



**BOARD OF SUPERVISORS
AGENDA LETTER**

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
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Department Names: County Executive Office (CEO)
Department No: 012
For Agenda Of: March 15, 2022
Placement: Departmental
Estimated Tme: 30 minutes
Continued Item:
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Directors
Contact Info: Nicole Parmelee, Fiscal & Policy Analyst
Mona Miyasato, County Executive Officer
Nancy Anderson, Assistant County Executive Officer *NA*

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SUBJECT: Status Report on Criminal Justice Partners Improvement Efforts

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) Continue process to improve discovery through completion of InnovateSBC next steps: RFP process for procurement of digital evidence management software (DEMS) and/or technology solution as previously reported, with a subsequent budget revision at a later date to allocate the funds previously set-aside in the FY 2021-22 budget for the identified solution;
- d) Direct staff to return in 90-120 days with another progress report; and
- e) 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:

Santa Barbara County has fostered ongoing discussions and actions to enhance the criminal justice system, including representatives and leadership from each of the justice partners: District Attorney, Sheriff, Public Defender, and Probation. Additionally, many efforts have included the Court, community leaders, mental health providers, outside vendors, subject matter experts, consultants, and other counties to gather

the best available and most current information. In October 2021, your Board was presented with a project tracking report of criminal justice initiatives (“CJI tracker”), with timelines for completion and updates to the Board.

Today’s presentation will include updates, accomplishments, and challenges related to those key initiatives, a discussion of priorities and external impacts, and a report on the InnovateSBC collaborative process mapping and technology solution identification as it pertains to the discovery initiative.

While the inmate population for the entire jail system (Main Jail and Northern Branch Jail) has nearly returned to pre-COVID levels of roughly 800 inmates, of which 77% are pre-sentenced, significant efforts to collectively enhance the efficiency of the criminal justice system in Santa Barbara County continue. Many have been underway since before the pandemic. 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. Progress has been made, as demonstrated in this update, but many of these efforts will require sustained intervention and effort by all criminal justice partners to produce lasting impact and improvement.

Discussion:

Since the last update to your Board in November 2021, staff from departments have continued to make progress. Along with project status updates, the attached CJI tracker has been consolidated and prioritized to the most relevant initiatives and areas of focus in the following priority order:

1. **Access to Incarcerated Clients.** This initially simple request and agreement to allow the Public Defender to bring non-internet-enabled laptops into the jail for use with their clients has evolved into a much broader and more critical issue that has been greatly exacerbated due to ongoing pandemic impacts. Court experts, Probation, Public Defender, and private and conflict panel attorneys need to be provided ongoing and reasonable access to clients as constitutionally mandated by the 6th Amendment. While accommodations such as laptops, extended hours in Zoom rooms, and mobile carts have been implemented, the broader access issue continues to be a significant challenge that the justice partners discuss and evaluate regularly.
 - a. The Main Jail has been experiencing a COVID-19 outbreak since December 9, 2021. In response to the outbreak, large areas of the facility were required to be quarantined, which prevented moving inmates to video conferencing equipment and hindered court and attorney access. As the outbreak has begun receding, the Sheriff’s Office has been working with the Public Defender and the Courts to schedule video conferencing, as well as allowing in-person visitation, to help ease the backlog of cases. The recent occupation of the Northern Branch Jail (NBJ) has enhanced the Sheriff’s Office video conferencing capability and access in that location. The Sheriff’s Office expects this will further improve once booking operations begin at the NBJ, freeing up video equipment at the Main Jail currently used for North County Court arraignments.
 - b. Justice partners continue to work toward a coordinated, transparent plan for efficient, dependable, confidential, and standardized access protocols, which will create efficiencies for all involved by reducing wait times to see inmates and minimizing dependence on Sheriff staff for scheduling needs.

2. **Discovery.** This work seeks to identify technology solutions to enhance the efficiency of the discovery sharing process, from law enforcement to prosecutor to defense; identify potential need for additional staff in law enforcement, prosecution, or defense; and document the current process, ideal process, and create procedures to support the ideal process.
 - a. In September 2021, a specialized InnovateSBC training focusing on the cross-departmental process of evidence discovery began. This included 11 formal sessions with an InnovateSBC professional facilitator, as well as approximately 10 additional ad hoc meetings of smaller workgroups. The formal InnovateSBC sessions concluded in early November, followed by approximately 6 follow-up meetings with the smaller workgroups. Throughout the process, 31 action items were proposed to improve the evidence discovery process. Of these process improvements, 13 have been completed and 18 are currently in progress or ongoing. Criminal justice partner (CJP) departments have continued to find and implement new measures to improve efficiency of their respective components of the evidence discovery process.
 - b. Concurrent with the InnovateSBC process, CJP departments were researching and in discussion with software vendors. In October 2021, departments participated in vendor demonstrations of a digital evidence management software (DEMS).
 - c. CJP departments are currently finalizing process maps of their desired future state for the evidence discovery process, including use of an integrated software solution to facilitate analysis and transfer of electronic discovery. This mapping is expected to be completed in March 2022. A Request for Proposals (RFP) for a DEMS is being developed with the target release in June 2022. Recommendations regarding technology investments and release of the funding previously set aside for this purpose will be brought to the Board, along with any staffing recommendations, after initial vendor application scoring has been completed and a better understanding of the needed technology solution costs is reached.
3. **Multi-Disciplinary Teams (MDT).** The MDT intervenes at the earliest possible client contact with the legal system, assessing and pairing individuals with services unique to their needs. MDT provides early assessment, early access, case planning, oversight, and follow-through by practitioners best suited to perform these tasks. These early interventions help reduce both jail population and recidivism. Justice partners are working collaboratively to reach consensus regarding creation of a meaningful, active, and successful MDT. The Community Corrections Partnership (CCP) Workgroup recommended funding for an additional position to oversee case planning in FY 2022-23. While the criminal justice partners agree as to the necessity of the MDT, the specifics of the position, structure, work scope, and department assignment are still in discussion. This recommendation will go to the CCP in April and to the Board in May, with funding to start on July 1.
4. **Shared Alternative Sentencing Pilot.** An alternative sentence provides certain—typically first-time—offenders with the opportunity to serve their sentence via community or State programs, instead of through jail time. Alternative sentencing options benefit the accused, the criminal justice system, and society at-large, while reducing the total number of incarcerated individuals. This joint pilot program between Probation and Sheriff combines the strengths of both departments to effectively manage supervision in the field. The departments are in process of finalizing a MOU and the transition to joint oversight is anticipated to occur by fiscal-year end.
5. **Pretrial Supervised Release.** This program is designed to identify suitable candidates for pretrial (both pre- and post-arraignment) release, while keeping victims and the community safe by

monitoring compliance with release conditions. With the program growing rapidly, services have expanded to 563 supervised clients as of January 1, 2022, which is more than double the number of clients monitored just 9 months prior. Probation is redirecting internal resources to assist with the expansion, along with two new pretrial supervision positions funded through the CCP in FY 2022-23.

6. **Data Dashboard.** This initiative reflects the Board's priority of promoting evidence-based practices in the criminal justice system, by creating a public-facing data dashboard that supplies all criminal justice partners, the CEO's Office, the Board, the Court, and the public with access to key data points, to aid in policy and budget decisions for longevity planning. An interim static data dashboard was created, including Probation and Sheriff jail data, and a glossary of terms—with recent improvements now providing daily refresh of jail data. Data from Public Defender and District Attorney will be integrated, along with additional law enforcement data, and Probation is working with Courts to eventually integrate their data as well. In addition to the County dashboard, Public Defender and District Attorney have worked to create their own individual dashboards. Next steps include developing a firm understanding and consensus as to specific data points and definitions so that all partners and the Board share an understanding of what metrics are being reported and why. Partnerships will be explored with known outside consultants and/or vendors for a Countywide implementation as a pilot program or partnership.
7. **Holistic Defense.** This multi-agency team-based response helps improve client outcomes by addressing the root causes of contact with the criminal justice system. Clients, attorneys, and advocates work in teams to secure pretrial release when appropriate, while addressing issues such as addiction, mental health conditions, unemployment, and homelessness. Holistic defense interrupts cycles of criminal legal intervention by improving case outcomes so that re-entering individuals can stabilize their lives, while reducing recidivism. The Public Defender's Community Defender Division (CDD) was launched through various external funding sources and has continued to add staffing through a combination of grants and CCP funding. Of the clients CDD has worked with during FY 2021-22, 19% were connected with employment. In addition, 57% of clients with housing needs, 73% with substance use needs, and more than 75% with mental health needs were connected with services; also, more than 73% of those who started out in-custody were released with community supports or services. Finally, of the clients partnered with CDD, 94% appeared in court for their next scheduled court date.
8. **Diversion.** Felony diversion programs provide a pre-filing "off-ramp" from the criminal justice system for appropriate candidates, where partner agencies and community members define program parameters and rehabilitation efforts. The Neighborhood Restorative Justice Program (NRJP) uses the concept of restorative justice to address low-level crime through community-based solutions to quickly repair the harm caused by these crimes, outside of the traditional criminal justice system. Restorative justice offers a wide range of benefits and allows for communities, offenders, and victims, if they choose, to participate in assessing harm, measuring reparations, and addressing prevention of future crimes. Due to delays with Center for Court Innovation (CCI) funding from the National Training and Technical Assistance Center (NTTAC), the felony diversion program has been delayed; the District Attorney is currently meeting with NTTAC to discuss funding and timelines.
9. **Resolve Aged Cases.** This is a collaboration between Public Defender, District Attorney, and Courts to resolve serious crime cases over 365 days old in order to promote closure for victims and defendants, as well as reduce the pretrial jail population. A total of 121 cases were identified as "aged" and prioritized for resolution. Continuing pandemic impacts and the Omicron surge, as

well as pervasive staffing challenges, have hindered robust efforts to continue to resolve these cases. However, the District Attorney and Public Defender are continuing to review status and work collaboratively to resolve cases as resources permit, with several cases already resolved.

Though the above listed initiatives are prioritized for implementation due to their ability to result in immediate and long-lasting positive impacts, work is ongoing for many others. The next Board update will include the status of these 9 initiatives, as well as any additional strategies that may be taken into consideration.

Changes to Defer or Exclude Other Initiatives from the CJI Tracker

Finally, in order to achieve a focused, prioritized approach to the needs of Santa Barbara County's criminal justice system and balancing ongoing issues that have arisen, five items on the previous CJI tracker have been removed. Some of those items are still significant and viable to future consideration, while others are no longer relevant for inclusion on the tracker, as they are interdependent on other entities external to the Board and County authority. Initiatives removed from the CJI tracker are:

- 1) **Treatment Courts.** These post-plea courts emphasize rehabilitation, supervision, and oversight to deal with issues such as addiction. This initiative is a prime subject for future discussion and work with the Court for clarity, support, and focused opportunities to resolve cases. Treatment courts are differentiated from earliest intervention, pre-plea diversion programs and have been impacted by new laws. Further discussion is required as to what role treatment courts play in the County's future. While still important, this topic can be revisited within 6-12 months or after more highly prioritized issues have resolved.
- 2) **Victim Advocacy Services.** Support for victim services was removed as an initiative on the criminal justice tracker because, although it is a critically important component of the criminal justice system, Santa Barbara County District Attorney's Victim-Witness Assistance Program already does an excellent job of providing resources and services to victims, annually serving over 3,500 victims of violent crime and their family members countywide. While many resources are important to victims, one of the most prominent needs continues to be Court-ordered restitution, for which successful collection processes are currently in place. The County, the Board, and the community can support this objective by acknowledging victims and their families and including them in the consideration process when deliberating criminal justice issues.
- 3) **ThriveSBC.** The ThriveSBC app assists individuals who are pre-entry, actively involved, and re-entry by supplying access to services that can help prevent justice involvement or reintegrate individuals back into the community. Created by the Public Defender and launched with external grant funding, this service is an excellent example of department innovation and resourcefulness. While not a focus of the criminal justice partner key initiatives, this project should be presented separately to the Board by the Public Defender.
- 4) **Mandatory Settlement Conferences.** Maintaining the use of settlement conferences to promote early resolution of cases and avoid the need for trial unless necessary was an issue raised by the criminal justice partners at the beginning of the pandemic when the cases were being deferred. This is reliant upon the Court, and since the County and Board have no authority in the operations of the Court, this is being removed from the tracker.
- 5) **Virtual Arraignment Courts.** Maintaining virtual arraignment court operations for in-custody defendants is reliant upon the Court, and because the County and Board have no authority over the operations of the Court, this is being removed from the tracker. It is important to note the significant contribution the Court has made to ongoing efforts to bolster access to incarcerated individuals; to retain, if possible, zoom capabilities for court hearings; and to expand opportunities

for early disposition of cases. While this initiative is no longer included on the CJI tracker, this issue is central to using modern technology to build efficient processes that enhance access to justice and comport with longevity planning. The criminal justice partners will continue to work with the Court in hopes that the outcome will benefit the entire criminal justice system.

Background:

In March 2021, the County Executive Office entered into a service contract with retired Judge Sherrill Ellsworth (former Presiding Judge of Riverside County) of Adjudicate Services, LLC to work with the criminal justice partners to develop a “to-do list” of initiatives to improve the criminal justice system, establish working groups to develop recommended action plans, and convene “action pods” to implement the plans. In preparation for this work, Judge Ellsworth reviewed the products of recent information gathering and strategic analysis efforts, including the Center for Court Innovation’s strategic planning report and KPMG reviews. In partnership with the CEO’s Office, Judge Ellsworth spent several months engaging with employees, observing work processes, gaining knowledge about these processes, and exploring opportunities for continuous improvement. After this information gathering and idea-generation period, Judge Ellsworth created—in consultation with stakeholders—a list of initiatives that could be implemented over time to create efficiencies and assist with longevity planning in the criminal justice system.

The criminal justice system is made up of law enforcement, judicial partners, and the corrections system. Each component has a unique function and goals. For the system as a whole to meet its major goals, the three components must function together as a total system, rather than as a collection of independent agencies and departments. The initiatives identified with the stakeholders represent opportunities to improve the experience of both those who work in the system and those who become part of the system—either through alleged criminal activity or as a victim of such activity—and to work towards the shared goal of elevating safety, justice, wellness, and equity.

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.

Attachment:

Criminal Justice Initiative Tracking Sheet

Authored by:

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cc:

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