

Ramirez, Angelica

Public Comment

#2

From: Jake Swanson <JSwanson@sangerswysen.com>
Sent: Monday, November 30, 2020 4:50 PM
To: sbcob
Cc: Steve Dunkle
Subject: 12/1 Board of Supervisors Meeting
Attachments: 20 11 30 to Board of Supervisors073.pdf



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Good Afternoon,

Please see attached correspondence for distribution to the Board of Supervisors.

Sincerely,

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November 30, 2020

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County Board of Supervisors

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Via Email Only at sbcob@countyofsb.org

Re: Board of Supervisors Agenda Item #2

Dear County Board of Supervisors:

Rather than speaking orally at the December 1, 2020, Board of Supervisors meeting, we respectfully submit the following:

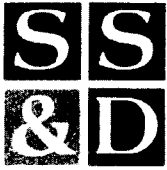
PARTIES MAKING THIS SUBMISSION:

The undersigned is a criminal defense lawyer who has worked on jail conditions issues and litigation for decades.

GENERAL OBSERVATIONS:

1. Jail Conditions Litigation, *Inmates of Santa Barbara Jail v. Sheriff John Carpenter*, Case No. SB152487

Judge Brian Hill has been holding regular hearings. The Public Defender, County Counsel and the Sheriff's command have not only actively participated in the hearings, but have set up regular weekly meetings. The number of people sleeping on the floor of the jail and not assigned beds was reduced and in the last few weeks has been eliminated entirely. Although there were COVID-19 outbreaks among the incarcerated people and staff, there have been no current reports of active cases originating in the jail. Issues such as ventilation and reduction of population continue to be considered.



2. Request to Reinstitute Task Force:

Sheriff Brown invited the undersigned to submit a request to the Criminal Justice Coordinating Counsel (CJCC) regarding the collaboration of the Court's department heads and the private bar in efforts to evaluate the population and ongoing safety of the jail. The CJCC placed this item on its agenda as a recurring matter. The next CJCC meeting will be scheduled in January 2021 under the new Presiding Judge. We hope these meetings will be a useful vehicle to coordinate efforts.

3. Substantive Issues Requiring Continued Attention:

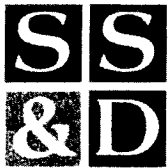
Continuing to keep the jail population down. Due to renovations of the South Branch Jail, even with the North Branch Jail opening, the countywide capacity will not be significantly increased. Furthermore, some of the South Branch facility exceeded the capacity of its original design.

Ventilation Systems. Viral spread through ventilation systems has been documented. The concern that this may occur in the County Jail is being addressed by the Sheriff's Department and the General Services Administration.

Social distancing, PPE and protocols. Work continues to be done on this issue.

RESPONSES TO THE 13 RECOMMENDATIONS APPROVED ON JULY 16, 2020:

1. *Virtual court hearings expanded video access.* Progress is being made.
2. *Collaborative jail discharging.* This effort should include private criminal defense lawyers.
3. *Expand pretrial supervision.* Encouraged.
4. *Bail modification with goal of making bail less restrictive.* This is an important issue. The private defense bar should be included in discussions on this issue. The defeat of Proposition 25 does not mean a return to status quo. The *Humphrey* case is still to be decided by the California Supreme Court and certification of Part III from the opinion of the court below raises questions that need to be answered. Flawed "risk assessment tools" have been implemented despite the repeal of SB 10 and a study of risk assessment is critical. In addition, bail schedules should be reevaluated by the Court.
5. *Citations in lieu of arrest.* Encouraged.
6. *EM and alternative sentence options.* Encouraged.
7. *KMPG recommendations.* No comment presently other than private defense lawyers should be consulted.



8. *Criminal Justice Data Committee.* Encouraged.
9. *Electronic signing.* Most courts are accepting DocuSign which should be encouraged.
10. *Electronic cloud-based discovery receptacle.* Encouraged.
11. *Stepping Up.* Great work is being done on the part of Behavioral Wellness and the Sheriff.
12. *Center for Court Innovation timeline.* No comment.
13. *Possession of cannabis expungement.* District Attorney's Office's efforts should be encouraged.

I have court appearances scheduled at the time this agenda item is likely to be called. I appreciate the Board taking into consideration the foregoing and emphasize that there are private criminal defense lawyers who would like to remain involved in these issues.

Sincerely,

SANGER SWYSEN & DUNKLE

Robert M. Sanger