



City of San Marcos

630 East Hopkins
San Marcos, TX 78666

Meeting Minutes City Council

Monday, September 30, 2019

3:00 PM

City Council Chambers

630 E. Hopkins - Work Session

I. Call To Order

With a quorum present, the work session meeting of the San Marcos City Council was called to order by Mayor Hughson at 3:02 p.m. Monday, September 30, 2019 in the City Council Chambers, 630 E. Hopkins, San Marcos, Texas 78666.

II. Roll Call

Present: 6 - Mayor Pro Tem Lisa Prewitt, Council Member Saul Gonzales, Council Member Melissa Derrick, Mayor Jane Hughson, Council Member Joca Marquez and Council Member Mark Rockeymoore

Absent: 1 - Council Member Ed Mihalkanin

PRESENTATIONS

1. Receive a presentation by Brendan Cox, Director of Policing Strategies at the LEAD National Support Bureau, regarding a Law Enforcement Assisted Diversion (LEAD) Program, and provide direction to Staff.

Brendan Cox, Director of Policing Strategies at the LEAD National Support Bureau, provided a presentation.

Law Enforcement Assisted Diversion (LEAD) is a community-based diversion approach with the goals of improving public safety and public order, while reducing unnecessary justice system involvement of people who participate in the program.

The National Support Bureau is led and staffed by members of a team of public health and justice system veterans who designed the original Seattle LEAD program, and others who have now launched LEAD in other jurisdictions. The Bureau also draws on the expertise of prosecutors, police, case managers and community public safety leaders who are now using LEAD on the ground, and are willing to share lessons learned with their peers around the country.

Mr. Cox provided some statistics regarding Public Health/Criminal Justice:

46.6 million adults with some form of mental illness

18.7 million adults with substance use disorder

8.5 million adults with co-occurring disorders

553,742 people are homeless

70,237 people died from an overdose in 2017

2.1 million people incarcerated

4.5 million people on community supervision

Mr. Cox spoke briefly on the opioid crisis and the traditional response is jail time for offenders.

The Criminal Justice Approach:

Mass Incarceration

- **The U.S. has the largest prison population in the world**
- **2.2 Million in nations jails & prisons**
- **5% world population vs 25% worlds incarcerated population**

Incarceration for non-violent drug offenses increased from 50,000 in 1980 to over 400,000 in 1997.

Present day numbers stay similar to 1997.

- **700% increase of the use of jail and prison**
- **40,900 vs 452,900**
- **Yet, the rate of drug use still increased**

Racial Disparities:

2016 US Census Bureau (population)

76.6% White

13.4% Black

18.1% Hispanic

2016 Bureau of Justice (sentenced population)

39% White

41.3% Black

21% Hispanic

Mr. Cox explained how LEAD began in Seattle:

- ☐ **Years of litigation alleging discriminatory practices and policies surrounding drug enforcement**
- ☐ **Seattle PD Captain asks “What would you have us do?”**

- ☐ Parties come together and develop LEAD

Core Components of LEAD

- ☐ Pre-arrest/pre-booking diversion
- ☐ Officer Discretion
- ☐ Harm reduction philosophy
- ☐ Understanding that abstinence is not required
- ☐ Housing first model
- ☐ Trauma informed services

What is LEAD:

- Diverts people whose problems are driven by behavioral illnesses out of the justice system whenever possible, and into long-term, non-coercive case management
- Law enforcement officers are primary portal for diversion, in partnership with case management, service providers, prosecutors, community leaders and health agencies

How does LEAD Work:

- Presented with an arrestable offense, officer can instead offer LEAD as an alternative to arrest/booking. Sometimes done at investigative detention stage.
- Officers are also authorized to make “social contact” referrals.
- If person accepts, officer does direct hand-off to case manager.
- Case manager does immediate triage at the scene, begins to form relationship.
- Case is diverted entirely out of the justice system: Criminal filing is not pursued if release of information signed and intake assessment completed.

LEAD at Work

What crimes do we divert:

- Drug possession
- Drug sales
- Sex work
- Crimes driven by addiction, mental illness, poverty, or homelessness
- Who are our participants:
 - People suffering from
 - Substance use disorders
 - Mental illness
 - Poverty
 - Homelessness

Collective governance and management is always a feature of a LEAD model.

LEAD Power Sharing:

- **Multi-agency Policy Coordinating Group (PCG) provides collective governance and joint decision-making, and Operational Work Group (OWG) manages day to day coordination and case reviews, implementing policy set by PCG.**
- **Mechanism for review and oversight by civil rights organizations.**
- **Communications agreement and coordination among partners (including prosecutors, case managers, law enforcement, civil rights groups) is necessary for consistent alignment and coordination.**

LEAD Paradigm Shift:

LEAD is not a “program,” any more than an officer taking somebody to jail is a “program.” LEAD is a new, collective, system of response.

- **Recognizes that arrest, prosecution, and conviction can cause harm and interfere with lasting behavior change**
- **Recognizes that cycles of arrest and incarceration further destabilize individuals, families, and communities**
- **Recognizes that using the justice system as a response to behavioral illness saps law-enforcement resources**
- **LEAD works without a stick**

LEAD Evaluations by University of Washington showed:

- **58% decrease in rates of re-arrest**
- **39% decrease in new felonies filed**
- **87% decrease in prison admissions**
- **89% increase in permanent housing**
- **33% increase in legitimate income**

When implemented at a local scale:

- **Allows communities to dedicate police, prosecutor, and court resources to where they’re needed most**
- **Replaces punitive sanctions with public health strategies**
- **Forges cooperative partnerships among law enforcement, social service, government, civil rights, and community stakeholders**
- **Generates better experiences for people who have substantial experience getting arrested; LEAD participants express high satisfaction with LEAD, and report improved perceptions of their relationships with police.**

Brandon Winkenwerder, Assistant Police Chief, gave a brief update on our Mental Health Program here in San Marcos. If someone is in crisis and that

individual has a minor offense the San Marcos police department will work with them and get them the assistance they need instead of being arrested. This program has been working very well and many individuals have been diverted out of the system. Staff will get these diversion numbers to Council. Currently we have three Mental Health Officers on staff, and all police officers have been trained on basic mental health peace officer course, so they can recognize the signs that someone may need mental health services.

The City of San Marcos currently has programs in place to help with mental health assisted diversion. We can identify what we have currently by scanning our environment, taking inventory of sources we currently have, and look at services provided to our community in order to enhance services.

The Criminal Justice Reform Committee will meet to discuss these issues further and provide a recommendation to Council. A chart to compare Cite and Diversion, Cite and Release, and LEAD program will be provided to the committee for their review.

EXECUTIVE SESSION

2. Executive Session in accordance with the following Government Code Sections:
 - A. Section § 551.087 - Economic Development: to receive a staff briefing and deliberate regarding the creation of Hays County Municipal Utility District No. 8.
 - B. Section 551.087 - Economic Development: to receive a staff briefing and deliberate regarding Project World Series.
 - C. Section § 551.074 - Personnel Matters: discuss duties and responsibilities of the City Manager

A motion was made by Council Member Derrick, seconded by Council Member Rockeymoore, to enter into Executive Session at 4:53 p.m. The motion carried by the following vote:

For: 6 - Mayor Pro Tem Prewitt, Council Member Gonzales, Council Member Derrick, Mayor Hughson, Council Member Marquez and Council Member Rockeymoore

Against: 0

Absent: 1 - Council Member Mihalkanin

III. Adjournment.

Council returned from Executive Session and the Mayor adjourned the work session meeting of the City Council at 5:50 p.m., Monday, September 30, 2019.

