



**BOARD OF SUPERVISORS
AGENDA LETTER**

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: County Executive Office (CEO)
Department No.: 012
For Agenda Of: July 18, 2023
Placement: Departmental
Estimated Time: 45 minutes
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors

FROM: Department Director(s) Contact Info: Mona Miyasato, County Executive Officer
Tanja Heitman, Assistant County Executive Officer

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SUBJECT: Status Report on Criminal Justice Partners Improvement Efforts

Recommended Actions:

It is recommended that the Board of Supervisors:

- a) Receive and file a report on criminal justice improvement efforts;
- b) Provide any direction, as appropriate; and
- c) Determine that the above actions are not a project under the California Environmental Quality Act (CEQA), because pursuant to sections 15378(b)(4) and 15378(b)(5) the recommended actions consist of organizational, administrative or fiscal activities of government that will not result in direct or indirect physical changes in the environment.

Summary Text:

For over three years, Santa Barbara County justice partners and the County Executive Office have worked collaboratively to improve the effectiveness, efficiency and fairness of the local criminal justice system. Like in other counties, the justice system is a complex network of government agency partners – the Superior Court, Public Defender, District Attorney, Sheriff, Probation and Behavioral Wellness, assisted by the County Executive Office for funding and coordination – where no single entity has oversight or control of the entire system. A number of consultants and experts have contributed to effort. Regular updates have been provided to the Board of Supervisors to assist in setting priorities as well as to ensure the Board and the community are aware of the changes to the criminal justice system. The Board has consistently expressed an interest in expansions and enhancements to local diversion options, with a priority focus on those justice involved individuals with behavioral health challenges and low-level non-violent charges. This report provides a status on the goals and strategies of the collaborative efforts

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currently underway as well opportunities to align this work with a jail population management plan that will be developed over the next year.

Background:

In March 2021, the County Executive Office entered into a service contract with retired Judge Sherrill Ellsworth (former Presiding Judge of Riverside County) of Adjudicate Services, LLC to work with the criminal justice partners to develop a “to-do list” of initiatives to improve the criminal justice system, establish working groups to develop recommended action plans, and convene “action pods” to implement the plans. After an initial information gathering and idea-generation period, Judge Ellsworth created—in consultation with stakeholders—a list of initiatives that could be implemented over time to create efficiencies and ensure sustainability of program improvements in the criminal justice system. The most noteworthy improvements accomplished under Judge Ellsworth’s tenure include improvements related to evidence and case processing (reduction of backlog of cases), the upcoming release of the Digital Evidence Management System (DEMS) request for proposals, improvements to the conflict defense team contract, and expanded data capacity.

In March 2023, then-Chief Probation Officer Tanja Heitman was appointed as an Assistant County Executive Officer to oversee and coordinate the County’s public safety and health and human services departments. Since assuming her new role, ACEO Heitman’s focus areas have included data and outcomes, integration of service for clients, and the relationship of the county’s safety net services and our justice system, while also assisting with coordination of interdepartmental collaboration required under the jail’s stipulated agreement and the development of a jail population management as required under the agreement.

Discussion

On May 16, 2023, the Board directed staff to return with targeted diversion strategies to address jail population management, sustainable jail staff, and identified savings or other revenue to fund the strategies. Efforts to address the increased incompetent to stand trial (IST) population, the need for more residential treatment beds specific to the forensic population, justice involved specific implementation requirements of California Advancing and Innovating Medi-Cal (CalAIM), and compliance with the stipulated agreement associated with *Murray et al. V. County et al.* class action litigation will complement each other and overlap significantly with the work focused on the jail population. In fact, these initiatives have such similar focus and goals that they cannot be addressed singularly but must be seen as joint efforts that can be leveraged to accelerate the Board’s priorities.

While moving these initiatives and strategies forward, the partner agencies must function together as a total system, rather than as a collection of independent agencies and departments. The initiatives identified are opportunities to improve the experience of both those who work in the system and those who become part of the system—the justice involved and the victims, as well as our community overall. There is continued opportunity to work together towards the shared goal of elevating safety, justice, wellness, and equity.

By prioritizing and expediting these efforts, the County could see considerable changes over the next year. The following milestones will be presented to your Board over the course of the next year:

- October/November 2023: Annual Report and Update on Alternative Sentencing Expansion and Enhancements
- December 2023: Updated Jail Population Analysis and Preliminary Population Reduction Strategies
- March/April 2024: Validation of Population Reduction Projections Associated with the Strategies
- May 2024: Realignment Plan Presentation and Update on Strategies Funded through Community Corrections Partnership (CCP)

Since the last update to your Board in March 2022, the criminal justice partners have worked to align their priorities/goals with both your Board's priorities as well as those that have previously been adopted by the Community Corrections Partnership (CCP). They have also considered the report prepared by Michael Wilson of MW Consulting in June 2022 regarding the jail population and identified the policy levers that were proposed as strategies to safely reduce the jail population. Many of the priorities also align with these proposed policy levers. Each of the below described strategies, if successfully implemented, is anticipated to assist in further reducing the population of the jail without compromising public safety. It is worth noting that some of these strategies are aligned with more than one goal. For each item listed below, a Strategy Brief—including detailed project/initiative descriptions, with associated outcomes, funding plans/needs, data, and timelines of deliverables—is attached to this Board letter.

Goal 1: Enhance public safety by reducing recidivism.

- Familiar Faces – This cross-departmental initiative is focused on serving high-need individuals who are reluctant to engage in services, through a multi-disciplinary street outreach team. Currently, staff from Probation, the Public Defender, and Behavioral Wellness are meeting to design the program and build out/expand the steering committee, which will contribute to this work over the coming months. Through improved engagement, it is anticipated that the individuals served will utilize fewer jail days and inpatient services as well as experience reductions in overall recidivism.

Goal 2: Enhance the use of alternative detention (pre- and post-sentence) for appropriate justice-involved individuals.

- Expanding Alternative Sentencing* – An alternative sentence provides certain, typically first-time, offenders with the opportunity to serve their sentences via community programs, instead of through jail time. In July 2022, Probation assumed responsibility for the supervision component of the program (previously conducted by the Sheriff's Office), while the Sheriff's Office has continued to oversee the application, eligibility determination, and booking/re-housing portions of the process. Now that the program has successfully bifurcated—a change that is enhancing community safety and client outcomes by allowing each agency to offer its respective expertise to this population—there is an opportunity to examine the eligibility criteria, screening process, timelines for enrollment, and supervision strategies, to ensure the optimal number of individuals can be safely enrolled and supervised on the program, as well as expansion of the program if supported by data.
- Mental Health Diversion* –Persons charged with a crime who appear to have a mental health or co-occurring disorder condition may be eligible for a variety of new diversion options due to recent legislative changes. The partners are working on the following programs:

- Misdemeanor Community Diversion: This program is designed to quickly identify individuals with misdemeanor charges who have been found incompetent to stand trial that are appropriate for community diversion and have the individuals released from custody in order to receive timely mental health and substance use disorder treatment.
- CREDO-47 Pre-Arrest Diversion: This program focuses on individuals who have been cite-released or booked into custody and volunteer to participate in a three-stage screening process to determine their eligibility for court diversion. Additionally, the grant program provides sobering center services and step-down housing.
- Department of State Hospitals (DSH) AB 1810 and Standard AB 1810: A pre-trial diversion program for individuals who have been found to be IST and are facing felony charges or are at risk for becoming IST on felony charges. There were originally 18 slots and DSH grant funding was expanded in FY 22-24 providing an additional four slots for individuals participating through December 2024.
- Co-Response: The County's Co-Response teams consist of a mental health clinician and law enforcement officer who respond to behavioral health crisis calls received through dispatch or identified by other means. In lieu of arrest for minor crimes, the Co-Response teams may provide referrals and/or facilitate warm handoffs to further services, including mental health stabilization support, sobering services, longer-term behavioral health treatment, social services, basic needs assistance, and housing support—all which can help prevent individuals with mental health disorders from entering the criminal justice system. Currently there are three teams operating with the Sheriff's Office, one team operating with the Santa Barbara Police Department (SBPD) and one team with the Santa Maria Police Department (SMPD) in coordination with Behavioral Wellness. A fourth Sheriff's team is beginning July 1, 2023 with funding from the Community Corrections Partnership.
- Felony Diversion* – Felony diversion programs provide an “off-ramp” from the criminal justice system for appropriate candidates, where partner agencies and community members define program parameters and rehabilitation efforts. With assistance from the Center for Justice Innovation (CJI), the District Attorney's Office is evaluating the feasibility of a pre-filing felony diversion program. The Department expects to receive a final report from CJI imminently, which will provide a summary of key findings and recommendations to inform future planning and implementation, and next steps will be determined at that time.
- Felony Incompetent to Stand Trial (IST) Collaborative Workgroup – The Collaborative Workgroup has been initiated with DSH grant funding effective July 1, 2023. The primary goal is to see a reduction in IST commitments overall within Santa Barbara County by providing recommendations of system interventions and programming to support these individuals. Processing mapping has been completed. Data analysis and Sequential Intercept Mapping is currently underway. In collaboration with several state associations, the county continues to advocate for changes to the formula utilized to impose penalties. It is anticipated that a new formula will be released by the Department of State Hospitals in the coming month. Based on the nature of the current discussions, it is believed that Santa Barbara County's penalty will be reduced substantially.

Goal 3: Provide for successful and equitable reentry of justice-involved individuals back into the community.

- Assessment and Re-entry Coordinator* – The function of this new staff position funded in the Probation Department is to perform top-level coordination and leadership of reentry initiatives,

services, and discharge planning efforts among multiple service agencies countywide, to overcome barriers to successful reentry. There are multiple initiatives underway that will require enhanced coordination of discharge planning, including California Advancing and Innovating Medi-Cal (CalAIM) implementation, reduction of Incompetent to Stand Trial (ISTs) in our jails, the “Familiar Faces” street outreach initiative, the Public Defender’s Early Representation Pilot, and more. This position is funded through the CCP and is under recruitment by the Probation Department.

Goal 4: Coordinate efforts to eliminate duplication, enhance efficiencies, and promote best practices.

- Digital Evidence Management System (DEMS) and Discovery Process Improvement – This dual-pronged (technology- and process-based) initiative seeks to improve efficiency and security in distribution of electronic discovery among criminal justice partners, manage the exponential increase in volume of discovery, and reduce delays in the criminal justice process by modernizing the ingestion, processing, and transmission of electronic discovery. On May 2, 2023, the Board authorized the release of a Request for Proposals (RFP) for a DEMS and on May 15, the RFP was released for bids. Project staff aim to select a winning proposal in September 2023. The selected DEMS software platform is anticipated to reduce workloads, improve investigative efficiency, and expedite discovery distribution and case closure.
- Data Committee – The Criminal Justice Data Committee (CJDC) was tasked with developing a data exchange infrastructure, process, and governance between multiple County agencies to enhance the ability to collect and analyze data on shared clients and improve data integration between agencies. The CJDC has been meeting since March 2016 and is being restructured and renamed to add additional county partners from Health and Human Services including Social Services, Community Services, Emergency Management, and Public Health. Broadly, the goal is to facilitate cross-agency data sharing so that the entire health & human services and justice system can better gather comprehensive information for decision and policy making as well as enhance efficiencies and improve customer service within each of the agencies. The enhanced data sharing will hopefully reflect successes of programs, enhance service delivery, and help create client focused coordination and mapping of County services.
- Early Representation – With a combination of grant and CCP funding, this pilot program weaves together resources from the Public Defender, Probation Department, and Good Samaritan Shelter to provide assessment of needs, connection, and representation at the earliest stage of a misdemeanor criminal case, as many criminally charged individuals in the county require connection to mental health, medical, and/or crisis stabilization services. Studies indicate that early representation, which involves defense meeting a client prior to arraignment and providing representation at that hearing and/or at any prior appearance that may occur, can meaningfully reduce pretrial incarceration while also improving justice outcomes. As the lead agency on this initiative, the Public Defender’s Office has begun recruiting for the associated new staff positions (attorney, investigator, and social worker) and plans to present data on the first quarter of interventions in October 2023.

Goal 5: Support a systemic approach to studying and addressing racial and ethnic disparities in the justice system.

- **Sicuro/Racial Justice Act (RJA) Implementation** – The Departments are committed to supporting a systemic approach to studying and addressing racial and ethnic disparities in the criminal justice system. Strategies include coordinating and improving data analysis across the criminal justice continuum that supports studying and addressing disparities. The District Attorney’s Office is working with Sicuro Data Analytics to establish a robust statistical database that will enable them to produce data and statistical analyses to examine equitable and fair treatment in prosecutorial decision-making processes. Concurrently, the Public Defender’s Office will employ a Racial Justice Act attorney to analyze and address specific instances of discrimination and disparities.

**Strategy is related to a policy lever in MW Consulting’s jail population analysis.*

In addition to these priority collaborative initiatives, the criminal justice partners have several initiatives which are underway and continue to be monitored to ensure they continue to make progress toward their objectives.

Initiatives Underway/Being Monitored

- **Resolve Aged Cases/Backlog** – Court case backlogs resulted from the inability of courts to operate safely during the COVID-19 pandemic. Effective July 1, 2022, the Board approved the addition of four limited-term (up to three years) attorney positions within the District Attorney and Public Defender Offices, funded by the American Rescue Plan Act (ARPA), to help address the workload challenges of the case backlog. The District Attorney, the Public Defender, and the Superior Courts all have different perspectives on the status of the case backlog. It appears that the vast majority of backlogged cases have been resolved. However, there are continued impacts related to scheduling of preliminary hearings and trials. These are exacerbated by staff vacancies and unfilled judicial assignments. There is also some indication that an increase in felony case filings and delays due to processing of body camera footage unrelated to the pandemic may be causing overall delays in time to disposition. The criminal justice partners continue to regularly review and evaluate the status of the case backlog, in accordance with the Strategic Plan for Court Case Backlog Resolution developed collaboratively among the departments at the Board’s direction.
- **Access to Incarcerated Clients** – This initiative involves ensuring that justice partners, including defense attorneys, Court experts, and Probation staff, have ongoing and reasonable access to clients as constitutionally mandated, and implementing solutions for various access-related issues. Although periodic issues do still arise, access to incarcerated clients has been satisfactorily addressed overall, and will continue to be improved through the Public Defender’s Early Representation pilot grant and the increased use of the Northern Branch Jail for housing, where access is generally less problematic than at the Main Jail.
- **Pretrial Supervised Release** – Enhancements and expansion of the pretrial program, which supervises arrested individuals in the community while they await further court proceedings, continues to be successful. The program is currently supervising approximately 585 individuals and will be expanding supports for high need clients over the course of the new fiscal year.
- **Holistic Defense** – This multi-agency team-based response helps improve client outcomes and reduce recidivism by addressing the root causes of individuals’ contact with the criminal justice system, including addiction, mental health conditions, unemployment, and homelessness. In FY 2022-23, the Public Defender’s Office served 492 individuals through this program. In the coming year, newly added staff positions will facilitate increased focus on rapid assessments, treatment

plans, matching clients with services that meet their needs, and ongoing support for out-of-custody clients to stay connected to services. Focusing program resources on individuals with substance use disorders and mental health needs will aid in reducing IST determinations and jail length of stay.

As compared to January 2020, the jail population is currently averaging approximately 100 fewer inmates. Whether as the result of State level reform or local level policy and program changes, success is already being seen. Unfortunately, little to none of this impact has resulted in reductions to the severely mentally ill population within the jail. (Although not inclusive of the full severely mentally ill population, the felony IST population provides some context. In July 2019, there were 13 felony IST inmates in the jail. As of June 28, 2023, there were 52.) This population represents greater challenges, but also the potential for significantly greater cost savings and more lasting benefits—for the individuals and systems—if served outside of the jail environment.

A comprehensive jail population management plan is needed to ensure alignment with the long-term jail capacity as well as to comply with the stipulated agreement under *Murray et al. V. County et al.* Although the criminal justice partners have implemented many system improvements, they have not yet committed to clearly defined diversion programs or changes to practices that would allow for new population projection calculations to be prepared. This analysis will also be critical to the Board's future decisions related to building additional pods at the Northern Branch Jail (NBJ).

Over the next three to four months, it is anticipated that new diversion programs, alternative sentencing expansions and improved use of alternative beds such as Crisis Stabilization Units, Sobering Centers and residential treatment beds will need to be better defined so that they can be fully analyzed and considered. It is anticipated that additional jail population analysis as well as projections related to these new strategies will be available to your Board over the course of the next year. The Board's continued support will be needed to ensure that each agency has the resources and focus needed to fully commit to this important work and that it is given the high priority focus that it will require.

Fiscal Analysis:

Narrative: There are no fiscal impacts associated with receiving this report. Any recommendations for funding of the initiatives discussed in this letter will return to the Board for approval.

Attachments:

Attachment A: Criminal Justice Collaborative Priorities – Strategy Briefs

Attachment B: Powerpoint Presentation

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