

**ATTACHMENT 1**

**Status report on efforts to reduce the jail inmate population and responses to Board direction of July 16, 2020**

At the Board hearing on June 11, 2020, the Board directed the CEO’s office to work with the criminal justice department directors and return with information on the ongoing efforts to reduce the County’s Average Daily Population (ADP) as a response to the COVID-19 emergency. Staff reported that the ADP had been reduced by 37% since mid-March when the COVID emergency began. The Board also asked for information on the specific efforts that were in progress prior to the emergency and the feasibility of making the ADP reduction more permanent.

Staff returned to the Board on July 16, 2020 with an update to those efforts. Staff submitted 13 proposed action steps to assist in maintaining the lowered population. The Board endorsed those steps and requested periodic updates as to progress in this regard.

The Board also requested that staff provide the following information at a subsequent Board meeting:

- Identify what resources would be required to expand the county’s criminal justice data capacity and to speed up the discovery process.
- Attempt to obtain a waiver from the Board of State and Community Corrections (BSCC) to lower the minimum rated bed capacity in the Santa Barbara County Jail system
- Identify performance measures from the criminal justice agencies focused on permanently reducing the ADP and/or diverting people away from the criminal justice system

**Lowering the County Jail Average Daily Population**

Because of the COVID-19 Pandemic, the criminal justice departments (Sheriff, District Attorney, Probation and the Public Defender) initiated a number of response protocols to mitigate the impact of the virus. One of the most significant results of these responses was the lowering of the Average Daily Population (ADP) by close to 37%. This figure has held constant since the beginning of April. The number has continued to decline since the beginning of the pandemic. The ADP as of November 16 reflects an additional 4.7% decline since April 6<sup>th</sup> of this year. The most recent daily snapshot number (651) overstates the situation, since 122 of those inmates are pending transportation to state prison. The state is currently only accepting a limited number of inmates due to COVID outbreaks. Once those inmates are transferred, the in-custody population would only be 529. That would represent an additional decline of 23.6% in the ADP since April of this year and a 38.5% decrease since November 2019.

Metric/Date	November 16, 2020	April 6, 2020	April 1, 2019
ADP (In-custody)	651 /529 (after state transport)	692	932
Alternative Sentencing Bureau (ASB) – includes Electronic Monitoring and the Sheriff’s Work Program	39 (0/39)	59 (10/49)	84 (5/79)
Awaiting State Transport	122	NA	N/A

At the Board's direction, staff began discussions with the Sheriff concerning making a formal request of the Board of State and Community Corrections (BSCC) to lower the rated bed capacity of the jail system. This requires a plan of which areas of the Main Jail will be permanently closed; discussions with the Sheriff are ongoing.

### **Update on Recommended Actions**

On July 16, the Board approved the 15 recommendations submitted by staff and asked that staff provide periodic updates. The status of each item is as follows:

1. Continue the virtual court hearings and arraignments. Expand telephonic and video access to clients who are in custody by all criminal justice stakeholders. (Sheriff/General Services) *This item is well underway and has been since the beginning of the pandemic. However, General Services is working with the Sheriff's Custody Branch to make the infrastructure changes more permanent and sustainable.*
2. Continue and enhance the program of collaborative jail discharging (Probation/Public Defender): *The Re-entry Steering Committee (RSC) is conducting a gap analysis and planning a virtual resource fair. The Discharge Planning Team is also meeting to evaluate their processes and identify areas for improvement and attempt to realign them with the current COVID environment.*
3. Expand the use of pre-trial supervision, absent community safety concerns: (Probation) *The pre-trial program was expanded in the 2020-21 fiscal year as a consequence of transferring responsibility for that program from the Courts to Probation. As discussed in the November 17, 2020 report to the Board, there is a potential funding gap of \$1.4 million currently in the program. This will require additional staffing resources and is a fiscal issue being evaluated by staff.*
4. Create a bail-modification working group to make recommendations concerning the modifications of the bail-schedule based on the COVID response experience with a goal of making bail less restrictive: *No action will be taken by County staff as control of the bail schedule rests solely with the court. The defeat of Proposition 25 means that existing structure is maintained, absent further State or legal action.*
5. Through a countywide law enforcement committee, continue the use of the citations in lieu of physical arrest when appropriate. Conduct a review of the 1700 pending citations to make recommendations as to which sections are appropriate to continue issuing citations. *The District Attorney and the Court are working their way through these citations. This number has increased significantly since it was first reported in June. The District Attorney identified 2480 pending citation cases for the period between March 1 – July 15, 2020. The DA's office has disposed of 49% of those matters using our discretion to reject, divert, infract, or dismiss.*
6. Make greater use of electronic monitoring and other alternative sentencing options (Sheriff/Probation): *action on this item is still under review. The Sheriff's office will make this a performance measure in the next budget cycle.*
7. Continue implementation of the KPMG recommendations as appropriate. *Only the Public Defender report has been completed and presented to the Board. The other criminal justice partners are due to come before the Board in late January or early February.*

8. Strengthen the capacity of the Criminal Justice Data Committee (CJDC) with the addition of dedicated staff to ensure the involvement of all Criminal Justice partners including Behavioral Wellness; *The position to lead this effort has been funded since FY2017-18 through the Community Corrections Partnership funding, but filling the position has proven to be challenging. There are ongoing discussions as to alternatives, such as using a temporary agency.*
9. Expand the capacity for electronically signing court documents: *Probation is currently using electronic signatures. Outreach to the court on this subject is underway.*
10. Develop an MOU between the criminal justice partners to create and operate an electronic cloud-based discovery receptacle: *This is being evaluated. Staff of the Information & Communications Technology (ICT) division will be invited to join the CJDC in order to address some security concerns related to cloud-based databases.*
11. Develop a strategic action plan for Stepping Up with clearly defined objectives: *This item is underway under the Sheriff's direction*
12. Make a presentation to the Board of Supervisors on the action plan developed in collaboration with the Center for Court Innovation, with a timeline for implementation: *This will occur in late January or early February.*
13. Consider directing a review of criminal records relative to possession of cannabis with strong consideration to expunging such records where appropriate: *This project is in progress under the direction of the District Attorney.*
14. Review all out of custody complaints for to determine eligibility for diversion under the CREDO 47 Diversion eligibility: *This effort is being reviewed by the District Attorney*
15. Conduct a review of 5-year probation grants to determine suitable candidates for early termination of probation: AB1950 has passed, in effect implementing this item. Discussions are still under way with the DA as to the status of current probationers.

All of these recommendations require ongoing collaboration among the Criminal Justice Partners. There are several committees and workgroups that require the partners to meet regularly. These recommendations will become part of the ongoing agenda. These groups include:

- Community Corrections Partnership (workgroup)
- Criminal Justice Data Committee
- Criminal Justice Planning Group (Oversees the Center for Court Innovation action plan)
- Stepping Up
- Grant Oversight Committee

#### **A. Performance Measures and Resource Requests**

In response to the Board's direction on July 16, the criminal justice departments were asked to submit the following:

1. Two or three performance measures that were related to 1) reducing the average daily population of the jail (ADP).
2. A list of resource requests to enhance the department's capacity to retrieve meaningful data and/or to facilitate electronic discovery.

For the last two years, the four criminal justice departments (District Attorney, Probation, Public Defender and the Sheriff) together with the Court and Behavioral Wellness have formed the Criminal Justice Planning Group. The Criminal Justice Planning Group focuses on evaluating all aspects of the county's criminal justice system with the goal of identifying needed improvements. All of the departments are active participants in a number of grants awarded to the county related to diversion and/or providing alternatives to arrest.

As part of this presentation, the departments were asked to present their performance measures in a thematic fashion with the understanding that they will need to develop specific benchmarks as part of the FY2021-22 budget. The suggested performance measures are focused on specific decision points within the criminal justice process where opportunities exist to divert the individual out of the criminal justice system. The goal is to help the Board understand how each of the criminal justice partners are approaching this issue

With respect to the resource requests, staff presents these figures to the Board for informational purposes. During the budget workshop, these proposals will be prioritized and refined. Each of these departments focused their expansion requests on enhancing their digital storage capacity as well as increasing their ability to process discovery requests. In addition, three of the departments stated a need for data analysts. This is a recurrent theme among each of the departments and is reflected in the KPMG reports. Information is provided in the chart following the summary below.

### **District Attorney**

The District Attorney's Office focused their performance measures on diverting cases out of the court system and into programing. They are also seeking to reduce the number of cases that need to go through the court process as well as purging bench warrants from the system. Like the Public Defender, they are seeking alternatives which allow their lawyers, in cooperation with the Public Defender and with the approval of the court, to find alternatives to trial that allow for treatment, informal supervision or other programs designed to help people recognize a broader range of alternative actions.

The District Attorney's resource requests centered on speeding up the discovery process, improving their data analytics and upgrading their digital storage capacity. Their proposed programs will require three additional FTEs, \$200,000 in one-time costs and \$393,400 in on-going costs.

### **Probation**

The Probation Department will propose performance measures focused using flash incarceration (a brief 5-10 sentence) in lieu of charging individuals with technical violations that would normally require a return to custody to complete their remaining sentence. They also intend to enhance their pre-trial assessment capacity with the goal of monitoring more individuals that are pre-trial. This will ensure that more people are able to remain in the community (and out of custody) while they await trial.

The Probation Department's resource requests are in alignment with their proposed performance measures related to pretrial assessment and supervision. To support their program, they are requesting two additional FTEs, \$380,950 in one-time costs and just over \$1,081,000 in on-going costs.

### **Public Defender**

The Public Defender has proposed three performance measures. Two of them are focused on diverting people out of the criminal justice system and the third on improving the discovery process.

The Public Defender's resource requests center on improving the discovery process as well as enhancing capacity to settle cases at arraignment. They are requesting five FTEs, \$200,000 in one-time costs and \$670,000 in on-going expenses. They are also requesting three FTEs, \$250,000 in on-going costs and \$30,000 for Extra-Help in one-time costs.

### **Sheriff**

The Sheriff's office proposed performance measures center on sustaining the co-response teams beyond the life of the current grants. They are also seeking to increase the number of inmates on electronic monitoring (i.e. out of custody) as well as increase the number of programs available to those inmates who are in custody.

The Sheriff's resource requests are in alignment with their proposed performance measures. They have requested at least four FTEs and \$863,345 in on-going costs. There may be some additional staffing costs associated with enhancing the capacity of the Alternative Sentencing Bureau (ASB) to double the numbers of inmates on electronic monitoring.

**Criminal Justice Department Proposed Performance Measures and Funding Requests**

Dept	Preliminary Performance Measure	Funding Expansion Request (\$3.3 M ongoing; \$810K one-time)
District Attorney	<ul style="list-style-type: none"> <li>Percentage of cases referred to a diversion program that successfully completed the program.</li> <li>Percentage of misdemeanor cases that are presented but not filed, or reduced to infractions.</li> <li>Number of bench warrants recalled or purged per year</li> </ul>	<ul style="list-style-type: none"> <li>Digital Storage Upgrade - \$200,000 one-time / \$40,000 ongoing</li> <li>1 FTE Data Analyst \$130,000 ongoing</li> <li>2 FTE Lead Discovery Clerks - \$223,400 ongoing</li> </ul>
Probation	<ul style="list-style-type: none"> <li>Establish a protocol for implementing 1203.35 PC (flash-incarceration) and obtain waivers on 25% of identified clients</li> <li>Facilitate judicial reviews on 100% of eligible defendants for pre-arraignment release consideration</li> </ul>	<ul style="list-style-type: none"> <li>Expand/sustain pre-trial assessment staff beyond the life of the current grant (expires December 2021). To continue until June 30, 2022 will require \$380, 950. The on-going annualized cost after that date will be \$779,000</li> <li>The expansion of Pretrial supervision will require 2 additional FTEs which will cost \$302,800 (on-going)</li> </ul>
Public Defender	<ul style="list-style-type: none"> <li>Percentage of cases that settle at arraignment</li> <li>Percentage of new cases countywide (felony &amp; misdemeanor) that receive the discovery the day before arraignments</li> <li>The of number of in-custody clients referred for services</li> </ul>	<ul style="list-style-type: none"> <li>Digital Storage Expansion/Cloud - \$200,000 one-time / \$45,000 ongoing</li> <li>3 FTE LOP's to Process Discovery/Arraignments - \$225,000 ongoing</li> <li>2 FTE DPD-Arraignments Santa Maria and Santa Barbara-\$400,000 on going</li> <li>Expansion Requests – immediate</li> <li>1 Extra-Help System Admin - \$30,000 one-time</li> <li>1 FTE Data Analyst – \$130,000 ongoing</li> <li>1 FTE Holistic Defense Advocate – \$120,000 on going</li> </ul>
Sheriff	<ul style="list-style-type: none"> <li>Expand Co-response capacity to handle 50% of all mental health calls received through Sheriff's dispatch</li> <li>Ensure that 30% of law enforcement deputies and 85% of Custody Deputies have attended an advanced CIT course</li> <li>Add one new inmate program each year for the next four years</li> <li>Maintain the ADP of inmates on electronic monitoring at 85% of capacity (current capacity is 100 inmates)</li> </ul>	<ul style="list-style-type: none"> <li>3 Dep II's to continue co-response beyond the life of the grant (expires in Fall 2022) - \$574,488</li> <li>Sheriff's In-Custody education programs (1 per year)             <ul style="list-style-type: none"> <li><i>Finding Your True North (Harvard Business School): \$108,250</i></li> <li><i>Success Stories (pilot): \$10,600</i></li> </ul> </li> <li>Expand staffing for the Alternative Sentencing Bureau to increase monitoring capacity from 100 to 200 inmates</li> <li>Add \$25,000 per year to the Overtime budget to cover backfill overtime necessary to conduct the CIT training</li> <li>Add a Data Analyst to the Sheriff's staff at a cost of \$145,607</li> </ul>