




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:** Public Defender  
**Department No.:** 023  
**For Agenda Of:** August 22, 2023  
**Placement:** Administrative  
**Estimated Time:** N/A  
**Continued Item:** No  
**If Yes, date from:**  
**Vote Required:** 4/5

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**TO:** Board of Supervisors  
**FROM:** Department Tracy M. Macuga, Public Defender 805-568-3494  
Director(s)   
Contact Info: Deepak Budwani, Chief Financial & Administrative Officer 805-568-3589  
**SUBJECT: Acceptance of Board of State and Community Corrections (BSCC) Award for the Edward Byrne Memorial Justice Assistance Grant (JAG); Salary Resolution Amendment**

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**County Counsel Concurrence**

As to form: Yes

**Auditor-Controller Concurrence**

As to form: Yes

**Other Concurrence:** Risk Management, Human Resources,  
CEO Budget

As to form: Yes

**Recommended Actions:**

That the Board of Supervisors:

- A. Adopt and authorize the Chair to execute a Resolution (Attachment A) approving, ratifying, and authorizing the Public Defender to execute a multi-year grant agreement with the Board of State and Community Corrections (BSCC) for the Edward Bryne Memorial Justice Assistance Grant (JAG) accepting \$715,000 for the grant agreement term June 1, 2023 through December 31, 2026.
- B. Approve, ratify, and authorize the Public Defender, or designee, to execute the multi-year JAG agreement with the BSCC (Attachment B) accepting \$715,000 for the County of Santa Barbara to create the Holistic Reentry, Early Access, and Diversion for You (READY) project for the thirty-six-month grant project period of June 1, 2023 through June 30, 2026 and grant agreement term June 1, 2023 through December 31, 2026; and

- C. Approve Budget Revision Request (BJE) No. 0009236 (Attachment C) to increase appropriations of \$229,800 in the Public Defender General Fund for Salary and Benefits (\$85,200), Services and Supplies (\$48,200), and \$96,400 for Intrafund Transfer (+) to Probation funded by unanticipated revenue from the BSCC's JAG; and.
- D. Approve and authorize the Public Defender, or designee, to execute subsequent reports pursuant to the BSCC Grant Agreement (Attachment B), or make immaterial amendments that do not change the total agreement amount, do not extend the term of the agreement, or change any other substantive terms of the BSCC Grant Agreement and subject to the Board's ability to rescind this delegated authority at any time; and
- E. Adopt a Resolution (Attachment D) amending the Salary Resolution to add one (1) full-time FTE position to the Public Defender; and
- F. 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:**

This item requests the Board of Supervisors (BOS) to authorize the Public Defender (PD) to sign an agreement with the BSCC accepting JAG funds totaling \$715,000, which will enable the PD to implement the READY project. This innovative project will weave together many community justice partners including Probation Department, the Good Samaritan Shelter, Dr. Jill Sharkey with the University of California, Santa Barbara (UCSB) and PD to begin the assessment, connection, and reentry of those booked into jail. The mission is to connect incarcerated community members with attorneys, investigators, and support staff within 48 hours of their arrest. READY will ensure faster access to fair representation, which will help to appropriately manage the county jail population by reducing the number of uncharged community members sitting in jails, allowing for pre-trial supervised releases, early identification, and intervention of mental health and substance abuse concerns. READY is funded through a combination of both the BSCC and Community Corrections Partnership (CCP). Regarding the JAG funding, the PD requests the BOS to establish appropriations for the first year of the budget (BJE #0009236), approve the execution of the necessary resolution to accept the grant, authorize the PD to execute reports and make immaterial amendments, and amend the Salary Resolution.

**Background:**

The JAG is a vital federal program that provides financial support to state and local governments to develop and improve public safety. The BSCC has identified "innovations in indigent defense" as an area of priority, that can be addressed by JAG funds depending on the specific need of a jurisdiction. JAG is intended to help communities address a wide range of public safety needs, such as reducing crime rates, implementing crime prevention initiatives, and supporting law enforcement agencies, to help improve the multifaceted criminal justice system. One of the significant advantages of the JAG is its flexibility in tailoring funds based on specific needs and priorities. Indigent defense falls under the Program Purpose Area of "Prosecution and Court Programs."

The PD was awarded \$715,000 over three years through JAG. The grant's project period is between June 1, 2023 through June 30, 2026. These funds will allow the PD to create the READY project, which will aim to protect against the harm that comes from periods of incarceration, such as loss of employment, housing, and increasingly vital resources. Holistic representation has been shown to decrease pretrial incarceration and the overall length of jail sentences, disrupting the incarceration cycle at the root by

assessing and preparing our clients to be connected to available resources. The grant will fund 1.0 FTE Legal Office Professional (LOP) Sr., a mental health Peer Navigator in the Probation Department through Good Samaritan, and data costs of about 22% of the overall award. Additional leveraged funds will be provided through the CCP of \$1,266,857 over three years for 1.0 FTE Deputy Public Defender (DPD) IV, a 0.75 FTE Investigative Technician, 1.0 FTE Peer Navigator for the Public Defender through Good Samaritan, and 3% Administrative costs. With the JAG and CCP funding combined, the overall cost of the project will be \$1,981,857 over three years.

The goal of READY is to provide an assessment of needs, connection to services, and representation at the earliest stage of a criminal case. Many criminally charged individuals require connection to substance abuse/detox, mental health, healthcare, and/or crisis stabilization services.

Each of the organizations involved will enter into a Memorandum of Understanding or contract agreement that will assist each organization with sharing information, coordinating services, and collecting data. The PD will return to the Board with the necessary agreements through another Board letter. Regular meetings between the members of the team will be held to ensure smooth communication pathways, processes, and procedures across the multiple organizations.

Key goals of the project are that:

1. READY will assist 75% of clients who are homeless or imminently homeless to obtain or retain appropriate housing, including supportive harm-reduction housing using a housing-first approach, built on rapid stabilization and ongoing, harm-reduction, evidence-based services.
2. READY will address criminogenic needs and increase clients' diversion out of the criminal legal system via three avenues:
  - a. *Pre-filing/pre-arraignment diversion*: Through early, intensive, holistic service coordination and legal advocacy, increase the use of diversion (“no charges filed”) for clients,
  - b. *Diversion at arraignment*: If charges have been filed, successfully advocate for judicial diversion at arraignment (California Penal Code § 1001.95) by providing the District Attorney and Court with evidence of clients’ improved capacities and circumstances resulting from their early-intervention service plans; and
  - c. For clients held *in custody pending arraignment*, increase rates of release at arraignment through the development of community-based treatment plans.

Prior California pilot programs regarding early representation demonstrated that when public defenders assisted clients before arraignment, they spent less time in custody and were more likely to be released on bail. These positive outcomes caused those counties to benefit financially and achieve better results for the community. The PD was previously awarded a grant through the Center for Justice Innovation (previously the Center for Court Innovation) that supports a design process for early representation throughout Santa Barbara County. While that grant focuses on technical assistance to design the infrastructure needed for a countywide early representation program, READY will focus on the population of most need, and those booked into jail in the northern part of Santa Barbara County.

**Performance Measure:**

The PD will be required to report data and outcomes to the BSCC through measurable goals and objectives. This project will build upon past collaborative program evaluation work with the evaluator, Dr. Jill Sharkey, UCSB. Dr. Sharkey has completed several evaluation projects funded by the BSCC

including a four-year project to examine racial and ethnic disparities in juvenile justice and four CalGRIP projects in various cities across south Santa Barbara County (Lompoc, Carpinteria, and Santa Barbara). READY evaluations will address the following measurable program goals and objectives:

<b>(1) Goal:</b>	Reduce Recidivism for Adults Facing Criminal Prosecution.
Objectives	<p><i>A.</i> 75% of clients booked into jail will meet with READY within 48 hours of booking.</p> <p><i>B.</i> Time for resolution of cases will improve by 10% by June 2026.</p> <p><i>C.</i> 80% of clients who meet with READY will engage in at least one evidence-based program with a community-based organization.</p> <p><i>D.</i> The recidivism rate of READY clients who engage in at least one evidence-based program will decrease by 10% by June 2026</p>
<b>(2) Goal:</b>	Reduce Racial and Ethnic Disparities.
Objectives	<p><i>A.</i> The overall pretrial misdemeanor average weekly jail population over a three-month period will decrease to 70% or lower, from the current rate of 80%, by June 2026.</p> <p><i>B.</i> Rates of representation will be the same for clients of color as clients who are white.</p> <p><i>C.</i> Rates of READY engagement and READY outcomes will be equivalent for clients of color as for clients who are white, taking into consideration the type of offense.</p>
<b>(3) Goal:</b>	Reduce Violence
Objectives	<p><i>A.</i> 80% of clients engaged in READY will complete comprehensive intake and discharge assessments.</p> <p><i>B.</i> Average jail days of READY clients who engage in at least one evidence-based program will decrease 10% by June 2026.</p> <p><i>C.</i> At discharge, 75% of clients will improve in the domain of drug abuse, as measured by the intake/discharge assessments Virginia Pretrial Risk Assessment Instrument (VPRAI), a housing assessment, and a mental health screener.</p>
<b>(4) Goal:</b>	Improve Well-Being.
Objectives	<p><i>A.</i> The rate of settlement at arraignment will improve 10% from the baseline by June 2026.</p> <p><i>B.</i> 75% of clients engaged in READY will receive comprehensive treatment and support services through multi-disciplinary teams (MDT) for six months or longer.</p> <p><i>C.</i> At discharge, 75% of clients will have improved employment and housing as measured by case managers.</p> <p><i>D.</i> At discharge, clients will have higher scores on self-report protective factors (e.g., family satisfaction, mental health).</p>

**Fiscal and Facilities Impacts:**

Budgeted: No; recommend approval of BJE No. 0009236 attached.

**Fiscal Analysis:**

	<b>FY 2023-24</b>	<b>FY 2024-25</b>	<b>FY 2025-26</b>	<b>3-Year Total</b>
<b>Costs by Object Level</b>				
Early Rep-LOP Sr.	\$85,200	\$89,500	\$97,100	\$268,600
Total Salaries & Benefits	\$85,200	\$89,500	\$97,100	\$268,600
Probation-Mental Health Navigator through Good Sam	\$96,400	\$96,400	\$96,400	\$289,200
Outside Evaluation-Dr. Jill Sharkey	\$48,200	\$47,500	\$58,300	\$154,000
Total Services and Supplies	\$144,600	\$143,900	\$154,700	\$443,200
<b>Total Estimated Cost</b>	<b>\$229,800</b>	<b>\$233,400</b>	<b>\$251,800</b>	<b>\$715,000</b>

The READY team will consist of an attorney, an investigator, a Legal Office Professional, and two Mental Health Navigators. Through the BSCC the PD will fund 0.71 FTE LOP Sr., and the remainder of the costs (0.29 FTE) for that position will be leveraged through existing Department funding. Probation Department program costs cover a mental health Peer Navigator to be part of their Pretrial Services Unit through Good Samaritan. UCSB will be providing external evaluation services for the READY project with the yearly budget equaling approximately 21% of the overall project (approximately \$48,200 in year 1).

**Staffing Impacts:**

**Legal Positions:**

Add 1 new

**FTEs:**

Add 1.0

One new legal position will be established as a result of this Board action: one (1) 1.0 FTE Legal Office Professional Senior.

**Special Instructions:**

Please return one (1) Minute Order to Deepak Budwani at [dbudwani@countyofsb.org](mailto:dbudwani@countyofsb.org). Please also route one (1) copy of the minute order and one (1) copy of the fully executed Salary Resolution to Tracy Rogers, Workforce Planning Analyst, Human Resources Department at [trogers@countyofsb.org](mailto:trogers@countyofsb.org).

**Attachments:**

Attachment A: Board Resolution to accept the BSCC Award

Attachment B: BSCC Grant Agreement, 2023 JAG Grant Agreement – Santa Barbara County BSCC-1216-23

Attachment C: Budget Revision Request No. 0009236

Attachment D: Salary Resolution

**Authored by:**

Byrne JAG Grant Funding to Improve Indigent Defense FY 23-24

Deepak Budwani, Chief Financial and Administrative Officer, Public Defender's Office