



# City of Santa Fe, New Mexico

## LEGISLATIVE SUMMARY

Resolution No. 2014-\_\_

LEAD Policy Council

---

**SPONSOR(S):** Councilor Dimas

**SUMMARY:** Resolution No. 2013-88 established the LEAD Operations Team to map out the process of implementing a three year, pre-booking diversion pilot program to divert individuals suffering from opiate additions to social supports and treatment services. The assigned duties of the LEAD Task Force and LEAD Operations Team have been completed.

The proposed resolution authorizes the establishment of a LEAD Policy Committee and LEAD Case Coordination Subcommittee to ensure the efficient and ethical operations of the LEAD Santa Fe Program.

**PREPARED BY:** Rebecca Seligman, Legislative Liaison Assistant

**FISCAL IMPACT:** Yes

**DATE:** March 25, 2014

**ATTACHMENTS:** Resolution

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

**CITY OF SANTA FE, NEW MEXICO**

**RESOLUTION NO. 2014-\_\_**

**INTRODUCED BY:**

Councilor Bill Dimas

**A RESOLUTION**

**AUTHORIZING THE ESTABLISHMENT OF A LEAD POLICY COMMITTEE AND LEAD CASE COORDINATION SUBCOMMITTEE TO ENSURE THE EFFICIENT AND ETHICAL OPERATIONS OF THE LEAD SANTA FE PROGRAM.**

**WHEREAS**, the City of Santa Fe established the LEAD Task Force with Resolution 2012-66 to explore and recommend incarceration alternatives, addiction treatment and recover support services; and

**WHEREAS**, Resolution 2013-76 was adopted by the City Council on July 31, 2013 for the purpose of accepting the recommendations of the LEAD Santa Fe Task Force; and

**WHEREAS**, the LEAD Task Force found that:

- 100 individuals, arrested by City of Santa Fe Police for opiate possession or sales, cost more than \$4.2 million dollars or an average of \$42K per individual across local and state systems over the last 3 years. (This is only the tip of the iceberg – costs not included in this figure include: loss of productivity & earnings; impact on families & social support systems; current “ad hoc” drug treatments; public safety & health issues; witness, jury

1 costs; property crime investigations and value of property lost, etc.)

- 2 • These same 100 individuals cost the City \$1 million dollars in jail/detention costs over 3
- 3 years for a total of 11,502 jail days.
- 4 • They were arrested 590 times by police officers in the 3 years; officers spent an average
- 5 of 9.3 hours per arrest.
- 6 • A majority (91 out of 100) were repeat offenders with a pattern of being re-arrested every
- 7 6 months on average.
- 8 • 51% of those individuals had property crime histories; and

9 **WHEREAS**, the LEAD Task Force recommendations were to establish a LEAD/Pre-  
10 Booking Diversion Program which would identify low-level opiate drug offenders for whom probable  
11 cause exists for an arrest, and redirect them from jail and prosecution by immediately providing  
12 linkages to treatment/support services; and

13 **WHEREAS**, the LEAD Task Force found that with the economic strain on local counties,  
14 pre-booking diversion programs offer a viable, cost effective alternative to the status quo that can  
15 positively impact Santa Fe; and

16 **WHEREAS**, the benefits of the LEAD/Pre-Booking Diversion Program will:

- 17 • Increase safety for the community by reducing future criminal behavior.
- 18 • Reduce the burden on the law enforcement, county jail, prosecution, and court system.
- 19 • Redirect public safety resources to more pressing priorities, such as serious and violent
- 20 crime.
- 21 • Reduces opiate overdoses (and related burden on the emergency and hospital resources)
- 22 and recidivism.
- 23 • Optimize the use of the Affordable Care Act health coverage for treatment and social
- 24 supports.
- 25 • Improve individual outcomes and community quality of life through research-based

1 treatment, harm reduction and social supports.

2 **WHEREAS**, the LEAD Operations Team was established to map out the process of  
3 implementing a three year, pre-booking diversion pilot program to divert individuals suffering from  
4 opiate addictions to social supports and treatment services; and

5 **WHEREAS**, Resolution 2013-76 approved the planning and implementing of an innovative  
6 3-year pre-booking diversion pilot program to divert those individuals suffering from an addiction to  
7 opiates into treatment and social supports (Planning phase: August 1 – December, 31 2013; Pilot  
8 phase: January 1, 2014 – Dec. 31, 2017) and directed staff to develop an operations plan and explore  
9 funding mechanisms to establish and implement the three year LEAD/Pre-booking program in Santa  
10 Fe; and

11 **WHEREAS**, Resolution No. 2013-88 established the LEAD Operations Team to map out the  
12 process of implementing a three year, pre-booking diversion pilot program to divert individuals suffering  
13 from opiate addictions to social supports and treatment services; and

14 **WHEREAS**, the LEAD Operations Team developed protocols, procedures and has worked with  
15 staff to select a local service provider; and

16 **WHEREAS**, the City of Santa Fe has contracted for services and is implementing training to  
17 begin LEAD Santa Fe operations in March of 2014; and

18 **WHEREAS**, the LEAD Task Force and LEAD Operations Team have essentially completed  
19 their assigned duties; and

20 **WHEREAS**, the adopted plan indicates the need for two remaining committees to ensure the  
21 efficient and ethical operations of the LEAD Santa Fe program.

22 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**  
23 **CITY OF SANTA FE** that the City of Santa Fe appreciates the work of the LEAD Task Force and  
24 LEAD Operations Team and recognizes that the assigned duties of the LEAD Task Force and Operations  
25 Team have been completed.

1 **BE IT FURTHER RESOLVED** that the Governing Body hereby establishes the LEAD Policy  
2 Committee.

3 **Section 1. NAME:** The committee shall be called the LEAD Policy Committee (“Policy  
4 Committee”).

5 **Section 2. SCOPE OF WORK:** The Policy Committee shall:

6 A. Discuss progress and determine course of action for LEAD Santa Fe program:

7 (1) Determine the appropriate policies, procedures and protocols to operate the  
8 LEAD Santa Fe program.

9 (2) Obtain information from the Case Subcommittee regarding the needs of the  
10 clients and if the contracted programs are able to meet those needs;

11 (3) Determine time points to collect data and inform the evaluation of the  
12 program;

13 (4) Determine if the appropriate partners are involved to improve the health  
14 status and well-being of the client and the community;

15 (5) Determine the appropriate funding strategy to sustain the program and if  
16 those funding sources maintain the integrity of the program;

17 (6) Review of RFP’s for LEAD service provision and evaluation;

18 (7) Review of RFP applications and provision of recommendations to the City  
19 for service providers and evaluators;

20 (8) Make available criminal justice and human services system data for  
21 comparison and evaluative purposes;

22 (9) Oversight of LEAD implementation, including regular review of reports  
23 from the Case Coordinating Team, contract compliance of service providers

24 and evaluators, and program compliance, including a commitment to a harm  
25 reduction philosophy, by the Case Coordinating Team, and solicitation and

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

review of community feedback;

(10) Modification of service provision, or evaluation criteria and process, as needed.

B. Report to the Governing Body at least once per year regarding the progress and planning for the LEAD Santa Fe program.

**Section 3. MEMBERSHIP:**

A. The Mayor will appoint the members of the Policy Committee, with the approval of the City Council.

B. The Mayor will appoint the chairperson. The chairperson shall appoint a vice-chair person.

C. To the greatest extent possible, the Policy Committee will be comprised of the following participants:

- City of Santa Fe Police Chief's Office
- City of Santa Fe Police Department
- City of Santa Fe Attorney's Office
- City of Santa Fe Community Services Department
- City of Santa Fe City Councilor appointed by the Mayor
- Santa Fe County Sheriff's Office
- Santa Fe County Attorney's Office
- Santa Fe County Community Services Department
- First Judicial District Attorney's Office
- First Judicial District Public Defender's Office
- the Drug Policy Alliance, a New Mexico non-profit corporation
- the New Mexico Criminal Defense Lawyers Association

D. The members shall serve until they complete their duties and responsibilities as set forth

1 above.

2 E. Members shall serve without compensation.

3 **Section 4. VACANCIES:** Vacancies shall be filled in the same manner as initial  
4 appointments.

5 **Section 5. MEETINGS; DURATION; STRUCTURE:** The Policy Committee  
6 shall:

7 A. Meet once a month or more often as necessary.

8 B. The meetings shall be held in accordance with the City's *Rules and Procedures for*  
9 *City Committees.*

10 C. Meet throughout the duration of the LEAD Santa Fe pilot project and until it is  
11 determined that LEAD Santa Fe will continue to function as a City of Santa Fe program.

12 D. The Policy Committee shall coordinate with the Case Subcommittee with the  
13 periodic reports to the City Council regarding the operations and outcomes of the LEAD Santa Fe  
14 program.

15 **Section 6. STAFF LIAISON:** The City Manager shall designate a staff person who shall  
16 serve as the liaison to the Policy Committee.

17 **BE IT FURTHER RESOLVED,** the Governing Body hereby establishes the LEAD Case  
18 Coordination Subcommittee.

19 **Section 1. NAME:** The subcommittee shall be called the LEAD Case Coordinating  
20 Subcommittee ("Case Subcommittee").

21 **Section 2. SCOPE OF WORK:** The Case Subcommittee shall:

22 A. Make operations-level decisions with the City's contracted service provider regarding  
23 LEAD participant cases and provide periodic operational oversight to program service delivery.  
24 Specific responsibilities include, but are not limited to, the following:

25 (1) Review referral decisions and LEAD participant cases, with the authority to

1 withdraw program services if participants are not making effective use of the  
2 opportunity;

3 (2) Share information about program participants progress;

4 (3) Evaluate the clients progress and determine if other services could be useful to  
5 improve the quality of the client's life and the safety of the community;

6 (4) Draft periodic reports to the Policy Committee;

7 (5) Make recommendations to the Policy Committee regarding referral and diversion  
8 protocols and program capacity.

9 (6) Report to the Policy Committee the progress and shortfalls of the process and,  
10 where possible, the client's perceptions of how the program is working.

11 B. Provide information to the LEAD Policy Committee to provide a report to Governing  
12 Body at least once a year regarding the progress and planning for the LEAD Santa Fe program.

13 **Section 3. MEMBERSHIP:**

14 A. The membership of the Case Subcommittee will be determined by the Policy  
15 Committee, with the approval of the Mayor.

16 B. The chairperson and vice-chair person will be elected by a majority vote of the  
17 Subcommittee.

18 C. To the greatest extent possible, the Case Subcommittee will be comprised of the  
19 following participants:

- 20 • City of Santa Fe Police Department
- 21 • City of Santa Fe Attorney's Office
- 22 • City of Santa Fe Community Services Department
- 23 • First Judicial District Attorney's Office
- 24 • First Judicial District Public Defender's Office
- 25 • the City of Santa Fe's contracted service provider

1 D. The members shall serve until they complete their duties and responsibilities as set  
2 forth above.

3 E. Members shall serve without compensation.

4 **Section 4. VACANCIES:** Vacancies shall be filled in the same manner as initial  
5 appointments.

6 **Section 5. MEETINGS; DURATION; STRUCTURE:** The Case Subcommittee shall:

7 A. The Case Subcommittee shall meet twice a month or more often as necessary.

8 B. The meetings shall be held in accordance with the City's *Rules and Procedures for*  
9 *City Committees.*

10 C. The Case Subcommittee shall meet throughout the duration of the LEAD Santa Fe  
11 pilot project and until it is determined that LEAD Santa Fe will continue to function as a City of Santa  
12 Fe program.

13 D. The Case Subcommittee shall assist the Policy Committee with the periodic reports  
14 to the City Council regarding the operations and outcomes of the LEAD Santa Fe program.

15 **Section 6. STAFF LIAISON:** The City Manager shall designate a staff person who shall  
16 serve as the liaison to the Case Subcommittee.

17 **BE IT FURTHER RESOLVED,** staff is directed to prepare agreements, for execution between  
18 City and the parties set forth herein, to establish the duties, responsibilities and operating procedures of  
19 the LEAD Policy Committee and LEAD Case Coordination Subcommittee.

20 PASSED, APPROVED, and ADOPTED this \_\_\_ day of \_\_\_\_\_, 2014.

21 \_\_\_\_\_  
22  
23 JAVIER M. GONZALES, MAYOR  
24  
25

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

ATTEST:

\_\_\_\_\_  
YOLANDA Y. VIGIL, CITY CLERK

APPROVED AS TO FORM:



KELLEY A. BRENNAN, INTERIM CITY ATTORNEY

## City of Santa Fe Fiscal Impact Report (FIR)

This Fiscal Impact Report (FIR) shall be completed for each proposed bill or resolution as to its direct impact upon the City's operating budget and is intended for use by any of the standing committees of and the Governing Body of the City of Santa Fe. Bills or resolutions with no fiscal impact still require a completed FIR. Bills or resolutions with a fiscal impact must be reviewed by the Finance Committee. Bills or resolutions without a fiscal impact generally do not require review by the Finance Committee unless the subject of the bill or resolution is financial in nature.

**Section A. General Information**

(Check) Bill: \_\_\_\_\_ Resolution:   X    
 Short Title(s): **A RESOLUTION AUTHORIZING THE ESTABLISHMENT OF A LEAD POLICY COMMITTEE AND LEAD CASE COORDINATION SUBCOMMITTEE TO ENSURE THE EFFICIENT AND ETHICAL OPERATIONS OF THE LEAD SANTA FE PROGRAM.**

Sponsor(s): Councilor Dimas

Reviewing Department(s): Community Services

Person Completing FIR: Terrie Rodriguez Date: 3/25/14 Phone: 955-6603

Reviewed by City Attorney: *Kelley A. Brennan* Date: 3/26/14  
 (Signature)

Reviewed by Finance Director: *[Signature]* Date: 3/26/14  
 (Signature)

**Section B. Summary**

Briefly explain the purpose and major provisions of the bill/resolution.

**The resolution acknowledges thanks and dissolves the LEAD Task Force and creates two new support organizations to implement the LEAD Santa Fe program. It creates the LEAD Policy Committee and a sub-committee to be the Case Coordinating Committee. Resolution 2013-88 asked the Council to examine the work of the LEAD Task Force and adopt the recommendations and determine funding for a three-year pilot program. The Council allowed for \$100,000 to begin the program and approved \$200,000 for Fiscal Year 2014-15. This Resolution establishes the structure to support the pilot program.**

**Section C. Fiscal Impact**

**Note:** Financial information on this FIR does not directly translate into a City of Santa Fe budget increase. For a budget increase, the following are required:

- a. The item must be on the agenda at the Finance Committee and City Council as a "Request for Approval of a City of Santa Fe Budget Increase" with a definitive funding source (could be same item and same time as bill/resolution)
- b. Detailed budget information must be attached as to fund, business units, and line item, amounts, and explanations (similar to annual requests for budget)
- c. Detailed personnel forms must be attached as to range, salary, and benefit allocation and signed by Human Resource Department for each new position(s) requested (prorated for period to be employed by fiscal year)\*

**1. Projected Expenditures:**

- a. Indicate Fiscal Year(s) affected – usually current fiscal year and following fiscal year (i.e., FY 03/04 and FY 04/05)
- b. Indicate: "A" if current budget and level of staffing will absorb the costs  
 "N" if new, additional, or increased budget or staffing will be required
- c. Indicate: "R" – if recurring annual costs  
 "NR" if one-time, non-recurring costs, such as start-up, contract or equipment costs
- d. Attach additional projection schedules if two years does not adequately project revenue and cost patterns
- e. Costs may be netted or shown as an offset if some cost savings are projected (explain in Section 3 Narrative)

\_\_\_\_\_ Check here if no fiscal impact

Column #:	1	2	3	4	5	6	7	8
	Expenditure Classification	FY 13-14 _____	"A" Costs Absorbed or "N" New Budget Required	"R" Costs Recurring or "NR" Non-recurring	FY 14-15 _____	"A" Costs Absorbed or "N" New Budget Required	"R" Costs – Recurring or "NR" Non-recurring	Fund Affected

Personnel*	\$ _____	_____	_____	\$ _____	_____	_____	_____	_____
Fringe**	\$ _____	_____	_____	\$ _____	_____	_____	_____	_____
Capital Outlay	\$ _____	_____	_____	\$ _____	_____	_____	_____	_____
Land/ Building	\$ _____	_____	_____	\$ _____	_____	_____	_____	_____
Professional Services	\$100,000 _____	N _____	R _____	\$200,000 _____	N _____	R _____	_____	_____
All Other Operating Costs	\$ _____	_____	_____	\$ 3,000 Steno services	_____	_____	_____	_____
Total:	\$100,000 _____	_____	_____	\$203,000 _____	_____	_____	_____	_____

\* Any indication that additional staffing would be required must be reviewed and approved in advance by the City Manager by attached memo before release of FIR to committees. \*\*For fringe benefits contact the Finance Dept.

**2. Revenue Sources:**

- a. To indicate new revenues and/or
- b. Required for costs for which new expenditure budget is proposed above in item 1.

Column #:	1	2	3	4	5	6
	Type of Revenue	FY _____	"R" Costs Recurring or "NR" Non-recurring	FY _____	"R" Costs – Recurring or "NR" Non-recurring	Fund Affected

_____	\$ _____	_____	\$ _____	_____	_____	_____
_____	\$ _____	_____	\$ _____	_____	_____	_____
_____	\$ _____	_____	\$ _____	_____	_____	_____
Total:	\$ _____	_____	\$ _____	_____	_____	_____

**3. Expenditure/Revenue Narrative:**

Explain revenue source(s). Include revenue calculations, grant(s) available, anticipated date of receipt of revenues/grants, etc. Explain expenditures, grant match(s), justify personnel increase(s), detail capital and operating uses, etc. (Attach supplemental page, if necessary.)

It is anticipated that such a program could use \$1 million a year for each year of the pilot phase. However, we can scale the operations to the funds we have. It is anticipated that funding sources will come from private foundations who have expressed interest in the development of LEAD Santa Fe and the national foundations that are supporting the Seattle LEAD program. We received support from the NM State Legislature for \$140,000 but the Governor line item vetoed the funding. A joint resolution passed that requested the State study the LEAD program for implementation state-wide.

**Section D. General Narrative**

**1. Conflicts:** Does this proposed bill/resolution duplicate/conflict with/companion to/relate to any City code, approved ordinance or resolution, other adopted policies or proposed legislation? Include details of city adopted laws/ordinance/resolutions and dates. Summarize the relationships, conflicts or overlaps.

The program development will address the Police Department’s need to follow the legal requirements for consequences of burglary and possession of opiates.

**2. Consequences of Not Enacting This Bill/Resolution:**

Are there consequences of not enacting this bill/resolution? If so, describe.

The LEAD Task Force which included law enforcement and the judicial system representatives are in need of some other system to change the existing reaction to low-level drug use and the crimes they commit in our community. To maintain the current system ensures that lives will continue to be lost either through drug overdose or incarceration.

**3. Technical Issues:**

Are there incorrect citations of law, drafting errors or other problems? Are there any amendments that should be considered? Are there any other alternatives which should be considered? If so, describe.

No

**4. Community Impact:**

Briefly describe the major positive or negative effects the Bill/Resolution might have on the community including, but not limited to, businesses, neighborhoods, families, social service providers and other institutions such as schools, churches, etc.

This resolution expresses the City of Santa Fe’s commitment to address the desperate acts of persons addicted to opiates. The target population is the low-level drug user who breaks into homes and other minor offenses to support a drug use habit. Our community is affected by the inability of the legal system to address substance abuse in a way that allows an individual to avoid felony charges so they can work, remain with their family and be a productive society member. This program will create a healthy approach to prevent property crimes.

Form adopted: 01/12/05; revised 8/24/05