



SAN DIEGO MISDEMEANANTS AT-RISK TRACK (SMART)

The SMART Approach to Addressing the Chronic Misdemeanor Offender

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's Office (CAO), 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) program. SMART supports chronic misdemeanor offenders, particularly those who are otherwise resistant to intervention, with 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.

How the Program Works: A SMART offer for case management, treatment, and housing is not only 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.

SMART offers are made in lieu of custodial sanctions. If the individual rejects the SMART offer, the case will proceed, as normal, with the otherwise standard offer and sentencing.

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

SMART Requirements: To successfully fulfill the terms of a SMART offer in a pre-filing capacity, a defendant must complete the service provider's intake and assessment process for both housing and treatment within 7 days. When completing the assessment, the service provider determines the immediate cause of the individual's drug or quality-of-life offense. In addition, the case manager surveys 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 pre-filing cases, if the person leaves prior to engaging in treatment, it is not considered a failure to complete the terms, as long as the participant successfully completes the intake and assessment process. If the individual does not complete the intake and assessment, the SMART service provider will notify the CAO. After review, the CAO 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 that SDPD 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.

Proposition 47 Grant: The City of San Diego, in partnership with the County of San Diego, has been awarded a \$6 million grant (\$3 million of which will go to SMART) from the State of California, through a competitive process. San Diego's proposal ranked first in the State, out of 58 applications statewide, demonstrating the State of California's confidence in SMART as an effective model to aid our most vulnerable San Diegans.

For more information about the SMART, please contact Lara Easton, Chief Deputy City Attorney, at (619) 533-5500 or LEaston@sandiego.gov.