

**City of Santa Fe
Youth and Family Services Division**

**Request for Proposals:
Law Enforcement Assisted Diversion (LEAD) Providers**

RFP # '14/16/P

**PROPOSALS DUE:
December 20, 2013
2:00 p.m.**

**PURCHASING OFFICE
(closed from 12:00 noon – 1:00 p.m.)
CITY OF SANTA FE
2651 SIRINGO ROAD, BUILDING H
SANTA FE, NEW MEXICO 87505**

**RFP #’14/16//P
TABLE OF CONTENTS**

	<u>PAGE NO.</u>
LETTER TO PROSPECTIVE PROPONENTS	2
ADVERTISEMENT FOR PROPOSALS	3
PROPOSAL SCHEDULE	4
INFORMATION FOR PROPONENTS.....	5
SPECIAL CONDITIONS	8
REQUIREMENTS FOR SUBMITTALS	10
GENERAL INSTRUCTIONS.....	14
FORMS:	
EEO/ADA Certification.....	11
Non-Collusion Affidavit.....	12
Church/State Separation.....	13
Signature Sheet	24
Scope of Proposed Services.....	25
Request for Funds Summary Sheet.....	26
Budget Narrative	27
Line Item Budget Categories, <i>informational</i>	28
Staff Composition Chart	29
Resident Veterans Preference	30
Minimum Wage Ordinance	
EVALUATION PROCESS	31
Evaluation Criteria, <i>informational</i>	32
Evaluation Committee Members.....	34
Sample Contract	
Exhibit A	
Exhibit B	

November 20, 2013

Dear Community Providers,

As the Director of the Youth and Family Services Division of the Community Services Department, it is exciting to request providers for the Law Enforcement Assisted Diversion program. Our community is asking for new methods to assist individuals and families that are caught in the cycle of drug addiction. After months of planning, we are asking organizations to take the steps to coordinate and provide comprehensive services to break the cycle of substance abuse. Your dedication to continually improve the services to our community is what makes Santa Fe such a special place. I sincerely appreciate your efforts and look forward to receiving your proposal for LEAD for services to run through June 30, 2014 with possible annual extensions.

The purpose of this letter is to inform you of the process for submitting the Request for Proposal (RFP) packet for implementation of the LEAD Program.

All agencies requesting City funding for Fiscal Year 2013-2014 must be certain to review and comply with all requirements of the RFP packet. Any requirements not complied with could delay or disqualify your agency from funding consideration. Failure to submit the required information may affect the overall rating criteria. **Submit an original and one copy with all submittal requirements and seven (7) copies of your proposal without the submittal requirements.**

You may pick up a copy of this RFP at the Purchasing Office located at 2651 Siringo Road, Building H, anytime beginning November 15, 2013 and ending December 13, 2013. The Purchasing Office is closed from 12:00 noon to 1:00 p.m. If you have any questions or need assistance with the RFP packet, please contact me at 955-6603 or at atrodriguez@santafenm.gov or Office Manager Edith Martinez at 955-6568.

Thank you,
A. Terrie Rodriguez, Director
Youth and Family Services Division

REQUEST FOR PROPOSALS

PROPOSAL NUMBER #'14/16//P

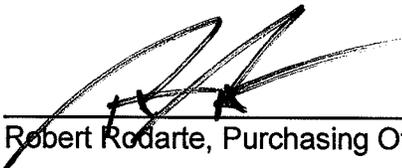
Proposals will be received by the City of Santa Fe and will be delivered to the City of Santa Fe Purchasing Office, 2651 Siringo Road, Building H, Santa Fe, New Mexico **until 2:00 p.m. local prevailing time, December 20, 2013.** Any proposal received after this deadline will not be considered. This proposal is for the purpose of procurement of services for the following:

Law Enforcement Assisted Diversion LEAD Program

The proponent's attention is directed to the fact that all applicable Federal Laws, State Laws, Municipal Ordinances, and the rules and regulations of all authorities having jurisdiction over said item shall apply to the proposal throughout, and they will be deemed to be included in the proposal document the same as though herein written out in full.

The City of Santa Fe is an Equal Opportunity Employer and all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, sexual orientation or national origin. The successful proponent will be required to conform to the Equal Opportunity Employment regulations.

Proposals may be held for sixty (60) days subject to action by the City. The City reserves the right to reject any or all proposals in part or in whole. Proposal packets are available by contacting: Shirley Rodriguez, City of Santa Fe, Purchasing Office, 2651 Siringo Road, Building H, Santa Fe, New Mexico, 87505, (505) 955-5711.



Robert Rodarte, Purchasing Officer

Received by the Santa Fe New Mexican Newspaper on: 11/14/13
To be published on: 11/20/13

Received by the Albuquerque Journal Newspaper on: 11/14/13
To be published on: 11/20/13

PROPOSAL SCHEDULE

RFP # '14/16/P

1. Advertisement: November 20, 2013
2. Issuance of RFP'S: November 20, 2013
3. Program Discussion with Questions
And Answers (Applicants are strongly
Encouraged to Participate – RSVP requested) December 9, 2013
4:00p.m. to 5:00p.m.
City of Santa Fe Market Station office
500 Market Station, Suite 200
Santa Fe, NM 87508
4. Technical Assistance Training: December 13, 2013
3:30p.m. to 5:00p.m.
500 Market Station, Suite 200
Santa Fe, NM 87508
5. Receipt of proposals: December 20, 2013
2:00 p.m. local prevailing time.
Purchasing Office 2651
Siringo Road Bldg., "H"
Santa Fe, New Mexico
87505 (505) 955-5711
6. Evaluation of proposals: December 22 – December 19, 2013
7. Recommendation of award
to Finance Committee: January 20, 2014
8. Recommendation of award
to City Council: January 29, 2014

DATES FOR CONSIDERATION BY THE CITY COMMITTEES AND CITY COUNCIL ARE TENTATIVE AND SUBJECT TO CHANGE WITHOUT NOTICE.

INFORMATION FOR PROPONENTS

1. RECEIPT OF PROPOSALS

The City of Santa Fe (herein called "City"), invites firms to submit one original and one copy with submittal requirements and seven copies of the proposal. Proposals will be received by the Purchasing Office until **2:00 p.m.** local prevailing time, on December 20, 2013.

The packets shall be submitted and addressed to the Purchasing Office, at 2651 Siringo Road, Building H, Santa Fe, New Mexico, 87505. No late proposals will be accepted whether hand delivered, mailed or special delivery. Do not rely on "overnight delivery" without including some lead-time. "Overnight delivery" will be determined to be non-responsive if delivered late, no matter whose fault. It is recommended that extra days be included in the anticipated delivery date to ensure delivery is timely. The Purchasing Office is closed 12:00 p.m. to 1:00 p.m. The outside of the envelope should clearly indicate the following information:

Proposal Number: '14/16/P
Title of the Proposal: Law Enforcement Assisted Diversion (LEAD)
Name and address of the proponent:

Any proposal received after the time and date specified shall not be considered. No proposing organization may withdraw a proposal within 60 days after the actual date of the opening thereof.

2. PREPARATION OF PROPOSALS

Proponents shall comply with all instructions and provide all the information requested. Failure to do so may disqualify your proposal. All information shall be given in ink or typewritten. Any corrections shall be initialed in ink by the person signing the proposal.

This request for proposal may be canceled or any and all proposals may be rejected in whole or in part whenever the City of Santa Fe determines it is in the best interest of the city.

3. ADDENDA AND INTERPRETATIONS

No oral interpretation of the meaning of any section of the proposal documents will be binding. Oral communications are permitted in order to make an assessment of the need for an addendum. Any questions concerning the proposal must be addressed prior to the date set for receipt of proposal.

Every request for such interpretations should be in writing addressed to Robert Rodarte, Purchasing Officer, 2651 Siringo Road, Bldg. "H", Santa Fe, New Mexico, 87505 and to be given consideration must be received at least five (5) days prior to the date fixed for the receiving of proposals.

Any and all such interpretations and any supplemental instructions will be in the form of written addenda to the RFP, which if issued, will be mailed by certified mail with return receipt requested to all prospective applicants not later than three days prior to the date fixed for the receipt of the proposals. Failure of any proposing applicant to receive any such addenda or interpretation shall not relieve such applicant from any obligation under their proposal as submitted. All addenda so issued shall become part of the contract documents.

4. LAWS AND REGULATIONS

The proposing organization's attention is directed to the fact that all applicable Federal laws, State laws, Municipal Ordinances, and the rules and regulations of all authorities having jurisdiction over said item shall apply to the contract throughout. They will be deemed to be included in the contract the same as though herein written out in full.

5. METHOD OF AWARD

Awards are based on qualified proposals as per the enclosed rating system and at the discretion and consideration of the governing body of the City of Santa Fe. The selection committee may interview any proponent; however, contracts may be awarded without such interviews. At its discretion the city reserves the right to alter the membership or size of the selection committee. The City reserves the right to change the number of proponents interviewed.

6. COMPLIANCE WITH CITY'S MINIMUM WAGE RATE ORDINANCE (LIVING WAGE ORDINANCE)

A copy of the City of Santa Fe Ordinance No. 2003-8, passed by the Santa Fe City Council on February 26, 2003 is available for review on the City's website, www.santafenm.gov. The proponent or bidder will be required to submit the proposal or bid such that it complies with the ordinance to the extent applicable. The recommended Contractor will be required to comply with the ordinance to the extent applicable, as well as any subsequent changes to the Ordinance throughout the term of this contract.

7. RESIDENT VETERANS PREFERENCE

New Mexico Resident Veteran Business Preference: New Mexico law, Section 13-1-22 NMSA 1978, provides a preference in the award of a public works contract for a "resident veteran business". Certification by the NM Department of Taxation and Revenue for the resident veteran business requires the Offeror to provide evidence of annual revenue and other evidence of veteran status.

An Offeror who wants the veteran business preference to be applied to its proposal is required to submit with its proposal the certification from the NM Department of Taxation and Revenue and the sworn affidavit.

If an Offeror submits with its proposal a copy of a valid and current veteran resident business certificate, 7%, 8%, or 10% of the total weight of all the evaluation factors used in

the evaluation of proposal may be awarded.

8. PROTESTS AND RESOLUTIONS PROCEDURES

Any proponent, offeror, or contractor who is aggrieved in connection with procurement may protest to the Purchasing Officer. The protest must be in writing and submitted within fifteen (15) days and requirements regarding protest and resolution of protests are available from the Purchasing Office upon request.

SPECIAL CONDITIONS

1. GENERAL

When the City Purchasing Director issues a purchase order document in response to the vendor's proposal, a binding contract is created.

2. ASSIGNMENT

Neither the purchase order, nor any interest therein, nor claim under, shall be assigned or transferred by the vendor, except as expressly authorized in writing by the City Purchasing Officer's office. No such consent shall relieve the vendor from its obligations and liabilities under this order.

3. VARIATION IN SCOPE OF WORK

No increase in the scope of work or services will be accepted, unless means were provided or specified within the contract documents. Increases or decreases in the scope of work can be made upon request by the city or unless such variation has been caused by documented conditions beyond the contractor's control, and then only to the extent of any, specified elsewhere in this document.

4. DISCOUNTS

Any applicable discounts should be included in computing the bid submitted. Every effort will be made to process payments within 30 days of satisfactory receipt of goods or services. The City Purchasing Officer shall be the final determination of satisfactory receipt of goods or services.

5. TAXES

The price shall include all taxes applicable. The city is exempt from gross receipts tax on tangible personal property. A tax exempt certificate will be issued upon written request.

6. INVOICING

(A) The reimbursement request form shall be submitted duly certified and documented and shall contain the following information: Quantities, unit prices and extended totals. Separate invoices shall be rendered for each and every complete billing.

(B) Reimbursement requests must be submitted to the YOUTH AND FAMILY SERVICES DIVISION OF THE COMMUNITY SERVICES DEPARTMENT for review and NOT THE CITY PURCHASING OFFICER.

7. METHOD OF PAYMENT

Every effort will be made to process payments within 30 days of receipt of a detailed invoice and proof of delivery and acceptance of the products or services hereby contracted or as otherwise specified in the compensation portion of the contract documents.

8. DEFAULT

The city reserves the right to cancel all or any part of this order without cost to the city if the vendor fails to meet the provisions for this order, and except as otherwise provided herein, to hold the vendor liable for any excess cost occasioned by the city due to the contractor's default. The contractor shall not be liable for any excess cost if failure to perform the order arises out of causes beyond the control and without the fault or negligence of the contractor and these causes have been made known to the City of Santa Fe in written form within five working days of the vendor becoming aware of a cause which may create any delay; such causes include, but are not limited to, acts of God or the public enemy, acts of the State or of the Federal Government, fires, floods, epidemics, quarantine restrictions, strikes, freight embargoes, unusually severe weather and defaults of sub-contractors due to any of the above unless the city shall determine that the suppliers or services to be furnished by the sub-contractor are obtainable from other sources in sufficient time to permit the contractor to meet the required delivery schedule. The rights and remedies of the city are not limited to those provided for in this paragraph and are in addition to any other rights provided for by law.

9. NON-DISCRIMINATION

By signing this City of Santa Fe bid or proposal, the contractor agrees to comply with the Presidents Executive Order No. 11246 as amended.

10. NON-COLLUSION

In signing this bid or proposal, the contractor certifies they have not, either directly or indirectly, entered into action in restraint of full competition in connection with this bid or proposal submittal to the City of Santa Fe.

11. REPORTING REQUIREMENTS

Four (4) Quarterly Reports and one (1) Final Project Report assessing fiscal and programmatic goals and objectives as stated in the Scope of Services section of the contract will be required for submittal to the Community Services Department, Youth and Family Services Division.

12. AUDIT REQUIREMENTS

Grantees receiving monies from the City in excess of \$250,000 in any combination of city, state and federal funds during the contract year will be required to submit a copy of its most recent audit for the entire program.

13. DRUG USE

In signing this proposal the proponent certifies that their organization has a written policy with regard to abuse of controlled substances and the consequences of such use. This policy applies to its staff, program managers and facilitators as well as the program managers and facilitators of any organization for which it might act as a fiscal agent.

14. SEXUAL CONDUCT

In signing this proposal the proponent certifies that it does not discriminate on the basis of gender or sexual orientation. The proponent further certifies that a written policy outlines all consequences for any type of sexual harassment, regardless of gender or sexual orientation.

REQUIREMENTS FOR SUBMITTAL

The following materials must be submitted in the sequence listed below as a part of the proposal. Do not assume that this material is available to reviewers elsewhere. Enclose or attach all documents requested below to the original and one copy and submit seven additional copies without the attachments. In the event that agencies do not possess the requested documents, proponents must consult with City staff prior to submitting a proposal.

1. Copy of all applicable licenses (current), including a copy of 2014 Business Registration Certificate for the City of Santa Fe; Diagnostic and Treatment Center Operator's License; DEA Certificate; New Mexico Board of Pharmacy, Residential Treatment, Adult Day Care Facility and Outpatient Medical Treatment Facility Licensure. (Do not include copies of staff licenses). If not applicable please provide a brief explanation.
2. Copy of current general liability insurance certifications or binders naming the City as co-insured in accordance with the New Mexico Tort Claims Act. (At least one million dollars.) Worker's Compensation and Professional Liability insurance if applicable.
3. Current list of the names, addresses and phone numbers of current Board members, officers, committees identified, terms of office, occupation and ethnicity.
4. Copy of New Mexico Incorporation Charter or agreement under which your agency operates.
5. Copy of EEO and ADA Certification.
6. Copy of IRS Certificate for non-profit status, if applicable.
7. Non-Collusion Affidavit (must be notarized).
8. Copy of Church/State Separation Certification.
9. Consolidated Income Statement with current month and year-to-date,

For uniformity in the proposal review process, please sequence your proposal in the above format. Proposals must address all items #1 through #9. Those proposals not adequately addressing the submittal requirements may be considered non-responsive and may be excluded from the application process. **Enclose these materials as attachments to the back of your proposal.**

EEO/ADA CERTIFICATION

ASSURANCE OF COMPLIANCE WITH TITLE VI AND VII
OF THE CIVIL RIGHTS ACT OF 1964
AND
AMERICANS WITH DISABILITIES ACT OF 1990

_____ (hereinafter called the "Applicant")
Name of Applicant)

HEREBY AGREES THAT it will comply with Title VI of the Civil Rights Act of 1964 (P.L. 88-352) and all requirements imposed by or pursuant to the Regulations of the City of Santa Fe issued pursuant to that title, to the end that, in accordance with Title VI of that Act and the Regulations, no person shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Applicant receives city or federal financial assistance from the City of Santa Fe; and HEREBY GIVES ASSURANCE THAT it will immediately take any measures necessary to effectuate this agreement.

Applicant hereby certifies that it offers Equal Employment Opportunity and complies with Title VII of the Civil Rights Act of 1964 as amended by the Equal Employment Opportunity Act of 1972 and all requirements imposed by or pursuant to Regulations of the City of Santa Fe issues pursuant to that title expressly prohibiting discrimination in employment on the basis of race, color, religion, sex or national origin. Application HEREBY GIVES ASSURANCE THAT it will take any measures necessary to effectuate this agreement.

The Applicant hereby warrants he/she is in compliance with the Americans with Disabilities Act, 29 CFR 1630.

Dated: _____

(Applicant)

By: _____
(President, Chairman of Board, or
comparable authorized official)

(Applicant's mailing address)

NON-COLLUSION AFFIDAVIT OF PROPONENT

State of)
)
County of)

_____ being first duly sworn, deposes and says that:

(1) She/He is the _____ of _____, the proponent that has submitted the attached Proposal;

(2) She/He is fully informed respecting the preparation and contents of the attached Bid and of all pertinent circumstances respecting such Proposal;

(3) Such Proposal is genuine and is not a collusive or sham Proposal;

(4) Neither the said proponent nor any of its officers, partners, owners, agents, representatives, employees or parties in interest, including this affiant, has in any way colluded, conspired, connived or agreed, directly or indirectly with any other Proponent, firm or person to submit a collusive or sham Proposal in connection with such Contract, or has in any manner directly or indirectly, sought by agreement or collusion or communications or conference with any other Proponent, firm or person to fix the price or prices in the attached Proposal or of any other Proponent, or to fix any overhead, profit or cost element of the Proposal price or the Proposal price of any other Proponent, or to secure through any collusion, conspiracy, connivance or unlawful agreement any advantage against the City of Santa Fe, or any person interested in the proposed Contract; and

(5) The price or prices quoted in the attached Proposal are fair and proper and are not tainted by any collusion, conspiracy, connivance or unlawful agreement on the part of the proponent or any of its agents, representatives, owners, employees, or parties in interest, including this affiant.

(SIGNED)
(TITLE)

Subscribed and sworn to before me this _____ day of _____, 2013.

Notary Public

My Commission Expires: _____

CHURCH/STATE SEPARATION CERTIFICATION FORM

Certification by non-profit agency(s)

I, _____, Board Chairman of _____, make the following assurances and certifications:

(A) The Agency hereby certifies that it will comply with the following separation of Church and State requirements:

The agency agrees that:

- (a) it will not discriminate against any employee or applicant for employment on the basis of religion and will not limit employment or give preference in employment to persons on the basis of religion;
- (b) it will not discriminate against any persons seeking services on the basis of religion and will not limit such services or give preference to persons on the basis of religion;
- (c) it will require no religious instruction or counseling, conduct no religious worship or services, engage in no religious proselytizing, and exert no other religious influence in the provision of services or the use of facilities or furnishings assisted in any way under this agreement; and
- (d) the facility under this agreement or in which services are provided which are assisted under this agreement shall contain no sectarian or religious symbols or decorations.

(B) I agree to carry out City of Santa Fe Grant Program activities in accordance with applicable laws and regulations.

Signature of Board Chairman

Date

GENERAL INSTRUCTIONS FOR COMMUNITY SERVICES DEPARTMENT, YOUTH AND FAMILY SERVICES DIVISION FUNDING

Youth and Family Services Division Statement of Purpose

The Youth and Family Services Division of the Community Services Department provides a continuum of services to improve the quality of life of the citizens of Santa Fe. This is done by provision of contracts for services, technical assistance, and general community planning activities in the areas of health and human services, children and youth programs, and juvenile services. Grants are provided from the City of Santa Fe General Fund and other federal and state pass-through moneys.

LEAD Funding

The City of Santa Fe is soliciting requests from interested parties to serve as the primary service-provider/intensive case management provider for the diversion component of the Santa Fe Law Enforcement Assisted Diversion (LEAD) project. Applications for funding must comply with the Operations/Implementation Team recommendations and the Santa Fe LEAD Task Force values.

The City allocated funds for coordination and provision of direct services to adults who meet the criteria to be diverted from incarceration due to opiate/heroin use. The criteria are listed in the Resolution 2013-76 (Appendix B) and are subject to change as determined by the LEAD operational team. The Santa Fe Police Department (SFPD) will be the City agency who will make the recommendations of individuals to participate in the LEAD program. It is imperative that the selected provider participate with the training and information sharing systems with SFPD to ensure the success of the LEAD program.

The principal service provider for this project will serve as the initial and/or primary point of contact for diverted individuals and will assume responsibility for providing intensive case management, and either providing or procuring other necessary services for those individuals. Although each client will have different needs the following service package must be available (per recommendations from the LEAD Task Force):

- Enrollment/Assessment
 - Screening and psychosocial intake
 - Individualized care plan, including goal setting and treatment planning
 - Outreach and engagement
- Basic Needs
 - Assistance in applying for services including entitlement and housing programs
 - Assistance in accessing shelters, short-term motel stays, feeding programs
 - Assistance with basic needs including hygiene items, food, and clothing
 - Medicaid enrollment or coordination with other health exchange programs

- o or health plans (e.g., Veterans Administration, private health insurance plans)
 - o Support in accessing medical and dental services
 - o Assistance obtaining transportation, including but not limited to, bus vouchers
- Harm Reduction
 - o Access to Naloxone, syringe exchange, and harm reduction education
- Housing
 - o Assistance in accessing emergency, transitional and permanent housing
- Treatment Services
 - o Medication Assisted Treatment (MAT) such as buprenorphine and/or methadone
 - o Facilitation of admission to addiction and mental health treatment programs including in-patient, out-patient, and detox services
 - o Addiction and mental health recovery support
- Education/Job Training/Employment
 - o Assist participants in accessing education, job training and employment resources
- Legal Concerns
 - o Attending court appearances
 - o Advocacy with courts, Department of Corrections, Probation
 - o Financial assistance and payment of fines
 - o Support in facilitating completion of community service
 - o Assistance with child welfare system, child support

Key components of the intervention model are: intensive case management, peer outreach and counseling, individual intervention plans, well-funded comprehensive services (purchased on the private market where necessary to avoid waiting lists) including housing, treatment, education, job development and stipends, within a harm reduction framework.

The current project timeline calls for LEAD to begin officer and service provider trainings in January 2014 and trial operations in February 2014. The trial period will consist of pre-implementation fidelity testing (ensuring proper adherence to the model by involved participants), and clarification of protocols. Full start-up is scheduled for March 2014. Following this, there will be 34 months of project operations to December 2016, depending on funding. Applicants should familiarize themselves with the core principles and ideas underlying the LEAD Project, which are detailed in Appendix A. A LEAD Case Coordinating Team of various program stakeholders, will hold staffing sessions to review referral decisions and program participant progress. This will be discussed in greater detail in the LEAD protocols. Protocols are still in draft form, and will become available December 6, 2013 or before the close of the proposal period.

The instructions and forms contained within this packet are meant to simplify the process and provide ample opportunity for proponents to present a case to describe the development and implementation of the LEAD program.

The proposals submitted to the City of Santa Fe will be reviewed by staff for compliance with requirements. Those proposals that meet all requirements will be reviewed by a selected review team and awarded according to City of Santa Fe procurement processes

The text of the proposal should be typed on the forms and in the format provided within this packet. The narrative should provide a summary statement that is complete in and of itself. Additional materials such as support letters are not necessary. If a proponent wishes to include supplemental materials, they may be included in an appendix to the proposal.

Proponents must have a two-year history of successful operation and experience providing intensive case management services to individuals with behavioral health issues. The City will fund nonprofit organizations that meet the federal criteria and must have a physical location operating within the City and/or County of Santa Fe currently serving Santa Fe residents.

Proponents may contact the Youth and Family Services Division, City of Santa Fe, for technical assistance in preparing the proposal.

The following pages outline the criteria for funding. Funding is intended to pay for intensive case management and direct services rather than administrative costs and agencies are urged to submit applications which reflect this in their budgets. Administrative costs will be considered on a case by case basis.

LEAD Project Overview

LEAD is a pre-booking diversion program with client eligibility criteria established by the LEAD Task Force. The principal service provider for this project will serve as the initial and/or primary point of contact for diverted individuals and will assume responsibility for either providing or procuring services for those individuals.

Following established guidelines, at the point of arrest for qualifying offenses officers will offer diversion to individuals. Individuals accepting diversion will be transferred to project case managers (direct transfer, not referrals). Case managers will then conduct an intake assessment. Working with clients, case managers will triage the range of services needed. This triage is to be participant-centered and driven. Case managers must be familiar with harm reduction philosophy and should be proficient with techniques such as motivational interviewing.

Once the range of services needed are identified and prioritized, case managers will work on procuring services. To the extent possible, we are striving for services on demand. There also are no pre-established or firm guidelines for what constitutes program completion. Case Coordinating Team will have the power to terminate participants from services based on criteria that are still being developed. The goal is to maintain participants in services until they are capable and prepared to transition out.

It is important to note that LEAD is intended to operate somewhat differently from case

management as it is sometimes practiced. Our expectation is that a LEAD case manager will use the financial resources available through the project to work extensively and intensively with participants. Based on evaluations of similar programs in the United Kingdom and Seattle's experience, it is anticipated that the extent of participant needs will range from minimal (one to two meetings with little to no services) to extensive (lengthy provision of intensive case management with a wide range of services.) Service providers (both primary and subcontracted) must be willing and able to work with high needs participants for prolonged periods of time.

Intensive case management services are expected to be provided on a flexible basis; LEAD clients may require services afterhours and on weekends. Furthermore, enrollment of individuals into the LEAD program may occur throughout the night and early morning, thus requiring a LEAD case manager to perform an intake. (On-call service will be accepted.)

In addition, case managers will work with partners to seek all sources of funding for the individuals requirements. This will include Medicaid and re-aligning the partner organizations own resources to serve the LEAD client. In fact, the primary service provider must have a system in place to actively enroll LEAD clients into Medicaid, if they are not already enrolled.

Core principles:

- **Intensive case management.** Participants engaged in problematic drug use require a more holistic approach to case management. They not only need access to MAT and other drug treatment options, they need access to food, housing, legal advocacy, job training, etc. Overall they need increased support in accessing these services. Intensive case management provides increased support and assistance in all aspects of the participant's life
- **Peer outreach and counseling.** There is substantial evidence that highly marginalized populations can be engaged by peers whom the potential participants view as knowledgeable about their situation and as credible reporters about the value of a program. Ongoing peer counseling provides support for behavioral changes that are achieved initially through investment of memory and program staff time.
- **A harm reduction philosophy.** Participants will be engaged where they are; they will not be penalized or denied services if they do not achieve abstinence. The goal is to reduce as much as possible the harm done to themselves and to the surrounding community through problematic drug activity. Again, some or all services may be withdrawn from participants whom LEAD staff feel are not making progress toward reducing the harm caused by their behavior.
- **Community transparency and accountability.** It is essential that community stakeholders and public safety leaders be able to participate in regular staffing meetings, have access to program performance reports, and have excellent access to program staff to suggest areas where outreach could usefully be concentrated. Community confidence that pre-booking diversion is a reasonable way to accomplish the goal of improving public safety is essential to the viability of the program.

LEAD FUNDING

Mission Statement

LEAD is dedicated to protecting our children and families, protecting public safety, and improving public health. Our mission is to reduce the number of low-level drug offenders entering the criminal justice system, allowing public safety resources to be redirected to address serious and violent crime, and to improve individual and community quality of life through research-based, public health-oriented interventions.

Criteria for LEAD Funding Consideration

To qualify for funding, proponents must satisfy all of the following criteria and respond fully to each item in the proposal instructions. This funding is intended to benefit city of Santa Fe residents.

Section 1: Background

Provide an overview of your agency. Include mission and approaches to service provision, and existing services provided by the agency.

Section 2: Principles

Adhere to the core values of the LEAD project, outlined in the Task Force Recommendations, (Appendix A) including but not limited to, intensive case management, harm reduction, and outcome driven system of care.

1. Harm reduction is one of the core principles of the LEAD model and service-providers working within the LEAD framework must be prepared to employ a harm reduction approach.
 - Please describe your agency's understanding of harm reduction.
 - Do you practice harm reduction in any of your current programs? If so, please describe concretely how you practice it and for what populations?
 - Does your agency have a commitment to harm reduction? If so, how is it expressed? If not, why? Are you prepared to develop and implement a plan to incorporate one as far as this project is concerned?
2. One of the core principles of LEAD is the provision of culturally competent services.
 - Describe previous experience with providing services to diverse populations and describe organization's capability for providing culturally competent services to the specific racial, ethnic, and cultural consumer groups who will be served by LEAD.
 - Describe the size, mix, training, experience, and demographics of proposed staff and describe how staff will reflect the ethnicity and languages of the target

population.

3. Part of the service delivery model for the LEAD project relies on peer outreach and counseling.
 - Describe your agency's understanding of peer outreach and counseling.
 - Do you employ/use peer educators or outreach workers in any of your current programs? If so, please describe concretely how you use them and for what populations. (If you do not currently use peer educators but have in the past, please answer based on that experience.)
 - If you do not have experience with peer education, how will you develop the capacity to do so?
4. LEAD is committed to the success of its participants. What is your experience with and commitment to an outcome-driven system of care? Have you participated in any programs where you were evaluated based on the outcomes of your client?

Section 3: Experience

5. Describe with whom and how you coordinate services with other agencies in the community and where does it need to be strengthened. Indicate which coalitions and other associations in which you participate.
 - Please describe your experience working collaboratively with other agencies and at leveraging other resources.
 - Do you anticipate subcontracting for delivery of services, such as: intensive case management, medication assisted treatment, job preparation, or outreach? If so, please name the agency(ies), describe their expertise and describe your previous experience with subcontracting.
6. This project will entail intensive and possibly long-term case management of individuals who are engaged in street-level illegal activities, many of whom will be chemically dependent and/or presenting with mental health issues.
 - Please describe your agency's experience working with substance using populations (including those engaged in delivery of illegal substances).
 - Please describe your agency's experience in providing intensive case management services.
 - Please describe your agency's experience working with opioid users in particular.

- Please describe your agency's experience working with individuals with mental health problems.
7. Please describe your experience working with individuals who have experienced trauma such as: violence, domestic violence and/or sexual assault.
 8. Are you familiar with programs working with pregnant women and can you establish linkages with them?
 9. Describe your experience working with law enforcement agencies and personnel.
 10. Describe your experience enrolling individuals into Medicaid and with the reimbursement process. Do you have a plan for expansion in 2014? If so, what is it? If not, why?
 11. Describe your experience with providing services at flexible hours, including nighttime and weekend shifts.
 12. Describe your knowledge of the population(s) involved with drug addiction.

Section 4: Procedures and Finances

13. Please describe what assistance you foresee needing from the Policy Coordinating group with regard to hiring staff, housing, treatment, employment, and/or legal resources, and any other program requirements.
14. This project will entail substantial data collection.
 - Describe what methods are used to measure the effect the agency's services have on the clients served. Include data collection, measurable outcomes and relationship to program goals.
 - Describe your experience with collecting client-level data (please provide concrete examples).
 - Describe your experience in utilizing existing city, county, state, and federal reporting and data systems.
15. Explain how consumer/client and feedback is incorporated into the agency's service delivery system.
16. Describe the involvement of whole families or other positive support systems in the solution to a problem rather than work with individuals only.
17. This project will entail implementing an established intervention and following established protocols.

- Please describe any prior experience your agency has in implementing such programs.

18. Describe experience tracking financial and cost data related to services by individuals provided by the organization and other partners.

INSTRUCTIONS FOR PROPOSAL COMPLETION

SIGNATURE SHEET

The signature sheet summarizes essential information for immediate review. Please complete as requested. Original signatures of both the Executive Director and Board President or other authorized officer of the board are required. **This is the top sheet of your proposal.**

Submit an original and one copy with all submittal requirements and seven (7) copies of the complete proposal package without the submittal requirements.

PROPOSAL NARRATIVE

Provide an overview of your agency, including information about your organization's services and service systems, conceptual approaches to service provision and capacity. Address all criteria mentioned above. The Committee will review your proposal for completeness and response to each section. Limit your responses to no more than 10 pages.

FUNDING BUDGET

Complete the budget Summary Sheet of funds requested from the City of Santa Fe. This summary sheet will serve as the basis for the contract between the proponent and the City should you be granted funding. Attach a budget narrative (page 27) of no more than one page describing each category of expenditure by line item. Specific allowable expenditures will be negotiated with the proponent at the time of contract preparation.

Funding for LEAD will be provided through a public-private partnership. The City allocated funds via Resolution 2013-88. Additional public funding may be allocated from the state through the 2014 City budget. However, this will not be confirmed until after the next legislative session in February 2014. Private funding is in the process of being secured.

The chosen service provider will provide services at an average rate of \$10,000 per individual, on a capitated basis. The amount of funding secured will designate the number of individuals admitted to LEAD. For example if there is \$300,000 for year one, then 30 individuals may enter the project. It is important to note, however, that not all LEAD clients will require the same amount of services; Client A may require \$3,000 worth of services over the year, whereas Client B may require \$13,000 worth of services.

The City of Santa Fe provides funding through a reimbursement basis. Therefore the provider must have the ability to cover costs expended before requesting funding from the City. The City of Santa Fe allocated \$100,000 for the remainder of this fiscal year.

We anticipate that operations in Santa Fe for the first six months of the program, or for the remainder of this fiscal year, will involve one full-time (1.0 FTE) case manager and one half-

time (0.5 FTE) outreach worker/peer educator. At the end of this fiscal year, staff/costs will be reevaluated if needed.

Please include a copy of your most recent independent audit (or, in lieu of that, most recent 990) with your application.

ORGANIZATIONAL STRUCTURE

Complete the Staff Composition sheet. This page should include all agency staff members as noted in the instructions on the form. Attach a copy of your agency's current functional organizational chart. This chart should include reporting relationships and should list all staff positions.

**City of Santa Fe
Signature Sheet**

Funding Applications for LEAD Funds

Name of Applicant Agency:	
Address of Applicant Agency:	
Name of Contact Person:	
Telephone Number and E-mail Address of Contact Person:	
Brief Project Description:	
Amount of Funds Requested from the City:	\$
Approval: _____	Date
Signature of Board President	
Submission: _____	Date
Signature of Executive Director	

SCOPE OF PROPOSED SERVICES

Provide information about the type of services your agency proposes to provide to clients that warrants funding from the City of Santa Fe. For example, Counseling, Individual and Family Counseling using Motivation Enhancement Therapy, Structured Family Therapy and Relapse Prevention Therapy. However, it is important to keep in mind, that each LEAD client will require different services. Fill in the matrix below:

<i>SERVICE CATEGORY</i>	<i>CAPACITY</i>	<i>IN HOUSE OR SUBCONTRACTED OUT</i>	<i>MODALITY OR DESCRIPTION OF SERVICE</i>
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			

**REQUESTS FOR FUNDS FROM CITY
SUMMARY SHEET**

EXPENSE CATEGORY	TOTAL
1.0 Personnel Expenditures (Salary and Fringe Benefits)	\$
2.0 Contractual Services (e.g., Rent, Utilities, Insurance)	\$
3.0 Commodities (e.g., Office Supplies, Recreation Supplies)	\$
TOTAL	\$

NOTE: Page 25 provides sample line items for each of the expense categories for your review. Complete the following budget narrative sheet with clear and concise line item justifications for funds to be requested from the city. It is advisable that funding requests be reasonable and realistic.

BUDGET NARRATIVE SHEET

Itemize each entry by line-item code, description and amount. Indicate if salary is gross or net, part-time or full-time (specify by FTE, e.g., .50, .75, 1.0).

CITY OF SANTA FE
LINE ITEM BUDGET CATEGORIES

1.0 PERSONNEL EXPENDITURES

- 1.1 Net or Gross Salaries
- 1.2 FICA
- 1.3 Hospital/Life Insurance
- 1.4 Workman's Compensation
- 1.5 Unemployment Insurance.

2.0 CONTRACTUAL SERVICES

- 2.1 Telephone
- 2.2 Postage
- 2.3 Facility Rent
- 2.4 Linen and Laundry Service
- 2.5 Building Maintenance and Repair
- 2.6 Equipment Maintenance and Repair
- 2.7 Utilities
- 2.8 Auditing and Bookkeeping
- 2.9 Professional Contractors
- 2.10 Advertising
- 2.11 Printing and Photocopying
- 2.12 Insurance
- 2.13 Transportation Mileage
- 2.14 Program Stipends, Scholarships
- 2.15 Other

3.0 COMMODITIES

- 3.1 Office Supplies
- 3.2 Janitorial Supplies
- 3.3 Food
- 3.4 Motor Fuel
- 3.5 Medical Supplies
- 3.6 Tools
- 3.7 Recreation Supplies
- 3.8 Other

Living Wage Ordinance

Ordinance Number §28-1-28-1.12DSFCC 1987

Purpose:

The City of Santa Fe Living Wage Ordinance was adopted to establish minimum hourly wages.

Who it affects:

- All profit and nonprofit businesses required to have a business license or business registration with the City of Santa Fe.

Compliance:

- Affected businesses are required to pay employees an hourly wage of \$10.51 effective March 1, 2013.
- Beginning January 1, 2009, and each year thereafter, the minimum wage shall be adjusted upward by an amount corresponding to the previous year's increase, if any, in the Consumer Price Index for the Western Region for Urban Wage Earners and Clerical Workers.
- For workers who customarily receive more than \$100 per month in tips or commissions, any tips or commissions received and retained by a worker shall be counted as wages and credited toward satisfaction of the minimum wage provided that, for tipped workers, all tips received by such workers are retained by the workers, except that the pooling of tips among workers shall be permitted.
- The value of health care benefits and child care shall be considered as an element of wages.
- Nonprofit organizations whose primary source of funds is from Medicaid waivers are *exempt*.

Prohibitions against retaliation and circumvention:

- It shall be unlawful for any business, employer or employer's agent or representative to take any action against an individual in retaliation for exercising or communicating rights under this ordinance. This includes retaliation against individuals who mistakenly but in good faith allege noncompliance with the ordinance.
- Taking adverse action against an individual within 60 days of the individual's assertion of or communication of information regarding rights raises a reputable presumption of retaliation for assertion of rights.
- It shall be unlawful for any business or employer to intentionally circumvent the requirements of this ordinance by contracting portions of its operations or leasing portions of its property.

Enforcement and Remedies:

- Administrative Enforcement—The city manager, or his/her designee, is authorized, as appropriate and as resources permit, to enforce this ordinance.
- Criminal Penalty—A person violating this ordinance shall be guilty of a misdemeanor and, upon conviction, for each offense may be subject to fines and imprisonment as set forth in Section 1-3 SFCC 1987. A person violating any of the requirements of this ordinance shall be guilty of a separate offense for each day or portion thereof and for each worker or person to whom any such violation occurred.
- Other Remedies—The city, any individual aggrieved by a violation of this ordinance, or any entity the members of which have been aggrieved by a violation of this ordinance, may bring a civil action in a court of competent jurisdiction to restrain, correct, abate or remedy any violation of this ordinance and, upon prevailing, shall be entitled to such legal or equitable relief as may be appropriate to remedy the violation including, without limitation, reinstatement, the payment of any wages due and an additional amount as liquidated damages equal to twice the amount of any wages due, injunctive relief, and reasonable attorney's fees and costs.

Nonexclusive Remedies and Penalties—The remedies provided in this section are not exclusive, and nothing in this ordinance shall preclude any person from seeking any other remedies, penalties, or relief provided by law.

Posting and Publication:

- Any business subject to the provisions of this ordinance shall as a condition to obtaining and holding a City of Santa Fe business license or registration, post and display in a prominent location next to its business license or registration on the business premises a notice, in English and Spanish, that the business is in compliance with the provisions of this ordinance and post the text of this notice. Failure to comply with this section shall be construed a violation of this ordinance and, in addition, shall be considered grounds for suspensions, revocation, or termination of the business license or registration.

For more information, please contact: Constituent Services at 955-6949 Email: constituentservices@santafenm.gov

PROPOSAL EVALUATION PROCESS

All proposals will be evaluated by the staff of the Community Development Division. A summary of both organization and proposal strengths and weaknesses will be forwarded to the Human Services Committee, respectively, with proposal narrative materials. Proponents will have an opportunity to address perceived weaknesses and to emphasize their strengths at the provider hearings. Organizations making new requests for funding may be required to furnish additional information prior to the provider hearings. Actual funding recommendations to the Finance Committee and the City Council are made by the members of the Human Services Committee.

The following items will be examined:

- program "fit" with core principles (refer to page 17);
- degree to which proposal meets LEAD Funding criteria (refer to pages 19-22);
- adherence to RFP requirements and completeness of proposal package;
- proposed scope of services, including number of service categories and intensity of activity.;
- assessment of sponsoring organization's ability to successfully carry out proposed program activities, including examination of staff qualifications, organizational structure; and board make-up;
- general assessment of sponsoring organization's fiscal and administrative capability.

Each item is worth five (5) points maximum. A perfect score will therefore be 30 points.

EVALUATION CRITERIA

Proponent Program:	
Contact Person:	
Reviewer:	
Date:	

Please circle one number corresponding to the responsiveness of the proposed contractor; with one being the lowest or no response and five being the highest or best response.

Priority Services: (Circle One)

1 2 3 4 5

Agency/program addresses core principles..

Comments:

Funding Criteria: (Circle One)

1 2 3 4 5

Agency/program meets required criteria and submittals as stated in the RFP.

Comments:

Proposal Completeness: (Circle One)

1 2 3 4 5

Proposal for funding adheres to RFP requirements and is substantially complete.

Comments:

Scope of Activity: (Circle One)

1 2 3 4 5

Organization will provide appropriate number of services

Comments:

Program Capability: (Circle One)

1 2 3 4 5 Organization has qualified staff and appropriate organizational structure to meet program requirements.

Comments:

Fiscal and Administrative Capability: (Circle One)

1 2 3 4 5 Agency has proper fiscal systems and active Board of Directors to carry out program mandates.

Comments:

TOTAL POINTS EARNED:	
-------------------------	--

**EVALUATION CRITERIA
&
WEIGHTED VALUES**

EVALUATION COMMITTEE MEMBERS

At its discretion, the City reserves the right to alter the membership and size of the committee.

Scores of the evaluation committee members will be totaled to determine the top rated organizations.

If interviews are conducted, the scores totaled from the evaluation committee members from the interview evaluations will determine the organization's rate, unless other tangible extenuating circumstances are documented.

Unless noted elsewhere in this RFP, the same evaluation form will be used to separate the interview scores.

LEAD Operational Team

Ben Bauer
Spence Pacheco
Jerome Sanchez
Terrie Rodriguez
Jeneen Lujan
Rachel O'Connor
:

Cathy Anshlees
Steve Kopelman
Monica Ault
JooHee Rand
Jessica Dimas

FOR REQUEST FOR PURPOSES ONLY
CITY OF SANTA FE
PROFESSIONAL SERVICES AGREEMENT

THIS AGREEMENT is made and entered into by and between the City of Santa Fe (the "City") and _____ (the "Contractor"). The date of this Agreement shall be the date when it is executed by the City and the Contractor, whichever occurs last.

1. SCOPE OF SERVICES

The Contractor shall provide the following services for the City as described in Exhibit "A" attached hereto and incorporated herein.

A.

2. STANDARD OF PERFORMANCE; LICENSES

A. The Contractor represents that it possesses the personnel, experience and knowledge necessary to perform the services described under this Agreement.

B. The Contractor agrees to obtain and maintain throughout the term of this Agreement, all applicable professional and business licenses required by law, for itself, its employees, agents, representatives and subcontractors.

3. COMPENSATION

A. The City shall pay to the Contractor in full payment for services rendered, a sum not to exceed _____ dollars (\$_____) inclusive of applicable gross receipts taxes.

B. The Contractor shall be responsible for payment of gross receipts taxes levied by the State of New Mexico on the sums paid under this Agreement.

C. Payment shall be made upon receipt, approval and acceptance by the City of detailed statements containing a report of services completed. Compensation shall be paid only for services actually performed and accepted by the City.

4. APPROPRIATIONS

The terms of this Agreement are contingent upon sufficient appropriations and authorization being made by the City for the performance of this Agreement. If sufficient appropriations and authorization are not made by the City, this Agreement shall terminate upon written notice being given by the City to the Contractor. The City's decision as to whether sufficient appropriations are available shall be accepted by the Contractor and shall be final.

5. TERM AND EFFECTIVE DATE

This Agreement shall be effective when signed by the City and the Contractor, whichever occurs last, and shall terminate on June 30, 2014 unless sooner pursuant to Article 6 below.

6. TERMINATION

A. This Agreement may be terminated by the City upon 30 days written notice to the Contractor.

(1) The Contractor shall render a final report of the services performed up to the date of termination and shall turn over to the City original copies of all work product, research or papers prepared under this Agreement.

(2) If compensation is not based upon hourly rates for services rendered, therefore the City shall pay the Contractor for the reasonable value of services satisfactorily performed through the date Contractor receives notice of such termination, and for which compensation has not already been paid.

(3) If compensation is based upon hourly rates and expenses, Contractor shall be paid for services rendered and expenses incurred through the date Contractor receives notice of such termination.

7. STATUS OF CONTRACTOR; RESPONSIBILITY FOR PAYMENT OF EMPLOYEES AND SUBCONTRACTORS

A. The Contractor and its agents and employees are independent contractors performing professional services for the City and are not employees of the City. The Contractor, and its agents and employees, shall not accrue leave, retirement, insurance, bonding, use of City vehicles, or any other benefits afforded to employees of the City as a result of this Agreement.

B. Contractor shall be solely responsible for payment of wages, salaries and benefits to any and all employees or subcontractors retained by Contractor in the performance of the services under this Agreement.

C. The Contractor shall comply with City of Santa Fe Minimum Wage, Article 28-1-SFCC 1987, as well as any subsequent changes to such article throughout the term of this Agreement.

8. CONFIDENTIALITY

Any confidential information provided to or developed by the Contractor in the performance of this Agreement shall be kept confidential and shall not be made

available to any individual or organization by the Contractor without the prior written approval of the City.

9. CONFLICT OF INTEREST

The Contractor warrants that it presently has no interest and shall not acquire any interest, direct or indirect, which would conflict in any manner or degree with the performance of services required under this Agreement. Contractor further agrees that in the performance of this Agreement no persons having any such interests shall be employed.

10. ASSIGNMENT; SUBCONTRACTING

The Contractor shall not assign or transfer any rights, privileges, obligations or other interest under this Agreement, including any claims for money due, without the prior written consent of the City. The Contractor shall not subcontract any portion of the services to be performed under this Agreement without the prior written approval of the City.

11. RELEASE

The Contractor, upon acceptance of final payment of the amount due under this Agreement, releases the City, its officers and employees, from all liabilities, claims and obligations whatsoever arising from or under this Agreement. The Contractor agrees not to purport to bind the City to any obligation not assumed herein by the City unless the Contractor has express written authority to do so, and then only within the strict limits of that authority.

12. INSURANCE

A. The Contractor, at its own cost and expense, shall carry and maintain in full force and effect during the term of this Agreement, comprehensive general liability insurance covering bodily injury and property damage liability, in a form and with an insurance company acceptable to the City, with limits of coverage in the maximum amount which the City could be held liable under the New Mexico Tort Claims Act for each person injured and for each accident resulting in damage to property. Such insurance shall provide that the City is named as an additional insured and that the City is notified no less than 30 days in advance of cancellation for any reason. The Contractor shall furnish the City with a copy of a Certificate of Insurance as a condition prior to performing services under this Agreement.

B. Contractor shall also obtain and maintain Workers' Compensation insurance, required by law, to provide coverage for Contractor's employees throughout the term of this Agreement. Contractor shall provide the City with evidence of its compliance with such requirement.

C. Contractor shall maintain professional liability insurance throughout the term of this Agreement providing a minimum coverage in the amount required under the New Mexico Tort Claims Act. The Contractor shall furnish the City with proof of insurance of Contractor's compliance with the provisions of this section as a condition prior to performing services under this Agreement.

13. INDEMNIFICATION

The Contractor shall indemnify, hold harmless and defend the City from all losses, damages, claims or judgments, including payments of all attorneys' fees and costs on account of any suit, judgment, execution, claim, action or demand whatsoever

arising from Contractor's performance under this Agreement as well as the performance of Contractor's employees, agents, representatives and subcontractors.

14. NEW MEXICO TORT CLAIMS ACT

Any liability incurred by the City of Santa Fe in connection with this Agreement is subject to the immunities and limitations of the New Mexico Tort Claims Act, Section 41-4-1, et. seq. NMSA 1978, as amended. The City and its "public employees" as defined in the New Mexico Tort Claims Act, do not waive sovereign immunity, do not waive any defense and do not waive any limitation of liability pursuant to law. No provision in this Agreement modifies or waives any provision of the New Mexico Tort Claims Act.

15. THIRD PARTY BENEFICIARIES

By entering into this Agreement, the parties do not intend to create any right, title or interest in or for the benefit of any person other than the City and the Contractor. No person shall claim any right, title or interest under this Agreement or seek to enforce this Agreement as a third party beneficiary of this Agreement.

16. RECORDS AND AUDIT

The Contractor shall maintain, throughout the term of this Agreement and for a period of three years thereafter, detailed records that indicate the date, time and nature of services rendered. These records shall be subject to inspection by the City, the Department of Finance and Administration, and the State Auditor. The City shall have the right to audit the billing both before and after payment. Payment under this Agreement shall not foreclose the right of the City to recover excessive or illegal payments.

17. APPLICABLE LAW; CHOICE OF LAW; VENUE

Contractor shall abide by all applicable federal and state laws and

regulations, and all ordinances, rules and regulations of the City of Santa Fe. In any action, suit or legal dispute arising from this Agreement, the Contractor agrees that the laws of the State of New Mexico shall govern. The parties agree that any action or suit arising from this Agreement shall be commenced in a federal or state court of competent jurisdiction in New Mexico. Any action or suit commenced in the courts of the State of New Mexico shall be brought in the First Judicial District Court.

18. AMENDMENT

This Agreement shall not be altered, changed or modified except by an amendment in writing executed by the parties hereto.

19. SCOPE OF AGREEMENT

This Agreement incorporates all the agreements, covenants, and understandings between the parties hereto concerning the services to be performed hereunder, and all such agreements, covenants and understandings have been merged into this Agreement. This Agreement expresses the entire Agreement and understanding between the parties with respect to said services. No prior agreement or understanding, verbal or otherwise, of the parties or their agents shall be valid or enforceable unless embodied in this Agreement.

20. NON-DISCRIMINATION

During the term of this Agreement, Contractor shall not discriminate against any employee or applicant for an employment position to be used in the performance of services by Contractor hereunder, on the basis of ethnicity, race, age, religion, creed, color, national origin, ancestry, sex, gender, sexual orientation, physical or mental disability, medical condition, or citizenship status.

21. SEVERABILITY

In case any one or more of the provisions contained in this Agreement or any application thereof shall be invalid, illegal or unenforceable in any respect, the validity, legality, and enforceability of the remaining provisions contained herein and any other application thereof shall not in any way be affected or impaired thereby.

22. NOTICES

Any notices required to be given under this Agreement shall be in writing and served by personal delivery or by mail, postage prepaid, to the parties at the following addresses:

City of Santa Fe:

Contractor:

IN WITNESS WHEREOF, the parties have executed this Agreement on the date set forth below.

CITY OF SANTA FE:

CONTRACTOR:

DAVID COSS, MAYOR

NAME AND TITLE

DATE: _____

DATE: _____

CRS# _____
City of Santa Fe Business
Registration # _____

ATTEST:

YOLANDA Y. VIGIL
CITY CLERK

EXHIBIT "A"

2013-14 Scope of Services:

The Contractor shall provide the following services for the city:

A. The "Agency" will serve as the initial and primary point of contact for diverted individuals and will assume responsibility for providing intensive case management. The "Agency" will assume responsibility for providing or procuring other necessary services for individuals including but not limited to the following:

1. Enrollment and Assessment: Screening and psychosocial intake, Individualized care plan including goal setting and treatment planning, Outreach and engagement.
2. Basic Needs: Assistance in applying for housing services, food programs, Medicaid enrollment, transportation, and other living issues.
3. Harm Reduction: Access to syringe exchange, harm reduction education, and Naloxone.
4. Treatment Services: Medication Assisted Treatment (MAT) such as buprenorphine and/or methadone, assistance with in-patient and out-patient services.

EXHIBIT "B"

"Agency"

TOTAL GENERAL FUND CONTRACT AMOUNT FOR
FISCAL YEAR 2013-2014 \$100,000.00

BUDGET

1.0 Personnel	
1.1 Partial salary for Intensive Case Management	\$40,000.00
1.1 Partial salary for Outreach/Peer Educator	<u>\$20,000.00</u>
 SUB-TOTAL	 \$60,000.00
2.0 Contractual Services	
2.9 Professional Contracts	<u>\$40,000.00</u>
 SUBTOTAL	 \$40,000.00
 GRAND TOTAL	 \$100,000.00

DRAFT

EXHIBIT "C"

The Food Depot

1. Reporting Requirements

The Contractor shall provide the following documentation on a quarterly basis to the city:

A. Quarterly Report including the following attachments:

1. Cover page
2. Demographics
3. Income verification
4. Questionnaire

B. Quarterly Financial Report:

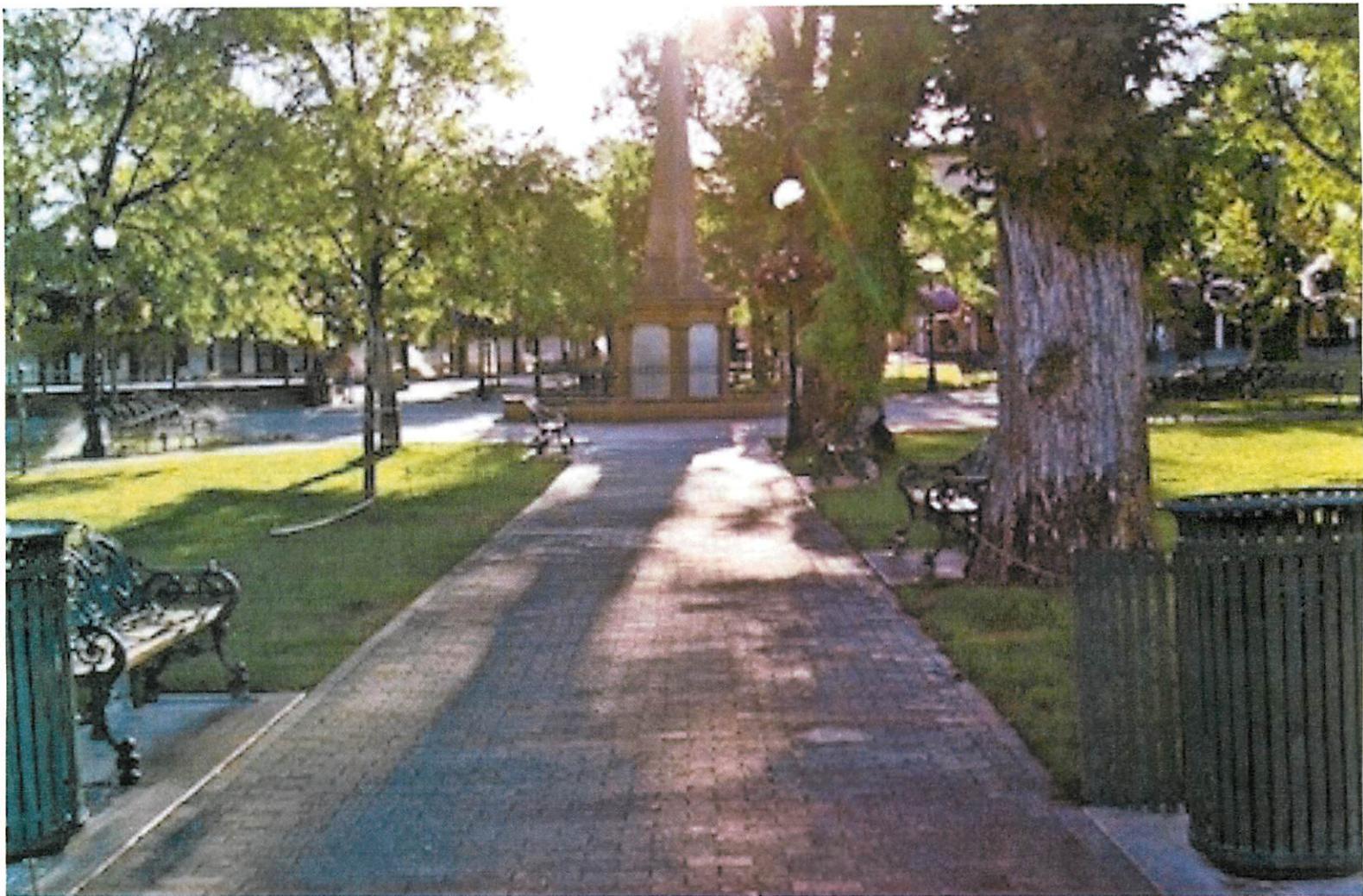
1. Profit and Loss Statement

C. Board of Directors Meeting Minutes:

1. One meeting minutes per quarter.

D. Due Dates of the Quarterly Reports:

- October 15, 2013
- January 15, 2014
- April 15, 2014
- Final Report – July 15, 2014



LEAD *SANTA FE*

HEALTHY FAMILIES; SAFER STREETS

CITY OF SANTA FE'S LEAD TASK FORCE:
RECOMMENDATIONS TO THE CITY
COUNCIL

July 2013

7

Acknowledgements

The Law Enforcement Assisted Diversion (LEAD) Task Force thanks:

- Santa Fe City Council for unanimously passing Resolution No. 2012-66 creating the LEAD Task Force;
- Mayor David Coss, Councilor Bill Dimas and Councilor Patti Bushee who made it possible to convene, study, learn and engage a diverse range of key stakeholders;
- Terrie Rodriguez, City of Youth and Family Services Division Director, for her tireless effort in supporting the work of the Task Force;
- Joohee Rand, from the Santa Fe Community Foundation, for her data collection and thorough cost-benefit analysis;
- Santa Fe Community Foundation, Con Alma Health Foundation and McCune Foundation for helping contribute to the planning costs; and,
- Emily Kaltenbach and Sgt. Jerome Sanchez, Co-Chairs, for their leadership, organizing and facilitating the Task Force.



LAW ENFORCEMENT ASSISTED DIVERSION (LEAD) Task Force

Thom Allena, Consultant, Innovations in Justice	Katherine Ferlic, Esq., Egolf, Ferlic and Day
Cathy Ansheles, NM Criminal Defense Lawyers Assoc.	Eric F Garcia, City of Espanola
Jayde Archuleta, Youth Representative	Sky Gray, Santa Fe Mountain Center
Kathy Armijo-Etre, Christus St. Vincent's Hospital	Major Ken Johnson, Santa Fe County
Yolanda Briscoe, M.Ed, PsyD., SF Recovery Center	Deputy Chief William Johnson, City of Santa Fe
Bennett J. Baur, Chief Public Defender	Sheila Lewis, Esq., NM Women's Justice Project
Mark L. Boschelli, SF Community Guidance Center	Jeneen G. Lujan, Parent & Teacher
Chief Stephen Anthony Branch, City of Espanola	Emily Kaltenbach (Co-Chair), Drug Policy Alliance
Laura A. Brown, MD, MPH, The LifeLink	Steven G. Kopelman, Esq., NM Assoc. of Counties
Councilor Patti Bushee, City of Santa Fe	Angela R. "Spence" Pacheco, District Attorney
Chief Raye Byford, Tesuque Pueblo	Lieutenant Alfred Perez, Tesuque Pueblo
Milagro Castillo, Youth Representative	Krishna H. Picard, City of SF Prosecutor
Raymond Chavez, Interfaith-LEAP	Rachel O'Connor, Santa Fe County
Sergeant Michael Delgado (Alternate)	Captain George Ortiz, City of Santa Fe
Marcela Diaz, Somos Un Pueblo Unidos	Maria Jose Rodriguez Cadiz, Solace
Councilor Bill Dimas, City of Santa Fe	Sergeant Jerome Sanchez, (Co-Chair), City of Santa Fe
Jessica Dimas, Teacher, Santa Fe Public Schools	Pablo Sedillo III, Santa Fe County

"The LEAD Task Force has done an outstanding job in developing a set of realistic recommendations to address the tragic problem of opiate addiction and related property crime that affect all Santa Feans. We can't arrest our way out of this issue."

- Mayor David Coss

*LEAD: A PRE-BOOKING DIVERSION PROGRAM -
BREAKING THE CYCLE OF ADDICTION & ARREST*

Executive Summary

A Public Safety and Public Health Dilemma: The City of Santa Fe's current approach to low-level opiate drug offenses is proving to be fiscally unsustainable and an ineffective strategy for improving the public safety and public health of our community.

The current approach - arresting and incarcerating people for small amounts of opiates without access to long-term treatment - only moves a relatively small fraction of offenders off the streets, for brief periods of time, and at a significantly higher cost than non-criminal justice system interventions. It diverts increasingly limited law enforcement resources from more serious crimes, with little to no improvement in neighborhood quality of life or a reduction in drug related deaths (1).

Handling low-level non-violent drug offenders in the local and state criminal justice system is not only costly, but evidence suggests that this is not a way to break the cycle of addiction or enhance public safety.

With public coffers shrinking and demand for services growing, the City of Santa Fe can no longer afford to rely exclusively on criminal sanctions to address problematic, drug-related behavior. A growing body of behavioral health and public policy research suggests that alternative interventions may provide less costly ways to intervene without compromising public safety, and also be more successful in changing behavior (1).

The City of Santa Fe is experiencing an increase in property crimes while at the same time experiencing an increased use of opiates, both heroin and opiate-based pills. In 2011, *the Santa Fe area* (the city and the county, including parts of Española) *ranked second in the country in residential burglaries per 100,000 residents* (2). Property crimes rose slightly in 2012 compared to 2011. Residential burglaries increased to 802 from 782 the previous year (3). At the root of this property crime problem is serious drug addiction.

Drug overdose death rates in the U.S. have more than tripled since 1990 and have never been higher. In 2009, more than 37,000 people died from drug overdoses, and most of these deaths were caused by prescription drugs (4). *New Mexico has the highest drug-induced death rate in the nation*, and the consequences of drug use continue to burden New Mexico communities. Drug induced deaths in Santa Fe County, between 2005-2009, were at 18.1% per 100,000 which ranks 15th among all counties compared to 21.4% for the entire state. Santa Fe County had the third highest number of drug-induced deaths (N = 141] across the state. Drug overdose deaths have now surpassed car accidents as the leading cause of death (5).

New Mexico has the highest drug-induced death rate in the nation & drug overdose deaths have now surpassed car accidents as the leading cause of death. — NM DOH

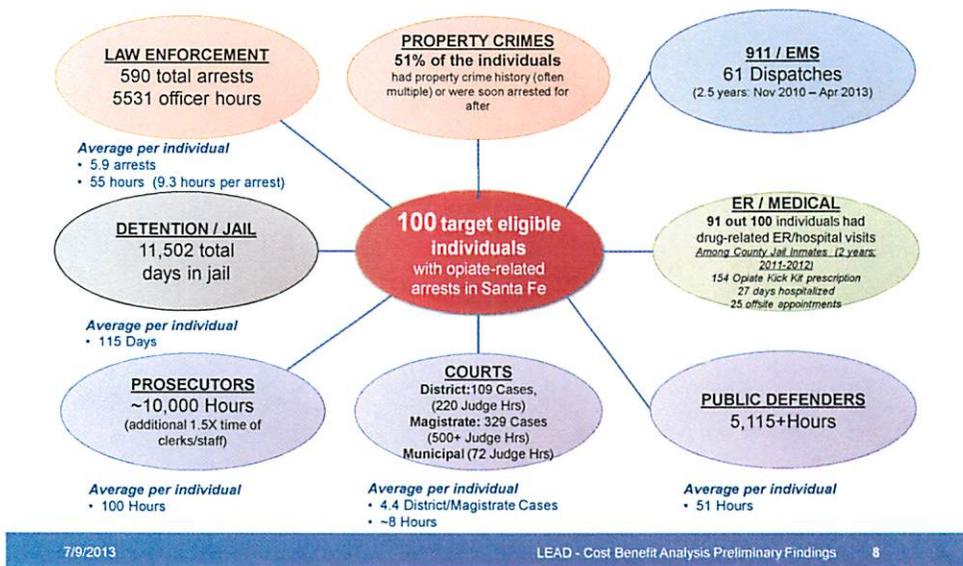
LEAD Santa Fe Task Force: The City of Santa Fe resolved to address these public safety and public health issues by declaring 2012 "Year of Public Safety and Health" and forming a Law Enforcement Assisted Diversion (LEAD) Task Force. The Task Force was charged with proposing effective alternatives to incarceration for those who are committing property crimes to support their addiction. As it stands now, an individual is arrested and incarcerated without receiving any long term treatment for addiction in jail. This individual ends up back on the street struggling with addiction and arrested once again, sometimes only days later, for the same crime. It is a revolving door – a perpetual cycle of addiction and arrest.

Task Force Findings—The Cost to the System: The LEAD Santa Fe Task Force, in partnership with the Santa Fe Community Foundation, completed a cost-benefit analysis and determined that during the last three years in Santa Fe alone (2010-2012), the overall cost to the entire system to arrest 100 individuals by the City of Santa Fe Police Department for opiate possession or sales resulting in booking, detention, prosecution and/or adjudication costs was more than \$4.2 million or an average of \$42K per individual across the law enforcement, jail, judicial, 911 emergency and medical systems. This conservative estimate does not include the additional burden including the loss of productivity and earnings in the economy and cost on social support systems. This is only the *tip of the iceberg* and also does not include ad hoc costs such as drug treatment, public safety and health issues, witness or jury costs, property crime investigation and value of property lost.

These same 100 individuals cost the City of Santa Fe \$1 million in jail/detention costs over three years for a total of 11,502 jail days. They were arrested 590 times by city police during that three year period and officers spent 9.3 hours per arrest. Other key findings indicate that the majority of these individuals (91 out 100) were repeat offenders. This pattern of persistent recidivism, or “revolving door”, resulted in individuals being re-arrested every 6 months on average. Fifty-one percent of those individuals had reported property crime histories. The number of unreported property crimes is unknown.

Burden on the System:

**All data summarized for a three-year time period (2010-2012) unless otherwise noted*



Solution: Law Enforcement Assisted Diversion identifies low-level drug offenders for whom probable cause exists for an arrest and redirects them from jail and prosecution by immediately providing linkages to treatment and social supports including harm reduction and intensive case management.

Task Force Recommendation - Establish a Three-Year LEAD Pilot Program: To break this cycle of addiction and arrest, the LEAD Santa Fe Task Force recommends that the City of Santa Fe's City Council approve planning and implementing an innovative three-year pre-booking diversion pilot project, otherwise known as Law Enforcement Assisted Diversion (LEAD). The program is designed to divert those individuals suffering from an addiction to opiates into treatment and social supports who would otherwise be sent to jail.

The benefits of this pilot program include:

- *Increasing safety for the community by reducing future criminal behavior.*
- *Reducing the burden on the local city police department, prosecution, public defender and court systems.*
- *Reducing county jail detention costs; reducing the number of low-level drug offenders entering the criminal justice system.*
- *Redirecting public safety resources to more pressing priorities, such as serious and violent crime.*
- *Reducing opiate overdoses and saving lives.*
- *Leveraging the use of the Affordable Care Act health coverage for health treatment and insurance coverage.*
- *Improving individual outcomes through the use of research based treatment, harm reduction and social support programs.*

An early estimate suggests that a successful pre-booking diversion program could cost approximately 53% less than the current system over a 10 year period (a savings of nearly \$70,000 per successful case).

The LEAD Santa Fe Task Force recognizes the long-term benefit of establishing a pre-booking diversion LEAD Pilot Program. This approach will improve public safety and public health conditions in the City of Santa Fe by directly addressing opiate drug addiction and reducing the property crimes associated with addiction. This approach is driven by the desire to improve and address the health, safety and welfare of the city's residents.

With the economic strain on our local communities, pre-booking diversion offers a viable, cost effective alternative to the status quo that can make Santa Fe a safer and healthier community. It is time we invest in better options.

"I would like to come to work one day and discover that the majority of criminal cases in our office are not related to drug addiction"

Angela Pacheco, District Attorney (1st Judicial District)

Summary of LEAD Task Force Recommendations

<p><u>Overall Set of Recommendations to the City Council</u></p> <p>Plan and implement an innovative 3-year pre-booking diversion (LEAD) Pilot Program to divert those individuals suffering from an addiction to opiates into treatment and social supports who would otherwise be sent to jail. <i>[Phase II - Planning: July 1 – December, 31 2013; Pilot: January 1, 2014 – Dec. 31, 2016]</i></p>	
<p>Eligibility Recommendations</p>	<p>#1 Adopt the Eligibility Inclusion and Exclusion Criteria (pg. 15) to be used to determine who does and does not qualify for LEAD diversion.</p>
<p>Process Recommendations</p>	<p>#2 Establish an Operations Team led by the City of Santa Fe, District Attorney of the 1st Judicial District, Chief of Police, Public Defender’s Office, case mangers and other experts to serve as the program oversight committee for the pilot program.</p> <p>#3 Adopt the process map (page 16) outlining how an individual is diverted from law enforcement into the treatment/social support system.</p>
<p>Treatment Recommendations</p>	<p>#4 Assess the current service capacity of treatment, harm reduction and social support in the City of Santa Fe and surrounding areas to provide comprehensive treatment/social support services to LEAD participants.</p> <p>#5 Adopt the service package offered to LEAD participants (pg. 17).</p> <p>#6 Review all available evidenced base programs to inform decision making and program implementation.</p> <p>#7 Support a local coordinated comprehensive treatment/social support system rooted in the National Institute of Health’s treatment model. (pg. 18)</p>
<p>Funding/ Evaluation Recommendations</p>	<p>#8 Establish a private/public partnership to support the operational costs of the LEAD Pilot Program.</p> <p>#9 Identify & secure additional funding sources for the 3-year pre-booking LEAD Pilot Program, to include potential funding from private and public sources, including foundations, individual donors, Federal grants, state funding sources, etc.</p> <p>#10 Introduce a special appropriation in the 2014 NM State Legislative session requesting funding in support of the pilot project.</p> <p>#11 Conduct a comprehensive three-year program evaluation to measure reductions in opiate related property offenses and arrests, reductions in opiate drug use, improved social and life skills among LEAD participants, and other outcomes as identified.</p>

Table of Contents

	<u>Page</u>
Acknowledgements	2
Task Force Members	3
Executive Summary	4-7
Table of Contents	8
Introduction	9
I. Problem Statement	10-11
II. Solution: A Pre-booking Diversion Model	12
A. Successful Applications of the LEAD Pre-booking Diversion Model	12-13
B. LEAD Program Benefits	13
C. Guiding Principles for Making LEAD A Success	13
III. LEAD Santa Fe Task Force Recommendations	14
A. LEAD Santa Fe Pilot Program Assumptions	14
B. Overall Policy Recommendations	15
1. Eligibility	15
2. Process	16
3. Treatment	17-18
4. Funding/Evaluation	19
Conclusion	20
References	21

"The LEAD Task Force has developed recommendations that can provide law enforcement with a better alternative when handling minor drug offenses, addressing public safety and treating addiction."

City Councilor, Bill Dimas

INTRODUCTION

In 2011, the Santa Fe area (the city and the county, including parts of Española) ranked second in the country in residential burglaries per 100,000 residents (2). Property crimes rose slightly in 2012 compared to 2011. Residential burglaries increased to 802 from 782 the previous year (3). At the root of this property crime problem is serious drug addiction.

Drug overdose death rates in the U.S. have more than tripled since 1990 and have never been higher. In 2009, more than 37,000 people died from drug overdoses, and most of these deaths were caused by prescription drugs. New Mexico has the highest drug-induced death rate in the nation, and the consequences of drug use continue to burden New Mexico communities. Drug induced deaths in Santa Fe County between 2005-2009 were at 18.1% per 100,000 which ranks 15th among all counties compared to 21.4% for the entire state. Santa Fe County had the third highest number of drug-induced deaths (N = 141) across the state (5).

"It is important to understand the world of drug users and who the person has become. With compassion, education and patience we can help that person have a chance for a prosperous life."

Jeneen Lujan, Parent

The City of Santa Fe resolved to address these public safety and public health issues by declaring 2012 "Year of Public Safety and Health" and passing Resolution 2012-66 to implement solutions to break the cycle of opiate addiction that too often lead to criminal activity in our city. The resolution led to the development of the Law Enforcement Assisted Diversion (LEAD) Santa Fe Task Force charged with proposing effective alternatives to incarceration for those who are committing property crimes to support their addiction.

The Task Force was asked to: (1) Study the correlation of opiate addictions to criminal activity. (2) Explore and discuss options for removing drug traffickers from the streets in an effort to curb opiate addiction problems. (3) Explore and discuss multidisciplinary approaches to treating opiate addictions that lead to criminal activity. (4) Identify proposed and existing programs that are alternatives to incarceration; make recommendations for implementing, improving and funding these programs; and develop a plan to increase the availability of pre/post-incarceration treatment and recovery services. (5) Identify federal, state, local and private funding sources for incarceration alternatives and for treating opiate addictions. (6) Propose amendments to state law for the legislature that further incorporate incarceration alternatives, opiate addiction treatment and recovery support services in to the State's criminal justice system.

To carry out its work, the LEAD Santa Fe Task Force organized four subcommittees: Treatment/Harm Reduction; Eligibility/Legal; Process; and Funding to develop the set of recommendations found in this report for submission to the City Council for consideration and approval. A Steering Committee was also created to guide the tasks cited in the municipal resolution. The LEAD Santa Fe Task Force engaged in and completed a detailed cost analysis in partnership with the Santa Fe Community Foundation. Those findings attached to this report helped to inform the LEAD Santa Fe Task Force about the fiscal and resource impact that individuals arrested for low-level drug related property crimes have on the current

systems in Santa Fe - law enforcement, prosecution, public defenders, detention, judicial and medical. Drug related health data and indicators are also included in the report.

I. Problem Statement

The City of Santa Fe's current approach to low-level opiate drug offenses is proving to be fiscally unsustainable and an ineffective strategy for improving the public safety and public health of our community.

The current approach - arresting and incarcerating people for small amounts of opiates without access to long-term treatment - only moves a relatively small fraction of offenders off the streets, for brief periods of time, and at a significantly higher cost than non-criminal justice system interventions. It diverts increasingly limited law enforcement resources from more serious crimes, with little to no improvement in neighborhood quality of life or a reduction in drug related deaths (1).

With public coffers shrinking and demand for services growing, the City of Santa Fe can no longer afford to rely exclusively on criminal sanctions to address problematic, drug-related behavior. A growing body of behavioral health and public policy research suggests that alternative interventions may provide less costly ways to intervene without compromising public safety, and also be more successful in changing behavior (1).

"This program will provide an opportunity for low-level offenders with drug addiction to recover and become productive, employed members of our community"

*Bennett Bauer, Chief Public Defender
State of New Mexico*

A Cost Benefit analysis conducted by the Santa Fe Community Foundation, in partnership with the LEAD Task Force, examined 100 individuals arrested over a three year period (2010-2012) who demonstrated a relatively high cost for arrests and incarceration for opiate possession in the City of Santa Fe. Police department records identify that the majority of these individuals (**91 out of 100**) were repeat offenders with a pattern of persistent recidivism or "revolving door" and were **re-arrested every 6 months** on average. **Over half of the individuals** arrested for opiate possession or sales also had a **history of property crime or were soon arrested for one**. Many more are suspected of property crimes although they may not have been arrested. **The number of burglary "reports" is approximately 10 times the number of actual "arrests"**, suggesting significantly higher costs related to property crimes than what is documented through police arrests. Unreported property crimes and burglaries are not known.

These 100 individuals represent the types of potential cases for participation in a pre-booking diversion program, assuming they meet eligibility criteria for inclusion. Critical to understanding the nature of recidivism and arrest data of those 100 individuals over the three year period is that **25 individuals can be described as "Frequent Offenders."** **These individuals disproportionately burden the system making up nearly 50% of the usage of law enforcement and detention/jail facilities.**

The Cost Benefit Analysis conducted by the Santa Fe Community Foundation suggests:

- **Significant Overlap with Property Crimes:** Over half (51%) of 100 individuals arrested for opiate possession or sales had a history of property crime or were soon arrested for one.
- **“Revolving Door” with Systematic Recidivism:** There is a high rate of recidivism among opiate addicts; A majority (91 out of 100) arrested for opiate possession or sales in 2010-2012 were repeat offenders with an average of 5.9 arrests over the 3 year period (or 6 months intervals between arrests).
- **Burden on the System:** These 100 individuals collectively represented a significant burden across systems for law enforcement, justice, health, safety and social services over the past 3 years (2010-2012) including:
 - **Law enforcement:** 590 arrests, 5500+ officer hours
 - **Detention center / Jail:** 11,500+ days
 - **Judicial System:** 800+ Judge hours, 10,000+ Prosecutor hours, and 3,000+ Public Defender hours across District (109 cases), Magistrate (329 cases) and Municipal courts
 - **911/EMS:** 61 dispatches, and
 - **Emergency and Other Medical:** 91 out 100 individuals with drug-related ED/ hospital visits
- **Cost to the Current System:** A conservative estimate for total cost to the current system per opiate offender is approximately \$41,000 over a 3 year period (or over \$4 million for 100 individuals). The cost per individual is significantly higher for top 25 frequent offenders (~\$55,000 over 3 year period) vs. Others (~\$36,000). The overall cost to the system is likely to be much higher given the conservative assumptions and additional burden on the broader system not fully captured in the current analysis including loss of productivity and earnings in the economy and cost on social support systems.
- **Potential LEAD Treatment & Program Cost:** While the specific needs will vary, an average LEAD cost per individual including intensive treatment and wrap-around services is estimated at about ~\$34K per individual for 3 years, less than the cost to the current system. The cost to the City of Santa Fe will be significantly lower when Medicaid coverage and other funding sources are taken into account, as well as pro bono services and donated goods.
- **Long-term Impact:** The cost-benefit impact of the LEAD program will be more evident in the long-term as the upfront investment of intensive treatment and support services pay off in reduced recidivism and cost to the current systems. Other long term positive impacts include reducing drug addiction and related criminal activities and economic productivity through re-integration to society and job market.

Every additional dollar invested in substance misuse treatment saves taxpayers \$7.46 in societal costs (crime, violence, loss of productivity, etc.). - RAND Corporation

Handling low-level non-violent drug offenders and those struggling with addiction in the local and state criminal justice system is costly. The average cost of incarceration per inmate at New Mexico Department of Corrections facilities is over \$111 per day, or approximately

\$41,000 per year. The City of Santa Fe detention costs are \$92 per day and has paid \$1 million alone over the last three years to handle low level offenders with opiate addictions.

II. Solution: A Pre-booking Diversion of Low-Level Opiate Drug Offenders to a High Quality, Community-based Intervention

What is Pre-Booking Diversion or LEAD?

A pre-booking diversion program is one that identifies low-level drug offenders for whom probable cause exists for an arrest, and redirects them from jail and prosecution by providing linkages to community-based treatment and support services. **Pre-booking diversion programs consist of both a law enforcement and social services component.** The integrity of both components is critical to any successful pre-booking diversion initiative. Pre-booking programs involve specialized training for police officers, and a crisis/case management drop-off center with a no-refusal policy for persons brought in by the police.

In a statewide survey, 71% of New Mexican voters support allowing a person caught with small amounts of drugs to be offered drug treatment instead of being sentenced to jail or prison.

-SJC Research, 2007

Law enforcement, prosecutors and intensive case managers are core to the success of this model. All parties serve as core members of the planning team, help develop the model and the associated eligibility criteria and participate as members of the staffing/operations team to review individual cases. Law enforcement officers are trained to identify which individuals are eligible and suited for diversion. They serve as the entry point into the program and transfers eligible individuals to the program's clinical team for assessment instead of to jail personnel for booking. The intensive **case manager conducts an intake assessment and addresses immediate/acute needs** followed by the development of an individualized care plan to address chemical dependency, mental health problems, lack of housing, prior legal involvement, lack of employment and education, etc. Program funding may be used to address any set of social service/health needs. Under this model, prosecutors continue to have the ultimate and exclusive authority to make filing decisions in all cases and will receive copies of the investigation packets on diverted cases, for review for compliance with the agreed upon diversion criteria.

A. Successful Applications of the LEAD Pre-booking Diversion Model

Pre-booking diversion programs targeting persons with substance misuse and mental illness have been used for years in several jurisdictions. The foremost example in the U.S. is the LEAD (Law Enforcement Assisted Diversion) Project in Seattle. Launched in 2011 as a joint effort of the Seattle Police Department, the District Attorney and City Attorney, and The Defender Association, with strong support from impacted local businesses, LEAD offers a full range of individually tailored services from health care and job training to substance abuse treatment in order to get – and keep – targeted persons out of an overburdened criminal justice system. A similar diversion model focus on crisis intervention teams made up of specially

trained law enforcement officers assisting persons with mental illness has been employed in several U.S. cities, including San Antonio, Texas and Memphis, Tennessee for years.

B. LEAD Program Benefits

- Increases safety for the community by reducing future criminal behavior.
- Reduces the burden on the law enforcement, county jail, prosecution, defense and court systems.
- Reduces the burden on Santa Fe District Attorneys by diverting the burdensome number of cases associated with low level drug use including associated crimes such as burglary, theft, and trespassing.
- Reduces the number of low-level drug offenders entering criminal justice system.
- Redirects public safety resources to more pressing priorities, such as serious and violent crime.
- Sustains funding for alternative interventions by capturing and reinvesting criminal justice system savings.
- Allows persons to remain in the community with limited disruption to family life and employment.
- Reduces opiate overdoses.
- Optimizes the use of the Affordable Care Act health coverage for expanded health treatment and insurance coverage.
- Improves individual outcomes through the use of research based treatment, harm reduction, case management and social support programs.

C. Guiding Principles for Making LEAD A Success (10)

- **Adequate training and clear administrative policies and diversion protocols for law enforcement officers.** Law enforcement officers' role and responsibility are integral to pre-arrest diversion. In order to maximize positive results, clear direction from the command staff is necessary.
 - **Service-dedicated resources,** most of the program resources will be directed toward acquiring direct services for program participants, rather than toward program overhead, administration or staffing.
 - **Commitment to a harm reduction approach,** meaning a focus on individual and community wellness, rather than an exclusive focus on sobriety, by immediately addressing the participant's drug activity and any other factors driving his/her problematic behavior, even if complete abstinence from drug use is not immediately achieved.
 - **Use of peer outreach workers and intensive case managers to enhance the program's effectiveness with potential participants.** Decades of research demonstrate that peer-based interventions are a highly successful way to intervene with marginalized populations. Moreover, case studies in an analogous context clearly suggest that peer-based interventions are a promising, cost effective practice for engaging individuals with
-

mental illness and a history of criminal justice involvement in the community. Peer outreach workers and case managers serve as community guides, coaches, and/or advocates, who work to link diverted individuals to housing, vocational and educational opportunities and community services, while also providing credible role models of success.

- **Involvement of business leaders and neighborhood public safety leaders.** Concerned community members will have the opportunity to engage with the program as it develops, through an advisory board structure. This will help ensure community public safety leaders' comfort with a new approach. Ideally, community members will also be able to refer individuals for program participation and suggest areas of focus for outreach workers.
- **Specially-tailored interventions to address individual and community needs.** Each drug activity "hot spot" has its own unique character. Rather than attempting a "one size fits all" approach, community-based interventions should be specifically designed for the population in that particular neighborhood.
- **Clearly delineated evaluation criteria and procedures** to ensure accountability to the public and facilitate review of programmatic effectiveness by policymakers. Evaluation criteria must include both public safety and public health measures.
- **Commitment to capturing and reinvesting criminal justice savings** to sustain pre-booking diversion programs, and support improvement and expansion of other "upstream" human services and education efforts.

"Addiction to opiates often intersects with mental health and trauma. We have to develop wrap around services to address all the person needs. A program like LEAD can offer that stabilization."

Maria Jose Rodriguez Cadiz, Executive Director, Solace Treatment and Trauma Center

III. LEAD Task Force Recommendations

The LEAD Task Force developed the following **recommendations** to move into Phase II of the LEAD Pilot Program specifically related to: (1) Eligibility, (2) Process, (3) Treatment and (4) Funding/Evaluation. Phase II will plan and implement a three year LEAD Pilot Program in the City of Santa Fe.

A. LEAD Pilot Project Assumptions

The following recommendations were developed with the subsequent working assumptions:

- *Geographic Area:* City of Santa Fe boundary
- *Law Enforcement Involvement:* City of Santa Fe Police Department
- *Low-level drug Offenders:* People Possessing Opiates (pills and heroin)
- *Pilot Program Implementation:* Three (3) Year Implementation to demonstrate impact.

Overall Recommendation to the City of Santa Fe's City Council:

Plan and implement an innovative 3-year pre-booking diversion (LEAD) Pilot Program to divert those individuals suffering from an addiction to opiates into treatment and social supports who would otherwise be sent to jail. [Phase II - Planning: July 1 – December, 31 2013; Pilot: January 1, 2014 – Dec. 31, 2016]

Eligibility Recommendations

#1 Adopt the following eligibility inclusion and exclusion criteria to be used to determine who does and does not qualify for LEAD diversion.

Inclusion Criteria—Phase 1:

- Possession of 1 gram or less of opiates
- Possession of Paraphernalia
- Subsistence Dealing only
- 18 years and older
- Amenable to diversion; (i.e. non-violent upon initial contact; non-psychotic; not a threat to self or others)
- Law Enforcement Referral (when individual is believed to be involved in a theft crime)
- Individual is eligible regardless of immigration status
- Individual is eligible regardless of gender
- Individual is eligible if on probation/parole (final decision made by district court judge)

Inclusion Criteria - Phase 2: Depending on client flow, availability of providers and willingness of other law enforcement jurisdictions to participate in LEAD the following criteria may apply:

- Agency Referrals outside SF Police Department
- Other treatment providers
- Faith Community Referrals
- Self-Referrals
- Warrants

Exclusion Criteria

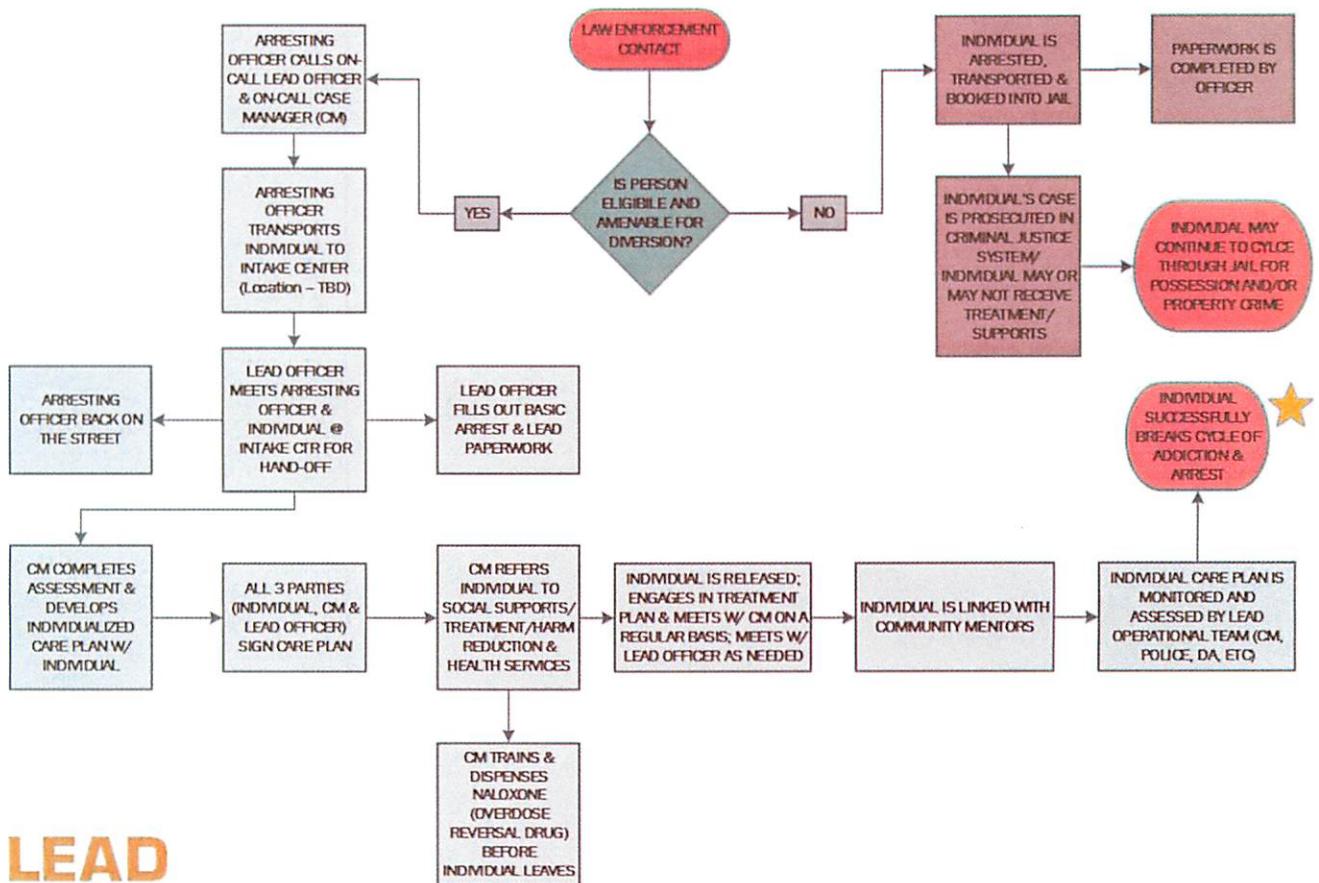
- No serious violent crime in the last 10 years
- No current probation/parole
- No dealing above subsistence dealing, i.e. for profession
- No exploitation of minors or others in drug dealing (e.g. disabilities)
- No suspected promotion of prostitution or human trafficking

Process Recommendations

#2 Establish an Operations Team, led by the City of Santa Fe, District Attorney of the 1st Judicial District, Chief of Police, Public Defender's Office, case managers and other experts, to serve as the program oversight committee for the pilot program.

#3 Adopt the process map (below) outlining how an individual is diverted from law enforcement into the treatment/social support system.

PROPOSED MODEL: LAW ENFORCEMENT ASSISTED DIVERSION (CITY OF SANTA FE)



LEAD
SANTA FE

Treatment Recommendations

#4 Assess the current service capacity of treatment, harm reduction and social support in the City of Santa Fe and surrounding areas to provide comprehensive treatment/social support services to LEAD participants.

#5 Adopt the following service package to be offered to LEAD participants (services offered is dependent on individualized care plan):

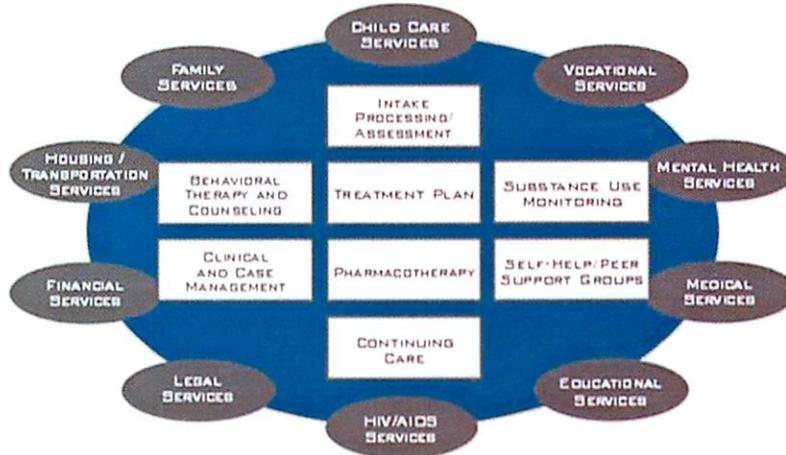
- Assessment - to determine the level of care.
- Individualized Care Plan (ICP) similar to an Individual Education Plan
- Intensive/Assertive Case Management
- Medication Assisted Treatment (MAT) including buprenorphine and methadone
- Sober Housing
- Detox/Sobering
- Coordination with Probation/Parole/Drug Court
- Primary care and Behavioral Health Services
- Group therapy and other outpatient services.
- Coordinate with SOS/SVH Opiate treatment groups
- Harm Reduction – Naloxone, syringe exchange & education
- Wrap Around Services
 - Education
 - Transportation
 - Job training (Harm reduction principle)
 - Housing
 - Mentoring
 - Food
 - Trauma treatment
- Coordination with Peer Navigators to assist uninsured LEAD clients with enrollment in health exchange and referral to or Medicaid or other health plans (e.g., Veterans Administration, private health insurance plans).
- Legal Assistance

#6 Review all available evidenced base programs to inform decision making and program implementation.

⇒ Ensure that culturally and linguistically appropriate program adaptations are implemented and that all efforts are designed to be age/sex/gender appropriate.

#7 Support a local coordinated comprehensive treatment/social support system rooted in the National Institute of Health's treatment model (below).

Components of Comprehensive Drug Abuse Treatment



The best treatment programs provide a combination of therapies and other services to meet the needs of the individual patient.

National Institute of Health's Treatment Model

Anyone who has struggled, or seen a loved one struggle, with addiction knows that drug and alcohol abuse is a difficult and complicated issue.

New Mexico has the highest drug-induced death rate in the nation, and the consequences of drug use continue to burden New Mexico communities.

"Residential treatment is one piece of a larger puzzle. Many of our graduates lack housing, employment and health families to return to. It is our hope that through LEAD, clients will receive the supports they need to thrive."

*Yolanda Briscoe, Executive Director,
Santa Fe Recovery Center*

At the state level, New Mexico continues to experience serious negative consequences of drug use. National household survey data for 2005-2007 estimated that roughly 58,000 New Mexicans aged 12 years or older were in need of drug treatment (7) and a one-year review of all New Mexico Corrections Department prisoner intake screens estimated that 87% enter with substance misuse disorders (8).

Sadly, many of these individuals will end up experiencing and often dying from drug overdoses.

Funding/Evaluation Recommendations

#8 Establish a private/public partnership to support the operational costs of the LEAD Pilot Program.

#9 Identify & secure additional funding sources for the 3-year pre-booking LEAD Pilot Program, to include potential funding from private and public sources, including foundations, individual donors, Federal grants, state funding sources, etc.

#10 Introduce a special appropriation in the 2014 NM State Legislative session requesting funding in support of the pilot project.

#11 Conduct a comprehensive three-year program evaluation to measure reductions in opiate related property offenses and arrests, reductions in opiate drug use, improved social and life skills among LEAD participants, and other outcomes as identified.

PROPOSED FUNDING SOURCES FOR LAW ENFORCEMENT ASSISTED DIVERSION (LEAD) PILOT PROJECT IN SANTA FE: A PUBLIC PRIVATE PARTNERSHIP



LEAD
SANTA FE

*TBD – more analysis needed to determine Medicaid and Private Pay

CONCLUSION

The LEAD Santa Fe Task Force recognizes the long-term benefit of establishing a pre-booking diversion LEAD Pilot Program. This approach will improve both public safety and public health conditions in the City of Santa Fe by directly addressing opiate drug addiction and property crimes. A pre-booking diversion program for low-level drug offenders can reduce criminal justice costs and offer a meaningful response to community concerns about the problem of property crime. With the economic strain on our local communities, pre-booking diversion offers a viable, cost effective alternative to the status quo that can make Santa Fe a safer and healthier community.

The Santa Fe City Council will set itself apart in the state and across the nation by implementing an alternative for those whose addictions have caused harm to themselves, property owners and the community. This alternative diverts persons into treatment and social supports that address the underlying causes of their behaviors and addiction. It is time that we invest in better options.

"LEAD would allow our officers to return to the streets to deal with more violent offenders and to protect our community."

Detective Sergeant Jerome Sanchez

REFERENCES

- 1) Language was used from Seattle's LEAD concept paper
 - 2) Federal Bureau of Investigation, 2011
 - 3) City of Santa Fe's Police Department Statistics, 2011 & 2012
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 - 5) New Mexico Substance Abuse Epidemiology Profile, Substance Abuse Epidemiology Program Injury and Behavioral Epidemiology Bureau Epidemiology and Response Division, New Mexico Department of Health, 2011
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 - 7) SAMHSA, National Survey of Substance Abuse Treatment Services, (2005-2007)
 - 8) New Mexico Department of Corrections, prepared for the NM Behavioral Health Collaborative
 - 9) New Mexico, November 20, 2013 Volume 2009, Number 9, Unintentional Illicit and Prescription Drug Overdose Death Trends, 2008
 - 10) Language used from the Defender Association – Racial Disparity Project, *Law Enforcement Assisted Diversion (LEAD): A Pre-Booking Diversion Model for Low-level Drug Offenses*
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"Our state, our communities and our families are wrestling with addiction, overdose, costly incarceration and property crimes. But our current approach to break the cycle of addiction and arrest is not working. It is time to invest in better options by treating drug misuse as a health issue not a criminal one. The Santa Fe LEAD project allows us to focus on goals we all agree on: protecting our kids, protecting public safety, and preventing and treating addiction."

Emily Kaltenbach, State Director, Drug Policy Alliance

Report prepared with the assistance of City of Santa Fe contractor Fred Sandoval

1 **CITY OF SANTA FE, NEW MEXICO**

2 **RESOLUTION NO. 2013-76**

3 **INTRODUCED BY:**

4 Mayor Coss

5 Councilor Dimas

6 Councilor Wurzbarger

7 Councilor Ives

8 Councilor Calvert

9 Councilor Dominguez

10 Councilor Rivera

11 Councilor Trujillo

12 Councilor Bushee

13 **A RESOLUTION**

14 **ACCEPTING THE RECOMMENDATIONS OF THE LEAD SANTA FE TASK FORCE AND**
15 **DIRECTING STAFF TO ESTABLISH AND IMPLEMENT A THREE YEAR LEAD/PRE-**
16 **BOOKING DIVERSION PROGRAM IN SANTA FE, INCLUDING DEVELOPING AN**
17 **OPERATIONS PLAN AND EXPLORE FUNDING MECHANISMS.**

18 **WHEREAS**, on June 27, 2012, the Governing Body adopted Resolution No. 2012-66 which
19 established the Law Enforcement Assisted Diversion (“LEAD”) Task Force; and

20 **WHEREAS**, the purpose of the LEAD Task Force was to collaborate regionally and across
21 different areas of focus, in order to explore and recommend long-term solutions in a community
22 strategic plan for addressing the issues arising from persons who are addicted to drugs and alcohol;
23 and

24 **WHEREAS**, on June 26, 2013, the LEAD Task Force presented its findings and
25 recommendations to the Governing Body; and

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

- 100 individuals, arrested by City of Santa Fe Police for opiate possession or sales, cost

1 more than \$4.2 million dollars or an average of \$42K per individual across local and state
2 systems over the last 3 years. (This is only the tip of the iceberg – costs not included in
3 this figure include: loss of productivity & earnings; impact on families & social support
4 systems; current “ad hoc” drug treatments; public safety & health issues; witness, jury
5 costs; property crime investigations and value of property lost, etc.)

- 6 • These same 100 individuals cost the City \$1 million dollars in jail/detention costs over 3
7 years for a total of 11,502 jail days.
- 8 • They were arrested 590 times by police officers in the 3 years; officers spent an average
9 of 9.3 hours per arrest.
- 10 • A majority (91 out of 100) were repeat offenders with a pattern of being re-arrested every
11 6 months in average.
- 12 • 51% of those individuals had property crime histories; and

13 **WHEREAS**, the LEAD Task Force recommendation is to establish a LEAD/Pre-Booking
14 Diversion Program which would identify low-level opiate drug offenders for whom probable cause
15 exists for an arrest, and redirect them from jail and prosecution by immediately providing linkages to
16 treatment/support services; and

17 **WHEREAS**, LEAD found that with the economic strain on local counties, pre-booking
18 diversion programs offer a viable, cost effective alternative to the status quo that can positively
19 impact Santa Fe and an early estimate suggests that a successful pre-booking diversion program could
20 cost approximately 53% less than the current system over a 10 year period (a saving of nearly \$70K
21 per successful case); and

22 **WHEREAS**, according to the Survey of New Mexico Voter Attitudes, SJC Research,
23 January 29 – February 1, 2007, 71% of New Mexico voters support allowing a person caught with
24 small amounts of drugs to be offered drug treatment instead of being incarcerated; and

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

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

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF SANTA FE that the Governing Body hereby accepts the *LEAD SANTA FE TASK FORCE RECOMMENDATIONS*, attached hereto as Exhibit A. Such acceptance approves the planning and implementing of an innovative 3-year pre-booking diversion pilot program to divert those individuals suffering from an addiction to opiates into treatment and social supports (Planning phase: August 1 – December, 31 2013; Pilot phase: January 1, 2014 – Dec. 31, 2017)

BE IT FURTHER RESOLVED that based on the LEAD Santa Fe Task Force recommendations, staff is directed to develop an operations plan and explore funding mechanisms to establish and implement the three year LEAD/Pre-booking program in Santa Fe.

PASSED, APPROVED AND ADOPTED this 31st day of July, 2013.

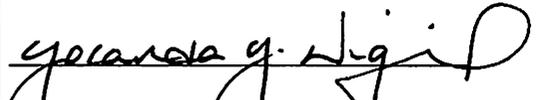


DAVID COSS, MAYOR

1 ATTEST:

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YOLANDA Y. VIGIL, CITY CLERK

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APPROVED AS TO FORM:

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GENO ZAMORA, CITY ATTORNEY

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M/Melissa/Resolutions 2013/2013-76 LEAD Task Force Recs