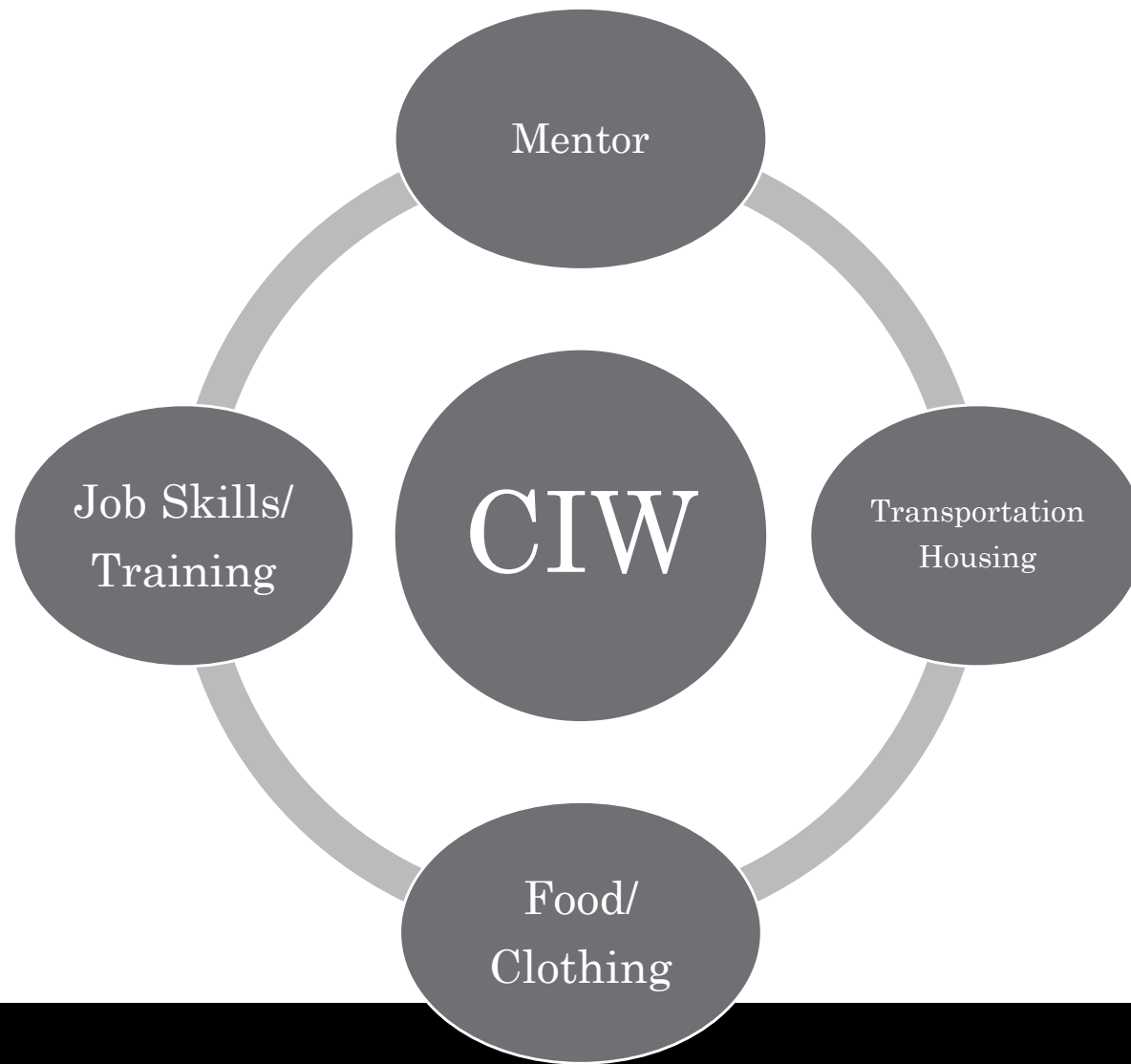


4. Attorneys advocate for release of individuals and legally navigate the recommended referrals into diversion or collaborative courts.

**If court finds an individual can be released from custody, the social worker will:**

1. Coordinate who will pick up the client from custody
2. Ensure linkage to mental health/substance use/housing is secure
3. Coordinate with Department of Behavioral Health and SUPT for linkage to services
4. Follow up with individual until there is an established warm hand off in the community
5. Link the individual to a Community Intervention Worker for community support
6. Provide on going case management if individual is accepted into a diversion program
7. Ensure an individual's needs are addressed so that they can assist their attorney in their criminal case and follow through with probation terms and/or conditions of release

## 5. On-going continued case management from Social Workers



Community Intervention Workers (CIW)

## CIW Examples this month:

- Case Management
- Pick up from Main Jail
- Transport to Court, Probation, Etc.
- Lyft Rides to Court, Probation, Etc.
- Provide Bicycles to individuals
- Employment Services Offered
- Took individuals to first AA meetings and sat with them
- Provided free loaner cell phones
- Provided backpack with items for daily living
- 1:1 Mentoring
- Hotel Stays paid
- Clothing Vouchers provided
- Coordinated with Social Workers for Mental Health and Substance Use support

Examples of CIW involvement

# Outcomes & Navigation of Funding to Provide Services

The impact Pretrial Support Project has had on Equity, Public Health, and Justice and the navigation of funding to provide services

# January 1, 2021-December 31, 2022

Over 4,255 were assessed in custody using the Pretrial Screener:

- 53% Needed Mental Health Support
- 47% Needed Substance Use Support
- 49% Needed Housing Support
- 82% Needed Social Worker Support

Findings of Pretrial Support Need Assessments

## **Coordination with all Justice, Social Service, and Community Partners:**

- 998 referred/linked to Mental Health Support
- 669 referred/linked to Substance Use Support
- 596 referred/linked to Housing Support

Addressing Equity, Public Health, and Justice

# Impact on the Justice System

- Individuals identified sooner by their attorney with a mental health and/or Substance Use need in custody
- Increase referrals into our Collaborative Courts and Diversion Programs
- Per 2021 data, approximately 40% of all individuals who meet with the Pretrial Support Team are released
- Increase in the amount of safe and coordinated discharges
- New holistic service: Community Intervention Workers that provide immediate access to transportation, food, clothing, and mentorship upon discharge from jail when referred

Impact on Justice System



**November 2021**

Sacramento County Board Of Supervisors  
Declared Racism A Public Health Crisis

Racism Declared a Public Health Crisis

# Award Winning

Sacramento County Pretrial Support Project was recognized in 2020 by the California State Association of Counties with a Challenge Merit Award.

Award Winning

The Pretrial Support Projects positive outcomes and linkage to services is not possible without the navigation of Behavioral Health funding streams to provide the service needed.

Navigating Funding Sources to Provide Services

## **California Mental Health Services Act (MHSA)**

- Voter approved Initiative
- 1% income tax on individuals making a million dollars or more
- Funding goes to mental health

### **Comprehensive Array of Services: MHSA Funds**

- Match for Medicaid (Medi-Cal): Psychiatry, Clinical Therapy and Groups, Case Management and Rehabilitation Services
- Flexible funding for housing
- Clinical participation in coordination with agency partners

### **Drug Medi-Cal Organized Delivery System**

- Outpatient
- Intensive Outpatient
- Case Management
- Recovery Services
- Residential

Navigating funding sources to provide services to Pretrial

## **Funding Source to conduct Pretrial Need Assessment, Support Public Defender Social Worker case management, and provide community mentorship:**

- Law Students conduct Pretrial Support Need Assessments in custody
  - Internship/Externship Programs
  - Some paid student positions
- Social Worker students support the Social Worker Department to create safe, coordinated, jail support plans and provide the on going case management services to individuals in pretrial and diversion
  - Internship/Externship Programs
  - No paid internship positions
- Community Intervention Workers provide lived experience and case management support within the community without the costs associated with county employees
  - Service contract through the Public Defender

Cost Effective

The Success of Sacramento County Pretrial Support Project is the result of full collaboration and support from all system and community partners towards a common goal of making our community safe. The Pretrial Support Project would not have the impact and positive outcomes without the Public Defender, Sherriff Department, Probation Department, Department of Behavioral Health, Substance Use and Prevention Team, Department of Health Services, Correctional Health, Department of Human Assistance, Courts, District Attorney, County Executive Office, Community and all of our partners working together to:

- 1. Identify individuals Needs In Custody,**
- 2. Link individuals to Services, and**
- 3. Provide Services Needed**

**Pretrial Support Project: A Holistic Defense, Multi-System  
Approach To Address Equity, Public Health, and Justice**

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