



Governance Documents:

COCO LEAD PLUS

1. Charter and Guidelines: Policy Council
2. Charter and Guidelines: Operations Committee & Diversion Panel
3. Charter and Guidelines: Local Advisory Committee (LAC)
4. Eligibility, Exclusions, and Review Policies

Approved and Adopted
Packet Dated October 24, 2018





Charter and Guidelines

POLICY COUNCIL



CHARTER AND OPERATING GUIDELINES
FOR THE POLICY COUNCIL FOR CoCo LEAD PLUS
VERSION 3.0, ADOPTED APRIL 25, 2018

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CHARTER AND OPERATING GUIDELINES
FOR THE POLICY COUNCIL FOR CoCo LEAD PLUS

VERSION 3.0, ADOPTED APRIL 25, 2018

ARTICLE 1: ENTITIES

1.1. Council

The name of this Council is the CoCo LEAD Plus Policy Council (“Council”).

1.2. Project

The name of the project served by the Council is CoCo LEAD Plus (“Project”), a public/private partnership funded by a grant awarded to Contra Costa County (“County”) by the Board of State and Community Corrections (“BSCC”) and administratively supervised on behalf of Contra Costa County by the Behavioral Health Division (“BHD”) of the Contra Costa County Health Services Department.

1.3. Proposal

The purpose, operations, and general structures of the Project are governed by the grant proposal, attachments, and budget submitted to and approved by the BSCC in July 2017. Together, these documents are referred to as the Proposal and are incorporated into these Operating Guidelines by reference.

1.4. Lead Agency

Any reference to “Lead Agency” in this document refers to the Behavioral Health Division, which holds administrative responsibility for the Project’s operational, fiscal, and contractual obligations on behalf of Contra Costa County.

1.5. Funded Partners

Funded are public agencies or nonprofit organizations that have entered into contracts or subcontracts funded by the BSCC grant award, to undertake elements of the Project.

1.6. Partner Agencies

Partner Agencies are public and private organizations that are named in Attachment J of the Proposal, each of which has formally agreed to hold specific responsibilities in implementing the Project. These agencies may or may not be funded by the Project.

ARTICLE 2: PURPOSES

2.1. General Purposes

- 2.1.1. General Purpose of the Project: The purpose of CoCo LEAD Plus is to institutionalize a collaborative, multi-system “diversion plus evidence-based-services” framework to reduce criminal justice involvement for people with behavioral health disorders. As a cooperative, multi-agency partnership, CoCo LEAD Plus is designed to develop new systemic approaches to improve outcomes for people with behavioral health issues who are repeatedly arrested by APD, while enhancing public safety and community stability.
- 2.1.2. General Purpose of the Proposal: The Proposal serves as the foundational organizational document establishing the Project’s mission and vision, operations and implementation, and governance and management.
- 2.1.3. General Purpose of the Lead Agency: The Lead Agency holds the contract with the BSCC and is responsible for managing and supervising the Project as described in the Proposal.
- 2.1.4. General Purpose of the Funded Partners: Under contractual agreement with the Lead Agency, the Funded Partners are responsible for implementing elements of the Project’s services,

serving in various stewardship capacities, and supporting the project's reporting and evaluation.

2.1.5. General Purpose of the Council: The Council serves as the policy-making and stewardship body for the Project.

2.1.6. General Purpose of the Partner Agencies: As guided through individual agreements, Partner Agencies are responsible for implementing or supporting elements of the Project's services and serving in various stewardship capacities.

2.2. Specific Purposes

2.2.1. Specific Purposes of the Project

- (a) A multi-sector partnership of the County, the city of Antioch, and HR360, CoCo LEAD Plus institutionalizes a collaborative, multi-system approach to reduce criminal justice responses to people with behavioral health disorders who have been repeatedly arrested by Antioch Police Department ("APD").
- (b) CoCo LEAD Plus accomplishes its purpose by developing early-intercept diversions out of the criminal justice process and into a housing-first, harm reduction behavioral health system of care.
- (c) CoCo LEAD Plus will be managed by BHD as a pilot Project supported through BSCC grant funding through August 15, 2021.

2.2.2. Specific Purposes of the Proposal

- (a) The Proposal is the Project's primary guiding document. All documents governing the Project, and all activities and operations related to the Project, will be consistent with the goals, approaches, and activities detailed in the Proposal.
- (b) The Council reserves the right to propose modifications to the Project, consistent with Article 11: Amendments to the Operating Guidelines, and as approved by the BSCC.

2.2.3. Specific Purposes of the Lead Agency

- (a) Serve as Project Manager to implement the Project as described in the Proposal and approved by the BSCC
- (b) Provide the BSCC with reports on Project activities and finances as required by the BSCC
- (c) Establish and maintain a contract with an external Project Evaluator and supervise the Project's evaluation plans, reports, and activities
- (d) Develop and steward overarching Project policies, protocols, and agreements among all Project partners
- (e) Develop and manage Project partnerships
- (f) Convene and support the Project's stewardship bodies as described in the Proposal, including Policy Council, Operations Council/Diversion Panel, and Local Advisory Council (LAC).

2.2.4. Specific Purposes of the Policy Council

- (a) Review, approve, and modify overarching Project policies and protocols to reflect the Project's mission, vision, and values, including but not limited to participant eligibility

criteria; inclusion/exclusion criteria; diversion-eligible criminal charges and “look-back” protocols; processes for secondary review and appeal for participant acceptance/denial decisions

- (b) Ensure the Project’s ongoing implementation in accordance with the Proposal
- (c) Advance consistency and efficacy among all Project Partners
- (d) Review and approve referral and diversion protocols
- (e) Plan and propose modifications to the Proposal
- (f) Review and provide guidance on reports from the Operations Committee
- (g) Provide guidance to the Lead Agency
- (h) No less than annually and in partnership with the Lead Agency, gather input from Partner Agencies regarding policies and procedures, review and modify the Project’s policies and procedure as necessary, and submit a written report to BHD and evaluators for the institutional record and to support the Project’s evaluation

ARTICLE 3: MEMBERSHIP

3.1. Composition & Eligibility

- 3.1.1. As formal members, the Policy Council will include twelve members, comprising one representative from each of the following entities: BHD, Office of Reentry and Justice, APD, Probation, District Attorney, Public Defender, Health Housing and Homeless Services (H3), Contra Costa County Housing Authority, HR360, the Racial Justice Task Force, the Office of the Sheriff, and the Local Advisory Committee.
 - (a) Each of the entities named in Article 3.1.1 shall appoint its representative to serve on the Council.
 - (b) In appointing its representatives, each entity should select senior staff who have substantial expertise in their respective fields, comprehensive understanding of the scope and functions of their respective agencies, and substantial decision-making authority.
 - (c) Each member shall hold one vote.
 - (d) No community organization or agency department shall hold more than one seat on the Council.
- 3.1.2. All Members of the Council must:
 - (a) Be adults (age 18 and over)
 - (b) Inform, advise, and support the advancement of the Project’s policies
 - (c) Possess relevant experience and expertise to assess, discuss, advance, and enhance the Project’s work
 - (d) Strive to set aside individual or agency interests and shall contribute their expertise and resources to advance the Project’s mission, goals, and activities

3.2. Quorum

- 3.2.1. A quorum shall be $\frac{3}{4}$ of the authorized voting seats, whether or not those seats are filled.

- 3.2.2. Once a quorum is established at a meeting, it remains effective until that meeting is adjourned.
- 3.2.3. The Council may take action only after consensus vote of the quorum, as expressed in Article 9.2.

ARTICLE 4: TERMS OF SERVICE AND ATTENDANCE

4.1. Terms of Service

- 4.1.1. Each Member's initial term shall ensure throughout the initial grant period.

4.2. Meeting Attendance

- 4.2.1. Members are expected to attend all regularly scheduled meetings of the full Council, subject to the provisions of Article 6.2.1(a).

ARTICLE 5: OFFICERS

5.1. Officers

- 5.1.1. The Officers of the Council shall be the Chair, Vice Chair, and Secretary.
- 5.1.2. The Chair shall facilitate Council meetings and, in coordination with the Project's Lead Agency, shall develop and distribute agendas:
 - (a) The Chair holds authority to establish and approve the membership of Work Groups not otherwise formed by vote of the Council.
 - (b) At least annually, the Chair shall initiate and supervise the annual review of Project Policies as outlined in Article 2.2.4(h).
 - (c) The Chair shall have the power of appointment as required to accomplish Council business. This power shall include the sole discretion to appoint and remove a Member to any role or duty specifically assigned to the Council Chair or his/her designee. In the absence of subsequent action by the Council to approve the appointment, any appointment by the Chair will be ineffective after ninety days.
 - (d) In the case of a vacancy, the Chair is authorized to contact the appropriate entity to request that a new representative be appointed to the Council.
- 5.1.3. The Vice Chair shall support the Chair, review and approve meeting minutes, and support the work of workgroups. If the Chair is unable to act, duties of the Chair shall then be the responsibility of the Vice Chair until the Chair is able to act.
- 5.1.4. In the absence of a staff person assigned to these tasks, the Secretary shall record, produce and provide for the availability and distribution of meeting minutes for each regular and specially noticed Council meeting. The Secretary shall also be responsible for maintaining records of Member attendance, participation, terms and email lists.
 - (a) If the Vice Chair is unable to act, duties of the Vice Chair shall then be the responsibility of the Secretary until the Vice Chair is able to act.
 - (b) In any case when the Secretary is not able to act, the Chair has the authority to delegate responsibility for the Secretary's duties to another Member until the Secretary is able to perform his/her duties.

5.2. Officer Election

5.2.1. Terms of Service for Officers

- (a) Inaugural Terms
 - (i) The inaugural terms of service for the Chair and the Secretary shall end on December 31, 2018.
 - (ii) The inaugural term of service for the Vice Chair shall end on March 31, 2019.
- (b) Following the inaugural terms of service as defined in Article 5.2.1, each Officer, once elected, shall serve a twelve-month term.

5.2.2. When there is an Officer vacancy, the first order of business for any Council meeting shall be an attempt to fill the vacancy by first selecting a Chair, then a Vice Chair, and finally a Secretary. It shall be the duty of the Chair to facilitate this process, as follows:

- (a) Voting for any Officer position must occur during a regular or specially scheduled Council meeting.
- (b) A Member is properly nominated for voting to an Officer position when, before the first vote of a meeting for the position, any other Member provides either an oral nomination or a second of the Member's oral self-nomination. A Member who has been properly nominated may remove him/herself from consideration for an Officer position at any time.
- (c) All Members *present* shall have exactly one vote. Only votes for a properly nominated Member will be counted, and all other votes will be treated as abstentions.
 - (i) To be appointed to an Officer position, a properly nominated Member must obtain the greatest number of votes in a single round of voting, or be unopposed, which relieves the Council of the need for a vote.
 - (ii) If no Member receives the votes required for appointment, a second vote shall be taken in which the two Members who received the largest number of votes in the previous round of voting will continue to be recognized as properly nominated.
- (d) After at least two unsuccessful votes for an Officer, the Chair may call for the subsequent vote to be by lot consisting of exactly five Members who are not properly nominated for the Officer position.
 - (i) At any time that is proper to call for voting by lot for an Officer position, or at any time that no Member is properly nominated for an Officer position, the Chair may call for an immediate vote on the Chair's own motion to suspend further voting on the Officer position for the remainder of the current meeting. This motion to suspend shall not require a second, but otherwise shall proceed as any other Council action.

ARTICLE 6: RESIGNATION, REMOVAL, AND RETURN

6.1. Resignation

- 6.1.1. A Member may resign from any Council appointment, including Council membership, by written notice delivered to the Council Chair.

6.2. Removal

6.2.1. Removal Due to Failure of Duties and Obligations

- (a) A Member who misses more than 25% of regularly scheduled meetings in any 12-month period is subject to removal from the Council.
- (b) In any meeting of the Council in which a quorum has been established, the Chair, or Vice Chair as necessary, shall make an automatic motion for the Member's removal. This motion shall not require a second before being voted upon.
- (c) Consistent with the ordinary process of consensus decision-making and voting, the Members present shall have opportunity to offer good cause as to why the removal action should not be approved, before voting on the motion.

6.2.2. Removal Due to Detrimental Actions

- (a) The Council may remove any Member from any appointment, including Council membership, for actions detrimental to the Council or the Project.
- (b) In any meeting of the Council in which a quorum has been established, a Member may make a motion for another Member's removal, clearly stating the Member's alleged detrimental actions and how these actions qualify the Member for removal.
- (c) Before any vote can be taken on a removal action, the Member whose removal is being considered must be given an opportunity to address the Council regarding the alleged detrimental actions.
- (d) Individuals removed from the Council through the provisions of this Article will be deemed ineligible for future Council membership.

ARTICLE 7: WORK GROUPS

7.1. Work Groups

- 7.1.1. The Council may establish one or more work groups to serve at the direction of the Council. Work Groups may include participants who are not Members of the Council. However, any such Work Group shall have a Member of the Council as its Chair.
- 7.1.2. Work Groups shall not have authority to make decisions on behalf of the Council; the Work Groups are authorized to conduct work on behalf of and make recommendations to the Council.

ARTICLE 8: MEETINGS AND NOTICE

8.1. Regular Meetings

- 8.1.1. The Council shall hold regular meetings no less than quarterly and shall adjust the meeting schedule, increasing or decreasing meeting frequency as necessary, to achieve the goals and fulfill the responsibilities of the Council.
- 8.1.2. The Council's regular meetings shall be held at a time and place determined by the Council. Whenever possible, agendas for each regular meeting shall be emailed to the Council email list at least 48 hours (two business days) before each regular meeting.
- 8.1.3. The Officers of the Council may elect to reschedule a regular meeting if necessary to ensure attendance by at least one Officer.

8.2. Special Meetings

- 8.2.1. The Chair or a simple majority of the Council may call and give notice of special meetings of the Council. The Council shall hold special meetings as necessary to ensure timely and effective input on Project operations or for other urgent matters.
- 8.2.2. The Council's special meetings shall be held at a time and place determined by the Council. Whenever possible, agendas for each special meeting shall be emailed to the Council email list at least 24 hours (one business day) before each special meeting.

ARTICLE 9: DECISION-MAKING

9.1. Consensus

- 9.1.1. The Council shall strive to make all decisions by consensus as its foundational approach to decision-making, including the use of gradients of agreement to assess members' individual and collective points of view along with active discussion to identify areas of disagreement and alternative solutions.
- 9.1.2. "Consensus" is reached when 100% of Members present indicate a ranking of 1-4 on the gradients of agreement scale detailed in Article 9.2.
- 9.1.3. The Council's Members shall work towards consensus in good faith and may not deliberately block consensus in order to distract, stall, or derail the Council.

9.2. Decision-Making Process

- (a) A Member makes a motion to adopt a proposal, which is then seconded by another Member. The Chair calls for discussion on the motion.
- (b) Once discussion is closed, the Chair tests consensus by polling all Members present to indicate their level of support for the proposal, using the gradients of agreement scale detailed in Article 9.3.
 - (i) If consensus is reached, the proposal is adopted.
 - (ii) If consensus is not initially reached, the Council engages in up to two more rounds of discussion and polling.
 - (iii) If consensus is not achieved as indicated by the third poll, the Council shall default to a super majority vote, in which at least two-thirds of the Members present must poll at levels 1 through 4 on the gradients of agreement scale.
 - (iv) In order to block a proposal, at least three of the Members present must indicate a "5" on the gradients of agreement scale.
- 9.2.2. For any decisions made by the Council using the consensus methods detailed in this Article, the use of proxies shall not be permitted.
- 9.2.3. The Council may take action in response to any decision duly reached by the Council in accordance with the procedures detailed in Article 9: Decision-Making.

9.3. Gradients of agreement scale

- (a) 1= I fully support the proposal.
- (b) 2 = I support the proposal, but with a few minor concerns.

- (c) 3 = I have no strong feelings about the proposal and will support the group's decision.
- (d) 4 = I want to note my disagreement with the proposal but will not block it.
- (e) 5 = I will not support the proposal.

ARTICLE 10: CONFLICT OF INTEREST

10.1. Definition

- 10.1.1. A conflict of interest exists whenever a member of the Council is in a position to exploit a decision for direct or indirect personal gain; for example, but not limited to, guiding resources such as money or contracts to themselves, a family member, a business interest, an organization, or some other personal interest.

10.2. Prohibition

- 10.2.1. No Member shall vote on any matter in which he or she, or a member of his or her immediate family, or organizations he or she represents, has a potential conflict of interest due to having a possible economic gain from the matter being discussed or decided upon.

10.3. Procedure

- 10.3.1. When such a situation presents itself, the person must announce his or her potential conflict and abstain from participating in any decision related to the matter. The Chair is expected to make an inquiry if such a conflict appears to exist and the Member has not made it known to the Council.

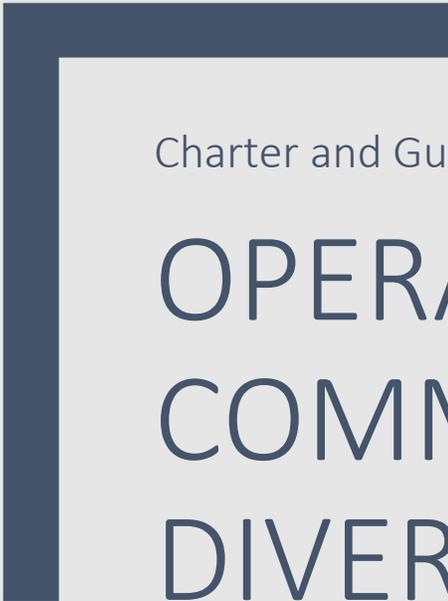
ARTICLE 11: AMENDMENTS TO OPERATING GUIDELINES

11.1. Procedure

- 11.1.1. Any action to amend either the Operating Guidelines must be conducted during any regular or specially noticed Council meeting.
- 11.1.2. Any efforts to amend the Operating Guidelines or the Proposal must follow the consensus-making procedures in Article 9.2, with the following exceptions:
 - (a) To amend either the Operating Guidelines or the Proposal, 2/3 of the Members present must rank either 1 or 2 on the gradients of agreement scale as identified in Article 9.3.
 - (b) Notwithstanding any other Article, if one-third of the Members present indicate a "5" on the gradients of agreement scale, the amendment is blocked.

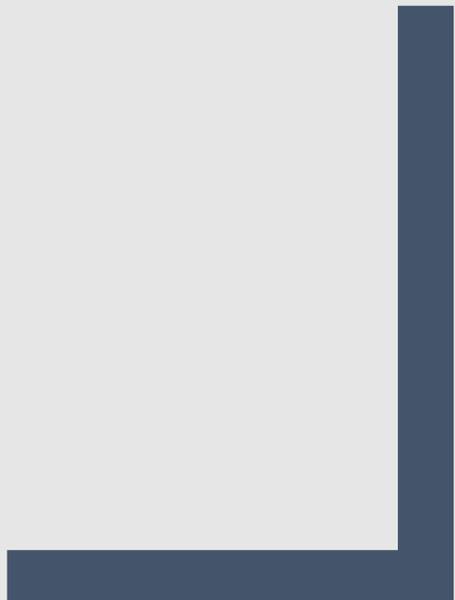
11.2. Notice

- 11.2.1. Written notice of a proposed amendment to either the Operating Guidelines or the Proposal must be given to all Members at least 7 days in advance of any consideration of such proposal.
 - (a) The notice must include the precise changes in language being proposed, and each changed provision must also be presented in its entirety, exactly as it would read if the proposed amendments are accepted.
- 11.2.2. Any action taken in response to a noticed proposed amendment must be consistent with the scope of the proposed amendment as expressed in the notice.



Charter and Guidelines

OPERATIONS COMMITTEE & DIVERSION PANEL



CHARTER AND OPERATING GUIDELINES
FOR THE OPERATIONS COMMITTEE & DIVERSION PANEL FOR CoCo LEAD PLUS
VERSION 2.0, ADOPTED MAY 18, 2018

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CHARTER AND OPERATING GUIDELINES
FOR THE OPERATIONS COMMITTEE & DIVERSION PANEL FOR CoCo LEAD PLUS

VERSION 2.0, ADOPTED MAY 18, 2018

ARTICLE 1: ENTITIES

1.1. Committee

The name of this Committee is the CoCo LEAD Plus Operations Committee (“Committee”).

1.2. Project

The name of the project served by the Council is CoCo LEAD Plus (“Project”), a public/private partnership funded by a grant awarded to Contra Costa County (“County”) by the Board of State and Community Corrections (“BSCC”) and administratively supervised on behalf of Contra Costa County by the Behavioral Health Division (“BHD”) of the Contra Costa County Health Services Department.

1.3. Proposal

The purpose, operations, and general structures of the Project are governed by the grant proposal, attachments, and budget submitted to and approved by the BSCC in July 2017. Together, these documents are referred to as the Proposal and are incorporated into these Operating Guidelines by reference.

1.4. Lead Agency

Any reference to “Lead Agency” in this document refers to the Behavioral Health Division, which holds administrative responsibility for the Project’s operational, fiscal, and contractual obligations on behalf of Contra Costa County.

1.5. Funded Partners

Funded are public agencies or nonprofit organizations that have entered into contracts or subcontracts funded by the BSCC grant award, to undertake elements of the Project.

1.6. Partner Agencies

Partner Agencies are public and private organizations that are named in Attachment J of the Proposal, each of which has formally agreed to hold specific responsibilities in implementing the Project. These agencies may or may not be funded by the Project.

ARTICLE 2: PURPOSES

2.1. General Purposes

- 2.1.1. General Purpose of the Project: The purpose of CoCo LEAD Plus is to institutionalize a collaborative, multi-system “diversion plus evidence-based-services” framework to reduce criminal justice involvement for people with behavioral health disorders. As a cooperative, multi-agency partnership, CoCo LEAD Plus is designed to develop new systemic approaches to improve outcomes for people with behavioral health issues who are repeatedly arrested by APD, while enhancing public safety and community stability.
- 2.1.2. General Purpose of the Proposal: The Proposal serves as the foundational organizational document establishing the Project’s mission and vision, operations and implementation, and governance and management.
- 2.1.3. General Purpose of the Lead Agency: The Lead Agency holds the contract with the BSCC and is responsible for managing and supervising the Project as described in the Proposal.
- 2.1.4. General Purpose of the Funded Partners: Under contractual agreement with the Lead Agency, the Funded Partners are responsible for implementing elements of the Project’s services,

serving in various stewardship capacities, and supporting the project's reporting and evaluation.

- 2.1.5. General Purpose of the Committee: The Committee develops protocols and processes to ensure that Project operations reflect and are consistent with policies established by the Policy Council, and the Committee provides a common table for Project partners to collectively monitor, identify, discuss, and address operational, administrative, and client-specific issues.
- 2.1.6. General Purpose of the Partner Agencies: As guided through individual agreements, Partner Agencies are responsible for implementing or supporting elements of the Project's services and serving in various stewardship capacities.

2.2. Specific Purposes

2.2.1. Specific Purposes of the Project

- (a) A multi-sector partnership of the County, the city of Antioch, and HR360, CoCo LEAD Plus institutionalizes a collaborative, multi-system approach to reduce criminal justice responses to people with behavioral health disorders who have been repeatedly arrested by Antioch Police Department ("APD").
- (b) CoCo LEAD Plus accomplishes its purpose by developing early-intercept diversions out of the criminal justice process and into a housing-first, harm reduction behavioral health system of care.
- (c) CoCo LEAD Plus will be managed by BHD as a pilot Project supported through BSCC grant funding through August 15, 2021.

2.2.2. Specific Purposes of the Proposal

- (a) The Proposal is the Project's primary guiding document. All documents governing the Project, and all activities and operations related to the Project, will be consistent with the goals, approaches, and activities detailed in the Proposal.
- (b) The Council reserves the right to propose modifications to the Project, consistent with the Policy Council Operating Guidelines and as approved by the BSCC.

2.2.3. Specific Purposes of the Lead Agency

- (a) Serve as Project Manager to implement the Project as described in the Proposal and approved by the BSCC
- (b) Provide the BSCC with reports on Project activities and finances as required by the BSCC
- (c) Establish and maintain a contract with an external Project Evaluator and supervise the Project's evaluation plans, reports, and activities
- (d) Develop and steward overarching Project policies, protocols, and agreements among all Project partners
- (e) Develop and manage Project partnerships
- (f) Convene and support the Project's stewardship bodies as described in the Proposal, including Policy Council, Operations Committee, and Local Advisory Council (LAC)

2.2.4. Specific Purposes of the Committee

- (a) Operational

- (i) Operationalize policies developed by the Policy Council;
 - (ii) Monitor and address issues related to ongoing operations;
 - (iii) Provide the Policy Council with policy-related reports, requests, and recommendations to ensure that the work of the Policy Council is informed by the day-to-day experiences of the Project's implementation partners
 - (iv) No less than annually, develop and submit to the Policy Council a written Operational Findings and Key Recommendations Report.
- (b) Client-Specific Case Review
 - (i) Serve as a Multi-Disciplinary Team to review client-specific issues and collectively develop and implement appropriate responses to foster client success;
 - (c) Diversion Panel
 - (i) The Operations Committee is also responsible for convening and appropriately constituting the Diversion Panel to review and decide client-specific cases of eligibility, participation, or denial, consistent with the duties and procedures outlined in Article 5: Diversion Panel.

ARTICLE 3: MEMBERSHIP

3.1. Composition and Authority

3.1.1. The Committee will include one representative from each of the following entities: BHD, Office of Reentry and Justice, APD, Probation, District Attorney, Public Defender, Health Housing and Homeless Services (H3), Contra Costa County Housing Authority, HR360, and each of the subcontracted community-based organizations.

- (a) Each of the entities named in Article 3.1.1 shall appoint its representative to serve on the Committee.
- (b) In appointing its representatives, each entity should select staff who have direct experience with and a role in the Project's day-to-day operations.
- (c) Each Member shall hold one vote.
- (d) No community organization or agency department shall hold more than one seat on the Committee.

3.1.2. Proxies

- (a) In recognition of the demands of daily schedules, each Member may identify and appoint one additional person to serve as his/her proxy on occasions when the Member is not able to participate in a scheduled Committee meeting.
- (b) In such cases, the Committee Member must, no less than one day in advance of the scheduled meeting, notify the Committee Lead that the Proxy will participate in the meeting in his/her stead.
- (c) In cases when a Proxy attends in a Member's stead, the Member agrees that the Proxy shall carry with him/her full authority to make decisions on behalf of the Member, and vote in the place of, the Member.

3.1.3. Guests

- (a) Members of the Committee may invite other stakeholders to participate in Committee meetings to provide operational or client-specific input to inform the Committee's work. However, such guests are not Committee Members, shall attend meetings only when invited by a Member in good standing, and do not vote.

3.2. Terms of Service and Attendance

- 3.2.1. Each Member's term shall ensure throughout the initial grant period.
- 3.2.2. Members agree to participate in up to two meetings of the Committee per month.
- 3.2.3. To foster continuity and collective knowledge, Members are expected to attend all regularly scheduled meetings of the Committee, subject to the provisions of Article 3.3.1.

3.3. Resignation & Replacement

- 3.3.1. A Member may resign from the Committee by written notice delivered to the Committee Leader.
- 3.3.2. A Member who misses more than 25% of regularly scheduled meetings in any 12-month period shall be removed from the Committee.
- 3.3.3. In either such case, the Committee Leader will contact the appropriate entity to request that a new representative be appointed to the Committee.

ARTICLE 4: COMMITTEE OPERATIONS

4.1. Committee Operations

- 4.1.1. The Lead Agency's representative to the Committee shall serve as Committee Leader.
- 4.1.2. The Committee Leader is responsible for convening, preparing for, and reporting on the work of the Committee. This includes developing and distributing agendas and other materials for Committee meetings, and recording and producing notes of Committee meetings.
- 4.1.3. The Committee Leader shall be responsible for maintaining records of Member attendance, participation, terms and contact lists.

4.2. Committee Reports and Activities

- 4.2.1. The Committee Leader is responsible for ensuring the execution of Action Items and other such activities identified by the Committee.
- 4.2.2. No less than quarterly, or more frequently if requested by the Committee, the Committee Leader shall produce a written status report on the activities and progress of the Committee, to be submitted to the LAC.
- 4.2.3. The Committee Leader shall initiate, write or cause to be written, and steward formal approval by the Committee of its annual Operational Findings and Key Recommendations Report as outlined in Article 2.2.4(a)(iv).

ARTICLE 5: DIVERSION PANEL

5.1. Authority and Duties

- 5.1.1. The Committee is responsible for managing the process for convening and conducting Diversion Panels to consider and make determinations regarding client-specific cases referred to the Committee for secondary review of eligibility or participation, to hear and decide eligibility-decision appeals, or other cases in which an individual's eligibility to participate in the Project is unclear or contested.
- 5.1.2. The Diversion Panel has full authority to decide the outcome of Requests for Secondary Review. Its Secondary Review decisions about whether the Project will accept, retain, suspend, terminate, or reject an individual are binding.
- 5.1.3. While exercising due diligence in examining the issues related to the individual's status in the Project, the Diversion Panel must consider the case in light of the Project's primary attention to reducing criminal justice responses to conduct frequently associated with a history of behavioral health disorders.
- 5.1.4. The Diversion Panel must also exercise due diligence to abiding by laws and policies related to confidential or legally protected information, including protected health information.
 - (a) While clients enrolled in the Project will execute Releases of Information, the Diversion Panel must exercise care and consideration in discussing and sharing sensitive information and must ensure that such information is not inadvertently communicated to parties not named in the Release of Information.
 - (b) Given the importance of both close consideration of relevant issues and the need for client confidentiality, the Diversion Panel is authorized to conduct limited aspects of its case-specific hearings in private.
 - (c) However, in articulating its decision, the Diversion Panel must describe its rationale in sufficient detail to allow general understanding of its reasoning and to allow evaluators to track elements that have evaluative relevance.

5.2. Composition and Membership

- 5.2.1. Every Diversion Panel shall include, at a minimum, the following four Members: Committee Leader/BHD Licensed Clinician, District Attorney's Office, Public Defender's Office, and HealthRIGHT360 Project Manager.
 - (a) The Committee Member who represents the entity that has submitted the Request for Secondary Review shall be included on the Diversion Panel that has been convened to consider that Request.
 - (b) If the case under Secondary Review involves a person who is on active probation supervision by the Contra Costa County Probation Department, the Diversion Panel shall include the Probation Department's representative to the Committee.
- 5.2.2. The Diversion Panel may seek, receive, and consider input on the matter from other people familiar with the relevant individual.
 - (a) However, only Members of the Operations Committee who are serving on a given Diversion Panel are authorized to vote on any case being considered by the Panel.

- (b) Each Member of the Diversion Panel shall hold one vote in determining the outcome in the matter under consideration.

5.3. Process

- 5.3.1. To request a hearing by the Diversion Panel, the requesting entity shall complete a Request for Secondary Review Form and submit it to the Committee Leader, who is responsible for enacting the Diversion Panel process.
- 5.3.2. Requests for Secondary Review may be submitted by a Committee Member or a Project partner.
- 5.3.3. Upon receiving a Request for Secondary Review, the Committee Leader shall notify, convene, and coordinate the work of the Diversion Panel.
- 5.3.4. Once the Diversion Panel has concluded its hearing, the Panel's Members must complete a Secondary Review Determination form and submit it to the Committee Leader.
- 5.3.5. The Committee Leader will retain a copy of the completed Secondary Review Determination form for BHD's Project files and will send a copy of the form to the Project's Client Information Coordinator, who is responsible for notifying the relevant Partners and individuals.

ARTICLE 6: DECISION-MAKING

6.1. Consensus

- 6.1.1. Both the Committee and its Diversion Panel shall strive to make all decisions by consensus as its foundational approach to decision-making, including the use of gradients of agreement to assess Members' individual and collective points of view along with active discussion to identify areas of disagreement and alternative solutions.
- 6.1.2. "Consensus" is reached when 100% of Members present indicate a ranking of 1-4 on the gradients of agreement scale detailed in Article 6.2.
- 6.1.3. The Committee's Members shall work towards consensus in good faith and may not deliberately block consensus in order to distract, stall, or derail the Committee.

6.2. Decision-Making Process

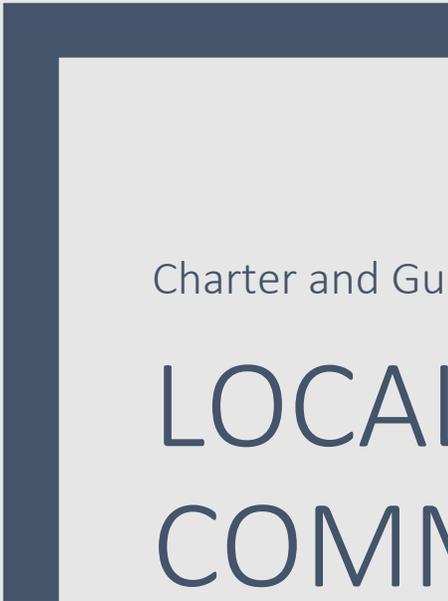
- (a) A Member makes a motion to adopt a proposal, which is then seconded by another Member. The Chair calls for discussion on the motion.
- (b) Once discussion is closed, the Chair tests consensus by polling all Members present to indicate their level of support for the proposal, using the gradients of agreement scale detailed in Article 6.3.
 - (i) If consensus is reached, the proposal is adopted.
 - (ii) If consensus is not initially reached, the Committee engages in up to two more rounds of discussion and polling.
 - (iii) If consensus is not achieved as indicated by the third poll, the Committee shall default to a super majority vote, in which at least two-thirds of the Members present must poll at levels 1 through 4 on the gradients of agreement scale.
 - (iv) In order to block a proposal, at least three of the Members present must indicate a "5" on the gradients of agreement scale.

6.2.2. For any decisions made by the Committee using the consensus methods detailed in this Article, the use of proxies shall not be permitted.

6.2.3. The Committee may take action in response to any decision duly reached by the Committee in accordance with the procedures detailed in Article 5:

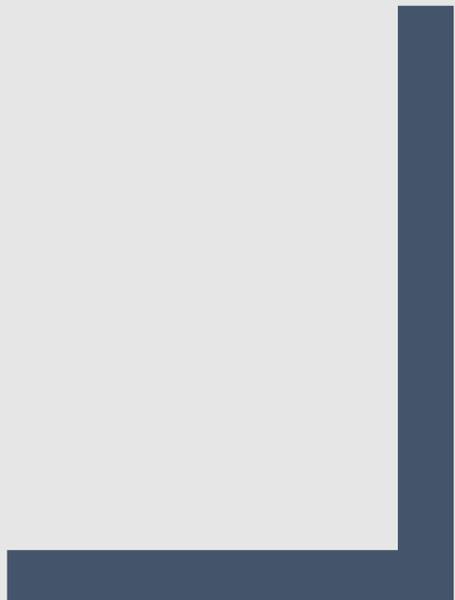
6.3. Gradients of agreement scale

- (a) 1= I fully support the proposal.
- (b) 2 = I support the proposal, but with a few minor concerns.
- (c) 3 = I have no strong feelings about the proposal and will support the group's decision.
- (d) 4 = I want to note my disagreement with the proposal but will not block it.
- (e) 5 = I will not support the proposal.



Charter and Guidelines

LOCAL ADVISORY COMMITTEE (LAC)



CHARTER AND OPERATING GUIDELINES
FOR THE LOCAL ADVISORY COMMITTEE FOR CoCo LEAD PLUS
VERSION 1.1, ADOPTED OCTOBER 24, 2018

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CHARTER AND OPERATING GUIDELINES
FOR THE LOCAL ADVISORY COMMITTEE FOR CoCo LEAD PLUS

VERSION 1.1, ADOPTED OCTOBER 24, 2018

ARTICLE 1: ENTITIES

1.1. Committee

The name of this Committee is the CoCo LEAD Plus Local Advisory Committee (“LAC,” “Committee”).

1.2. Project

The name of the project served by the Council is CoCo LEAD Plus (“Project”), a public/private partnership funded by a grant awarded to Contra Costa County (“County”) by the Board of State and Community Corrections (“BSCC”) and administratively supervised on behalf of Contra Costa County by the Behavioral Health Division (“BHD”) of the Contra Costa County Health Services Department.

1.3. Proposal

The purpose, operations, and general structures of the Project are governed by the grant proposal, attachments, and budget submitted to and approved by the BSCC in July 2017. Together, these documents are referred to as the Proposal and are incorporated into these Operating Guidelines by reference.

1.4. Lead Agency

Any reference to “Lead Agency” in this document refers to the Behavioral Health Division, which holds administrative responsibility for the Project’s operational, fiscal, and contractual obligations on behalf of Contra Costa County.

1.5. Funded Partners

Funded are public agencies or nonprofit organizations that have entered into contracts or subcontracts funded by the BSCC grant award, to undertake elements of the Project.

1.6. Partner Agencies

Partner Agencies are public and private organizations that are named in Attachment J of the Proposal, each of which has formally agreed to hold specific responsibilities in implementing the Project. These agencies may or may not be funded by the Project.

ARTICLE 2: PURPOSES

2.1. General Purposes

2.1.1. General Purpose of the Project: The purpose of CoCo LEAD Plus is to institutionalize a collaborative, multi-system “diversion plus evidence-based-services” framework to reduce criminal justice involvement for people with behavioral health disorders. As a cooperative, multi-agency partnership, CoCo LEAD Plus is designed to develop new systemic approaches to improve outcomes for people with behavioral health issues who are repeatedly arrested by APD, while enhancing public safety and community stability.

2.1.2. General Purpose of the Proposal: The Proposal serves as the foundational organizational document establishing the Project’s mission and vision, operations and implementation, and governance and management.

- 2.1.3. General Purpose of the Lead Agency: The Lead Agency holds the contract with the BSCC and is responsible for managing and supervising the Project as described in the Proposal.
- 2.1.4. General Purpose of the Funded Partners: Under contractual agreement with the Lead Agency, the Funded Partners are responsible for implementing elements of the Project's services, serving in various stewardship capacities, and supporting the project's reporting and evaluation.
- 2.1.5. General Purpose of the Committee: The Committee is designed to advance the Project's communication with and connection to the larger community of stakeholders affected by the Project; provide opportunities for community input on the Project's implementation; and serve as informed stewards of the Project's intention.
- 2.1.6. General Purpose of the Partner Agencies: As guided through individual agreements, Partner Agencies are responsible for implementing or supporting elements of the Project's services and serving in various stewardship capacities.

2.2. Specific Purposes

2.2.1. Specific Purposes of the Project

- (a) A multi-sector partnership of the County, the city of Antioch, and HR360, CoCo LEAD Plus institutionalizes a collaborative, multi-system approach to reduce criminal justice responses to people with behavioral health disorders who have been repeatedly arrested by Antioch Police Department ("APD").
- (b) CoCo LEAD Plus accomplishes its purpose by developing early-intercept diversions out of the criminal justice process and into a housing-first, harm reduction behavioral health system of care.
- (c) CoCo LEAD Plus will be managed by BHD as a pilot Project supported through BSCC grant funding through August 15, 2021.

2.2.2. Specific Purposes of the Proposal

- (a) The Proposal is the Project's primary guiding document. All documents governing the Project, and all activities and operations related to the Project, will be consistent with the goals, approaches, and activities detailed in the Proposal.
- (b) The Council reserves the right to propose modifications to the Project, consistent with the Policy Council Operating Guidelines and as approved by the BSCC.

2.2.3. Specific Purposes of the Lead Agency

- (a) Serve as Project Manager to implement the Project as described in the Proposal and approved by the BSCC
- (b) Provide the BSCC with reports on Project activities and finances as required by the BSCC
- (c) Establish and maintain a contract with an external Project Evaluator and supervise the Project's evaluation plans, reports, and activities
- (d) Develop and steward overarching Project policies, protocols, and agreements among all Project partners

- (e) Develop and manage Project partnerships
- (f) Convene and support the Project’s stewardship bodies as described in the Proposal, including Policy Council, Operations Committee, and Local Advisory Council (LAC)

2.2.4. Specific Purposes of the Committee

- (a) The Project’s Lead Agency is required, as a mandatory element of the Proposal, to establish and regularly convene a Local Advisory Committee (LAC) representing and reflecting the larger community of stakeholders.
- (b) The LAC is the primary method by which the Lead Agency fulfills its mandated responsibility to conduct regular community meetings regarding the Project’s implementation.
- (c) The LAC contributes to the Project’s continuous learning by providing input on the community’s needs and priorities, supporting the development and implementation of public outreach and communications efforts, and helping to identify and address emerging Project-related issues.
- (d) Members of the LAC may serve on various Project-related committees, including the Policy Council, the Operations Committee, and/or the Diversion Panel.
- (e) Members of the LAC may collaborate with the Lead Agency, Project Partners, and Project staff to make presentations, contribute to the development of project reports and evaluation, and organize and conduct Town Halls or other Project-related forums.

ARTICLE 3: MEMBERSHIP

3.1. Authority and Eligibility

- 3.1.1. The Committee may use the term “Members” to refer to persons associated with it, but such persons shall not be members within the meaning of Section 5056 of the California Corporations Code. However, the Committee shall have no voting members within the meaning of the Nonprofit Corporation Law or of Section 5056 of the California Corporations Code.
- 3.1.2. As mandated by the BSCC and the Project’s Proposal,¹ the Committee’s Members shall include representatives from multiple sectors and represent a broad range of stakeholders from the communities, organizations, and agencies affected by the Project.
 - (a) The Committee membership is specifically intended to include those who have been incarcerated and family members of currently incarcerated or formerly incarcerated people, especially those who also have lived experience of behavioral-health conditions, and/or with lived experience on probation.
 - (b) The Committee membership is specifically intended to include a broad constituency of stakeholders who have substantial knowledge of the City of Antioch, of the surrounding communities, and of Contra Costa County.

¹ “Proposition 47 Grant Program Request for Proposals,” Released by the California Board of State and Community Corrections on November 18, 2016, page 13, incorporated by reference and hereafter referred to as “RFP.”

- 3.1.3. All members of the Committee must:
- (a) Be adults (age 18 and over)
 - (b) Inform, advise, and support the advancement of the Project's mission, vision, values, and methods
 - (c) Possess relevant experience and expertise to inform, discuss, and enhance the Project's work
 - (d) Serve as ambassadors to the larger community
- 3.1.4. No organization (private corporation, nonprofit organization, or public agency) shall hold more than one seat on the Committee.
- (a) Members of the Committee who are professionally affiliated with a public agency or private entity as employees, contractors, or Directors of such entities, but who serve on the Committee *in the role of representatives of community-based coalitions*, shall not be subject to this provision.
 - (b) However, in no case shall more than two seats be held by individuals who are professionally affiliated with a single organization.
- 3.1.5. Each Member shall hold one vote.

3.2. Composition

- 3.2.1. The LAC shall comprise no fewer than eighteen and no more than twenty Members.
- 3.2.2. The LAC's Membership shall include all of the following:
- (a) Public Entities (nine seats): The Committee shall include one representative from each of nine public entities that are essential to the Project's management and stewardship:
 - (i) Behavioral Health Division as Lead Agency
 - (ii) Office of Reentry and Justice
 - (iii) Antioch Police Department
 - (iv) Contra Costa County Housing Authority
 - (v) District Attorney's Office
 - (vi) Health, Housing, and Homeless Services
 - (vii) Probation Department
 - (viii) Public Defender's Office
 - (ix) Office of the Sheriff
 - (b) Community-Based Organizations (3-5 seats): The Committee shall include one representative from each of no less than three and no more than five community-based organizations, including faith-based organizations.
 - (i) Each of these organizations must operate in Contra Costa County and must provide services or offer subject-matter expertise relevant to the Project's operations and focus population.

- (ii) One such seat shall be reserved specifically for a representative of the Project's primary Community-Based Partner.
 - (iii) Organizations that are subcontracted by the primary Community-Based Partner to provide Project services are not eligible to serve as Members of the LAC.
 - However, either BHD or by the primary Community-Based Partner may invite such subcontracted entities to attend, participate in, make presentations to, and otherwise contribute to the work of the LAC.
 - In addition, consistent with the Brown Act and Contra Costa County's Better Government Ordinances and as is true for any member of the public, such organizations are entitled to attend LAC meetings as members of the public.
 - (c) Community Coalitions (3 seats): The Committee shall include one representative from each of the following community coalitions or commissions:
 - (i) Contra Costa County Racial Justice Coalition
 - (ii) Contra Costa County AB109 Community Advisory Board (CAB)
 - (iii) Contra Costa County Mental Health Commission, Alcohol and Other Drugs Advisory Board, or Contra Costa Council on Homelessness
 - (d) At-Large Representatives (3 seats): The Committee shall include three seats to be held by community residents who are ineligible for the Committee's other seats but who bring additional capacities, experiences, and resources to the LAC's work.
- 3.2.3. Each of the entities named in Article 3.2.2 shall appoint its own representative to serve on the Committee.
- (a) In their service on the Committee, all Members shall strive to set aside personal or professional self-interests and shall contribute their expertise and resources to advance the Project's mission, goals, and activities.
- 3.2.4. Proxies
- (a) In recognition of the demands of daily schedules, each LAC Member may identify and appoint one alternate person to serve as his/her proxy on occasions when the Member is not able to participate in a scheduled LAC meeting.
 - (b) In such cases, the LAC Member must, no less than one day in advance of the scheduled meeting, notify the Committee Lead that the Proxy will participate in the LAC meeting in his/her stead.
 - (c) In cases when a Proxy attends in a Member's stead, the Member agrees that the Proxy shall carry with him/her full authority to make decisions on behalf of the Member, and vote in the place of, the Member.
- 3.2.5. Guests
- (a) Members of the LAC may invite other stakeholders to participate in Committee

meetings to provide operational or client-specific input to inform the Committee's work. However, such guests are not Committee Members, shall attend meetings only when invited by a Member in good standing, and do not vote.

3.3. Terms of Service and Attendance

- 3.3.1. Each Member's term shall endure throughout the initial grant period.
- 3.3.2. Members agree to participate in up to four LAC meetings and one Town Hall per twelve-month period.
- 3.3.3. To foster continuity and collective knowledge, Members are expected to contribute to and attend all regularly scheduled LAC meetings and convenings, such as an annual Town Hall.

3.4. Quorum

- 3.4.1. A quorum shall be $\frac{3}{4}$ of the authorized and filled voting seats.
- 3.4.2. Once a quorum is established at a meeting, it remains effective until that meeting is adjourned.
- 3.4.3. The Council may take action only after consensus vote of the quorum, as defined in Article 5.2.

3.5. Resignation & Replacement

- 3.5.1. A Member may resign from the Committee by written notice delivered to the Committee Leader.
- 3.5.2. A Member who misses more than 25% of regularly scheduled meetings in any 12-month period shall be removed from the Committee.
- 3.5.3. In either such case, the Committee Leader will be responsible for stewarding the process to fill this vacant seat.
 - (a) For Ex Officio Seats as defined in Section 3.2.2(a), the Committee Leader will contact the appropriate entity to request that a new representative be appointed to the Committee.
 - (b) For Community Seats (Section 3.2.2(b)), Coalition Seats (Section 3.2.2(b)), or Community Coalition Seats (Section 3.2.2(c)) or At-Large Seats (Section 3.2.2(d)), the Committee Leader will consult the LAC to determine the appropriate process by which to fill the vacant seat.

ARTICLE 4: COMMITTEE LEADERSHIP, STAFFING, AND OPERATIONS

4.1.1. LAC Duties

- (a) As required by the grant, and as supported by the Lead Agency, the LAC Members must ensure that the following actions are fulfilled throughout the life of the grant:
 - (i) Design and conduct public outreach efforts soliciting LAC membership and publicizing information about the LAC's purpose and activities;
 - (ii) Maintain records of attendance at both LAC and Project-specific

community meetings;

- (iii) Maintain agendas and minutes of both LAC and Project-specific community meetings.

4.1.2. LAC Staff Liaison

- (a) The Lead Agency is responsible for identifying and providing a LAC Staff Liaison to support the LAC meetings.
- (b) The LAC Staff Liaison is responsible for convening, preparing for, and reporting on the work of the LAC.
- (c) The LAC Staff Liaison shall be responsible for recording, producing, and distributing agendas, meeting minutes, and other materials for LAC meeting.
- (d) The LAC Staff Liaison shall be responsible for maintaining records of Member attendance, participation, terms and contact lists.
- (e) In the case of a Committee vacancy, the LAC Staff Liaison shall contact the appropriate entity to request a new representative be appointed to the Committee.
- (f) The LAC Staff Liaison shall not be recognized as a Member of the LAC and shall not vote, unless the LAC Staff Liaison serves as BHD's representative to the Project, per Section 3.2.2(a).

4.1.3. LAC Officers

- (a) The Officers of the Committee shall be the Chair and Vice Chair.
 - (i) Neither the Staff Liaison, the BHD representative, or the Primary Community-Based Partner may serve as an Officer of the LAC.
- (b) The Chair shall facilitate Committee meetings and, in coordination with the Staff Liaison, shall develop and distribute agendas.
- (c) The Vice Chair shall support the Chair, review and approve meeting minutes, and support the work of subcommittees or workgroups. If the Chair is unable to act, duties of the Chair shall then be the responsibility of the Vice Chair until the Chair is able to act.

4.1.4. Officer Election

- (a) Each Officer shall be elected by a vote of the Members of the LAC who are present at any meeting at which such a vote has been agenda'd and noticed to the LAC Members.
- (b) A Member is properly nominated for voting to an Officer position when, before a meeting's first vote on the position, any Member either nominates a Member or seconds a Member's self-nomination. A Member who has been properly nominated may remove him/herself from consideration for an Officer position at any time.
- (c) To be appointed to an Officer position, a properly nominated Member must obtain the greatest number of votes in a single round of voting, or be unopposed, which relieves the Committee of the need for a vote.

ARTICLE 5: DECISION-MAKING

5.1. Consensus

- 5.1.1. The LAC shall strive to make all decisions by consensus as its foundational approach to decision-making, including the use of gradients of agreement to assess Members' individual and collective points of view along with active discussion to identify areas of disagreement and alternative solutions.
- 5.1.2. "Consensus" is reached when 100% of the LAC Members present indicate a ranking of 1-4 on the gradients of agreement scale detailed in Article 5.2.
- 5.1.3. The LAC's Members shall work towards consensus in good faith and may not deliberately block consensus in order to distract, stall, or derail the Committee.

5.2. Decision-Making Process

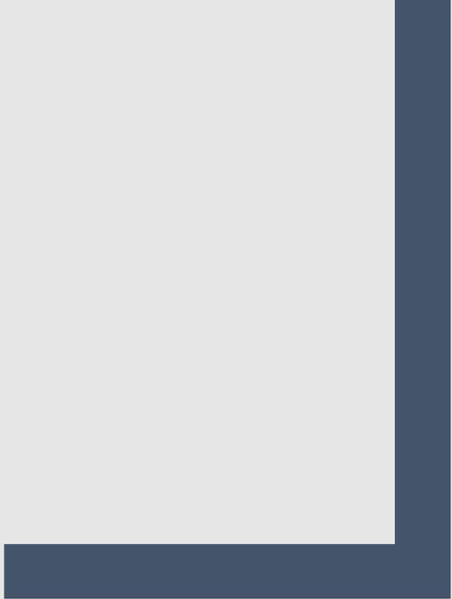
- 5.2.1. A LAC Member makes a motion to adopt a proposal, which is then seconded by another Member. The Chair calls for discussion on the motion.
- 5.2.2. Once discussion is closed, the Chair tests consensus by polling all Members present to indicate their level of support for the proposal, using the gradients of agreement scale detailed in Article 5.3.
 - (a) If consensus is reached, the proposal is adopted.
 - (b) If consensus is not initially reached, the Committee engages in up to two more rounds of discussion and polling.
 - (c) If consensus is not achieved as indicated by the third poll, the Committee shall default to a super majority vote, in which at least two-thirds of the Members present must poll at levels 1 through 4 on the gradients of agreement scale.
 - (d) In order to block a proposal, at least three of the Members present must indicate a "5" on the gradients of agreement scale.
- 5.2.3. For any decisions made by the LAC using the consensus methods detailed in this Article, the use of proxies shall not be permitted.
- 5.2.4. The LAC may take action in response to any decision duly reached by the LAC in accordance with the procedures detailed in Article 5:

5.3. Gradients of agreement scale

- (a) 1= I fully support the proposal.
- (b) 2 = I support the proposal, but with a few minor concerns.
- (c) 3 = I have no strong feelings about the proposal and will support the group's decision.
- (d) 4 = I want to note my disagreement with the proposal but will not block it.
- (e) 5 = I will not support the proposal.



ELIGIBILITY,
EXCLUSION, AND
REVIEW POLICIES



ELIGIBILITY, EXCLUSION, AND REVIEW POLICIES
FOR CoCo LEAD PLUS
VERSION 1.0, ADOPTED OCTOBER 24, 2018

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ELIGIBILITY, EXCLUSION, AND REVIEW POLICIES FOR CoCo LEAD PLUS

VERSION 1.0, ADOPTED OCTOBER 24, 2018

1 ELIGIBILITY

- 1.1 At time of enrollment, all of the following conditions must be met:
 - 1.1.1 The individual must be at least 18 years old at date of referring incident.
- 1.2 The individual must either:
 - 1.2.1 Have been arrested on an eligible offense by APD at least once in the past 18 months
 - OR
 - 1.2.2 In the case of social contact referrals or probation referrals, have been arrested on an eligible offense by APD at least once in the past 18 months.
- 1.3 In addition to the requirements detailed in Section 1.1, the following conditions must also be met:
 - 1.3.1 Individual's history of criminal justice involvement must be related to behavioral health disorders (substance use disorder or mental illness), either based on the individual's self-report, documented history, or on the Officer's prior knowledge of the individual.
 - 1.3.2 Individual does not currently meet criteria for an involuntary 5150 psychiatric hold.
- 1.4 The following circumstances are irrelevant to eligibility for participation in CoCo LEAD PLUS, and no Officer shall make inquiries regarding the following:
 - 1.4.1 Immigration or citizenship status
 - 1.4.2 Medical insurance status
- 1.5 Any person who is under supervision by the Contra Costa County Probation Department and who is arrested by APD on a new charge or has committed a technical violation is not excluded from eligibility due solely to the fact that he or she is already on probation.
- 1.6 If an individual's eligibility is in question, the referring source shall complete and submit to the Client Information Coordinator a Request for Secondary review by the Diversion Panel.
- 1.7 If an individual does not meet the criteria for CoCo LEAD Plus after eligibility screening, the Officer will provide an information card to the individual outlining alternate community resources.

2 EXCLUSIONARY CRITERIA AND PROCESS

- 2.1 Individuals who have been convicted of the following charges during a five-year (60 month) period preceding the referral incident date are excluded from CoCo LEAD Plus program.
- 2.2 The exclusionary convictions are:
 - 2.2.1 1st Degree Murder
 - 2.2.2 2nd Degree Murder
 - 2.2.3 Felony Manslaughter
 - 2.2.4 Felony Sex Offenses

- 2.2.5 Kidnapping
- 2.2.6 Felony Assault with Great Bodily Injury (GBI) or Assault with Deadly Weapon (ADW)
- 2.2.7 Human Trafficking

- 2.3 If, during the screening process for an individual who is otherwise eligible, it is discovered that the individual has been convicted of any of the exclusionary convictions listed in Section 2.2 AND if the exclusionary conviction occurred more than 60 months prior to the date of referral, the referral will be forwarded to the Diversion Panel for Secondary Review.
- 2.4 If an individual who is otherwise eligible is found to be on parole, the referral will be forwarded to the Diversion Panel for Secondary Review, to include a request for an opinion from a representative from state parole.

3 SECONDARY REVIEW: PRIOR CONVICTIONS, CURRENT ARRESTS, CRIMINAL HISTORY, PAROLE, AND CHARGED CASES

- 3.1 The following criminal history indicators require that a Request for Secondary Review be forwarded to the Diversion Panel to determine the individual's eligibility:
 - 3.1.1 Prior convictions for any exclusionary offenses that occurred more than 5 years (60 months) preceding the incident date
 - 3.1.2 Prior convictions for Felony Assaults (not Assault with a Deadly Weapon or Great Bodily Injury) within the last 5 years (60 months) preceding the incident date
 - 3.1.3 Any criminal offenses marked "by Review/Discretion" in Section 7.
 - 3.1.4 On occasions where the individual has any holds or warrants from any other jurisdiction, that case shall be referred to the Diversion Panel for consideration

4 REFERRING AGENCIES

- 4.1 The following agencies and representatives are authorized to refer individuals to CoCo LEAD Plus:
 - 4.1.1 City of Antioch Police Department (APD)
 - 4.1.1.a APD Diversion Officer
 - 4.1.1.b APD Patrol Officers who have completed CoCo LEAD Plus referral training
 - 4.1.2 Contra Costa County Probation Department
 - 4.1.2.a Probation Department Supervisor
 - 4.1.2.b Deputy Probation Officers (DPO) who are designated by Probation Supervisor and who have completed CoCo LEAD Plus referral training

5 REFERRAL TYPES

- 5.1 In-Field
 - 5.1.1 Social Contact Referral

A "social contact referral" is one in which an APD Officer encounters an individual who is not at the moment engaged in criminal conduct but who is known by the Officer as a person likely to be eligible for the Project, based on the Officer's prior knowledge of the individual.

- 5.1.2 In-Field Cite-Release Referral

An in-field cite-release referral is one in which an APD Officer arrests an individual on a diversion-

eligible offense, issues the person a Notice to Appear, informs the individual that s/he may be eligible for the Project, refers the individual to the Project using the referral protocol, and releases the individual in the field rather than transporting to APD.

5.2 In-Custody Referral

An in-custody referral is one in which a person has been arrested by APD on a diversion-eligible charge, has been transported to the Antioch Police station, has been screened for eligibility, and has been found eligible for diversion. In such cases, the APD Officer provides the individual with a standard written Notice to Appear, refers the individual to the Project using the referral protocol, and releases the individual.

5.3 Probation Referral

A “probation referral” is one in which a person under Contra Costa County Probation Department Supervision is referred to the Project by a Deputy Probation Officer as the result of a technical violation of his/her terms of probation. In such instances, the underlying arrest that generated probation supervision may have occurred anywhere in California but the individual must also have been arrested at least once by APD in the prior 18 months.

6 DIVERSION ADMINISTRATIVE REVIEW PROCEDURES

6.1 Administrative Reviews are conducted by the CoCo LEAD Plus Diversion Officer.

6.1.1 The Diversion Officer conducts a daily review of APD’s previous day’s or weekend’s arrest reports to identify any individual who may be eligible for CoCo LEAD Plus.

6.1.2 To conduct the eligibility review, the Diversion Officer completes the following tasks:

6.1.2.a Review the arrest report to confirm the arrest is for an eligible offense

6.1.2.b Review all APD social contact case files and CoCo LEAD Plus Referral Forms.

6.1.2.c Confirm that the individual has been arrested by APD on an eligible offense at least twice in the preceding 18-month period, including the current arrest

6.1.2.d Complete a Criminal History review, including identification of any exclusionary convictions, per Section 2.2.

6.1.2.e Complete a check of Antioch Police Department Records Management System (RMS)

6.1.2.f Complete a check of the California Law Enforcement Telecommunications System (CLETS)

6.1.2.g Check to determine whether individual is on probation or parole

- If the individual is on active probation, contact the Probation Supervisor to initiate Probation’s review process to confirm eligibility and authorize referral
- If the individual is on active parole, contact the Parole Supervisor to initiate Parole’s review process to determine eligibility and authorize referral

6.1.2.h Check for open cases in the Western States Information system (WISN)

6.1.2.i Check with District Attorney to identify any referred open cases

6.2 Eligibility Determinations

- 6.2.1 Once this Administrative Review has been completed, there are three possible determinations: Eligible, Excluded, or Refer to Diversion Panel for Secondary Review.
- 6.2.2 Based on his/her determination, the Diversion Officer shall complete the APD eligibility checklist and the CoCo LEAD Plus Referral Form.
- 6.2.3 The Diversion Officer shall then contact the Project's Client Information Coordinator at HealthRIGHT 360 to notify the CIC that the individual is Eligible, Excluded, or Referred to the Diversion Panel.

6.3 Post-Enrollment Arrest Discharge

- 6.3.1 Once a referred individual accepts referral into CoCo LEAD Plus by completing an Intake Form and Release of Information Form with HealthRIGHT 360, the Client Information Coordinator will notify APD (and Probation, in the case of clients who are on probation supervision) that the client has enrolled.
- 6.3.2 Once an individual has enrolled in CoCo LEAD Plus, the underlying arrest is to be reported to the Department of Justice as "Detention Only." It is not to be referred for prosecution to the Office of the District Attorney.
 - 6.3.2.a If the enrolled individual has outstanding diversion-eligible arrests that have not been referred to the Office of the District Attorney for potential prosecution, APD will report these to DOJ as "Dismissed in the Interest of Justice."
 - 6.3.2.b If the enrolled individual has outstanding diversion-eligible arrests that have already been referred to the Office of the District Attorney, the Office of the District Attorney will decide whether to prosecute such cases or whether to divert them along with the current divertible arrest.
- 6.3.3 If an individual is identified as diversion-eligible (pursuant either to an arrest or to a probation violation), the individual remains eligible for diversion even if s/he has declined the referral and even if s/he has been transported to County jail and transferred into the custody of the Contra Costa County Office of the Sheriff.

7 ELIGIBILITY AND REVIEW

- 7.1 By agreement of the Antioch Police Department, the Contra Costa County Office of the District Attorney, the Contra Costa County Office of the Public Defender, the Contra Costa County Office of the Sheriff, and the Contra Costa County Probation Department, the offenses listed in Section 7 are diversion-eligible.
 - 7.1.1 Any offense marked "by Review/Discretion" is considered eligible *except* in circumstances when the Diversion Officer, based on his/her review of the arrest and history, recommends exclusion. Any request for exclusion shall be referred to the Diversion Panel for determination.
 - 7.1.2 Any offense marked with an asterisk [*] is LEAD-eligible only where the circumstances indicate that the sale or transfer was intended to provide a subsistence living or to allow the person to obtain or afford drugs for his or her own consumption.
 - 7.1.3 In any case where a citizen's arrest involves a crime against a person, the arrested individual is eligible for referral if the arresting citizen no longer desires prosecution or if, upon

consultation, the District Attorney indicates an intention not to file charges.

- 7.2 Drug Crimes (to include LEAD charges per PC 1001.87)
 - 7.2.1 H&S 11364: Possession of pipe, paraphernalia
 - 7.2.2 H&S 11350(a): Possession of cocaine, base cocaine
 - 7.2.3 H&S 11377(a): Possession of methamphetamine
 - 7.2.4 H&S 11357: Possession of marijuana
 - 7.2.5 H&S 11550(a): Under influence of a controlled substance
 - 7.2.6 H&S 11357.5/11359/11360: Possession for sale and transportation of marijuana*, by Review/Discretion
 - 7.2.7 H&S 11378/11378.5/11379: Possession for sale and transportation of methamphetamine, PCP
 - 7.2.8 H&S 11351/11351.5/11352: Possession for sale and transportation of cocaine/cocaine base
- 7.3 Crimes Against the Public Peace
 - 7.3.1 PC 415: Fighting, causing loud noise or using offensive words in public place
- 7.4 Theft Crimes
 - 7.4.1 PC 466: Possession of burglary tools
 - 7.4.2 PC 459.5: Shoplifting Under \$950.00
 - 7.4.3 PC 459/460(b): Commercial burglary, by Review/Discretion
 - 7.4.4 PC 470-476: Forgery, by Review/Discretion
 - 7.4.5 PC 476(a): Fraud, bad checks, by Review/Discretion
 - 7.4.6 PC 484 / 488: Petty theft, by Review/Discretion
 - 7.4.7 PC 490.1: Petty theft of less than \$50, by Review/Discretion
 - 7.4.8 PC 490.2: Petty theft of \$950 or less, by Review/Discretion
 - 7.4.9 PC 496(a): Receiving stolen property, by Review/Discretion
- 7.5 Miscellaneous
 - 7.5.1 PC 503: Embezzlement
 - 7.5.2 PC 530.5: False personation / ID theft
 - 7.5.3 PC 954: Vandalism
 - 7.5.4 PC 602: Trespass on land (including various subsections)
 - 7.5.5 PC 602.1(a): Interference with business
 - 7.5.6 PC 602.5: Unauthorized dwelling; aggravated trespass
- 7.6 Disorderly Conduct
 - 7.6.1 PC 647(b): Prostitution
 - 7.6.2 PC 647(c): Begging or soliciting alms

- 7.6.3 PC 647(e): Lodging without the owner's permission
- 7.6.4 PC 647(f): Under the influence of drugs or alcohol or both in a public place
- 7.6.5 PC 647(h): Loitering, prowling, wandering upon the private property of another
- 7.6.6 PC 647(i): Peeking and prowling, by Review/Discretion
- 7.6.7 PC 647(j): Peeking and prowling with camera, by Review/Discretion
- 7.7 Crimes Involving Persons
 - 7.7.1 PC 240: Assault – non-domestic violence, by Review/Discretion
 - 7.7.2 PC 242/243(a): Battery- No Citizens Arrest, by Review/Discretion
- 7.8 Crimes Involving Police Officers
 - 7.8.1 PC 148 a(1), a(2): Resisting, delaying a police officer
- 7.9 Vehicle Code Sections
 - 7.9.1 CVC 20002: Hit and run
 - 7.9.2 CVC 23103(a): Reckless driving
 - 7.9.3 CVC 23222, 23223: Open container
 - 7.9.4 CVC 12500: Unlicensed driver
 - 7.9.5 CVC 14601: Driving while license suspended / revoked / including various subsections
 - 7.9.6 CVC 14601.5: Driving with knowledge of suspension