



# Improving performance to better serve our county residents

Interagency Criminal Justice System Opportunities

February 2021

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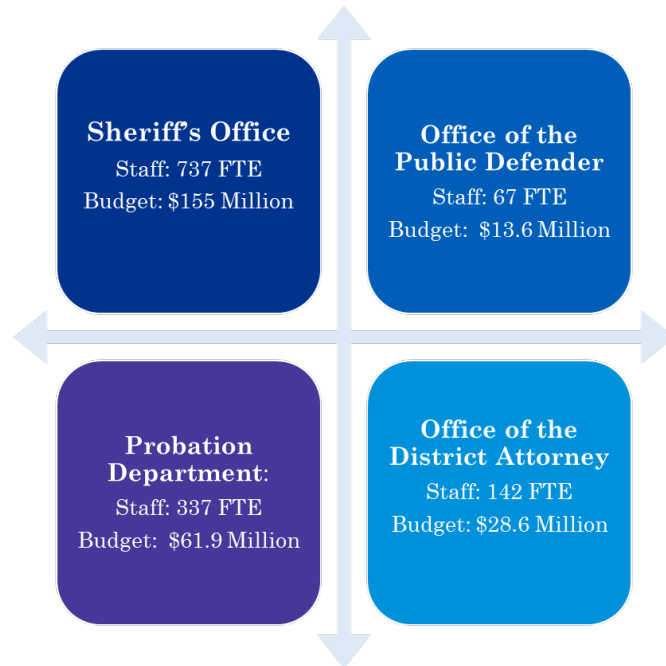
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# Executive Summary

## Scope and Methodology

The County of Santa Barbara (the County) contracted with KPMG in May 2019 to conduct an operational and performance review of all County departments. From February 2020 to November 2020, this review focused on Santa Barbara County's criminal justice agencies, with in-scope departments including the Office of the District Attorney, Office of the Public Defender, Probation Department, and Sheriff's Office. This review produced four reports, one per department, detailing recommendations that can be implemented independently by each department to enable increased operational efficiency and effectiveness.



The review also identified challenges and improvement opportunities affecting each criminal justice agency that will require interagency collaboration and support from County leadership to address. These interagency opportunities are detailed in this addendum to the CEO's Office report, and outline opportunities to strengthen the performance of the criminal justice system across agencies in Santa Barbara County. The upcoming year of departmental reviews will include agencies such as Behavioral Wellness and Social Services

and may identify additional opportunities for interagency collaboration to best support justice-involved people in Santa Barbara County.

This analysis does not assess the direct impacts of COVID-19 on the criminal justice process in the County, as some of the departmental reviews preceded the onset of the pandemic. However, the recommendations in this report have the potential to mitigate some negative impacts of the pandemic—including challenges associated with the transition to a virtual working environment and a heightened need to respond rapidly and collaboratively to evolving challenges—by enhancing the use of technology and processes to enable data sharing, problem solving, and communication flows across departments.

# Recommendations

These recommendations identify opportunities for the stakeholder departments to collaborate to more effectively prioritize activities, generate more efficient operations, and improve service to customers.

#	Recommendations
1	Enhance cross-departmental data sharing and reporting to provide a data-driven assessment of the performance of the County's criminal justice system
2	Expand use of diversion programs and alternatives to incarceration to reduce jail crowding
3	Streamline the discovery process across departments to identify opportunities to streamline workload, optimize processes, and enhance the use of technology
4.1	Collaborate with County Courts to implement leading practices related to continuance management to reduce avoidable Court and County costs
4.2	Enhance collaboration with County Courts to help maximize efficiency of scheduling practices and address ad hoc challenges as they arise
5	Collaborate with other County departments to procure translation services (Spanish and Mixtec)

# Data sharing and reporting

1

Enhance cross-departmental data sharing and reporting to provide a data-driven assessment of the performance of the County's criminal justice system

## Observation and analysis

Each criminal justice department in Santa Barbara County utilizes data to guide and improve its operations. Yet while each criminal justice department has independently defined at least some performance metrics to its independent operations, there is not a collection of Key Performance Indicators (KPIs) designed to provide insight into the performance of the criminal justice system countywide. As a result, there is an opportunity for the County to enhance interagency data sharing and performance measurement across the criminal justice system.

Currently, the County is commendably investing in the Master Name Index (MNI) initiative, which is intended to facilitate the sharing of data across criminal justice departments and expand interoperability. To build on this effort, given the interrelated nature of the work of the County's criminal justice partner agencies, it is recommended that the CEO's Office lead an initiative to 1. further invest in interagency data sharing, 2. deploy this interagency data to establish and track KPIs related to the performance of the criminal justice system countywide, and 3. utilize this data to guide strategic decision-making regarding the most efficient and effective uses of County criminal justice resources.

**Action 1: The CEO's Office should lead and manage the process of increasing the level of data sharing between criminal justice departments to enable system-wide performance management.** At an operational level, expanded data sharing has the potential reduce the workload associated with manual data entry or manual data sharing currently experienced by criminal justice departments. However, enhanced data sharing can also enable strategic decision-making related to the County's criminal justice programs and investments. For example, data sharing can allow the County to identify "superutilizers" – e.g., residents who disproportionately consume criminal justice services (across the four in-scope departments) or even County services broadly (criminal justice and otherwise) – and to develop interagency services to better meet their complex needs. To cite two examples:

- It is common for chronically homeless people to disproportionately interact with both emergency healthcare services, in the form of emergency department visits, as well as criminal justice services, in the form of welfare checks, 911 calls, or arrests for low-level charges such as public intoxication or

criminal trespass. Leading practices to meet the needs of this population typically involve collaboration between criminal justice agencies such as the Sheriff's Office, District Attorney, Probation Department, Public Defender, and Courts, as well as primary and behavioral healthcare providers.

- Nationally, jurisdictions struggle to link incarcerated individuals with chronic physical or behavioral health needs to healthcare upon release. Interagency data sharing can help Santa Barbara track whether individuals are referred to care providers upon release and whether they follow through on this referral to access services once in the community.

This focus on expanding interagency data sharing will provide decisionmakers with the informations necessary to revise existing services, develop new diversion programs or supportive services, and target County resources to the interventions that are most likely to advance the County's criminal justice performance goals.

**Action 2: Develop system-wide performance metrics to monitor countywide criminal justice efforts.** While it is important to note that the County, through the Community Corrections Partnership (CCP), has identified some cross-agency goals related to criminal justice operations, these are largely related to AB109 and SB678, which focus only on a subset of people involved in the criminal justice system. To transition to a more proactive approach to managing the performance of the criminal justice system across agencies, the County should expand these interagency performance metrics, developing KPIs that monitor the overarching performance of the county's criminal justice system and its alignment to the strategic priorities outlined by the Board, CEO's Office, and criminal justice department heads. Exemplar metrics may include:

- the share of the jail population that is held awaiting trial,
- the number of continuances granted annually,
- the share of jail population detained due to technical violations,
- the percent of defendants screened for diversion,
- the share of jail inmates who receive a warm handoff upon release from jail to the Probation Department or other county service providers, and
- the share of jail inmates who return to jail within three years of release.

These enhanced KPIs will allow departments to collaboratively address interagency operations challenges to more efficiently and effectively deliver criminal justice services to Santa Barbara residents. The graphics below illustrates interagency metrics developed by a previous KPMG client related to interagency criminal justice operations, as well as an exemplar dashboard illustrating a reporting structure for these metrics.

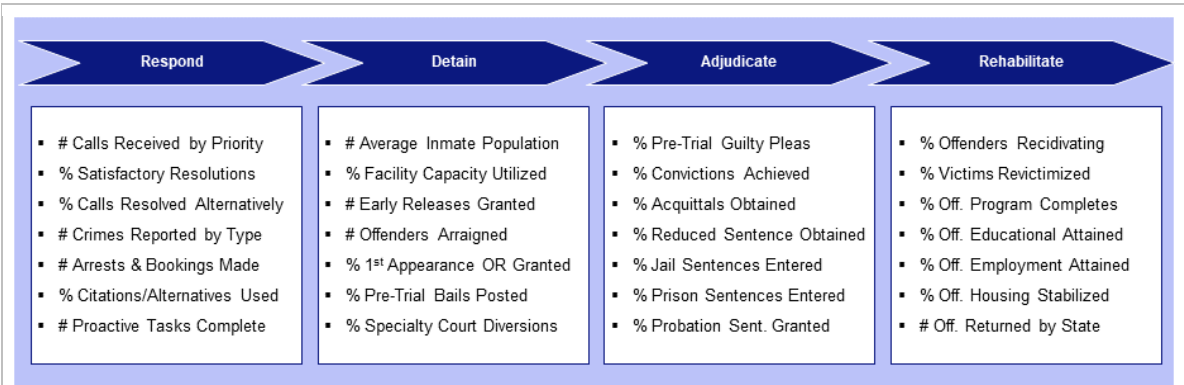


Figure 11: Source – KPMG LLP



Figure 22: Source – KPMG LLP

Additionally, these expanded performance metrics should include key metrics related to programming that is funded through the CCP's Realignment Plan for AB109 funding. The CCP has released a plan to spend down the full AB109 fund balance in FY20; however, in the past, there has been an unencumbered fund balance of up to \$5 million in this fund. KPIs should include tracking of the size of the AB109 fund balance to



help ensure is spent promptly and effectively, as well as outcome metrics for programs funded through AB109 funds, so the County can direct this funding to programs that are delivering results.

To develop these interagency KPIs, the CEO's Office should convene leadership from each criminal justice agency for a defined, limited number of working group sessions to workshop and select key KPIs.

**Action 3: Establish a staffing and operating model to support enhanced data and reporting.** Following selection of interagency KPIs, in order to implement enhanced data tracking, sharing, and reporting capabilities at the department level, the County criminal justice departments may need to designate employees who are dedicated exclusively to data analytics and report generation. At present, in many instances across departments, report generation and analysis are assigned to employees who must perform these functions in addition to their normal responsibilities. The CEO's Office, with consultation from the public safety departments, should collaborate with Information and Communications Technology (ICT) to help ensure that each criminal justice department has the personnel necessary to carry out data tracking, sharing, and reporting tasks. To achieve this enhanced analytics capability, the CEO's Office should consider expanding staffing at the department level to include data analyst staff, who would liaise and collaborate with a data scientist position within the CEO's Office to develop and maintain interagency performance reports.

**Action 4: Strengthen structures for collaboration to deploy proactive, data-driven problem solving to address interagency challenges**

The County should convene a recurring interagency working group to review the cross-system performance data described above and to identify joint solutions to continuously improve the effectiveness of countywide criminal justice operations. The working group should be led by a designee from the CEO's Office and meet on a monthly or quarterly basis. The group can be a newly created body or incorporated into the County's existing processes for interagency collaboration around criminal justice issues.

As mentioned in Action 2, the interagency working group can provide a forum to tackle high-priority strategic, cross-cutting issues, such as justice systemwide strategies and performance measures. Two high-priority, systemwide opportunities may include:

- the development of analytical insights and strategies related to superutilizers, and implementation of pilot programs to best address the needs of justice-involved people with complex needs
- the design and execution of diversion strategies, as detailed in Recommendation 2

The group will also provide a forum to resolve interagency operational challenges. Based on the interviews conducted during the review, some examples of current interagency operational challenges that should be addressed by the working group include:

- Attorneys in the Public Defender’s Office reported delays in scheduling both “contact” (i.e., in-person) visits with incarcerated defendants as well Skype sessions with these clients at the jail. While current data collection processes do not permit a detailed analysis of lost time related to jail calls and visits, attorneys attest that delays related to client access can consume up to half a day of staff time and interfere with their ability to provide an effective defense. Additionally, attorneys are not permitted to bring their laptops into the jail. Instead, attorneys are directed to use loaner laptops provided by the Sheriff’s Office, which can limit their access to materials such as case histories while meeting with clients and result in additional administrative work, as attorneys copy materials across devices. Public Defender and Sheriff’s Office leadership should collaborate to develop efficient processes to allow attorneys to communicate with incarcerated defendants.
- Historically, the Public Defender did not have the authority to request a defendant’s criminal history from the Department of Justice, so the effort was led by the District Attorney’s Office. However, pursuant to sections 11105 (b) (8) and 11105 (b) (9) of the California Penal Code, both agencies now have the authority to request a certified copy of a person’s criminal record. Public Defender and District Attorney leadership should collaborate to realign the administrative burden related to these requests to defense counsel or to develop an arrangement to share the administrative burden associated with these criminal history requests.
- The County employs reentry, discharge, or case management planners in multiple criminal justice departments, including the Sheriff’s Office, Probation, and Public Defender’s Office. While some departments are very collaborative, not all invest equal time, money, or staff to the programs. The interagency working group should review these programs for opportunities to enhance collaboration – for example, by sharing knowledge about nonprofit service providers within the County to whom justice-involved individuals can be referred for supportive services related to housing, employment, and substance use.
- At the time of the initial interviews for the criminal justice departmental review, the County had not yet been able to deploy video arraignment due to a lack of consensus among criminal justice agency stakeholders, a challenge which imposed avoidable workload on Sheriff’s Office and Public Defender staff. Video arraignment has since been deployed in response to the COVID-19 pandemic. However, the interagency group should work to maintain this practice following the end of the pandemic and to resolve any challenges that may arise related to its implementation.

The interagency working group would provide a consolidated, regularly scheduled forum to address challenges including but not limited to those identified above. This resolution process should involve representatives from all affected agencies. The designee from the CEO’s Office should be responsible for facilitating the discussion, leading problem-solving efforts, and tracking compliance with agreed-upon action items by participants at the department level.

### Anticipated impact

Expanded data sharing and the development of cross-system KPIs will facilitate continuous improvement in the services delivered to victims, witnesses, and justice-involved people in Santa Barbara County. These performance metrics will provide County and department leadership with quantitative evidence of the County's progress toward strategic goals related to the administration of criminal justice services in the County, and will allow the County to more rapidly detect and collaboratively address inefficiencies in the criminal justice process. Finally, the development of an interagency working group focused on this performance data will enhance strategic decisionmaking and operational problem solving related to the County's criminal justice system.

### Stakeholders

- CEO's Office
- General Services ICT
- Criminal Justice Departments (Office of the District Attorney, Office of the Public Defender, Probation Department, Sheriff's Office)

# Jail diversion strategies

## 2 Expand use of diversion programs and alternatives to incarceration to reduce jail crowding

### Observation and analysis

From 2015 to 2019, the County jail's average daily population (ADP) consistently exceeded the facility's rated population, as illustrated in the graphic below. In addition, these challenges with jail overcrowding have been more severe than those experienced by the cohort of comparison counties.

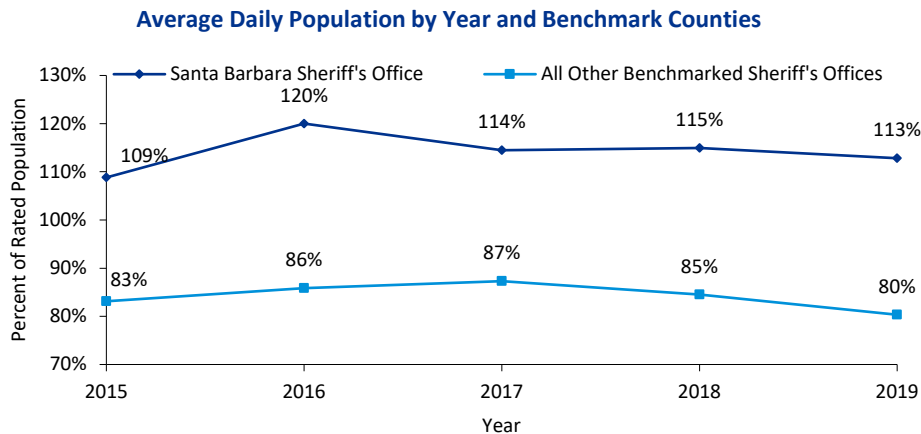


Figure 23: Source – [http://www.bscc.ca.gov/m\\_dataresearch/](http://www.bscc.ca.gov/m_dataresearch/)

As a whole, the comparison cohort averages an ADP of approximately 85 percent of their rated capacity, while the County is routinely over 105 percent of rated capacity.

	2015	2016	2017	2018	2019	2019 Rated Capacity
<b>Santa Barbara County</b>	<b>109%</b>	<b>120%</b>	<b>114%</b>	<b>115%</b>	<b>113%</b>	<b>819</b>
<b>Marin County</b>	76%	91%	93%	92%	81%	349
<b>Monterey County</b>	111%	110%	108%	106%	105%	825
<b>Placer County</b>	69%	76%	79%	80%	76%	912
<b>SLO County</b>	82%	83%	89%	82%	79%	690
<b>Santa Cruz County</b>	90%	92%	92%	100%	90%	447
<b>Solano County</b>	75%	67%	68%	54%	51%	1435
<b>Sonoma County</b>	73%	77%	74%	75%	73%	1409
<b>Tulare County</b>	88%	91%	96%	88%	88%	1718

Figure 3 – Source: [http://www.bscc.ca.gov/m\\_dataresearch/](http://www.bscc.ca.gov/m_dataresearch/)

It is important to note that the County has significantly reduced the size of its jail population in response to the COVID-19 pandemic. Additionally, crowding will be alleviated somewhat by the opening of the Northern Branch Jail.

However, the County has incentives beyond crowding to continue its efforts to reduce the size of the jail population where possible. Jail time may do little to address the root causes of criminal behavior, such as untreated mental health or substance use disorders. Jail stays also come at significant cost to the county: holding an individual in jail costs the Santa Barbara County approximately \$150 to \$225 per day. Finally, jail may further destabilize arrestees by causing them to lose their job or housing, thereby leading to an increased reliance on County supportive services.

As a result, jail population reductions may yield a number of benefits, including reduced risk of litigation, reduced public health risk, positive impacts on outcomes for justice-involved residents, and reductions in County expenditures associated with jail operations and staffing and overtime. To deliver these potential benefits to the County, the following action items are recommended:

**Action 1: The CEO’s Office should lead an interagency effort to develop opportunities to implement, expand, and improve rehabilitative programs and alternatives to incarceration.** Managing the size of the County’s jail population will require cooperation across all of the County’s criminal justice agencies. To

achieve this, the working group should include representatives from agencies including the District Attorney, Probation Department, Public Defender, and Superior Courts, as well as key partner agencies such as Behavioral Wellness. This working group may be an independent body or a subgroup of the interagency working group described in Recommendation 1.

**Action 2: Inventory and assess existing diversion opportunities within the County, and develop a plan to implement new or expanded diversion programs at four key intervention points:**

1 Pre-arrest diversion:

— Sheriff’s Offices often report repeated interactions with residents with multiple bookings for low-level charges such as drug possession, possession of paraphernalia, public intoxication, or trespassing. In many cases, these charges may be related to an unmanaged mental illness and/or substance abuse disorder that is most effectively addressed outside of the criminal justice system. To empower law enforcement to best respond to this type of incident, localities such as Harris County and Indianapolis-Marion County have established intake facilities—separate from the jail and other emergency service providers -that enable 24/7 diversion by law enforcement to emergency medical services for individuals experiencing addiction and/or behavioral health distress. At these centers, behavioral health staff are available to assess and stabilize individuals in crisis. Other supportive service providers, including but not limited to housing and healthcare, may be located on site to enable referrals for individuals with complex needs. While Santa Barbara County does not currently have a single diversion center with colocated services, there may be opportunities for officers to divert justice-involved individuals to service providers or case management supports where appropriate, rather than the traditional justice system-focused response of arrest, booking, and detention.

2 Post-arrest diversion:

— Due to the COVID-19 pandemic, the Santa Barbara Superior Court implemented a zero bail emergency rule. Under this policy, there are certain exemptions that require an arrestee to be booked into the jail (e.g., violent crimes that are ineligible for zero bail, or domestic violence), but arrestees who do not fall under these exemptions receive a cite-release upon arrest. This rule has effectively reduced the size of the County jail population. Based on data received from the Sheriff’s Office, from March 2020 (prior to the rule) to May 2020 (after implementation of the rule), there was a 37 percent decrease in the ADP and a 32 percent decrease in overtime hours used by Custody Operations. The interagency working group should evaluate whether elements of this zero bail rule should be maintained following the resumption of normal operations after the pandemic.

3 Pre-sentence diversion:

— The County operates a number of Specialty Courts where defendants are diverted to courts that work exclusively with individuals with mental health, substance use, or other specialized needs. These courts then work collaboratively with stakeholders, including the Public Defender, Probation, Behavioral Wellness, and the Sheriff’s Office, to coordinate care for the defendant while resolving their criminal case. Interviewees asserted that delivery of case management services through these

courts has been inconsistent, and at the time of our interviews, case management efforts appeared to be led by attorneys with the Public Defender’s Office who noted that they were committed to the mission of the Specialty Courts but lacked specialized training to deliver case management services. To help maximize the impact of the diversion pathways provided by specialty courts, the interagency working group should evaluate the staffing at and outcomes from the Specialty Courts. It is important to note that while most of these Specialty Courts work with defendants prior to sentencing, some Specialty Courts focus on the post-sentence population.

#### 4 Post-sentence diversion:

- The Sheriff’s Office’s Alternative Sentencing Bureau operates two diversion programs that allow sentenced individuals to avoid jail time by serving their sentences in community-based settings. First, the Sheriff’s Work Alternative Program (SWAP) allows eligible inmates to perform community service with approved organizations in lieu of jail time. Participants reside in their homes, rather than in the jail, while completing this service. Second, the Office’s Electronic Monitoring Program (EM) allows eligible individuals to serve their sentences at home while being monitored by GPS devices, which are affixed to the individual’s ankle. Participants live in the community and are permitted to attend work, school, doctor’s appointments, or other approved activities while under supervision. Interviewees stated that the Office typically averages approximately 75 participants enrolled in the EM program and that this caseload size is sufficient to meet demand. However, the interagency working group may benefit from evaluating whether there are opportunities to divert additional inmates to EM.

By assessing, iterating, and expanding the user of jail diversion programs and alternatives to incarceration, the County can focus Sheriff’s Office custody operations resources on individuals who pose the greatest public safety risk.

### Anticipated impact

Drawing on research from across the United States, clear evidence exists that for specific categories of justice-involved people, diversion may reduce offending much more effectively than incarceration and for much less cost. Jail stays come at significant fiscal cost to the County, and create a waterfall effect that impacts jail staffing, overtime, and staff morale. Yet the costs associated with incarceration are not only financial: individuals who are sentenced to jail time may be pulled away from their jobs, family, and education—factors that decrease their likelihood of future heavy usage of county criminal justice or human services—as well as existing childcare or eldercare responsibilities. By directing eligible individuals to community-based programs, or rehabilitative programs that address their underlying criminogenic needs, the County can improve outcomes for County residents while safeguarding public safety.

### Stakeholders

— CEO's Office

— Criminal Justice Departments (Office of the District Attorney, Office of the Public Defender, Probation Department, Sheriff's Office)



# Discovery

3

Streamline the discovery process across departments to identify opportunities to streamline workload, optimize processes, and enhance the use of technology.

## Observation and analysis

From FY14 to FY18, the total volume of discovery processed by the District Attorney's Office grew by roughly 100 percent, and the growth rate of audio, cell phone extracts, transcripts, and videos increased by nearly 200 percent. Looking forward, the volume of digital discovery received by the County is likely to continue to increase. At present, not all arresting agencies in Santa Barbara County equip their officers or deputies with body-worn cameras. As the use of body-worn cameras becomes more common, the submission of video evidence will likely increase. Additionally, the County's planned transition to a NG911 center may increase the volume of digital media submitted by the public, thus resulting in further increases in discovery.

This trend toward increasing volume of discovery involved in the criminal justice process holds implications for operations across the County's criminal justice agencies and the County Courts. The District Attorney's report outlines steps for that department to develop a data-driven understanding of the workload associated with processing discovery, as well as a strategy to manage this workload even as the volume of digital discovery continues to grow. While this effort may hold the greatest implications for DA operations, the DA should also collaborate with partner agencies such as the Sheriff, Public Defender, and Courts, given the justice systemwide workload associated with the discovery process.

To prepare to meet the challenge posed by increasing volumes of digital discovery, the County should launch an interagency effort to assess and improve the discovery process across the criminal justice agencies:

- **Action 1: Map current processes for sharing discovery across the full range of stakeholders.** This should include the documentation of current policies and processes for sharing evidence across stakeholders including the District Attorney's Office, Public Defender's Office, Sheriff's Office, and County Courts.
- **Action 2: Develop an assessment of the workload consumed by processing discovery at each County department.** At present, the District Attorney's Office tracks the volume of discovery items processed on an annual basis. To inform an interagency initiative to streamline the discovery process, this volume tracking should be expanded to include other in-scope agencies, such as the Sheriff's Office and Office

of the Public Defender. In addition, this discovery tracking process should be expanded to quantify the amount of staff time and workload consumed by processing discovery. Time tracking can be conducted on a continuous basis or in a time-limited pilot. This workload tracking will enable the County to develop a data-driven staffing plan to manage current and expected workload associated with discovery, and highlight which steps in the discovery process currently present the heaviest workload burden.

- **Action 3: Deploy the above process mapping and workload analysis to identify opportunities to streamline processes for sharing discovery across agencies.** Opportunities may include enhancing communication and collaboration processes for sharing evidence, establishing clear expectations for cycle times, shifting work to specialized, nonsworn staff, or upgrading technology to facilitate low-burden information sharing across criminal justice departments.

### Anticipated impact

Given the likelihood that the County will continue to face increasing volumes of discovery, the establishment of a proactive, interagency effort to maximize the efficiency of the discovery process will enable the County to manage expected increases in discovery-related workload in the most efficient manner possible. Given the cross-agency nature of this process, interagency collaboration may reveal efficiencies that will allow the County to more efficiently handle discovery than if each department were to operate in a silo.

### Stakeholders

- CEO's Office
- Criminal Justice Departments (Office of the District Attorney, Office of the Public Defender, Probation Department, Sheriff's Office)
- County Courts

# Collaboration with county

4.1

Collaborate with County Courts to implement leading practices related to continuance management to reduce avoidable Court and County costs

## Observation and analysis

In interviews, leadership and staff at the District Attorney's and Public Defender's Offices cited continuances as a challenge to their department's operations, noting that continuances can result in increases in staff workload due to multiple court appearances and preparation, increased case timelines, and increased jail bed days. A 2017 report by the Commission on the Future of California's Court System notes that excessive continuances can contribute to court congestion, increase justice system costs, and negatively affect defendants by prolonging the length of trial.<sup>1</sup>

According to the Commission, operational costs related to excessive continuances can cost courts and taxpayers millions of dollars annually in expenditures related to attorney time, courtroom security, the transportation of in-custody defendants, and additional costs borne by justice partners such as the sheriff, prosecution, and defense counsel. Interviews suggest that Santa Barbara County's current practices related to the management of continuances are not in line with leading practices. For example, interviewees report that no criminal justice agency in Santa Barbara tracks the number of continuances. As noted in the Commission's report, this practice of granting oral continuances is common throughout California's courts.

It is recommended that the CEO's Office partner with the County Courts and criminal justice departments to implement the following action items as drawn from the Commission's report:

- **Action 1: Implement training on the statutory requirements related to granting continuances.** The Commission's report notes that training programs can help increase awareness of techniques to manage continuances and reinforce a local culture that limits excessive continuances.

<sup>1</sup> <https://www.courts.ca.gov/documents/futures-commission-final-report.pdf>

- **Action 2: Collaborate with the Courts to align court practices related to continuance management.** This may include adopting a firm continuance policy and codifying it in the form of a resolution signed by all County justice partners and judges..
- **Action 3: Implement data tracking related to continuances by the District Attorney and Public Defender’s Offices.** As recommended by the National Center for State Courts, this data tracking may include the length of delay, the requesting party, and the reasons for the delay.<sup>2</sup>
- **Action 4: Create a local court working group to monitor continuance data referenced above and recommend corrective measures as needed.** It may be most efficient for this working group to be structured as a subgroup of the interagency problem-solving body described in Recommendation 1.

Through the implementation of the steps above, the County can bring its policies in line with leading practices designed to help ensure courts do not grant excessive continuances, or continuances without good cause.

#### Anticipated impact

Cross-agency collaboration to reduce excessive continuances has the potential to deliver savings to both the Courts and the County in the form of reduced jail bed days and the more efficient use of attorney time, while alleviating challenges with court congestion and supporting the defendant’s right to a speedy trial.

#### Stakeholders

- County Courts
- Office of the Public Defender
- Office of the District Attorney

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<sup>2</sup> <https://www.thurstoncountywa.gov/sc/scdocuments/ncsc-report-20170601.pdf>

**Observation and analysis**

In interviews, District Attorney and Public Defender leadership identified two key scheduling challenges related to Santa Barbara's County Courts.

- First, Santa Barbara's courts schedule noncontinuous trials, meaning proceedings that take multiple days may extend out over two or more weeks. These noncontinuous trials negatively impact a range of criminal justice system operations:
  - Interviewees report that noncontinuous trials may negatively impact public defender and district attorney workload and effectiveness. For example, when jurors return from days long breaks in court proceedings, they may not clearly remember previous sessions, posing challenges to attorneys who are attempting to lead jurors to a particular conclusion based on evidence.
  - Noncontinuous scheduling can increase trial length, and as a result, the length of pretrial detention. Defendants who are held in jail while awaiting trial end up incarcerated for longer periods than they would if their trials were held continuously. This negatively impacts defendants, who may lose their jobs, housing, or even custody of their children while incarcerated. In doing so, it creates short-term costs for the County in the form of additional jail bed days and inefficiencies in District Attorney and Public Defender processes, and long-term costs in the form of potential increased reliance on County services. Specifically, estimates of the cost of a jail bed day in the County range from approximately \$150 to \$225, which comprises both variable and fixed costs.
  - Additionally, noncontinuous trials may extend the length of case cycle times, impacting District Attorney and Public Defender operations. Finally, the costs associated with incarceration are not only financial: individuals who are sentenced to jail time may be pulled away from their jobs or school as well as existing childcare or eldercare responsibilities.
  - Noncontinuous trials also pose challenges for jurors and jury selection. Individuals with work and childcare commitments may be less able to serve as jurors for trials that extend over a period of weeks. This can result in a juror pull which does not mirror the County population.
- Second, when a docket is scheduled that includes clients of the Public Defender's Office, the Department typically does not receive the list of that docket until the date of the scheduled court appearance. This short notice reduces the amount of time attorneys have to prepare for cases, and at times result in attorneys meeting their clients for the first time in the courtroom. In interviews, Department staff asserted that this lack of advanced notice stems from the noninteroperability of the

Court and Department systems, as well as a lack of coordination between the individual courts that compose the makeup of the Superior Court.

The County can improve the efficiency and effectiveness of its criminal justice operations by developing processes to strengthen collaboration with the Courts and to proactively resolve operational challenges as they arise. To achieve this, the County should undertake the following steps to establish a stronger system of communication with the Court:

- **Action 1: Designate one individual in the CEO’s Office to serve as the primary point of contact for issues related to the County Courts.** As detailed in Recommendation 1, this designee from the CEO’s Office should participate in the County’s recurring interagency problem-solving meetings, as well as the continuance-focused subgroup described in the previous recommendation. These meetings will provide an opportunity for the criminal justice departments to report challenges related to the Court up to the CEO Office’s designee.
- **Action 2: Establish a quarterly meeting between the designee from the CEO’s Office and a representative from the Court to discuss operational challenges related to the Court and the County criminal justice departments.** Additional participants can be invited as needed.

While the scheduling challenges enumerated in this recommendation represent two operational inefficiencies that should be addressed, a strengthened working relationship between the County and the Courts may lead to the identification and resolution of additional opportunities, for example around issues such as filing requirements.

### Anticipated impact

Building a strong, collaborative relationship of cooperation between the County and the Courts will enable the more efficient and effective administration of criminal justice in the County. In addition to trial and court scheduling, establishing a recurring forum to review and revise interactions between the Court and County criminal justice agencies may provide an opportunity to continuously improve practices related to issues including but not limited to case filing, speciality courts, and technology access. Doing so may result in reduced jail bed days, faster trials, and reduced attorney and legal office professional workload.

### Stakeholders

- CEO’s Office
- Office of the District Attorney

— Office of the Public Defender

— County Courts

# Translation services

## 5 Collaborate with other County departments to procure translation services (Spanish and Mixtec)

### Observation and analysis

Staff at each criminal justice department are responsible for delivering services to County residents with limited English proficiency. Yet across departments, staff report challenges securing appropriate translation support to deliver these services effectively. These challenges are particularly prominent in offices in the North County, which has a larger Mixtec population. Strengthening processes to provide effective translation services will further reinforce the County's commitment to providing high quality service to County residents regardless of English language fluency.

Across departments, staff report two key challenges related to translation services:

- First, the departments typically lack designated staff to serve as Spanish-language translators. Given this vacuum, bilingual staff report being asked to provide translation services, workload that comes above and beyond their typical job responsibilities. Additionally, some of these staff serving in an informal translation capacity expressed that they may not have sufficient fluency to describe complicated concepts related to justice system operations, thereby potentially reducing the quality of service provided. In contrast to the ad hoc approach reported to occur at times at the County's criminal justice departments, the Superior Courts has hired court translators to provide translation services in court, outside of court the various departments rely on unofficial staff that are not training in legal fluency in Spanish
- Second, staff commonly reported both translation and cultural barrier to most effectively serving the County's Mixtec community, which is predominantly in the North County. For example, the attorneys in both the District Attorney and Public Defender Offices noted that they routinely have to spend multiple hours explaining the concept of guilt or innocence to Mixtec individuals, as those concepts are not native to that culture. Separately, staff members in the Probation Department and the Public Defender Office noted that if a Mixtec-speaking client receives any sentence that requires community-based classes such as anger management or substance use, abuse, or addiction treatment services, there may not be classes taught in Mixteco.

**Action 1: The CEO office should develop a strategy to pool resources for translation services.** Language and cultural translation services are a collective need, and there may be efficiency opportunities from cross-



agency models to expand these services. The CEO Office should work to identify a funding source (general fund, AB109, etc.) in which each department contributes in equal parts to the funding. The first goal should be to procure either physical interpreters or invest in a call in line that guarantees immediate translation services (similar to what the Probation Department has identified) for both Spanish and Mixteco speaking clients. This should be made available to all criminal justice departments.

**Action 2: Develop a plan to expand Spanish and Mixteco supportive services in Santa Barbara County.**

Separately, the CEO office should consult with the Public Defender’s Office to identify ways to bring both Spanish and Mixteco classes (e.g., anger management, substance use, abuse, and treatment services, etc.) to Santa Barbara County. The Public Defender’s Office has already begun the process of coordinating with a nonprofit based in Ventura County to establish a series of courses, however, there are challenges to that as the dialects of Mixteco spoken in Ventura County are not the same as the ones spoken in Santa Barbara County.

While it is important to provide a cohesive approach to addressing cultural and language translation services for the criminal justice departments, it is worth noting that departments such as BeWell and Public Health have also face the same challenges, and there may be collective benefits from including these departments in problem solving related to translation solutions.

**Anticipated impact**

By increasing the ability of the County to provide language and cultural translation services to criminal justice departments, the County will be taking positive efforts toward closing the gap in the fair and equal application of justice for the people involved in the criminal justice system.

**Stakeholders**

- CEO’s Office
- Criminal Justice Departments (Office of the District Attorney, Office of the Public Defender, Probation Department, Sheriff’s Office)