



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Submitted on:
(COB Stamp)

Department Name: Public Defender's Office
Department No.: 023
Agenda Date: September 9, 2025
Placement: Administrative Agenda
Estimated Time: N/A
Continued Item: No
If Yes, date from: N/A
Vote Required: 4/5

TO: Board of Supervisors
FROM: Department Director: Tracy M. Macuga, Public Defender, 805-568-3494
Contact: Deepak Budwani, Chief Financial & Administrative Officer, 805-568-3589
SUBJECT: Implementation of SHIELD Diversion Program with Department of State Hospitals (DSH) Growth Cap Penalty Funds

County Counsel Concurrence

As to form: Yes

Other Concurrence: Human Resources, CEO Budget

As to form: Yes

Auditor-Controller Concurrence

As to form: Yes

Recommended Actions:

That the Board of Supervisors:

- A. Approve a Budget Revision Request (BJE) No. 0010787 (Attachment A) to establish appropriations of \$103,500 in the Public Defender's Office FY 2025-26 budget, funded by the return of FY 2022-23 Department of State Hospitals (DSH) Growth Cap penalty payment, to implement the SHIELD (Supportive Holistic Intervention for Early Legal Diversion) program for FY 2025-26 through FY 2027-28; and
- B. Adopt an amendment to the Salary Resolution (Attachment B) to allocate one additional full-time (1.0 FTE) position to the Public Defender's Office, effective September 15, 2025; and
- C. Determine that the above actions are government fiscal activities or funding mechanisms which do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment and are therefore not a project under the California Environmental Quality Act (CEQA) pursuant to Section 15378(b)(4) of the CEQA guidelines.

Summary Text:

The Department of State Hospitals (DSH) has approved Santa Barbara County's FY 2022-23 Growth Cap Expenditure Plan, which returns \$414,000 in previously paid penalty funds to the County. The approved plan funds the SHIELD program, a Public Defender-led post-booking diversion initiative aimed at reducing felony Incompetent to Stand Trial (IST) determinations through early identification, assessment, and connection to treatment for individuals with serious mental illness. This item requests Board approval of a budget revision to appropriate these returned funds in the Public Defender's budget, and add the associated staff position within the Public Defender's Office, to facilitate program implementation over a three-year period, from FY 2025-26 through FY 2027-28.

Discussion:

The SHIELD program expands the County's felony IST diversion capacity by embedding a full-time Holistic Defense Advocate (HDA) in the Public Defender's Office for a three-year term. The HDA will serve as a defense-based social worker with expertise in mental health assessment, trauma-informed engagement, and behavioral interventions. Within 72 hours of booking, the HDA will screen individuals at risk of being found IST, conduct comprehensive biopsychosocial assessments, and coordinate with the Behavioral Wellness Justice Alliance program to create individualized treatment plans.

By engaging clients at the earliest possible stage, SHIELD aims to interrupt the cycle of lengthy jail stays, psychiatric decompensation, and eventual DSH commitments. Early identification allows attorneys to pursue diversion options before IST proceedings are initiated, conserving court and treatment resources.

The program builds directly on the County's demonstrated successes with CREDO-47, READY, and the DSH Diversion program, all of which have shown that collaborative, multi-disciplinary intervention reduces IST commitments and supports long-term client stability. Based on projections, SHIELD is expected to assess 30 individuals annually and divert approximately six additional individuals each year from IST proceedings, further reducing the County's reliance on state hospital placements and lowering associated costs.

The returned Growth Cap funds are restricted to the uses outlined in the approved expenditure plan, and the Public Defender's Office will track performance measures and report outcomes annually to DSH to ensure compliance and accountability. Each report is due by September 30 following the close of the prior fiscal year.

Background:

Senate Bill 184 (2022) established a cap on felony IST commitments for all California counties and imposed penalties for exceeding that cap. In FY 2022-23, Santa Barbara County exceeded its baseline and was assessed a \$414,000 penalty, which was paid to DSH in September 2024. Per statute, DSH returns penalty payments to counties that submit an approved local expenditure plan aimed at reducing IST determinations.

On May 6, 2025, your Board approved submittal to DSH of the County's FY 2022-23 Growth Cap Expenditure Plan. On June 25, 2025, DSH approved Santa Barbara County's FY 2022-23 Growth Cap Expenditure Plan and initiated reimbursement of the penalty amount. The approved plan funds the

SHIELD program within the Public Defender's Office for three years, to address felony IST cases earlier in the legal process, leveraging defense-based social work to connect clients to treatment before formal IST proceedings are initiated.

Performance Measure:

Key performance measures for SHIELD include:

- **Activity Metrics:** Number of clients referred, assessed, and diverted; number of jail visits; number and types of service linkages
- **Quality Metrics:** Speed of post-booking engagement; percentage of assessments completed within 72 hours of referral; time from booking to treatment linkage
- **Impact Metrics:** Reduction in DSH IST commitments compared to baseline; reduced time in custody for program participants, as compared to individuals diverted after a finding of IST pursuant to section 1370; rate of successful diversion completion

Fiscal and Facilities Impacts:

Budgeted: No; recommend approval of BJE No. 0010787 attached.

Fiscal Analysis:

Estimated position costs are reflected below and include annual increases to account for projected cost-of-living adjustments and step increases. The first-year salary is prorated for the partial year with an estimated position start date of November 1, 2025. Future year costs will be included in the Public Defender's proposed budget for FY 2026-27 and FY 2027-28.

Funding Source	FY 2025-26	FY 2026-27	FY 2027-28	Total
General Fund				
State	\$103,500	\$149,000	\$161,500	\$414,000
Federal				
Fees				
Total	\$103,500	\$149,000	\$161,500	\$414,000

Staffing Impacts:

The budget revision will fund 1.0 FTE Holistic Defense Advocate in the Public Defender's Office for the duration of the program, in alignment with the approved DSH Growth Cap Expenditure Plan.

Position Request Summary

Legal Position Title	Number of FTE	Estimated Cost
Social Services Worker / Social Services Worker Senior PS/L	1.0	\$138,000*
Total	1.0	\$138,000*

*Annualized position cost in FY 2025-26.

Special Instructions:

Please return one Minute Order to Deepak Budwani at dbudwani@countyofsb.org. Please also route one copy of the minute order and one copy of the fully executed Salary Resolution to HRPositionControl@countyofsb.org.

Attachments:

Attachment A – BJE No. 0010787

Attachment B – Salary Resolution

Attachment C – Santa Barbara County FY 2022-23 Growth Cap Expenditure Plan

Attachment D – DSH Approval Letter for FY 2022-23 Growth Cap Expenditure Plan

Contact Information:

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