



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: Probation
Department No.: 022
For Agenda Of: November 1, 2022
Placement: Administrative
Estimated Time:
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Tanja Heitman, Chief Probation Officer (805) 882-3652
Director(s) Bill Brown, Sheriff-Coroner (805) 681-4290
Contact Info: Holly Benton, Deputy Chief Probation Officer (805) 803-8588
Selim Celmeta, Custody Lieutenant (805) 681-4047
SUBJECT: Alternative Sentencing and Pretrial Services Program Data

County Counsel Concurrence

As to form: Yes

Other Concurrence: N/A

Auditor-Controller Concurrence

As to form: N/A

Recommended Actions:

It is recommended that the Board of Supervisors:

- a) Receive and file a report on Alternative Sentencing and Pretrial Services program data;
- b) 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:

On August 30, 2022, the Board requested an update on the number of individuals being supervised by the Santa Barbara Sheriff's Office (SBSO) and Probation Department countywide who have been released on various forms of electronic monitoring (EM), including Pretrial Services and Alternative Sentencing clients, as these programs have continued to evolve. Probation and SBSO are providing the requested data.

Background:

Alternative Sentencing

The SBSO Alternative Sentencing (AS) Program is a long-standing program within the County. As provided by Penal Code (PC) Section 1203.016, the Board of Supervisors of any County may authorize the county correctional administrator to create and operate an alternative custody program, which may include work release and home detention. Home detention programs require offenders to serve sentences in specific residential locations, and they may be monitored through the use of EM/Global Positioning Satellite (GPS) devices. Work release allows individuals sentenced to county jails to instead participate in community service projects. Each county may develop its own application process and program parameters/rules, which conform to provisions set forth in the law.

On July 1, 2022, the SBSO and the Probation Department began a collaborative effort to monitor eligible individuals serving their Court ordered custodial commitments via EM in-lieu of physical incarceration. Per the signed Memorandum of Understanding (MOU) between the agencies, each agency has committed to a shared responsibility to ensure the effective and safe monitoring of individuals on EM in the community. The SBSO continues to accept all AS applications, determine eligibility, and book/receive individuals prior to referring to Probation to begin the supervision portion of the commitment. Probation supervises these individuals in the community, and provides assessment of the individual's needs using an evidence-based assessment, as well as subsequent referrals to community-based programs as applicable. Substance abuse services are consistently identified as a top need of the population and have driven referrals to community organizations.

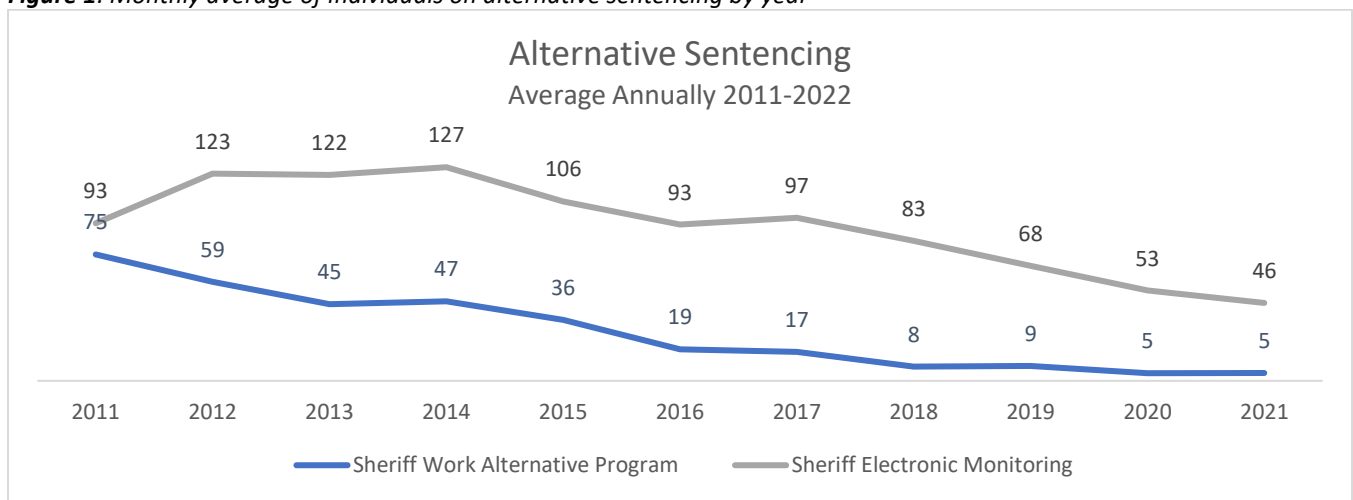
AS participants with identified needs benefit from recommended services and supports. The split of the program into two components – referral and screening, handled by the SBSO, and community supervision and case management, handled by Probation - allows each agency to offer its respective expertise to this population, which will enhance community safety and client outcomes.

An additional enhancement to AS has been the earlier identification of potential eligible cases. The Probation Department's Investigation Deputy Probation Officers (DPOs) preparing sentencing reports on persons who will or may serve a local jail commitment determine pre-eligibility for EM, describe the program to the individual, refer interested persons to the SBSO, and ensure individuals are provided an application or are appropriately directed to complete an application. For individuals who may be eligible, but remain in custody, the DPOs coordinate with a Probation Jail Assessor or SBSO staff to provide applications. If eligibility has been determined and is available at the time of the filing of a sentencing report, the Investigating DPO will include information regarding the status of the EM application in the report. This process is still under implementation.

Program applicants must be sentenced to serve time in Santa Barbara County Jail in accordance with PC 1203.018(c). Applicants complete a detailed application which SBSO AS staff review and utilize in their eligibility determination. Applicants will then be accepted to the program, or given a program denial. According to SBSO records, on average, approximately 4% of total applicants are rejected

annually. Disqualifying criteria include the individual’s underlying offense or registration status¹. On average, the SBSO goal for in-custody enrollment is two weeks from time of application to enrollment (“hook up”) but if there are application mistakes, residency verification issues, or other problems, the process can take as long as 3-4 months. Timelines for out-of-custody enrollment vary due to how quickly SBSO staff can review submitted applications and it is not uncommon for defendants to return to court and request an extension due to the delays; the SBSO goal is 10 days from application to enrollment, but the timeline can range from 3-8 months from application submittal to program enrollment. To better facilitate the screening and more rapid enrollment to alternative sentencing, the SBSO is making the application available for completion online, and has added an hour of availability to their booking days to double the number of potential applicants who can be screened. According to historical data, the number of individuals released on various forms of alternative sentencing peaked in 2014 with a total monthly average of 174 individuals across its work alternative and electronic monitoring programs. The steady decline was caused by several external and internal factors. The enactment of Proposition 47 in 2014 reduced the sentencing criteria for certain felonies and thus affected the length of many local sentences, which in turn, reduced daily population averages. In addition, the Sheriff initiated a program of “milestone” time credits which provides for up to forty (40) days jail time credit for successful completion of rehabilitative programming while in custody. These factors, along with “good time” credits are only applied to those in custody, those on an alternative sentence are required to serve their entire sentence. Many prospective AS clients simply choose to remain in custody so they are “released” sooner. The COVID-19 pandemic, beginning in Spring of 2020, appears to have caused a dramatic reduction in overall jail population and, with the courts closing, cases were not being adjudicated. This resulted in fewer sentenced candidates for EM or Sheriff’s Work Alternative Program (SWAP). As we have been emerging from the pandemic, the numbers have started to rebound. More candidates, coupled with the shifting of supervision responsibilities to the Probation Department, has resulted in increased participation in AS. As of October 10, 2022, a total of 70 individuals were enrolled in alternative sentencing, 66 are assigned to electronic monitoring and four are assigned to the SWAP.

Figure 1: Monthly average of individuals on alternative sentencing by year

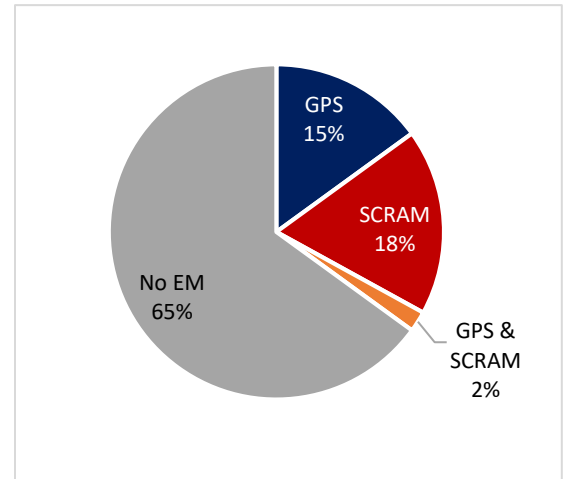


¹ Examples of disqualifying criteria include but are not limited to the following: Flash Incarcerations (3454(c) PC); 290 PC Registrants (sex offender registrants); Charge of 187 or 664/187 PC (homicide); 457.1 PC Registrants (arson registrants); those with Court Order “No AS” or other specific language that indicates no AS Programs allowed; individuals residing outside of the Tri-Counties area (Ventura, Santa Barbara, San Luis Obispo County) – Temporary addresses within the tri-counties will be accepted once verified.

Pretrial Services

Pretrial Services (PTS) has existed in Santa Barbara County since 1977, when it was under the auspices of the Superior Court, which has a long history of innovation and commitment to exploring alternatives to custody. In its earliest forms, PTS was focused on providing the Court with information on low risk individuals. In 2015, the Superior Court, in collaboration with the Community Corrections Partnership (CCP) and the local criminal justice stakeholders, began exploring the use of validated pretrial risk assessments and expansion of supervised release options. Through technical assistance opportunities provided through the Pretrial Justice Institute, Urban Institute via a Transitions from Jail to Community Initiative, the Judicial Council, the CCP and the National Institute of Corrections, local planning efforts were launched and supported by a team of experts enabling Santa Barbara County's Pretrial Program to flourish.

Figure 2: Percent of supervised pretrial population on GPS or SCRAM on 10/1/2022 (n=557)



Through the planning process, local stakeholders were able to come to consensus on recommendations that included the use of a validated risk assessment tool, the Virginia Pretrial Risk Assessment Tool-Revised (VPRAI-R). Additionally, an intensive supervision and monitoring component was developed to allow those with high-risk levels and greater needs to be considered for release. The Court accepted and implemented the recommendations in 2017, utilizing funding provided by the CCP to launch the VPRAI and subsequently engaged DPOs to serve as Pretrial Compliance Officers (PTCOs) for those individuals requiring more supervision to facilitate release. With additional pretrial pilot grant funding, the supervision program has continued to expand. In 2020, with the agreement of the Court, Pretrial Assessment functions were transferred to Probation, and now both the assessment and supervision portions of PTS have been implemented by Probation.

The Santa Barbara County pretrial justice system is committed to effectively supervising those released on pretrial supervision, reasonably assuring attendance at court hearings while maintaining the presumption of innocence and providing protection to the public. PTCOs monitor defendants and their adherence to conditions of supervised release. The PTCOs communicate the progress of defendants via memorandum reports to the judicial officer and attorneys. PTCOs supervise defendants according to their risk level and may be responsible for the installation of GPS, responding to Secure Continuous Remote Alcohol Monitoring (SCRAM) violations, and completion of violation reports or warrant requests. Defendants are connected to resources and supports, and receive additional assistance from Pretrial Service Navigators (PSN) who are available to help guide pretrial defendants to needed services. PSN assist the defendants in connecting to voluntary and/or court-ordered services for unmet needs, which may include housing, mental health, substance abuse, transportation, child care, employment, and much more. The observed rates of pretrial failure increase as the assessed risk level increases, which is a validation of the selected tool, and as expected, defendants with higher scores on the VPRAI-R had the highest rates of unsuccessful completion on pretrial supervision. These individuals are often those that are unhoused, have mental health and/or substance abuse vulnerabilities, lower

level offenses and for whom custody time is not necessarily appropriate; these defendants are served by PSN. The Probation Department has added two additional Navigators this FY to facilitate better outcomes.

PTS has experienced a steady and continuous growth of defendants being released on some form of pretrial supervision. On June 30, 2020, 335 defendants were on pretrial release; two-years later, the number of defendants had increased 75% to 587 defendants. During FY 2021-2022 a total of 1,441 defendants entered PTS, and 1,197 completed the program (Figure 3). The majority of defendants completing PTS in FY 2021-2022 were successful (66%) in that they reported to pretrial staff when released, reported as required, appeared for scheduled court appearances, and did not have any new offenses during their monitoring period.

Figure 3: Pretrial Starts/Closures by Fiscal Year

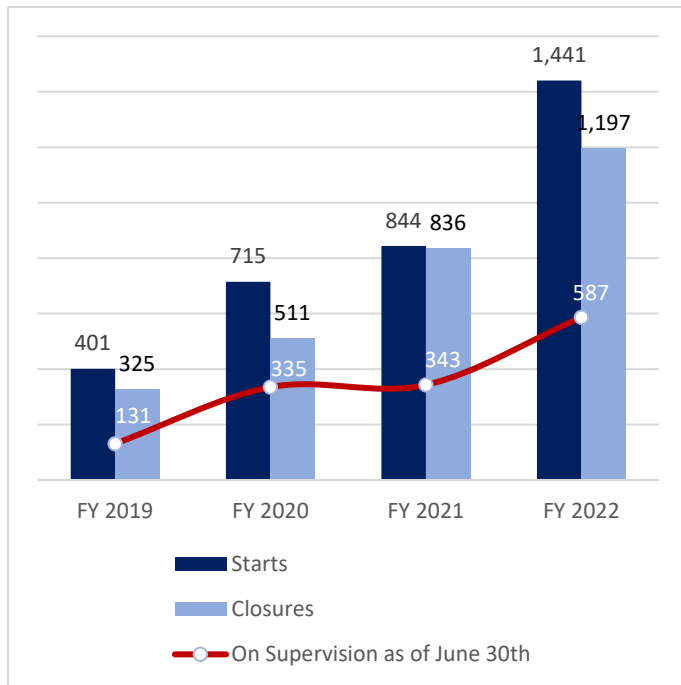
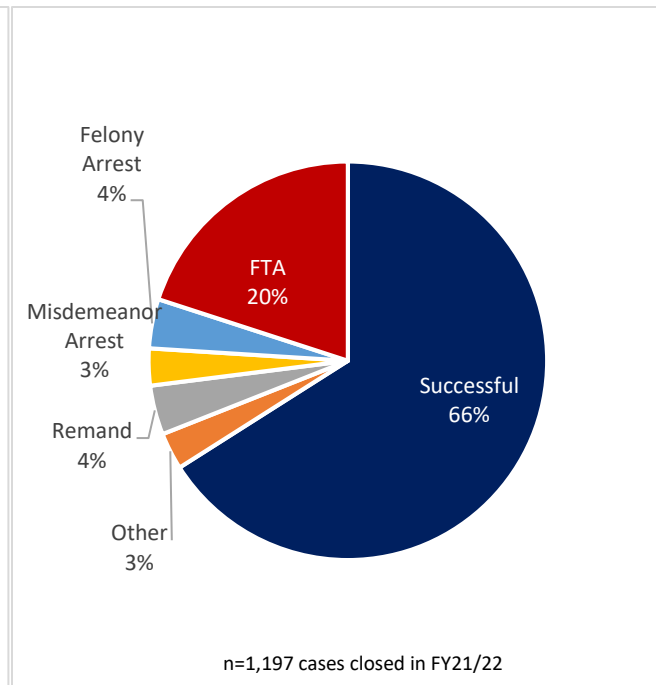


Figure 4: Pretrial Supervision Disposition Outcomes



Summary

The collaborative efforts surrounding AS between the SBSO and the Probation Department launched on July 1, 2022. Program screening and program entry decisions are the sole discretion of the SBSO, and community monitoring in-lieu of physical incarceration and service referral and coordination is the responsibility of the Probation Department. Through early identification, enhanced collaboration and more robust services, it is believed that AS will expand over time and current numbers suggest that a gradual increase is being realized.

Pretrial supervision for defendants not yet sentenced is driven by Court discretion and has continued to climb over the past years. Participant numbers are expected to level off and remain fairly consistent over the next few years. Updated data on AS and Pretrial will be provided each year, in May or June, as part of the Community Corrections Partnership (CCP) Public Safety Realignment (AB109) Plan presentation to the Board of Supervisors.

Authored by:

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