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Safely Reducing the Jail Population by Expanding the Community-Based System of Care for Cisgender Women, Two Spirit, Lesbian, Gay, Bisexual, Questioning, and Transgender, Gender Non-conforming and/or Intersex (2S-LGBQ+TGI) Individuals

More than a year ago, the Board of Supervisors (Board) approved a motion in support of the Gender Responsive Advisory Committee’s (GRAC) vote to expand its mission (Expanding the Scope of the Gender Responsive Advisory Committee, Supervisors Kuehl and Ridley-Thomas, July 21, 2020). Echoing a larger shift toward uplifting disproportionately impacted subpopulations in the justice system and advocating for community-based care over incarceration, the GRAC’s updated mission explicitly names two spirit, lesbian, gay, bisexual, questioning, and transgender, gender non-conforming and/or intersex (2S-LGBQ+TGI) individuals as part of its target population and prioritizes expanding alternatives to incarceration, such as diversion and community-based prevention programs.

The GRAC report reflects these priorities in the recommendations it provides across several key areas: Alternatives to Incarceration, LGBTQ+, Data, Health, and Reentry. In October of 2020, the GRAC’s Executive Steering Committee voted to create

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five Ad Hoc Committees to concentrate on these topics and to develop recommendations that would meet the following goals: (1) improve programming and services at the Century Regional Detention Facility (CRDF); (2) enhance reentry initiatives and expand community-based reentry services, to promote successful reintegration in the community; and (3) expand alternatives to incarceration.

The GRAC report aligns with the Board's ongoing efforts to improve public safety and well-being. This can be achieved, in part, by safely reducing the number of people in our jails and building out the necessary infrastructure for community-based support. Many of the recommendations reaffirm the ideas put forward in the *Alternatives to Incarceration's (ATI) Care First, Jails Last* report. There is significant overlap between the goals of these initiatives and the work being undertaken by the Jail Closure Implementation Team. These intersecting objectives point to the need for coordinated, strategic collaboration, which will ultimately facilitate increased equity in the allocation of resources and better outcomes for more of our most marginalized justice impacted residents.

The GRAC report's clearest message is that too many women (including those who are pregnant or elderly), as well as 2S-LGBQ+TGI individuals are being needlessly incarcerated. According to a Rand Corporation analysis, 76% of the people held at Century Regional Detention Facility (CRDF) have mental health issues but could be safely diverted. While the percentage varies day to day, over the past six months, on average 56% of the individuals at CRDF are awaiting trial. As of September 30, 2021, 42% of people in the jail system's LGBT units are awaiting trial; more than half of the people in these units have mental health needs and the rates of incarceration for Black people in LGBT units are also higher than in the general population.

The state Supreme Court's Humphrey ruling earlier this year directed courts to

consider ability to pay when setting bail; implementation of pre-trial reforms and investments in community based pretrial services should dramatically reduce the number of people held pre-trial in the K6G unit and at CRDF. As we work toward closing Men's Central Jail and developing our network of community-based alternatives, it is critical that we fully integrate the recommendations of the GRAC into these related efforts, ensuring that the needs of cis-women, two spirit, lesbian, gay, bisexual, questioning, and transgender, gender non-conforming and/or intersex (2S-LGBQ+TGI) individuals in the system are being proactively addressed.

WE, THEREFORE, MOVE that the Board of Supervisors direct the Director of the Jail Closure Implementation Team (JCIT) to report-back in 90 days on the status of the following directives and report back every 90 days thereafter with updates.

1. In collaboration with the Director of Alternatives to Incarceration (ATI) and the Director of the Office of Diversion and Reentry (ODR), work with the GRAC, through the Director of Gender Responsive Services, to prioritize and implement those GRAC report recommendations that further the JCIT's mandate to decrease the jail population and close Men's Central Jail (MCJ) without a replacement and the County's mission to expand the community-based system of care for cisgender women, two spirit, lesbian, gay, bisexual, questioning, and transgender, gender non-conforming and/or intersex (2S-LGBQ+TGI) people, including those individuals housed at CRDF and in the K6G units at County facilities.
2. Develop a scope of work for a consultant from an academic research institution to complete an updated Century Regional Detention Facility (CRDF) population study utilizing a racial equity lens; in addition, this analysis should also include the individuals housed in the K6G units in order to refine and update the

prioritization referred to in Directive 1, as needed, according to the needs of those currently being held at CRDF and K6G units.

3. Work with the Sheriff's Department, through the Director of Gender Responsive Services and other relevant stakeholders, including the Department of Health Services, through its Director of Correctional Health Services, including and engaging people who are currently incarcerated, through the use of round table conversations, to prioritize and implement those recommendations from the GRAC report that promote gender-responsive, trauma-informed services and programming for individuals at CRDF and in K6G units who do not immediately qualify for release.