



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

Department Name: CEO
Department No.: 012
For Agenda Of: 7/16/2020
Placement: **Departmental**
Estimated Tme: 3 hours
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: Department: Mona Miyasato, County Executive Officer
Director(s): Bernard Melekian, Assistant County Executive Officer
Contact Info: Bernard Melekian, Assistant County Executive Officer
SUBJECT: **Report on Criminal Justice and Racial Equity in Santa Barbara County**

County Counsel Concurrence

As to form: NA

Auditor-Controller Concurrence

As to form: NA

Other Concurrence: Risk Management

As to form: NA

Recommended Actions:

- a) Receive and file staff report on current and potential future actions to lower the Average Daily Population in the County's Jail system;
- b) Receive report on existing and proposed racial equity and diversity initiatives in the county organization;
- c) Provide other direction as appropriate, including potential process for allocation and use of equity funds; and
- d) Determine that the action is exempt from the California Environmental Quality Act under CEQA Guidelines section 15378(b)(5) because the hearing is an administrative activity that will not result in a direct or indirect physical change to the environment.

Summary Text:

This hearing responds to the Board's request on June 11, 2020 that the CEO's Office work with the criminal justice department directors and return with information on efforts to reduce the County's Average Daily Population (ADP) as a response to the COVID 19 emergency. The Board also asked for information on the efforts in that regard that were already in progress prior to the emergency and the feasibility of making that reduction more permanent.

This report also provides information on existing and proposed efforts to further racial equity within the County organizational culture. It also seeks direction on use and process for distribution of the equity fund set aside by the Board at its June 9, 2020 Budget hearing.

Discussion

A. Lowering the County Jail Average Daily Population

Because of the COVID 19 Pandemic, the criminal justice departments (Sheriff, District Attorney, Probation and the Public Defender) initiated a number of response protocols to mitigate the impact of the virus (See Attachment 1, *Criminal Justice Mapping Report*). One of the most significant results of these responses was the lowering of the Average Daily Population (ADP) by close to 37%. This figure has held constant since mid-March. Additionally, the number of admissions, a good indicator of field activity, dropped dramatically starting in mid-March with the implementation of the stay at home orders.

The killing of George Floyd in Minneapolis has generated a nationwide command for the review and reform of inequities in the criminal justice system. Foremost among these concerns are issues of over-incarceration with a disparate impact on persons of color. On June 11 2020, the Board of Supervisors, after nearly 6 hours of public testimony, directed staff to return to Board with a report on means by which the ADP of the jail might be significantly lowered on a long-term basis.

The CEO's Office, the Criminal Justice Departments and Behavioral Wellness have been involved in such a review for over one year prior to the COVID outbreak and the death of George Floyd. The Criminal Justice Mapping Project, while focused on removing mentally ill persons from the jail, represented a systematic review of the county's entire process. Because of that effort, the county has obtained three financial grants that focus on various aspects of diverting people away from the criminal justice system as well as a technical assistance grant to help review court processes in the county. It is worth noting that the ADP of the county jail system has been in slight, but steady decline since 2015.

The data compiled for this report make clear that the reduction in the jail population occurred primarily because of two factors:

1. A dramatic decrease in the number of physical arrests in the field
2. The dramatic increase in the number of persons being released on pre-trial supervision, with and without electronic monitoring
3. The increase, though slight, in the option of taking arrestees to locations other than jail (e.g. the CREDO47 center, Crisis Stabilization, etc.)

The ADP reduction produced by the COVID response protocols has been clear and significant. What is less clear is the long-term public safety impacts of this reduction in the jail population. While Part I crime has risen slightly, there are several areas (See Table 8 in the *Criminal Justice Mapping Report*) in which it is not clear whether the lack of statistical data represent a true downward trend or a dynamic in which victims may have been unable to report due to the stay-at-home orders. What is definitive is that the re-arrest rate for persons released as part of the various criminal justice protocols is at approximately 10% for the entire county.

Until the court system, and society as a whole, is able to resume activities at the levels seen Pre-COVID, it will be difficult to fully assess the impact of the steps that were taken and make some decisions as to which responses should become aspects of normal operations. The Criminal Justice Mapping Report lays out a number of potential steps that seem to have contributed to the lowering of the ADP and which might be continued indefinitely.

Recommended Continued Actions

1. Continue the virtual court hearings and arraignments. Expand telephonic and video access to clients who are in custody by all criminal justice stakeholders. (Sheriff-Custody/ Probation/Public Defender)
2. Continue and enhance the program of collaborative jail discharging (Probation/Public Defender)
3. Expand the use of pre-trial supervision, absent community safety concerns (Probation / Sheriff-Custody)
4. Create a bail-modification working group to make recommendations concerning the modifications of the bail-schedule based on the COVID response experience with a goal of making bail less restrictive. (All)
5. Through a countywide law enforcement committee, continue the use of the citations in lieu of physical arrest when appropriate. Conduct a review of the 1700 pending citations to make recommendations as to which sections are appropriate to continue issuing citations. (DA/Sheriff)
6. Make greater use of electronic monitoring and other alternative sentencing options (Sheriff/Probation)
7. Continue implementation of the KPMG recommendations as appropriate. (All)

Recommended New Actions

8. Strengthen the capacity of the Criminal Justice Data Committee with the addition of dedicated staff to ensure the involvement of all Criminal Justice partners including Behavioral Wellness. (Probation)
9. Expand the capacity for electronically signing court documents
10. Develop an MOU between the criminal justice partners to create and operate an electronic cloud-based discovery receptacle.
11. Develop a strategic action plan for Stepping Up with clearly defined objectives.
12. Make a presentation to the Board of Supervisors on the action plan developed in collaboration with the Center for Court Innovation, with a timeline for implementation.
13. Consider directing a review of criminal records relative to possession of cannabis with strong consideration to expunging such records where appropriate.

All of these recommendations will require ongoing collaboration among the Criminal Justice Partners. They are several committees and workgroups that require the partners to meet regularly. These recommendations should become part of the ongoing agenda. These groups include:

- Community Corrections Partnership (workgroup)
- Criminal Justice Data Committee
- Criminal Justice Planning Group (Oversees the Center for Court Innovation action plan)

- Stepping Up
- Grant Oversight Committee

B. Racial equity efforts within the County Organization

In the last several years, the County has implemented actions to further racial equity, diversity, and inclusion through individual departmental efforts. To fulfill the County's vision of "One County, One Future" and mission to "deliver exceptional public services so *all* in Santa Barbara can enjoy a safe, healthy and prosperous life," **a more consistent and integrated approach to addressing race and equity issues will need to be developed for our organization.**

Assessing and improving our policies and procedures through a racial equity lens would be aligned with Renew '22, as a way to re-vision our organization and better respond to our community. Ensuring a more inclusive, welcoming organization that emphasizes belonging and diversity also makes good business sense: it helps retain our employees and attract a broader variety of candidates, which provides greater opportunity to hire the best and brightest staff.

Actions to Date

In the last several years, the County has implemented actions to further racial equity, diversity, and inclusion, at the department level. The following is not an exhaustive list of all activities within our 22 departments, but provides an example of recent actions by external service departments:

- Creation of a cultural competency and diversity action team and a cultural competency coordinator position in Behavioral Wellness, focusing on disparities, assessments of needs, and strategies to reduce racial disparities and ensuring culturally and linguistically appropriate services.
- Initiation of the Community Corrections Partnership subcommittee in May 2019 on reducing racial and ethnic disparities within the criminal justice system involving all the justice agencies.
- Racial and Ethnic Disparity (RED) initiative led by Probation to address race and ethnic disparity issues in the juvenile justice system, working with schools, Department of Social Services, Behavior Wellness and the Courts.
- Initiation of the Racial Justice Committee in the Public Defender's Office to explore community outreach, collection of data on racial bias in the criminal justice system; development of motions, materials and trainings on effective litigation regarding race; and trainings.
- Policy modifications within the Sheriff's Office working with Equity Santa Barbara in 2016.
- Health equity series in 2019 on cultural competency, implicit bias, health disparities, ACES, development of a health equity framework and creation of a health equity coordinator by the Public Health Department.
- Equity-focused training and support to child care providers and partners by First Five.
- Language accessibility and translation of materials and services in the health and human service departments.
- Emergency notifications, communication, social media, and website in Spanish by the Office of Emergency Services and County Communications. Much of this is directly translated and not computer-aided translation.

- Various Trainings: Diversity and Belonging training (Child Support); “One Room, Many Voices” cross cultural training (Planning & Development); “LGBTQ+ 101” training (CSD); Implicit bias training (many departments); eliminating race and gender inequities (Public Works); reducing bias and racial profiling course (Sheriff); and Civil Treatment Training (all departments).

In addition to individual departmental efforts, the following *countywide* actions have occurred:

- Adoption of Civil Treatment Policy in 2018 by the Board, with training for all managers mandated by the CEO.
- Participation by cohort of employees (2017) in Government Alliance for Race and Equity (GARE) “Year of Learning” training. The focus was improvement of language accessibility.
- Hiring of the Diversity and Inclusion Manager (formerly EEO officer) by County Human Resources and initiation of a Diversity and Inclusion plan for the county.
- Incorporation of Civil Treatment and implicit bias concepts in County HR’s monthly New Employee Welcome program and other staff development opportunities.
- County HR recruitment practices such as blind supplemental reviews and adverse impact reports on all employment tests in the hiring process by County HR; diverse interview panel for recruitments; utilization of Neogov analytics in EEO Reporting for the entire recruitment cycle; and implementation of mandatory “How to be an Effective Panel Member” that emphasizes diversity values and sensitivity in the hiring process.

Proposed new actions

To continue to build upon these past and current efforts, a consistent, sustainable and meaningful approach will be needed to address racial equity and diversity in our policies and procedures, countywide and in each department. The County is exploring a partnership with Governmental Alliance on Race and Equity (GARE) and other organizations. GARE is a national network of over 80 local, regional and state governmental agencies working to achieve racial equity and advance opportunities; its partners include several California counties such as Monterey, Merced, Shasta, Sonoma, Solano, Alameda, and Marin. The cost of membership in GARE is \$7,500 and the cost of training eight (8) employees through the GARE program is \$7,500. The County previously trained a cohort of employees through GARE in 2017.

Any efforts with GARE or other organizations would be coordinated and integrated with County HR’s Diversity and Inclusion Plan, other countywide strategic planning efforts, and Renew ’22. Staff will return to the Board with specific costs and a proposal in late summer or early fall and would request funding from the Equity Fund or other sources for the initial year.

C. Process and Use of Equity Fund

At the June 9, 2020 budget adoption hearing, the Board appropriated \$500,000 for an equity fund. A variety of potential uses were discussed but no decisions were made, nor was a process or method for distribution defined. There is no timeline or deadline for expending these funds, and direction can be given at any time throughout the year. The Board can discuss use of these funds and a process for allocation at this time, or direct staff to return with options for a process and/or potential uses of these funds.

Fiscal and Facilities Impacts:

There is no fiscal impact of receiving this report. Some of the programs and actions recommended will require additional funding or redirection of resources; other diversion from jail efforts could produce longer-term savings.

The Custody Operations Budget is \$73.2 million in the current year, which includes the Main Jail and new Northern Branch Jail operating costs. In 2015, a jail staffing and operations analysis by CGL consultants calculated a jail bed per day cost of \$169. Reducing the average length of stay and/or the total average daily population would reduce or avoid costs; however, some costs are fixed (not variable) and would remain. KPMG is currently reviewing the Sheriff's Office's operations and will provide greater analysis in its report.

Attachments:

1. Criminal Justice Mapping Report: An analysis of responses to the COVID 19 pandemic

Authored by:

Bernard Melekian, Assistant County Executive Officer
Mona Miyasato, County Executive Officer