

Status Report on Criminal Justice Efforts

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Overview

- Background
- Off-Ramps from the Criminal Justice System
 - *Report from District Attorney's Office*
- Digital Evidence Sharing
- Data Dashboard

Background

- April 2021 Budget Workshops included a presentation on Jail Population, Diversion, and Collaborative Justice
 - Commitment to return to Board and report progress in 60 days on criminal justice system collaborative efforts
 - Diversion remains a critical piece of the conversation; these questions were asked in April, and will be addressed with a District Attorney update today
 - 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?

Off-Ramps from the Criminal Justice System

- “Off-Ramps” take several forms
 - Some avoid jail time
 - Some offer potential expungement
 - Some truly divert from the system
- They occur at various points in the system and involve various departments with varying levels of discretion

Potential Opportunities for Diversion

<p>Pre-Arrest Diversion Law Enforcement Discretion (Co-Response and CSU involve Behavioral Wellness)</p>	<ul style="list-style-type: none">• Counsel/Warn by Law Enforcement (avoids arrest/citation)• CREDO 47, including potential referral to Sobering Centers and Crisis Stabilization Units• Co-Response (this may result in diversion or may lead to arrest/citation)
<p>Pre-Filing Diversion District Attorney Discretion</p>	<ul style="list-style-type: none">• DA's Misdemeanor Diversion Program• DA's Goleta Neighborhood Court Pilot• CREDO 47• DA's Discretion to Reject in the Interest of Justice (may be diversion or may be rejected for other reasons)
<p>Pre-Plea Diversion District Attorney and Courts Discretion</p>	<ul style="list-style-type: none">• Low Risk – Substance Abuse Treatment Court (Pre-Plea SATC)• Felony & Misdemeanor Mental Health Diversion PC1001.36• Veteran's Diversion (MILD) Military Diversion• Misdemeanor Court Diversion PC1001.95• PC1000• Restorative Court• TAP Theft Awareness Program• Cognitive Diversion PC1001.22

Potential Opportunities for Expungement of Criminal Record or Jail Avoidance

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

* These may or may not result in “off-ramps” from the criminal justice system.

Data Dashboard/ Measures for Justice

- Working to develop and implement an external data dashboard to increase transparency.
 - Coordinated meetings with Yolo County and Measures for Justice (MFJ).
 - Requested proposal from MFJ for Commons dashboard, and submitted our recommendation for a full Commons dashboard to the CEO's Office.
 - Provided additional information to support our Data Analyst expansion request.
 - Explored interim data dashboard options, including:
 - Collaborating with Probation on utilizing the Master Name Index (MNI) project to facilitate a data dashboard.
 - Publishing a dashboard on the District Attorney's website.
 - Beginning to develop an interim data dashboard using PowerBI.

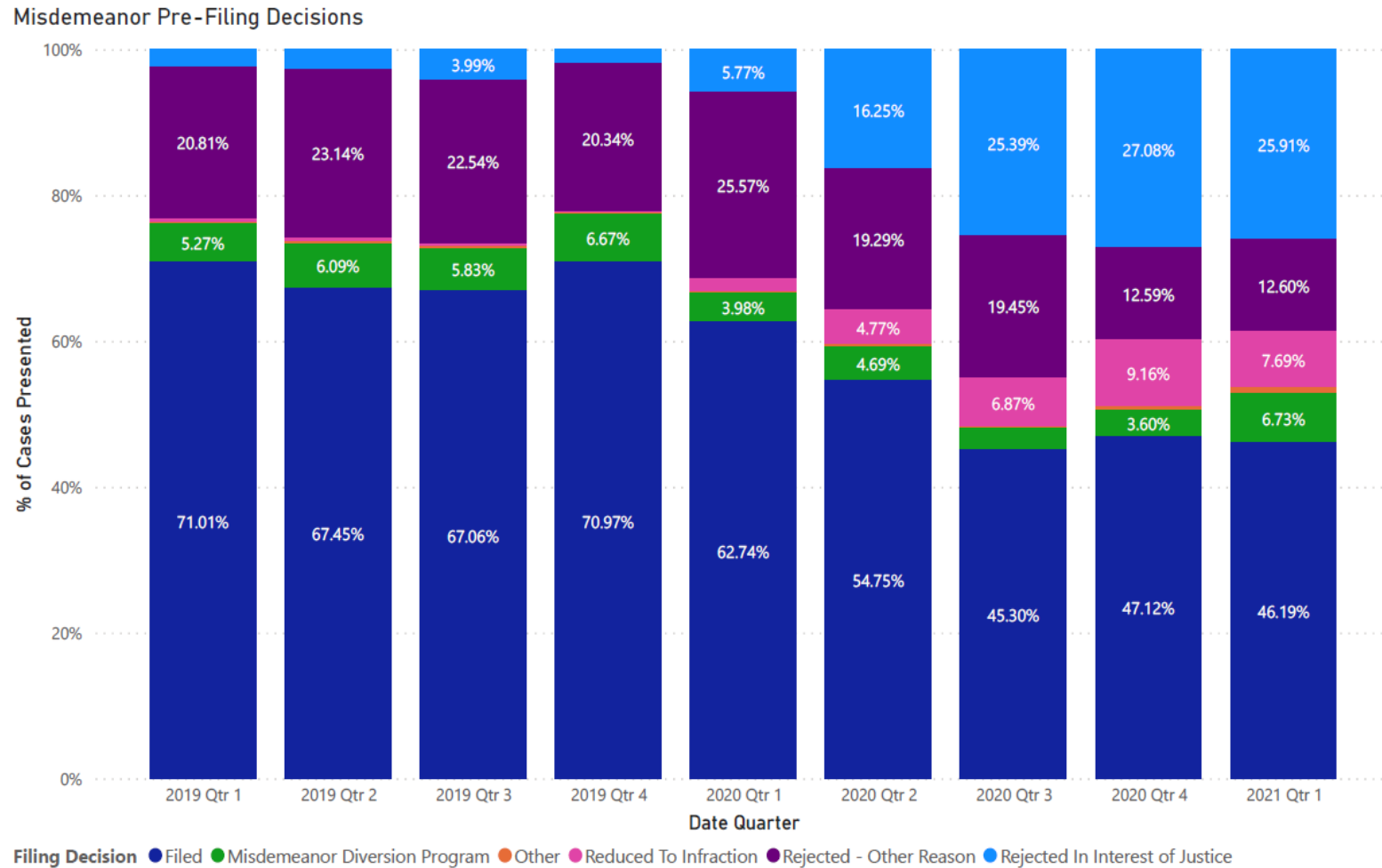
Expanded Diversion Opportunities

- Continued development of the restorative justice-based Neighborhood Court pilot program.
 - Hired a Neighborhood Court Coordinator.
 - Initiated training, education and strategic planning process, which includes close collaboration with Yolo County's Community Courts team.
- Awarded a technical assistance grant from the Bureau of Justice Assistance to develop an evidence-based and community focused felony diversion program.
 - Led by the Center for Court Innovations (CCI).
 - Will take a data-driven, community-based approach to analyzing the need for additional diversion programs in Santa Barbara County.
 - Will also focus on assisting with developing a felony diversion program.
 - Phase One will involve CCI performing a site visit, conducting resource mapping, and drafting a needs assessment. This is scheduled to begin after 10/1/2021.
 - Phase Two will involve CCI assisting with implementation and delivery of the plan outlined in the needs assessment.

Early Disposition Efforts

- This chart represents a global look at our misdemeanor pre-filing decisions.
- Beginning 2020 Quarter 2, the percentage of cases that we rejected in the interest of justice and reduced to Infractions increased significantly.
- This coincides with the onset of the COVID-19 pandemic.

Misdemeanor Pre-Filing Decisions: 2019 Q1 - 2021 Q1

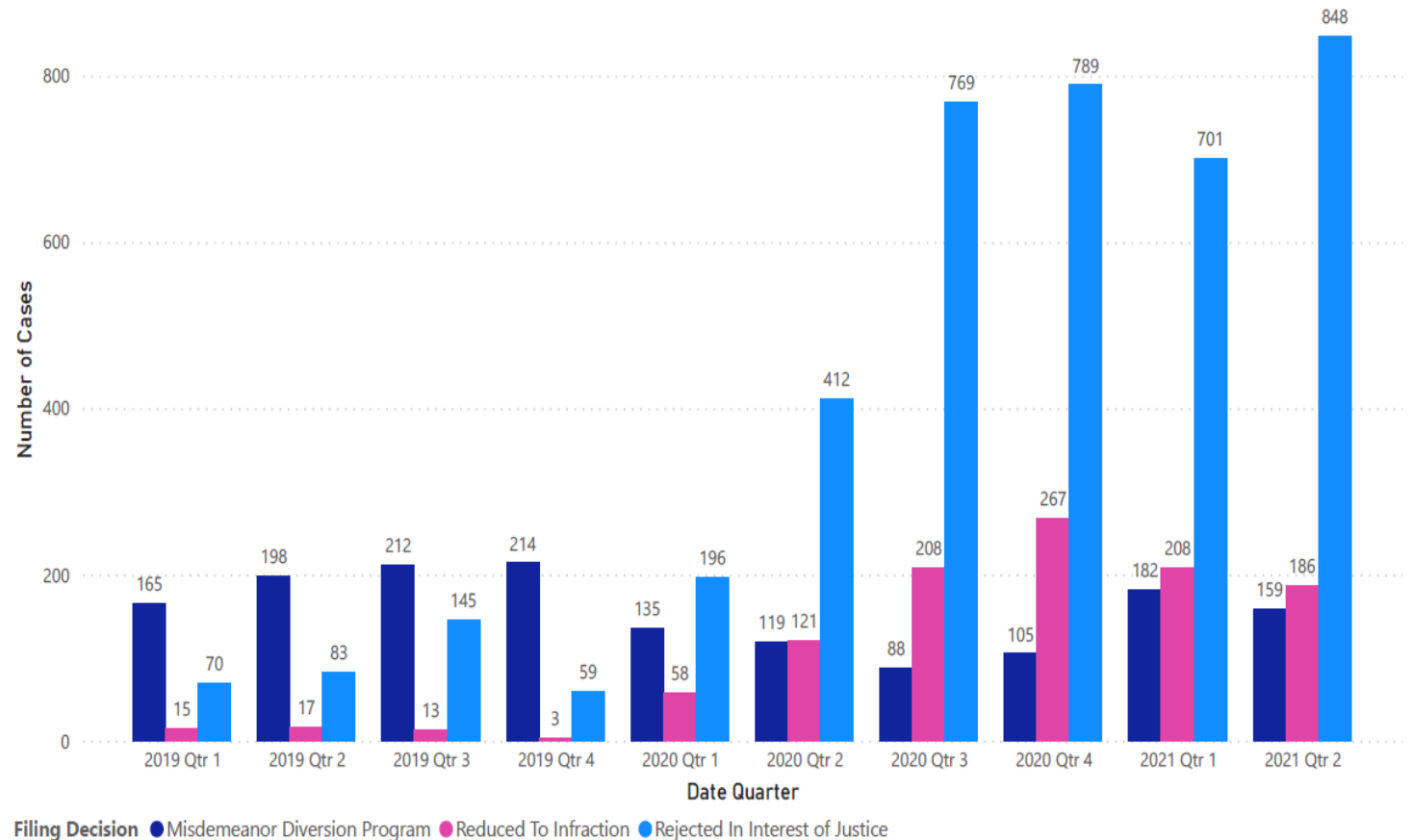


Early Disposition Efforts

- This chart provides a more detailed look at our early disposition efforts.
- Beginning in 2020 Quarter 1, the number of cases that were reduced to infraction or rejected in the interest of justice significantly increased.
- This coincides with the onset of the COVID-19 pandemic.

Early Disposition Efforts: 2019 Q1 - 2021 Q2

Early Disposition Efforts



DA's Ability to Produce Timely and Accurate Data

- Committed to providing timely and accurate data.
- Submitted expansion request for 1.0 FTE Data Analyst.
- New web-based case management system (CMS) will greatly increase our ability to quickly pull data from our system.
 - Determined that additional sandboxing and user testing was needed.
 - Decided to move forward with eProsecutor.
 - Anticipate returning to the Board to execute the contract in August 2021.
- Worked to refine the way in which we enter diversion data into our current CMS in an effort to more easily extract data from our system.
- Developed better ad-hoc reporting of diversion data to more efficiently provide meaningful data to the Board of Supervisors, our criminal justice partners, and the public.

DA's Ability to Produce Timely and Accurate Data

- Leveraged PowerBI to better visualize our data for reporting and transparency purposes.
- Analyzed our 2020 filing decisions and compared them to a benchmark county for the first time.
 - Determined that our office has filed a significantly lower percentage of cases than Yolo County.

Discovery

- We understand that an improved discovery process will positively impact the entire criminal justice system.
- Submitted an expansion request for 2.0 FTE Lead Discovery Clerks.
 - This expansion would help to ensure that discovery is processed in a reasonable amount of time, and ensure that we can keep pace with the increasing volume and complexity of discovery requests.
 - According to our KPMG report, “From FY14 to FY18, the total volume of discovery processed by the Office grew by roughly 100 percent, and the growth rate of audio, cell phone extracts, transcripts, and videos has been closer to 200 percent.”
 - We estimate that with this expansion request, our office would be able to provide discovery to defense counsel five business days faster.

Discovery

- Conducted extensive research and collaborated with General Services to develop a business use case for a Digital Evidence Management Software (DEMS).
 - A DEMS will digitally transform our criminal justice system's ability to process the growing volume of digital evidence.
 - Met with the Nassau County District Attorney's Office and the United Kingdom's Crown Prosecution Services to discuss their successful use of a DEMS and explore potential vendors.
 - Presented our recommendations to our criminal justice partners and successfully built consensus.
 - Applied for the BJA SMART Innovative Prosecution Solutions Grant in order to purchase a DEMS to improve the discovery process in Santa Barbara County.
 - This grant is competitive. We expect to receive notice of our approval status by October 2021.

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.
- 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.
- DA, PD, CEO, and GS IT have been working together over the past year to explore technology solutions to provide a more efficient and effective platform for digital evidence sharing.

Digital Evidence Sharing – Technology Solution

- Two options which may be able to work in concert with one another
 - Digital Evidence Management Software (DEMS) system
 - 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.
- 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

- 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
- As an interim measure, Probation 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).

Data Dashboard Screenshot



Data Dashboard Drill Down



Data Definitions

Glossary of Terms

Supervised Adults

The count of adults (not cases) under the supervision of the Santa Barbara Probation Department. This includes clients convicted and placed on supervision of the Probation Department by the Santa Barbara Superior Court, as well as individuals supervised as a result of Public Safety Realignment (AB109) (i.e., Post Sentence Supervision (PSS) and Post Release Community Supervision (PRCS) clients). Adults under multiple types of supervision are only counted once. This count does not include individuals out to warrant or on court probation (i.e summary probation) or diversion.

Pretrial

The count of cases (not individuals) associated with the supervision of an arrested individual awaiting further court proceedings.

Crime Types

Offenses are grouped into categories established by the County of Santa Barbara. The most severe offense is displayed for individuals under the supervision of the Probation Department.

Supervision Level

To determine the level of supervision, the Santa Barbara Probation Department assesses an individual's risk to reoffend in the community and needed services.

Supervision by Case Type

The count of cases (not adults) supervised by the Santa Barbara Probation Department.

- PRCS

The implementation of Public Safety Realignment (AB109) for individuals who were not convicted of a high-risk sex offense.

- PSS

The implementation of Public Safety Realignment (AB109) for individuals who were not committed to the County jail after a conviction for a non-serious offense; a straight commitment to County Jail; or a commitment to County Probation as a Post Sentence Supervision (PSS).

- Domestic Violence

Specialized supervision of clients convicted of a domestic violence offense who have been assessed as high risk to reoffend.

- MHTC

Mental Health Treatment Court (MHTC) is a post-plea program for adults charged with a misdemeanor or felony who have been diagnosed as experiencing a severe and persistent mental illness (SPMI). Mental Health Treatment Court provides supervision, oversight and links to community resources in an effort to help individuals who are mentally ill become healthy and productive members of society.

- PROP 36

A multi-departmental collaboration of the Santa Barbara Superior Court, Probation Department, the offices of the Public Defender and the District Attorney, the Department of Behavioral Wellness, UCSB, and the Sheriff's Office. Individuals with eligible non-violent drug offenders are sentenced to a minimum six months of intensive treatment, probation supervision, and court reviews in lieu of jail. The program promotes sobriety, recovery and stability. Successful completion may result in dismissal of charges and early termination of probation.

- SATC

Substance Abuse Treatment Court (SATC) is a collaboration of the Santa Barbara County Probation Department, Superior Court, and the offices of the District Attorney and Public Defender and serves clients with substance abuse issues through treatment, mandatory periodic drug testing and graduated rewards and sanctions.

- All Others

This includes cases of individuals convicted and placed under the supervision of the Probation Department by the Santa Barbara Superior Court. This count does not include cases for individuals out to warrant or on court probation (i.e summary probation) or diversion.

Supervision Site

The Probation Department provides supervision services to individuals as ordered by the Santa Barbara County Superior Court across three office locations: Lompoc (LM), Santa Maria (SM) and Santa Barbara (SB).

Data Dashboard – Next Steps

- Incorporate data from other departments into interim database
 - Sheriff's Office jail data is currently going through quality assurance testing
- Continue to pursue options for interactive real-time dashboard
 - The criminal justice planning group is exploring options for a data dashboard which would incorporate data from all of the system partners.

Recommended Actions

- 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.