



# Memorandum

**TO:** HONORABLE MAYOR AND  
CITY COUNCIL

**FROM:** Mayor Matt Mahan  
Councilmember Sergio Jimenez  
Councilmember Omar Torres  
Councilmember Pam Foley

**SUBJECT:** SEE BELOW

**DATE:** September 29, 2023

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Approved

Date: September 29, 2023

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**Subject:** Re-Arrest of High-Risk Individuals and Interagency Coordination on Pretrial Release Status Report

**Recommendations:**

- a) Accept the status report on the utilization of funds for re-arresting high-risk individuals and interagency coordination on pretrial release.
- b) Direct the City Manager to set a joint meeting between the City's Public Safety, Finance and Strategic Support (PSFSS) Committee and the County's Public Safety and Justice Committee to provide updates and discuss programs and options - including alternatives to incarceration - to reduce recidivism amongst the highest utilizers of our legal systems. Key stakeholders to be engaged in the meeting and subsequent conversations shall be determined by City and County staff and will include but not be limited to: The Presiding Judge, the District Attorney's Office, the Public Defender's Office, the Probation Department, Pretrial Services, Public Health, Valley Medical Center's Medical Intake Department, the Sheriff's Office and Main Jail Staff, and the San Jose Police Department (SJPD).

**Background**

Our community deserves a thoughtful and effective public safety strategy that protects our neighborhoods, rehabilitates offenders, and commitment from all levels of government. The ongoing collaboration between City staff, SJPD, and our interagency partners is a testament to our collective commitment to community safety. These efforts recognize both the challenges of rehabilitation and the complex nature of our justice system.

Our recommendations seek further discussion and collaboration between the City and County partners to address high utilizers of the legal system in San Jose.

We'd like to thank former [Vice Mayor Jones](#), City Staff, and SJPD for making this issue a key priority over the last 18 months. Key goals of their work, as recommended by former Vice Mayor Jones, include process improvement and the exploration of innovative social services strategies that could interrupt repeated cycles of crime for high utilizers via interagency collaboration.

For the purposes of this memo, we define "High Utilizers" as individuals who were arrested four or more times between August 2022 and April 2023. In that timeframe, 64 individuals were arrested or cited four or more times by SJPD. Below are some key statistics about these individuals, who collectively had 308 charges, including violent crimes, sex crimes, and substance charges:

#### ***Citywide Trends - August 2022 - April 2023***

- 48 (75%) have SJPD-documented offenses predating 8/1/22
- 16 are new offenders with at least 4 offenses committed between 8/2022 and 4/2023
- 53 (83%) of the 64 offenders have drug/alcohol charges

When we consider the amount of time and resources spent on citing, arresting, and booking High Utilizers at jail, it becomes clear that cross-agency collaboration is critical if we are to improve the general feeling of safety among our residents, and improve outcomes for High Utilizers as they make their way through our justice system.

Improvements to intake processes and bail setting are well underway thanks to SJPD and City Staff's engagement with the District Attorney's Office, County Executive Staff, Judicial Branch, Main Jail Staff, Pretrial Services, and the Public Defender's Office. Through their collaborative efforts, stakeholders revised the *Affidavit re Probable Cause and Bail Setting* and developed a new form entitled *Law Enforcement Risk / Mitigation Factor Worksheet* that will provide deeper information about factors related to public safety risk, flight risk, mental health, and substance abuse when booking subjects into jail. Both forms have been approved by the District Attorney's Office, piloted by the Sheriff's Office, and on October 1st, SJPD will launch a pilot program to evaluate the effectiveness of both forms.

An additional outcome of our interagency collaboration is the development of the Alternatives to Incarceration Working Group, which includes the Public Defender's Office, Sheriff's Office, Reentry Services, Probation, and Behavioral Health Services, and SJPD. Together, they're exploring innovative social services strategies aimed at interrupting repeated cycles of crime. Through their collective efforts, they have been able to expand the scope of the Mission Street Recovery Center and will soon launch the Alternatives to Incarceration Pilot, which is focused on diverting individuals who have been cited for intoxication away from jail and into clinician-supported services in an effort to address the root causes of their behaviors.

Aside from the citywide data noted above, the Mayor's office has also worked with SJPD to identify a list of 42 individuals who have been arrested repeatedly within Downtown. Over the last five years, these individuals have been arrested a total of 265 times, 104 times since August 2022, and 49 times in the first six months of 2023. Between 2022 and 2023, fifty percent of these individuals were also arrested in areas outside of Downtown. SJPD and the District Attorney's Crime Strategies Unit are working hand in hand to develop strategies that will provide alternatives to incarceration and sensible accountability to these individuals.

The High Utilizer challenge has been met by a longstanding interagency effort that would benefit from additional exploration and resources. As an example, over the last year and a half, SJPD and City staff have initiated conversations around innovative approaches to reduce recidivism, as seen in cities like Seattle, Los Angeles, and San Francisco. Bringing these conversations together with County expertise in the justice system, has the potential to move this issue forward in a thoughtful and impactful way and improve outcomes for High Utilizers and the community at large.

*The signers of this memorandum have not had, and will not have, any private conversation with any other member of the City Council, or that member's staff, concerning any action discussed in the memorandum, and that each signer's staff members have not had, and have been instructed not to have, any such conversation with any other member of the City Council or that member's staff.*