



**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 Names:** County Executive Office  
(CEO)  
**Department No:** 012  
**For Agenda Of:** July 13, 2021  
**Placement:** Departmental  
**Estimated Tme:** 1 hour  
**Continued Item:**  
**If Yes, date from:**  
**Vote Required:** Majority

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**TO:** Board of Supervisors  
**FROM:** Department Directors  
Mona Miyasato, County Executive Officer  
Contact Info: Rachel Lipman, Fiscal & Policy Analyst

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**SUBJECT:** Status Report on Criminal Justice Improvement Efforts

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**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;
- c) Direct staff to return in 60-90 days with another progress report; and
- d) 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:**

Significant efforts to collectively improve the criminal justice system in Santa Barbara County have been underway since before the pandemic. These efforts have included work by all criminal justice partners— Probation, District Attorney, Public Defender, Sheriff, Courts, and Behavioral Wellness—and have addressed several aspects of the justice system. During the April 2021 Budget Workshops, the Board received a Special Issue presentation on Jail Population, Diversion, and Collaborative Justice, which concluded with a call to action, committing to return to the Board in two months with a progress report on actionable next steps to enhance access to justice. Today’s report will focus on diversion efforts, digital evidence sharing, and development of a data dashboard, and will include a special presentation of District Attorney progress in these areas.

**Background:**

Significant efforts to collectively improve the criminal justice system in Santa Barbara County have been underway since before the pandemic. These efforts have included work by all criminal justice partners—Probation, District Attorney, Public Defender, Sheriff, Courts, and Behavioral Wellness—and have addressed several aspects of the justice system. Some initiatives have focused specifically on reducing recidivism and chances of a return to jail, some on diverting offenders from jail and reducing time in jail (when safe to do so), some on diverting those with mental illness from jail, and others on improving the overall speed and efficiency of the criminal justice system.

Over the past several years, the Board has expressed desire to ensure the justice partners are employing diversion efforts when safe to do so in order to improve outcomes for those involved in the criminal justice system and reduce the jail population. The past two years have focused on information gathering and strategic analysis and recommendations:

- Center for Court Innovation’s strategic planning coordination through a Bureau of Justice Assistance Sixth Amendment grant
- Criminal Justice and Racial Equity Report – July 16, 2020
  - Criminal Justice Mapping Report
  - Jail population reduction strategies
  - Recommendations to improve overall system efficiency (including during COVID) and reduce recidivism
- KPMG departmental reviews of Public Defender, Probation, District Attorney, and Sheriff – late 2020 to early 2021

During the April 2021 Budget Workshops, the Board received a Special Issue presentation on Jail Population, Diversion, and Collaborative Justice, during which the District Attorney and Public Defender addressed the following questions regarding diversion

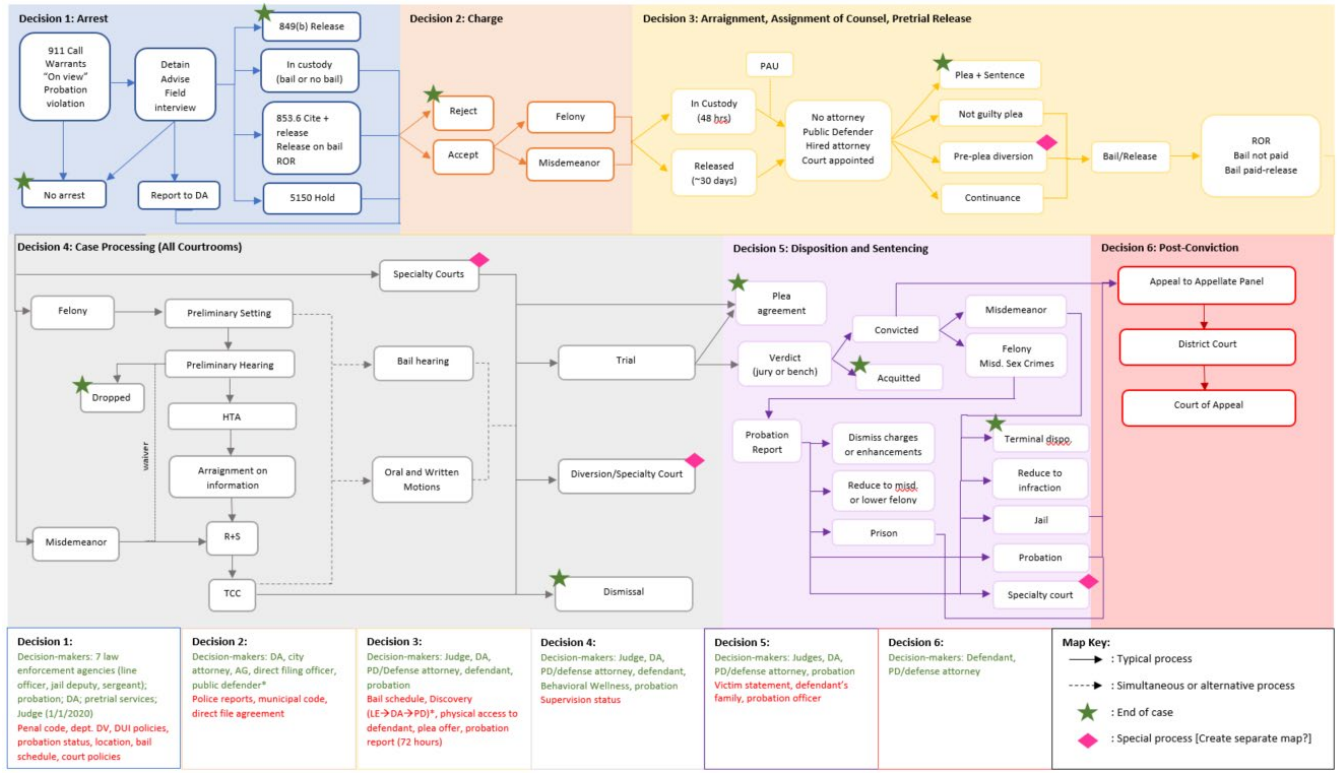
- Who gets diverted and why?
- What is the process, criteria, and parameters of the diversion programs and are they working?
- What is your department going to do in the next 60 days to enhance and improve Diversion Programs and Early disposition efforts?
- What would you request the other stakeholders to do to enhance or improve these programs?

This presentation concluded with a call to action, committing to return to the Board in two months with a progress report on actionable next steps to enhance access to justice. Over the past two months, the criminal justice planning group has continued to meet, and many ad hoc meetings have taken place to pursue such initiatives.

Today’s report will focus on diversion efforts, digital evidence sharing, and development of a data dashboard, and will include a special presentation of District Attorney progress in these areas.

**Off-Ramps from Criminal Justice System (including Diversion Opportunities)**

The Center for Court Innovation created a map of the criminal justice system, which identified points where diversion can take place.



The criminal justice partners have simplified this graphic into a table of opportunities to off-ramp from the criminal justice system, organized by stage of the system in which they take place.

**Off-Ramps from the Criminal Justice System**

<p><b>Pre-Arrest Diversion</b> Law Enforcement Discretion (Co-Response and CSU involve Behavioral Wellness)</p>	<ul style="list-style-type: none"> <li>• Counsel/Warn by Law Enforcement (avoids arrest/citation)</li> <li>• CREDO 47, including potential referral to Sobering Centers and Crisis Stabilization Units</li> <li>• Co-Response (this may result in diversion or may lead to arrest/citation)</li> </ul>
<p><b>Pre-Filing Diversion</b> District Attorney Discretion</p>	<ul style="list-style-type: none"> <li>• DA's Misdemeanor Diversion Program</li> <li>• DA's Goleta Neighborhood Court Pilot</li> <li>• CREDO 47</li> <li>• DA's Discretion to Reject in the Interest of Justice (may be diversion or may be rejected for other reasons)</li> </ul>
<p><b>Pre-Plea Diversion</b> District Attorney and Courts Discretion</p>	<ul style="list-style-type: none"> <li>• Low Risk – Substance Abuse Treatment Court (Pre-Plea SATC)</li> <li>• Felony &amp; Misdemeanor Mental Health Diversion PC1001.36</li> <li>• Veteran's Diversion (MILD) Military Diversion</li> <li>• Misdemeanor Court Diversion PC1001.95</li> </ul>

	<ul style="list-style-type: none"> <li>• PC1000</li> <li>• Restorative Court</li> <li>• TAP Theft Awareness Program</li> <li>• Cognitive Diversion PC1001.22</li> </ul>
<p><b>Post-Conviction*</b> District Attorney, Public Defender, Probation, Courts Collaboration; Behavioral Wellness included in MHTC decisions</p>	<ul style="list-style-type: none"> <li>• Mental Health Treatment Court (MHTC)</li> <li>• Substance Abuse Treatment Court (SATC)</li> <li>• Dual-Diagnosis Court (DDX)</li> <li>• Veteran’s Treatment Court (VTC)</li> <li>• Youth Offender Program</li> <li>• Prop 36</li> </ul>
<p><b>Jail Avoidance*</b> Law Enforcement Discretion (Pretrial Supervision involves Probation)</p>	<ul style="list-style-type: none"> <li>• Pretrial Supervision</li> <li>• Alternative Sentencing</li> <li>• Citation (on Scene) in Lieu of Booking</li> <li>• Citation Post-Booking</li> </ul>

\* These categories may or may not result in “off-ramps” from the criminal justice system. The specialty courts and supportive programs listed in the Post-Conviction category may allow expungement of criminal record if the treatment program or other requirements have been successfully completed. However, participants in these programs have already been convicted. Jail Avoidance strategies allow individuals to serve jail time out of custody in the community once they have entered the criminal justice system.

The criminal justice partners will continue to evaluate and quantify what actions are being taken at these different “off-ramps” and diversion opportunities, and can report on those efforts at future check-ins.

Following the last presentations to the Board, the District Attorney’s Office reports the following progress:

**Expanded Diversion Opportunities**

*Over the past several months, the District Attorney’s Office has taken several concrete steps towards expanding diversion opportunities. The Office has continued the development of the Neighborhood Court pilot program in collaboration with the Second District Office. Neighborhood Court will be a restorative justice-based pre-filing diversion program for certain misdemeanor offenses and infractions. The District Attorney’s Office has initiated the education and strategic planning process for this program, which includes engaging with Yolo County to provide comprehensive training to the recently hired Neighborhood Court Coordinator and the Neighborhood Court volunteer panelists/facilitators.*

*In addition, the District Attorney’s Office was awarded a technical assistance grant from the Bureau of Justice Assistance to develop an evidence-based and community-focused felony diversion program. This technical assistance will be led by the Center for Court Innovations (CCI). CCI is a National leader in evidence-based diversion programs and collaborative community courts. CCI will take a data-driven, community-based approach to analyzing the need for additional diversion programs in Santa Barbara County. CCI uses original research to determine*

*what works in a community and what does not. The District Attorney's Office is confident that CCI will provide the same level of expert assistance that they have provided to justice reformers around the world. Regardless of the complexity, scope, or the subject matter, CCI's approach is always the same: thoughtful planning, an emphasis on creativity, and the rigorous use of data to document results. Phase One of the technical and training assistance will involve CCI performing a site visit, conducting resource mapping, and drafting a needs assessment. This is scheduled to begin after October 1, 2021. Phase Two will involve CCI assisting with implementation and delivery of the plan outlined in the needs assessment.*

### **Early Disposition Efforts**

*In April 2021, the Board of Supervisors asked what the District Attorney's Office was going to do in the next 60 days to enhance and improve diversion programs and early disposition efforts.*

*The District Attorney's Office felt that it would be most meaningful to highlight early disposition efforts related to misdemeanor cases since the onset of the COVID-19 pandemic. During the COVID-19 pandemic, the District Attorney's Office collaborated with public health experts, the Sheriff's Office, the Superior Courts, and other law enforcement agencies to mitigate the anticipated backlog of criminal cases. As social distancing measures were enacted, the Superior Courts significantly decreased operations and criminal justice resources became extremely limited. The District Attorney's Office chose not to file a significant percentage of submitted misdemeanor cases in an effort to mitigate the impact of the Superior Courts' closure on the criminal justice system. These were cases that could likely have been proved beyond a reasonable doubt. However, in the interest of justice and public health, the District Attorney's Office chose not to file these cases.*

*The District Attorney's Office performed a detailed analysis of early disposition efforts, specifically the number of misdemeanor cases that were diverted, reduced to an infraction or rejected in the interest of justice. Beginning in the second quarter of 2020, the percentage of cases that were rejected in the interest of justice increased significantly. For example, the number of cases that were rejected in the interest of justice increased by 110% from 2020 Q1 to 2020 Q2. Additionally, the number of cases that were reduced to infractions during this same time period increased by 108%. These trends coincide with the onset of the COVID-19 pandemic and continue to date. This data will be highlighted in greater detail in the PowerPoint presentation that will accompany this report.*

*The District Attorney's Office does not anticipate maintaining the current level of rejections after the backlog has been resolved. However, the District Attorney's Office is committed to bolstering the existing pre-arraignment settlement courts and collaborative courts. As we move forward, the question of "divert to where" becomes important. We must work diligently to ensure that current diversion programs are working well and develop metrics to measure their success. In addition, the District Attorney's Office is committed to exploring additional evidence-based diversion programs which will support the criminal justice system as a whole.*

### **Digital Evidence Sharing**

The flow of digital evidence from law enforcement agency to District Attorney to defense counsel is a critical component of the criminal justice system. When discovery materials do not move through this path in a timely manner, or when initial discovery materials are not complete, access to justice can be negatively impacted. The Sixth Amendment of the Constitution guarantees the right to a speedy trial,

which means discovery must change hands in an efficient manner to avoid unnecessary court continuances and to minimize pre-arraignment and pre-trial jail time.

With the advent of body-worn cameras by law enforcement officers, as well as the expanding use of smart phones and social media, the quantity and complexity of discovery has increased rapidly and significantly. The Santa Barbara Police Department and Sheriff's Office are expanding the use of body-worn cameras, which will result in continued growth of digital discovery materials. The District Attorney and Public Defender, in collaboration with the County Executive Office and General Services IT Division, have been working together over the past year to explore technology solutions to provide a more efficient and effective platform for digital evidence sharing.

This multi-department team has narrowed down the solutions to two options, which may be able to work in concert with one another. These options include a Digital Evidence Management Software (DEMS) system and a Box.com unlimited cloud-based storage system. Over the next two months, this group will seek proposals from vendors to evaluate options with more definitive cost information. In addition, the District Attorney's Office has applied for a multi-year grant to fund the purchase and licensing costs of a DEMS system, and expects to receive notice by October of 2021.

Further collaboration to ensure efficiency, access, reliability, and timeliness of discovery materials will continue in the coming months. Clarity of processes and/or policies should be ensured prior to expenditures of technology funding.

### **Data Dashboard**

The long-term plan is to create an interactive real-time data dashboard that incorporates data from all criminal justice partner departments in order to increase transparency in the system. The District Attorney has coordinated meetings with Yolo County, which uses a data dashboard developed by Measures for Justice which focuses on prosecutorial data and decisions points. The FY 2021-22 budget includes a set-aside of \$250,000 for development of a dashboard. The criminal justice planning group is exploring options for a data dashboard which would incorporate data from all of the system partners.

As an interim measure, while work to establish a more robust dashboard is underway, the Probation Department has taken the lead on creating a public facing, preliminary dashboard which builds upon the collaboration of the Criminal Justice Data Committee (CJDC) and the infrastructure created through the Integrated Justice Information System (IJIS). The Probation Department's portion of the dashboard is operational and a glossary of terms is under development. Below is a screenshot of this preliminary dashboard.

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 Criminal Justice Improvement Efforts



Navigation controls: Go back, Adult, Microsoft Power BI

The next phase of the interim dashboard incorporates the Sheriff’s Office jail data, which is currently going through quality assurance testing. The District Attorney plans to be a part of the effort but specific data elements to be contributed have not yet been finalized. The Court has expressed interest in providing data that helps inform an accurate picture of the criminal justice system, however, details of the Court’s involvement have not yet been formalized.

**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.

**Authored by:**

Rachel Lipman, Fiscal & Policy Analyst

**cc:**

- Bill Brown, Sheriff
- Tanja Heitman, Probation Chief
- Joyce Dudley, District Attorney
- Tracy Macuga, Public Defender