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COUNTY OF SANTA BARBARA

June 28, 2022

Honorable Gustavo Lavayen
Presiding Judge
Santa Barbara Superior Court
312 East Cook Street
Santa Maria, CA 93454

Reference: Further Analysis Related to Santa Barbara County Civil Grand Jury report entitled, "Jail Diversion in Santa Barbara County – Criminal Justice Partners Are Finding Common Ground," published December 27, 2021.

Judge Lavayen,

On March 15, 2022, the Santa Barbara County Board of Supervisors (Board) submitted responses to the above-referenced Civil Grand Jury Report. As directed by the Grand Jury, all responses were provided in accordance with Section 933.05 of the California Penal Code. At that time, the Board determined that Recommendations 3 and 4 required further analysis.

On June 28, 2022, the Board considered and approved the response containing further analysis related to the Civil Grand Jury Report. Please find attached information about the further analysis conducted as it relates to Recommendations 3 and 4.

Sincerely,

Joan Hartmann, Chair
Santa Barbara County Board of Supervisors

CC: Santa Barbara County Board of Supervisors
Pamela Olsen, Foreperson, 2021 Santa Barbara Grand Jury

Santa Barbara County Board of Supervisors
Further Analysis Related to the Santa Barbara County Grand Jury 2021 Report
“Jail Diversion in Santa Barbara County: Criminal Justice Partners Are Finding
Common Ground”

Recommendation 3

That the Santa Barbara County Board of Supervisors authorize Santa Barbara County law enforcement officers to administer 5150 Welfare and Institutions holds.

Prior Response Recommendation 3

The recommendation requires further analysis, with an analysis completion date of June 30, 2022.

It is unclear if simply authorizing another group of professionals to utilize Lanterman-Petris Short (LPS) will resolve the issues of concern. Without proper planning, a blanket authorization for all of law enforcement could result in unintended consequences, such as overwhelming the emergency departments of the hospitals. Behavioral Wellness will conduct data gathering on in-field crisis response services by law enforcement and the Crisis Teams staff and the existing Co-Response Teams over the next 3 months to identify level of need and more strategically plan for staffing and services. Specifically, given staffing challenges within Behavioral Wellness, in particular in staffing the Crisis Services that require overnight shifts, Behavioral Wellness may consider a pilot that will give LPS designation authority to overnight law enforcement officers if feasible. The goal would be to reduce any barriers for timely placing persons on LPS holds. However, planning and implementing such a pilot requires a thorough data analysis to ensure success.

Further Analysis Recommendation 3

The recommendation will not be implemented because it is not warranted. As a matter of law, under Welfare and Institutions Code § 5150, the State Legislature already authorizes peace officers, among others, to utilize Lanterman-Petris Short (LPS). While State law provides that law enforcement officers “may” issue LPS holds, it is the longstanding practice in Santa Barbara County that only the Department of Behavioral Wellness, or Behavioral Wellness-trained professionals, initiate holds. Without proper resources, a blanket practice of law enforcement officers issuing LPS holds could result in unintended consequences, such as overwhelming the emergency departments of the hospitals. For example, one emergency room in Santa Barbara County is currently piloting issuing LPS holds and due to limited bed capacity has needed to rescind holds without coordinating with Behavioral Wellness or mental health practitioners.

Behavioral Wellness will coordinate with the Sheriff’s Office on a pilot project proposal for law enforcement officers to administer LPS holds as already authorized by State Law. Behavioral Wellness is continuing to look at opportunities from new and innovative programs across the State, such as utilizing fire paramedics, to decrease the strain on hospitals and law enforcement from Welfare and Institutions Code § 5150. The goal is to reduce barriers for timely placing of persons on LPS holds overnight, given the staffing challenges for Crisis Services that require overnight shifts, while mitigating the unintended consequences of overwhelming emergency rooms.

Recommendation 4

That the Santa Barbara County Board of Supervisors allocate long-term funding for additional Co-Response teams to provide the entire County with 24-hour, seven-days per week coverage.

Prior Response Recommendation 4

The recommendation requires further analysis, with an analysis completion date by June 30, 2022.

As part of the FY 2021-22 adopted budget, the Board of Supervisors approved the ongoing set aside of funding to continue Co-Response teams should grant funding be exhausted. The cost of additional teams for both the Behavioral Wellness Department and Sheriff's Office for 24/7 coverage would need to be estimated and considered as part of future budget discussions. In addition to identifying alternative funding mechanisms for a 24/7 approach, the Department of Behavioral Wellness recommends conducting a data analysis of mental health crisis calls during the swing, overnight, and weekend shifts across the County to best ascertain the actual need and to then better target the recruitment of practitioners for the Co-Response Team role.

Further Analysis Recommendation 4

The recommendation will not be implemented because it is not warranted or is not reasonable. A data analysis of 2020 mental health crisis calls during the swing, overnight, and weekend shifts across the County shows that approximately 15 mental health crisis calls per week are received between the hours of 6:00 p.m. and 8:00 a.m. This suggests that most nights, 24/7 Co-Response Teams would be called about twice. While law enforcement officers can patrol and respond to other calls, mental health professionals have limited other work tasks they can accomplish overnight during these hours when most clients are sleeping.

As a result of the pandemic, the Sheriff's Office and Behavioral Wellness are experiencing workforce shortages for qualified, trained professionals, particularly for Crisis Services that require overnight shifts. The FY 2022-23 Recommended Budget includes funding to maintain the status quo three co-response teams. As discussed above in Recommendation 3, the departments are collaborating on a project proposal to develop additional solutions to reduce barriers for timely placing persons on holds. However, these solutions require additional resources to the systems of care—mental health facilities, step-down housing options, and treatment locations—as well as sustainable staffing levels.

At budget hearings held June 14, 2022, the Board of Supervisors directed staff to report back in the Fall of 2022 on co-response options and funding sources. This discussion will consider additional co-response teams or models of crisis response provided by Fire and/or Sheriff as discussed above in Further Analysis Recommendation 3. Additional funding will be required which may include federal American Rescue Plan Act (ARPA) or other available sources. In order to complement and not be redundant to the existing Behavioral Wellness and Sheriff co-response teams throughout the County, a potential pilot Fire co-response team would focus on emergency calls involving a medical and mental health component.