

COUNTY OF ALAMEDA, BOARD OF SUPERVISORS

RESOLUTION NO. 2021-292

**A RESOLUTION OF THE ALAMEDA COUNTY BOARD OF SUPERVISORS ADOPTING
A “CARE FIRST, JAILS LAST” POLICY IN ALAMEDA COUNTY (As Amended)**

WHEREAS the Board of Supervisors, County of Alameda, acknowledges the need to reduce the number of people with mental illness, substance use and co-occurring disorders in our jail; and

WHEREAS the Board of Supervisors, County of Alameda, acknowledges it is critical that we provide quality, affordable, accessible, and compassionate community-based mental health treatment options in order to reduce the number of people with mental illness, substance use and co-occurring disorders in our jail; and

WHEREAS the fundamental goal of a “Care First, Jails Last” policy is to develop a continuum of care that includes a full spectrum of treatment and housing, including preventative and outpatient services, inpatient acute and subacute facilities, licensed board and care homes, and other wraparound support services so that people with mental illness, substance use, and co-occurring disorders have a full opportunity to receive and live stable lives; and

WHEREAS the Board of Supervisors, County of Alameda, recognizes the importance of responding to unprecedented and sustained calls from community members and behavioral health and criminal justice reform advocates to end law enforcement responses to health and social services needs; and

WHEREAS the Care First, Jails Last policy meets the Vision 2026 10X pathways goals of **Healthcare for All, Crime Free County**, and **Eliminate Homelessness** in support of a shared vision of **Thriving & Resilient Population** and **Safe and Livable Communities**; and

WHEREAS in 2015, this Board of Supervisors established and charged the Justice Involved Mental Health (JIMH) Task Force – a multi-agency committee including representatives from health and social services providers, public safety agencies, and the courts – with drafting recommendations for reducing the population of people with mental illness, substance use and co-occurring disorders in our jail, which concludes its work in 2021; and

WHEREAS the Alameda County Mental Health Advisory Board, established pursuant to California Welfare and Institutions Code 5600 et seq, is composed of appointees of the Board of Supervisors and has responsibility for: reviewing and evaluating the public’s mental health needs, facilities, services and special problems; advising the County Board of Supervisors and the Alameda County Behavioral Health Director on any aspect of the local mental health programs; reviewing and approving the procedures used to ensure citizen and professional involvement at all stages of the planning process, including involvement of individuals with lived experience of mental illness and their families, community members, advocacy organizations, and mental health professionals. It shall also include other professionals that interact with individuals living with mental illnesses on a daily basis, such as education, emergency services, employment, health care, housing, law enforcement, local business owners, social services, seniors, transportation, and veterans; and

WHEREAS the Mental Health Advisory Board’s Criminal Justice Committee works to support the broader community interests by reviewing programs, services, and outcomes for forensically involved persons receiving behavioral health services in order to make recommendations regarding quality or system improvements designed to reduce the number of incarcerated individuals with serious mental illness; and

WHEREAS in May 2020, this Board of Supervisors took action to ensure that staffing levels at Santa Rita Jail are sufficient to provide legally mandated services to inmates, including necessary mental health care

services required by the Americans With Disabilities Act, and required Alameda County Behavioral Health to develop a plan to reduce the number of incarcerated individuals with behavioral health conditions in the jail; and

WHEREAS in October 2020, Alameda County Behavioral Health Care Services (ACBH) presented to the Board of Supervisors, County of Alameda, recommendations that were informed by the JIMH Task Force and the Mental Health Advisory Board, as well as additional feedback and engagement from health care experts and members of the public solicited in community listening sessions; and

WHEREAS the Board of Supervisors, County of Alameda, is committed to addressing these recommendations by further refining, prioritizing, and implementing plans to achieve the goal of reducing the number of people with mental illness, substance use and co-occurring disorders in our jail; and

WHEREAS the COVID-19 public health and financial crisis has further highlighted the need to move away from criminalization, and to reduce our jail population and provide people with mental illness, substance use and co-occurring disorders with safe and community-based services; and

WHEREAS reducing the number of people with mental illness, substance use and co-occurring disorders and providing a quality, affordable, accessible, and compassionate community-based behavioral health continuum of care are racial justice issues; and

WHEREAS incarceration and insufficient mental health and substance use disorder services disproportionately impact African-Americans in Alameda County, who represent 48% of the jail population and more than one-third of the behavioral health re-entry population; and

WHEREAS individuals with serious mental illness, substance use and co-occurring disorders are more likely to return to jail, experience deteriorated health, and cycle through the criminal justice system than those without serious mental illness; and

WHEREAS community-based behavioral health and substance use services have been proven to reduce crime and recidivism; and

WHEREAS jails spend two to three times more money on adults with mental illness who require intervention than on those without the same needs, with little or no improvement to public safety or individuals' health; and

WHEREAS both incarceration and insufficient quality, accessible behavioral health care services are linked to shortened life spans for people with mental illness, substance use, and co-occurring disorders; and

WHEREAS other counties – such as Miami-Dade in Florida and Los Angeles and San Francisco in California – have responded to the need to reduce the number of people with mental illness in their jails, and can provide valuable blueprints for such a transition in Alameda County; and

WHEREAS the Care First, Jails Last policy has demonstrated success in other jurisdictions, including Los Angeles County, in reducing incarceration and poor health outcomes of people with mental illness, substance use, and co-occurring disorders; and

WHEREAS quality, accessible behavioral health care services and alternatives to incarceration can lengthen life spans and improve the overall well-being for people with mental illness and substance use, and co-occurring disorders; and

WHEREAS counties are often confronted with obstacles, including minimal resources and insufficient coordination between agencies, to reducing the number of people with mental illness in the jails; and

WHEREAS it is critical to ensure that implementing a Care First, Jails Last policy allows those with lived experiences with the criminal justice system to meaningfully inform the recommendations for what a new system can look like;

NOW THEREFORE, BE IT RESOLVED that the Board of Supervisors, County of Alameda, does hereby adopt a "Care First, Jails Last Policy" for just and equitable behavioral health care services and alternatives to incarceration that transform the county's systems of criminal justice, behavioral health care, and wraparound services including public benefits, social services, and housing to prioritize preventative, rehabilitative, health-focused programs; and

BE IT FURTHER RESOLVED that the work advancing the Care First, Jails Last policy must prioritize equity and inclusion frameworks in addressing racial, economic, and other disparities in Alameda County's criminal justice, behavioral health, and wraparound support services systems; and

BE IT FURTHER RESOLVED that all Alameda County agencies, in particular public protection, behavioral health and wraparound supportive services, shall collaborate to advance a Care First, Jails Last policy; and

BE IT FURTHER RESOLVED that the work advancing the Care First, Jails Last policy shall be grounded in shared data from across the criminal justice, behavioral health, and other wraparound supportive services systems; and

BE IT FURTHER RESOLVED that all Alameda County agencies that can contribute to advancing a Care First, Jails Last policy will gather and share data with the Alameda County Behavioral Health Care department, where permitted by health privacy and confidentiality and not prohibited by other applicable laws, for the purposes of 1) coordinating the systems of criminal justice, behavioral health care, and wraparound services including public benefits, social services, and housing; 2) identifying and measuring unmet needs for behavioral health and other wraparound services, and, to the extent possible, measuring the impact of behavioral health and other wraparound services, and 3) reducing the number of people with mental illness, substance use disorder, or co-occurring disorders in our jail; and

BE IT FURTHER RESOLVED that to meet these objectives, those Alameda County agencies will share case-level data with the Alameda County Behavioral Health Care department on the demographics, diagnoses, services requested and received, court charges and convictions, judicial status, incarceration, and probation histories since 2011 of people who have been criminally charged as well as people with mental illness and substance use disorders, where permitted by health privacy, confidentiality laws, and not prohibited by other applicable laws; and

BE IT FURTHER RESOLVED that the Mental Health Advisory Board, with the administrative support of the Alameda County Behavioral Health Care department, shall publicly disclose aggregate analyses of data on community-based behavioral health needs and the justice-involved behavioral health population, to the extent not prohibited by law, in an effort to uplift systemwide transparency and coordination; and

BE IT FURTHER RESOLVED that the Mental Health Advisory Board (designee) and the Director of ACBH will provide semi-annual updates to a joint meeting of the Board of Supervisors' Health & Public Protection committees as to the implementation progress of a Care First, Jails Last policy, and provide opportunities for input from community stakeholders, including – but not limited to – individuals with lived experience, their advocates, community-based service providers, and coalitions and advisory boards whose missions support a Care First, Jails Last policy; and

BE IT FURTHER RESOLVED that in conjunction with adopting this "Care First, Jails Last" resolution, the Board of Supervisors will create a twenty-five (25) member "**Care First, Jails Last Task Force**" as described in Exhibit A attached hereto:

The **FOREGOING** was **PASSED** and **ADOPTED** at a regular meeting of the Board of Supervisors for Alameda County this 25th day of May 2021, by the following vote, to wit:

AYES: Supervisors Chan, Haubert, Miley, Valle & President Carson

NOES: None

EXCUSED: None

ABSTAINED: None



Keith Carson
PRESIDENT, BOARD OF SUPERVISORS

ATTEST:
Anika Campbell-Belton
Clerk, Board of Supervisors

BY: R. Bailey, Deputy

APPROVED AS TO FORM:
DONNA R. ZIEGLER, COUNTY COUNSEL



EXHIBIT A

The “**Care First, Jails Last Task Force**” shall be a twenty-five (25) member body charged with developing a countywide implementation plan, subject to approval by the Board of Supervisors, informed by what was proposed by the Justice Involved Mental Health Task Force for the next two years. The Alameda County Mental Health Advisory Board will take over the monitoring of the countywide plan, thereafter. This two-year process will be financed by each of the seven participating County departments.

The Task Force will be a Brown Act covered body consisting of the following:

➤ Five (5) Community Representatives:

Each Supervisor will appoint a representative from their District. The preference is that it will include people with lived experience, or family of people with lived experience, either criminal justice involved or mental health experiences.

➤ Nine (9) Alameda County Officials:

1. Alameda County Behavioral Health (who will serve as the committee chair)
2. Alameda County District Attorney’s Office
3. Alameda County Housing and Community Development Department
4. Alameda County Sheriff’s Office
5. Alameda County Social Services Agency
6. Alameda County Office of Homeless Care and Coordination
7. Alameda County Public Defender
8. Alameda County Probation Department
9. Alameda County Superior Court (Presiding Judge or designee)

The agency/office director for each of the above may choose a designee from their agency/office to sit in their stead.

**The following representatives will be appointed by the Board of Supervisors’ Health Committee:*

➤ Three (3) Community Based Service Providers (one from each of the following regions):

1. North County
2. South County
3. Tri-Valley

The community-based service provider organization must provide either services to formerly incarcerated individuals, mental health care services, and/or substance use treatment services.

➤ Two (2) City Program Directors:

They should be from cities that are the two most impacted cities, and the Program Directors must provide services that aim to divert people with mental illness, substance use or co-occurring disorders from jail.

➤ Two (2) Representatives, each selected from any one of the following:

1. Alameda County Mental Health Advisory Board
2. Alameda County Mental Health Collaborative
3. Alameda Health System
4. East Bay Supportive Housing Collaborative

➤ Four (4) Representatives from Police Agencies (selected one from each of the following regions of Alameda County):

1. Central Region
2. North County
3. South County
4. Tri-Valley