



CLUE (Clergy & Laity United for Economic Justice) Santa Barbara

April 8, 2021

To: Santa Barbara County Board of Supervisors

From: CLUE SB Criminal Justice Workgroup
Laurence Severance, Ph.D., J.D. and Maureen Earls, Co-Chairs

Re: County criminal justice 2021-2022 budget and program recommendations

Dear Supervisors:

At this critical time in the County's annual budget process, you have a unique and powerful opportunity to meet the public's demand for changes to our County's criminal justice system. There is strong empirical support for this in KPMG's performance reviews, in addition to public opinion. By reallocating budget dollars, you can act decisively to improve racial equity, reduce recidivism, keep our jail population at a safe minimum, and increase humane solutions to secure public safety. CLUE SB (Clergy & Laity United for Economic Justice, Santa Barbara)'s Criminal Justice Workgroup and CLUE's constituents call on you to redirect funds to help justice-involved individuals exit the criminal justice system more efficiently and in stable condition to become good neighbors. A system that focuses on successful diversion, re-entry and "building good neighbors" benefits all of us by improving public safety and decreasing costs.

Background: For more than two years, CLUE's Criminal Justice Workgroup has been interviewing people who work within and are affected by our criminal justice system. We have researched what works and what does not. We have met with the Public Defender's Racial Justice group, with League of Women Voters SB Social Policy committee, and others. We have met with commanders from the Sheriff's Department to discuss and build consensus about needed reforms. We have visited both the North and the South County jail and talked with jail residents.

Overview/Executive Summary: CLUE SB's Criminal Justice Workgroup calls on you to: (1) Reduce the Sheriff's budget to align with those of comparable Counties; (2) Repurpose the jail custody budget priorities to support community alternatives and a sustainable decrease in our jail population; (3) Reallocate funds to improve racial justice by increasing alternatives to prosecution, decreasing incarceration, and

increasing support to help stabilize jail residents as they re-enter our community; (4) Reallocate some of the \$28 million earmarked to refurbish the South County jail to include on-site supportive transitional housing and an assessment intervention center.

Urgency for Changes Now. The disproportionate impact of Santa Barbara County’s criminal justice system on people of color is broad ranging and well-documented - - affecting arrests, incarceration, and post-release supervision. See E. Bertrand, Analysis on Racial and Ethnic Disparities (2020) (1). Budget reallocations also have particular urgency in light of a 2021 Stipulated Judgment entered in Federal court against Santa Barbara County and the Sheriff’s Department. This class action lawsuit requires critical remedial steps to end inhumane treatment of disabled jail residents (2).

We call on you as County leaders to exercise courage and make key budget reallocations to improve racial justice, safely reduce our jail population, create and implement more humane treatment for all jail residents, and potentially save millions of dollars.

1. Bring the Sheriff’s budget in line with expenditures in comparable peer counties and reallocate the savings to improve racial justice and help reduce recidivism. County Supervisors commissioned and now have key results from in-depth studies of our criminal justice system by KPMG. One report, called “Operational and Performance Review of Interagency Criminal Justice Opportunities” offers specific recommendations to streamline criminal justice under the CEO by focusing on interactive functions among the Sheriff’s Department, District Attorney, Public Defender and Probation Departments (3). Another KPMG report focuses on the Sheriff’s custody (jail) operations and patrol functions. (4).

During 2019-2020, the Sheriff’s office received a staggering \$154.8 million dollars, amounting to 59.8% of our County’s entire criminal justice budget. That amount was **\$26.7 million** and **165 staff more than** the benchmark averages for Sheriffs’ budgets in comparable California counties. These outsized expenditures emphasize jail and enforcement as principal solutions for public safety. By contrast, KPMG reports our County Public Defender, which exists to fulfill Constitutional mandates for its clients and serves a critical advocacy role seeking fair outcomes and justice for our brothers and sisters of color, received only 5.25% of all funding (\$13.6 million) and 5.22% of all staffing (67).

<u>Department:</u>	<u>2019-2020 Budget:</u>	<u>Staff Full Time Equivalent (FTE’s):</u>
Sheriff:	\$ 154.8 million (59.8%)	737 (57.4%)
Probation:	\$ 61.9 million (23.9%)	337 (26.3%)
District Attorney:	\$ 28.6 million (11.0%)	142 (11.1%)
Public Defender:	\$ 13.6 million (5.25%)	67 (5.22%)

Our Public Defender is widely recognized for its “holistic advocacy”, a compassionate approach that combines social work, housing advocacy, resource specialists, and attorneys to take into account the entire person and underlying causes for involvement with the criminal justice system. CLUE has learned from front line workers that many

times judges rely on holistic advocacy to generate workable solutions for justice-involved people and their families. Such advocacy gives the Courts needed alternatives to jail, securing public safety without people losing jobs and families disrupted.

CLUE SB calls upon you to decrease the Sheriff's Department budget funding for jail and punishment. Specifically, reduce funding for the Sheriff's Department by \$26.7 million to align Santa Barbara County's costs with Sheriffs' budgets in comparable California benchmark counties. You may decide it prudent to accomplish this progressively over several years, but significant decreases should start now in the coming budget cycle. Reallocate overspending on Sheriff's operations to increase diversion, enhance community-based resources, and expand support for holistic and humane solutions to secure public safety and reduce recidivism.

2. Reduce our average jail population by adjusting the Sheriff's custody operations budget. During fiscal year 2019-20, our County allocated \$66.964 million to the Sheriff's custody/jail operations budget. With an average daily population of 819, that annual cost averaged \$81,761.13 per bed. 57% of those held in our jail were not yet sentenced.

In early 2020, the Covid-19 pandemic led County authorities to lower our jail population to reduce spread of the disease by revising risk/release policies and adopting \$0 cash bail criteria. This resulted in a remarkable 37% reduction in our County's average daily jail population (ADP). The public, the Board of Supervisors, and CLUE now rightfully ask: Why shouldn't those same criteria apply to permanently reduce our jail population to a long term sustainable target of 550? A long term 37% reduction would, alone, arguably save \$24,776,680 per year! Even if achievable savings are not linear with reductions in our jail population, millions of dollars could still be saved and reallocated. CLUE urges you to set this pivotal goal and make budget decisions now to bring the Sheriff's budget into better alignment with benchmarked Sheriff's offices. Re-allocate funds from warehousing inmates to improving how our jail serves our community needs. Offer grants to:

- A) Implement and train jail staff for mentoring roles to "build good neighbors". Adapt Norway's prison model, which has reduced recidivism from 70% to 20%.
- B) Repurpose Sheriff staff positions to implement volunteer-facilitated mentoring opportunities, such as *Freedom to Choose*. Currently, the Sheriff's required security vetting of volunteers is needlessly slow and discourages participation.
- C) Fund evaluative tools to measure program impacts and guide improvements.

3. Increase funds for culturally competent Public Defender staff to improve and expand holistic advocacy. Our County's Public Defender is widely recognized for "holistic advocacy", a compassionate approach that combines social work, housing advocacy, resource specialists, and attorneys to take into account the entire person and underlying causes for involvement with the criminal justice system. Holistic advocacy generates workable solutions for justice-involved people and their families. Combining

culturally competent staff with “holistic advocacy” provides alternatives to jail that help stabilize clients’ lives, reduce jail time sentences, and avoid misunderstandings that lead to probation violations and a possible return to jail. Reallocate funds from the Sheriff’s outsized budget to the underfunded Public Defender to add culturally competent staff and increase holistic advocacy.

4. Reallocate spending earmarked to refurbish the South County jail. Santa Barbara’s south county jail is old and near a point of obsolescence. About \$28 million are earmarked to refurbish this jail. However, Santa Barbara’s new North County jail will soon open with a capacity to house 376 people. If the Supervisors adopt a budget to achieve a permanent County-wide reduction to 550 jail beds, then only about 175 beds will be needed in a remodeled South County jail which, previously, has housed nearly 1,000. Instead of re-building excess jail capacity, CLUE’s criminal justice workgroup advocates for the following:

- A) Include as part of the South County jail facility remodel an assessment intervention center. KPMG’s Interagency report notes (at p. 12): “[Other] localities ...have... intake facilities - separate from the jail - that enable[s] 24/7 diversion by law enforcement to emergency medical services for individuals experiencing addiction and/or behavioral health distress...” Each arrestee should be evaluated for diversion before being taken to jail.
- B) Transform excess space from obsolete South County jail cells into transitional housing to ease reentry and reduce recidivism. See, e.g., Norway’s Halden prison model. Transitional housing is a major support to reduce recidivism.

Most jail residents eventually return to our community. CLUE calls on you to reallocate funds to help justice-involved individuals exit the criminal justice system more efficiently and in stable condition to become good neighbors. A system that focuses on successful diversion and transitional re-entry, benefits all of us by improving public safety, lowering our jail population and its disparate impacts on people of color, and decreasing costs. A recent California survey of victims of crime generally supports these criminal justice reforms. Many victims know their perpetrators. Most victims prefer that perpetrators get help rather than lengthy jail. (5)

The remainder of this letter endorses six specific recommendations from KPMG and is a call to action directed to you.

A. Interagency Operations and Performance recommendations:

- KPMG: 1. “Enhance cross-department data sharing and reporting to provide a data-driven assessment of the performance of the County’s criminal justice system”
- KPMG: 3. “Streamline the discovery process across departments to identify opportunities to streamline workload, optimize processes, and enhance the use of technology”

CLUE:

- Fund our County CEO for additional needs to centralize data collection and analyses, replacing separate department data silos (Court, District Attorney, Sheriff, Public Defender, Probation).
- Require CEO report on workload analysis and productivity outcomes to support reallocations.

KPMG: 2. “Expand use of diversion programs and alternatives to incarceration to reduce jail crowding. Develop interagency effort to inventory & expand diversion pathways at four key intervention points:

- Pre-arrest (e.g. assessment intervention center)
- Post-arrest (e.g. zero bail rule)
- Pre-sentence (e.g. Specialty Courts)
- Post-sentence (e.g. Sheriff’s Alternate Sentencing Bureau)”

CLUE: Fund grant for interagency commission to work with Santa Barbara’s District Attorney to apply L.A. County’s Pretrial Release Policy Directive and evidence-based research cited therein (6); See, also, Crime Victims’ support for reduced incarceration. (5)

- Eliminate cash bail requirements for misdemeanors and non-serious, non-violent felonies
- Adopt a presumption of pretrial release on personal recognizance
- Eliminate pretrial jail for persons with non-serious, non-violent offenses (misdemeanor, non-serious felony, or non-violent felony)
- Prefer least restrictive conditions of pretrial release
- Eliminate routine continuances;
- Waive defendant’ appearance at routine hearings
- If bail is imposed, do so in proportion to defendant’ financial means

KPMG: 4.1 “Collaborate with the County Courts to implement leading practices related to continuance management to reduce avoidable Court and County costs”

KPMG: 4.2 “Enhance collaboration with County Courts to maximize the efficiency of scheduling practices.”

CLUE: Funding recommendation: Fund CEO for interagency training plan to educate judges on the systemic advantages of streamlined first appearances, and waivers of defendants’ appearances at routine Court continuances. This will help meet a KPMG evidence-based goal to reduce time-consuming and costly continuances

KPMG: 5. “Collaborate with other County departments to procure translation services (Spanish and Mixtec).”

CLUE:

- Fund CEO Department to analyze and report on an apparent skewed distribution of resources such as shelters, rehabilitation centers and staff, favoring south county compared to north county, despite more justice-involved people in north county, including disproportionately more people of color.
- Reallocate from the Sheriff's Department to fund additional FTEs for the Public Defender to improve advocacy for people of color by increasing cultural competency; add multi-lingual front-line staff.

B. Recommendations for Sheriff's Custody Operations (Jail, Corrections)

KPMG: 6.1 "Conduct jail utilization analysis to better understand drivers of Incarceration."

CLUE: Improve jail conditions to emphasize humane treatment that will materially contribute to reducing recidivism. (7)

- Offer grant to Sheriff's department for officer training goals for 2021-22 on humane mentoring practices adapting from Norway's Halden prison model to "build good neighbors". See how that model applies in Oregon, CA, and is being piloted locally (8).
- Offer a grant for the Sheriff's Department to expand internet access and associated security measures to increase trained volunteer mentoring opportunities - - in particular, provide jail access for the award winning *Freedom to Choose* program.

KPMG 6.2 "Expand diversion programs to reduce jail utilization."

KPMG 6.5 "Enhance programming and increase capacity in the ASB [Sheriff's Alternative Sentencing Bureau] to reduce overpopulation."

KPMG 6.6 "Increase internal collaboration and support of the Sheriff's Treatment Program to address inmates' criminogenic needs."

CLUE:

- Fund grant for CEO and Sheriff's Department to evaluate and report data on jail residents' access to internet and available possibilities for Zoom webinar educational programs, volunteer support programs and attorney-client consultations.
- Fund CEO analysis of cost savings and efficacy of on-line jail scheduling for defense attorneys to streamline necessary meetings and confidential communications with clients.
- Streamline security vetting procedures for approving volunteer Participants
- Fund CEO analysis of jail data transparency on bookings to assess if and when alternatives to incarceration are available but not used.

Other Funding recommendations:

- Reduce the remodeled South County jail footprint to no more than 200 beds.
- Re-purpose part of the South County jail facility to become an assessment intervention center (see KMPG Interagency report, at p. 12: “[Other] localities ...have... intake facilities - separate from the jail ... - that enable 24/7 diversion by law enforcement to emergency medical services for individuals experiencing addiction and/or behavioral health distress...”)
- Transform excess space from obsolete jail cells into transitional housing to ease reentry and reduce recidivism. See, e.g., Halden prison model. (7)
- Implement mentoring roles for jail staff to “build good neighbors” by modeling successes achieved with Norway’s Halden prison model, where recidivism has reduced from 70% to 20%. (7). Repurpose and reallocate funds for Sheriff staff positions to improve in-custody mentoring and support volunteer-facilitated mentoring opportunities, such as *Freedom to Choose* (9). Currently, the Sheriff’s Treatment Program is available to only 10% of jail residents and security vetting of volunteers is needlessly slow.
- Fund evaluative tools and staff analysts to measure impact of changes and guide further program improvements.

C. CLUE SB Civilian Oversight recommendation:

- **Allocate seed money and appoint an advisory committee from a broad cross-section of our community to study the possible appointment of a Civilian Oversight Commission for the Sheriff’s Department.** The Sheriff’s Department has been a source of costly lawsuits with internal accountability obscured from the public. Improved transparency will increase accountability, deter police misconduct, and reduce costly lawsuits.

Conclusion. As a County Supervisor, you have a rare opportunity to transform our criminal justice system through the funding decisions and programs you implement this year. You have expert guidance and recommendations from KPMG. You have strong support for implementing those recommendations from the public, from CLUE SB and other community organizations and individuals. Significant cost savings and a more humane criminal justice system are in play. We urge you to act decisively to reallocate funds to increase efficiency and humaneness, improve racial justice, reduce recidivism, and increase public safety.

Respectfully submitted,

Maureen Earls, and Laurence J. Severance, Ph.D, J.D.,
Co-Chairs, Criminal Justice Workgroup
Clergy and Laity United for Economic Justice - Santa Barbara

Reply to: Maureen Earls maurenearls00@gmail.com
Laurence Severance ljseverance@msn.com

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3. KPMG, "Operational and Performance Review of Interagency Criminal Justice Opportunities" February, 2021. [4371 \(countyofsb.org\)](#)
4. KPMG, "County Wide Operational Performance Review – Santa Barbara Sheriff's Office", October, 2020. [4366](#). [4367](#)
5. California Crime Survivors Speak, a Statewide Survey of California victims' views on safety and justice. [ASJ_CACrimeSurvivorBrief-RD1-1.pdf \(safeandjust.org\)](#)

See, also, Blueprint for Shared Safety, by Californians for Safety and Justice, a project of the Tides Center, is a nonprofit working with Californians from all walks of

life to replace prison and justice system waste with common sense solutions that create safe neighborhoods and save public dollars.

[Shared Safety | Californians for Safety and Justice \(safeandjust.org\)](https://www.safeandjust.org/)

See, also, How California Can Cut Prison Spending, Protect Health and Education Spending, and Improve Public Safety, July, 2020.

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8. Ahalt, C., Peters, C.S., Steward, H. & Williams, B.A., Transforming Prison Culture to Improve Correctional Staff Wellness and Outcomes for Adults in Custody “The Oregon Way”: A Partnership Between the Oregon Department of Corrections and the University of California’s Correctional Culture Change Program, Advancing Corrections Journal: Edition #8-2019.

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