

Public Comment



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Clerk of the Board

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Jail remodel recommendations

SANTA BARBARA
COUNTY
BOARD OF SUPERVISORS

SANTA BARBARA COUNTY PUBLIC SAFETY WILL IMPROVE BY REDUCING THE SIZE OF ITS JAILS AND INCREASING COMMUNITY-BASED ALTERNATIVES

Santa Barbara County and its Sheriff are under a 2021 Stipulated Judgment to address inhumane, substandard conditions in Santa Barbara's South County jail. **(fn. 1)** The court order is a mandate for the County and Sheriff to implement physical and operational changes.

Our County is in an informed position to set a jail size, a key issue to move progress forward. County Supervisors have obtained findings and recommendations from jail population expert Michael Wilson **(fn. 2)**. They also have findings from KPMG's detailed 2019-2021 study of our County's criminal justice departments **(fn. 3)**. And, there are tangible results from Judge (ret.) Sherill Ellsworth's energetic efforts to build collaboration among criminal justice Departments to expand community-based alternatives to incarceration. These sources all point toward reducing the number of jail beds our County needs over the long term. A realistic, long-term goal is to limit South County remodeled or replaced jail beds to a range of 200-250. It is time to enable direct planning efforts to incorporate this expert, practical, and cost-effective guidance. **For the reasons stated below, Option 1, being considered by the Board, is the best alternative to meet County public safety goals.**

The jail math spelled out below shows how our County and Sheriff can meet the Murray Court mandate and likely save operating dollars in annual budgeting. A smaller County jail footprint will help solve the Sheriff's hiring and retention problems for custodial staff by improving working conditions and reducing the number of needed staff.

A. Reducing recidivism (returns to jail) is the overarching goal of criminal justice to support public safety. Historically, the South County jail has housed up to 1,200 people. During the 2019-2020 Covid-19 pandemic, court-mandated revised risk assessments allowed the population to drop to about 550, a 37% reduction from pre-pandemic levels. Remarkably, no statistically significant increase in crime occurred from those released back into our community. **(fn. 4)**. In short, those released from jail didn't need to be there to protect public safety.

Jailing violent offenders is necessary for public safety, but jailing non-violent, low-level offenders doesn't make us safer. To the contrary, it traumatizes those unnecessarily held, destabilizes families, causes job losses and housing displacement, and stigmatizes people who by law are presumed innocent. Serving jail time has a negative health impact on those incarcerated. **(fn. 5)**.

In traditional incarceration facilities, custodial staff are separated from inmates by bars and often result in degrading and dehumanizing treatment. Where jails have been remodeled to allow for direct supervision, the results improve living conditions for resident inmates, and working conditions for custodial staff. Direct supervision reduces violence and results in fewer returns to jail. An emergent goal of modern incarceration is to "build good neighbors". Implementing that goal reduced recidivism from 60% to 20% in Halden prison where it was first adopted, providing "proof that rethinking prison design to serve rehabilitative goals has a long term benefit." **(fn. 6)**. The approach is now being successfully applied in various U.S. jurisdictions. **(fn. 7)**

B. Santa Barbara County can be smart on crime, not soft on crime, to improve public safety and reduce recidivism. In 2019-2020, outside consultant KPMG performed a detailed assessment of Santa Barbara's criminal justice system. At that time, each jail bed annually costs taxpayers \$81,761. **(fn. 3)**. Currently, our Sheriff's fiscal year budget is \$182.2 million, or 58% of our County's total annual spending for criminal justice. That budget spends more for jail custodial staff (\$80.82 million) than for community-based law enforcement (\$76.6 million). **(fn. 8)**. With sufficient will, our County can hold offenders accountable, improve public safety, and reduce recidivism. Only jailing those who are a risk to our community will cause less disruption and reduce disparate impacts on low-income and BIPOC (Black, Indigenous, People of Color) families.

Community-based alternatives for low-level offenders provides better outcomes for public safety than does jail. Jail population expert Michael Wilson's June, 2022 report (**see fn. 2**) analyzes our County's long-term jail needs using long-term demographic projections and other County data. He concludes that without *any* changes to our County's current criminal justice system, the total long-term need is 700 to 900 jail beds. But, he identifies five specific community-based alternatives that can safely reduce our long-term jail population by 200, to a range of 500-700. The five strategies to reduce our long-term jail population by 200, are:

- Reduce jail time for those booked on a warrant;
- Expand the use of electronic monitoring (an evidence-based strategy to reduce recidivism **(fn. 9)**);
- Reduce returns to jail for those on probation;
- Reduce jail length of stay for those awaiting transfer to State facilities; and
- Expand diversion (community-based accountability without the stigma of a criminal conviction).

Our County has 376 new beds in the North County jail. Counting those, just 124-324 replacement beds in the South County jail would achieve the 500-700 range. At \$81,761+ per bed/year, total County jail beds to that target range instead of 1000 and upwards will save many millions annually. Some of those savings can be reallocated from jail operations to community-based alternatives that will still hold offenders accountable, but be more humane, far less destabilizing for families, and help reduce recidivism. Our judges can support this effort through bail schedule modifications and increased use of conditional release options. (see fn. 4, 8). These strategies alone will sustain the 500-700 jail bed range.

Additional steps, already being implemented, can realistically allow even further reductions in our County's projected long-term jail needs. Collaboration among our County's criminal justice departments, advanced by County consultant (Ret.) Judge Sherrill Ellsworth, provides the following additional strategies to further reduce unnecessary reliance on jail:

- Inter-department holistic risk assessment, robust re-entry planning, and Probation-monitored pre-trial release will reduce our jails' large "pretrial population." Santa Barbara currently averages about 750 jail residents, 80% of whom are a "pretrial population", neither tried nor convicted. (fn. 10). This compares with a national average of 60-65%, and L.A. County's 44%. The top 20 charges against those in our jail are mostly non-violent: for example, possession of controlled substance, obstructing a peace officer, DUI, shoplifting, and petty theft. Our Probation Department will soon oversee an inter-department risk assessment and re-entry planning team specifically aimed at reducing the pre-trial population by diverting people who do not represent a public safety risk. If Santa Barbara County matches the 65% national average, on average we'll need **112 fewer jail beds**; matching L.A. County's 44% "pretrial population" would reduce our average need by **270 fewer beds**.
- Bolstering community-based mental health resources will decrease our jail population and improve public safety. It is estimated that 30% or more of those currently in our jails suffer from mental health challenges that worsen in jail and mostly go untreated. With now-available expanded state funds, our County can expand community-based mental health resources. If just half of those currently jailed with mental health challenges are non-violent, low-level offenders, who can be conditionally released to participate in community based treatment options, then $750 \times .15 = 112$ fewer jail beds would be needed
- Utilizing community-based substance abuse treatment resources can reduce our jail population. Many jail residents arrive there because of addiction. This figure has been estimated at 30%. If just 5% of jail residents with addiction are safely released on condition of community-based treatment, $750 \times .05 = 37$ fewer jail beds are needed. It is likely the actual number of non-violent, low-level offenders amenable to community-based treatment is much higher.

- Early legal representation, streamlined sharing of discovery and better attorney access for accused persons in jail will expedite outcomes, reduce jail time, and reduce our jail population. The Public Defender's current annual budget is just 5.8% of our County's total criminal justice budget (\$18,035,800). Our District Attorney's current budget is \$27,674,800 or 9%. Achieving better parity for our Public Defender will enable earlier representation, days rather than minutes before first Court appearances. Early representation is shown to result in speedier justice with reduced jail time. **(fn. 11)**. Our County has just been awarded a State grant enabling the Public Defender to provide holistic early representation to its clients. Some further reduction in our County's average daily jail population is a reasonably projected outcome. Improved data collection and inter-departmental sharing are on-going efforts being facilitated by (ret.) Judge Sherill Ellsworth.

Each of these strategies will realistically reduce our County's long-term need for jail beds to 200-250, or even fewer, new or replacement beds. A smaller long-term County jail population will help solve Sheriff Brown's difficulties attracting and retaining staff needed for the much larger current jail footprint and should reduce chronic cost-overruns.

Conclusion. As a result of the Murray case and unexpected consequences of the Covid-19 pandemic, our County has a pivotal opportunity to reform criminal justice, reduce unnecessary incarceration, and reduce long-term annual costs. There is a generational opportunity to be strategic, fiscal-minded, humane, and courageous to enhance public safety going forward. We have identified specific means that can safely reduce the long-term total number of jail beds, achieve better stability within our community, and apply evidence-based strategies to reduce recidivism. See, e.g., **fn. 13**. Expert advice, experiential and statistical data, and significant public support all align to support this. Leadership and political will can accomplish it.

Respectfully submitted,



Laurence J. Severance, Ph.D., J.D.
214 Selrose Lane,
Santa Barbara CA 93109

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 3. KPMG Improving performance to better serve our county residents. Countywide operational performance review – Santa Barbara Sheriff's Office, October, 2020, at page 56. 99fc98c4-103b-4023-ba57-e22bb83c1182 (civicplus.com)
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 5. Liberating Our Health: Ending the Harms of Pretrial Incarceration and Money Bail - Human Impact Partners
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 - b. Role of a US-Norway Exchange in Placing Health and Well-Being at the Center of US Prison Reform – by Cyrus Ahalt, Craig Haney, Kim Ekhaugen, and Brie Williams. First published in the American Journal of Public Health on January 22, 2020
- New York:
- a. What are the benefits of direct supervision in jail? (corrections1.com);
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Governor Newsom Announces Historic Transformation of San Quentin State Prison | California Governor

Arizona:

Op-Ed: Direct supervision improves inmate and jail safety (corrections1.com) by Sgt. Barbara Mattes, Pima Co., AZ, Corrections1 by Lexipol, May 25,2022

8. Santa Barbara County Public Safety budget, Sheriff's Department, 2022-2023 fiscal year, at p. 69. 4703b4e5-c438-4205-b35c-a8e565bd190e (civicplus.com)

9. "It's Possible to Reduce Imprisonment and Crime Rates." Barry Latzer, Wall St. Journal, 10/28/2022 print edition, p. A-19. (re: effective use of GPS ankle bracelets)

10. See Sheriff's dashboard for current jail statistics.

Data Dashboard – Santa Barbara County Sheriff's Office (sbsheriff.org)

11. 750 current average jail population of 750 x .15 = 112 fewer jail residents;
750 x (.80 - .44 = .36) = 270 fewer jail residents

12. Home - Amend

13. See American Conservative Union Foundation's Nolan Center for Justice:
California | Nolan Center for Justice (conservativejusticereform.org);

See, also, data presented in Pretrial Justice Institute's "10 Questions for Sparking Local Pre-trial Change": What+IF_11.11.21.pdf (squarespace.com)