

## **SAN DIEGO MISDEMEANANTS AT-RISK TRACK (SMART)**

### ***The SMART Approach to Addressing the Chronic Misdemeanor Offender***

**December 2016**

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**Background:** The challenge for the criminal justice system is to address the revolving door syndrome wherein low-level misdemeanor offenders cycle through the system without access to services, coordination of care, or meaningful incentives to engage with social service providers. To address this challenge, the City Attorney, in collaboration with the San Diego Police Department (SDPD) and the San Diego County Sheriff's Department, created the San Diego Misdemeanants At-Risk Track (SMART) pilot program. SMART will safely divert chronic misdemeanor offenders, particularly those who are otherwise resistant to intervention, to a case manager and offered individualized treatment and tailored housing placements.

**Priority Population:** SMART prioritizes chronic misdemeanor offenders with acute drug addictions and complex social service needs. These offenders have one or more drug offenses since Proposition 47 took effect in 2014, and have been arrested at least twice in the past six months for a quality-of-life offense. The City Attorney's Office retains prosecutorial discretion in determining eligibility. The pilot program will begin in SDPD's Central Division with the long-term goal of expanding citywide.

**How will the diversion program work:** A SMART offer for case management, treatment, and housing will not only be available once a case is filed and an individual is in a courtroom, but rather at various stages earlier in the criminal justice continuum:

1. At the point of social contact in a non-enforcement capacity.
2. At the point of arrest by SDPD.
3. At arraignment by the City Attorney's Office.
4. At sentencing as an alternative to incarceration.
5. While a person is serving a custodial sentence.
6. Upon being contacted by the SMART service provider after rejection of a SMART offer in court.

Outreach workers will offer SMART during non-enforcement social contacts with eligible individuals.

Under the pilot program, SMART offers made in court will be made as an alternative offer. If the individual rejects the SMART offer, the case will proceed as normal, with the otherwise standard offer and sentencing.

Transportation will be offered to help the individuals complete the required intake and assessment.

**SMART Requirements:** To successfully fulfill the terms of a SMART offer, a defendant must complete the service provider's intake process for both housing and treatment. This includes a follow-up appointment to perform an in-depth assessment, which should occur within 7 days. When completing the assessment, the service provider will determine the immediate cause of the individual's drug or quality of life offense. In addition, the case manager will survey a wide range of factors that might contribute to ongoing contacts with law enforcement. SMART may be used to address any factor or set of factors driving the individual to engage in problematic drug and quality of life activity.

As a condition of the program, SMART participants must sign a release of information allowing the case manager to consult with other SMART partners. For diverted cases, if the person leaves prior to engaging in treatment, it will not be considered a failure to complete the terms, as long as the participant successfully completes the intake and assessment process. If the individual completes the initial screening, but refuses or fails to complete the

follow-up assessment, the SMART service provider will notify NPU. NPU may decide to file a criminal charge and prosecute the offense that was initially diverted to SMART.

A prior referral to SMART does not preclude a person from receiving the offer but it is a factor the SMART officer can consider with respect to the individual's amenability to the intervention model.

**Program Goals:** A primary goal of the program is reduction in recidivism secured through changes in individual behavior. The program will operate with a harm reduction approach. The program seeks to improve the quality of life for both offenders and the community, by providing health impacts that include a reduction in emergency room visits, reduced drug use, increased access to healthcare, and an increase in the number of days in treatment. Some or all of the SMART services may be withdrawn if the SMART team does not feel the participant is making progress toward reducing the harm caused by their behavior.

For more information about the SMART pilot, please contact Lara Easton, Chief Deputy City Attorney, at (619) 533-5500 or <a href="mailto:LEaston@sandiego.gov">LEaston@sandiego.gov</a> .
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