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GRAND JURY
SANTA BARBARA COUNTY

December 20, 2021

Jacquelyne Alexander
Chief Deputy Clerk of the Board
Santa Barbara County Board of Supervisors
105 East Anapamu Street
Santa Barbara, CA 93101

Dear Ms. Alexander and members of the Santa Barbara County Board of Supervisors,

On behalf of the 2021 Santa Barbara County Grand Jury, I am attaching a copy of our report for your review and response.

JAIL DIVERSION IN SANTA BARBARA COUNTY

The Grand Jury, County Counsel and the Presiding Judge have approved this report. California Penal Code §933.05 requires the following:

- You are receiving this report two working days prior to its release to the public; you shall not disclose this report prior to its public release.
- You must respond to each Finding and Recommendation in this report as indicated.
- You must submit your original response to the Presiding Judge.
- If you are an elected county officer or agency head, the response time is no later than 60 days from the date of receipt of the report.
- If you are the governing body of a public agency subject to the reviewing authority of the Grand Jury, the response time is no later than 90 days of receipt of the report.
- If your response to a Recommendation is, "Requires Further Analysis," you must provide an analysis completion schedule which shall not exceed six months from the report publication date.

Your response will be posted on the Grand Jury website: www.sbcgj@sbcgj.org. Please forward a copy of Your response to: Presiding Judge Gustavo Lavayen

312 East Cook Street
Santa Maria, California 93454

Please also forward a copy of your response to the Santa Barbara County Grand Jury at: sbcgj@sbcourts.org

Respectfully yours,

Pamela Olsen

Pamela Olsen Foreperson
2021 Santa Barbara County Grand Jury

DocuSigned by:

Jacquelyne Alexander

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JAIL DIVERSION IN SANTA BARBARA COUNTY

Criminal Justice Partners Are Finding Common Ground

SUMMARY

Over the past decade, changes in criminal justice have moved toward rehabilitation and reform and away from punishment. Concomitantly, the Santa Barbara County Main Jail population has been trending downward in the last five years. Then, through response protocols to the COVID-19 pandemic, the average daily population dropped another 37 percent by June 2020. However, reducing jail population in a steady and consistent manner relies on diversion and release of inmates through a variety of practices.

The 2021 Santa Barbara County Grand Jury studied the developments in justice reform in Santa Barbara County and determined that by working together the five agencies in the criminal justice system – the Santa Barbara County offices of the Sheriff, District Attorney, Public Defender, and the departments of Probation and Behavioral Wellness – are learning to manage the transition to greater jail diversion practices for low-level offenders. For this, the criminal justice partners have increased methods such as cite and release tickets, zero bail, referral to specialized courts, utilizing alternative facilities including Stabilization Centers, greater use of Co-Response teams, alternative sentencing, pre-trial supervision, and discharge planning. There are still some barriers to resolving issues such as inadequate technological support and lack of resources in and out of jail, as well as an ongoing need to evaluate the effectiveness of practices used.

A multi-agency approach to diversion will more successfully reduce jail population and promote what is best for the individual while assuring a safe community. Working together as criminal justice teams creates a balance among these priorities. The Santa Barbara County Board of Supervisors plays a key role in assisting the operational evolution of the Santa Barbara County criminal justice system.

BACKGROUND

New criminal justice laws and new practices, as well as calls for keeping individuals out of jail or releasing those in jail, are the result of changing societal attitudes toward keeping criminals locked away. Rehabilitation has become key.

Moreover, pressure to reduce overcrowding in state prisons led to the passage of Assembly Bill 109 (AB 109) in 2011. Over 500 crimes that were considered non-serious, non-violent, and non-sex-related were taken off lists of felonies that led to sentencing to state prisons. Those who committed the newly reclassified felony crimes now went to county jails, where only inmates incarcerated for lesser misdemeanors had previously been housed. Furthermore, with AB 109 there was no longer a one-year limit to time spent in the county jails. A great burden has been put on county jails.

Further redirection from state prisons to county jails resulting from Proposition 47, passed in 2014. It reduced felony crimes against property and personal drug offenses to misdemeanors. Possession of heroin in amounts for personal use was no longer a felony, for example, and shoplifting became a misdemeanor as long as the property stolen amounted to less than \$950. As

a result, fewer offenders were arrested and sentenced, as their misdemeanors did not rise to the level of incarceration under the new protocols. This has impacted jail populations. Law enforcement has felt hindered in deterring crime as some misdemeanor offenses carry no consequences.

AB 109 and Prop 47 also offered funds to help those who have been arrested, charged, and convicted of crimes, as well as to mitigate the influx of former prisoners and inmates back into society. AB 109 funds were directed to fund community-based programs, especially in the area of mental health. It also funds programs at the local community colleges in Santa Barbara County, where former prisoners or inmates can pursue higher education.

Programs set up by Prop 47 brought crisis intervention and diversion for those with mental health issues and substance abuse disorders as part of the Safe Neighborhoods and Schools Fund. For example, Prop 47 funding created the CREDO47 Stabilization Center, formerly the Sobering Center in downtown Santa Barbara. In 2019 Santa Barbara County received \$6 million from Prop 47 funding for the Center, part of which was also used for a 20-bed mental health housing facility, a second Co-Response team, and programs for victim services and treatment.

Jail population in Santa Barbara County has hovered around 1,000 since 2000. In 2016 it spiked to approximately 1,100. Since then, the average daily population has declined, with a marked drop in 2020 to 580 inmates during the COVID-19 pandemic and because of other diversion options. One year earlier, the average daily population was 903. The health of the inmates and social distancing justified releasing inmates, but no inmate was released solely because of COVID. The Sheriff's Office, Probation, and the Courts reviewed each inmate's case prior to release. A July 2020 report on the effects of COVID-19 on jail population wrote that the main factors driving down jail population were "1. A significant decrease in the number of physical arrests in the field. 2. A significant increase in the number of people being released under pre-trial supervision...."¹ Jail population reduction resulted from diversion practices as well as from a health emergency.

In early 2019, the Board of Supervisors commissioned reviews of all County departments, and the Sheriff's Office was among the first to be studied. The 2020 KPMG LLC² report for the Sheriff's Office recommended more efforts in diversion and rehabilitation, as well as in other areas such as data systems, classification, discharge, and cooperation with law enforcement partners, including Public Health. Some of the steps outlined in the KPMG report have been implemented, but most initiatives such as diversion and cooperation among criminal justice partners had already begun with the Sheriff's Office.

Between March 18, 2020 and October 5, 2021, over 1,900 inmates in custody were released from the Santa Barbara Main Jail, whether from end of sentence or early release. Estimates of recidivism rates vary widely, and the Sheriff's Office has not determined an overall recidivism rate yet.³ During this time of fewer offenders being incarcerated, the Santa Barbara County crime rate for non-violent crime decreased by 15 percent in 2020. In this category, only DUIs and

¹ Bernard Melekian. "The Impact of the COVID Pandemic on the County Jail Population in Santa Barbara County." July 16, 2020.

² KPMG. "Improving Performance to Better Serve Our County Residents: Santa Barbara Sheriff's Office." October 2020.

³ Among the 1,900 released, the recidivism rate was 28 percent. The 2020 COVID report for the Main Jail stated an 11% re-arrest rate. Recidivism rates for the general population at the jail are not available.

disorderly conduct rose, according to the February 2021 Sheriff's report on crime in the County jurisdictions. During the same period, violent crime rose by 7 percent.⁴

The Sheriff's Office showed some concern regarding releasing inmates and crime rates:

2020 brought significant challenges and changes to the criminal justice system in Santa Barbara County, including a significantly reduced jail population due to the adoption of emergency zero-dollar bail practices at the state and local level. We are concerned that those changes may have had a negative impact on crime rates, and, in-turn, resulted in an increased fear of crime in our communities.... We are closely scrutinizing this crime data and will continue to seek ways to maintain public safety by targeting certain criminals, but also by holding offenders accountable through alternatives to jail. These include working with our criminal justice partners to enhance offender supervision, provide additional mental health and substance abuse-related services, and strengthen education-based recidivism reduction efforts for those who are in custody.

With no new crime rate report for 2021, it is not possible to connect jail diversion or the release of inmates to increasing or even decreasing crime rates. Anticipation of crime increase has been mentioned by multiple Jury interview sources, as well as by national crime statistics, but that is anecdotal for now.

With the hope of finding economies in smaller numbers of inmates in the jail, some members of the Santa Barbara County Board of Supervisors wanted to further commit to the lower jail populations and use the emptied space toward other programs that would offer treatment or rehabilitation. This motivated the Board of Supervisors to hold additional meetings during the public safety budget hearings. Although discussions ensued over withholding funds from the Sheriff's jail budget for inmate rehabilitation and other programs, the Sheriff defended his position of maintaining current space and staff. Lower jail population projections seemed premature to some, as criminal activity is in flux, and the criminal justice partners are still adapting programs to meet the needs of a post-pandemic society. Other disputes over funding occurred with departments and their technology requests. The final results of these disagreements have yet to be determined.

OBSERVATIONS

Pre-Jail Diversion Strategies

Cite and Release

The number of individuals booked into the Santa Barbara County Main Jail has dropped dramatically due to changes in law enforcement on patrol. Rather than bring all low-level misdemeanor offenders to jail for booking, law enforcement has leaned more on the practice of giving a warning or writing a cite and release ticket. The "dramatic decrease in the number of

⁴ There are no new crime rate statistics for County jurisdictions since the February 2021 report. The Sheriff's jurisdictions cover the unincorporated areas of the County and by contract the Cities of Buellton, Goleta, Carpinteria, and Solvang. The Sheriff's report does not include the cities of Santa Barbara, Santa Maria, Guadalupe and Lompoc. These cities have crime rate indices that are higher than for the County on various rating networks.

arrests in the field” has been a main contributor to the lower jail population.⁵ Law enforcement officers have been able to use their discretion in arresting or releasing. In the case of cite and release, the individual is given a time to later appear before the court. According to a Main Jail custody supervisor, approximately 60-65 percent of those cited and released have made their scheduled court appearance.

To make sure that a citation with immediate release is possible, the officer or deputy in the field needs to confirm that the offender at hand has not been involved in more serious crimes. Phone calls can determine if warrants are out for the individual. But at this time law enforcement out on patrol does not have immediate access to the criminal history (the “rap sheet”) of the offender.

Data needs to flow more easily, especially when an officer is in the field. In the County public safety departments, technology that integrates pertinent facts from all departments has not yet been fully activated. Criminal justice partners have asked for a real-time external data-sharing system, along with a Master Name Index, to help inform law enforcement’s decision-making.

Zero Bail

Another development that keeps offenders out of jail is zero bail. It is applied only to those who are not a threat to the community. Advocates of jail reform have long signaled the inequities of bail policies. Offenders who do not have enough financial resources, or do not have someone to come to their assistance, are not able to post bail. Others with greater financial means can stay out of jail pending trial. Unfair class and ethnic divisions were often said to be part of this practice. With zero bail, the apparent injustice was nullified.⁶

Bail has been and still is assigned as appropriate by the judge, that is, after an offender has been booked and held awaiting trial. However, with the onset of COVID-19, an additional emergency bail system has been enacted. Zero bail is now part of the cite and release protocol at booking. With many misdemeanors no longer listed for incarceration, the offenders must be cited and released immediately with zero bail. Sheriff’s records show that between March 18, 2020 and October 5, 2021, almost 2,600 individuals were released after booking.

Not all criminal justice partners find zero bail reassuring to public safety.⁷ Some people need to be in jail, according to all Santa Barbara County criminal justice partners. Therefore, the decision to allow zero bail still needs to be based on evidence-based risk factors that include past criminal history. In 2020, the Santa Barbara County Probation Department performed this time-consuming discovery process in its risk assessment for each person who had received zero bail.

Jail Diversion through Specialized Courts

For those who are cited by law enforcement, there are other options, some of which mean they do not stay in jail. This is often called jail avoidance. In some instances, the District Attorney will propose a settlement, in which case both parties meet outside court to settle differences. The offenders have to be willing to accept responsibility for their actions for such a mediated settlement to work. Another proposal by the District Attorney’s Office is a Neighborhood Court

⁵ Bernard Melekian. “The Impact of the COVID Pandemic on the County Jail Population in Santa Barbara County.” July 16, 2020.

⁶ The California State Supreme Court reinforced this policy with the *In re Humphrey* decision on March 5, 2021. Courts cannot impose a bail with a cost higher than what the offender can afford. This often leads to zero bail.

⁷ Zero bail has been eliminated in some California counties. Santa Barbara County is one of the counties that has retained this practice.

in Goleta: This venue will have a jury of peers and other volunteers to adjudicate settlements. Once again, the District Attorney will need to rely on thorough checks of criminal history in the data system and other risk factors so that this avoidance of legal prosecution will end in safe results for all parties – the offender and the victim.⁸

The District Attorney’s Office has had other jail avoidance courts, both pre-plea and post-plea, for many years. These courts are for minor offenses that are still serious enough that the arrestees are not completely diverted from being booked into jail. The individual does go to court but can receive treatment rather than jail time. When the District Attorney gets the case, the attorneys first look at diversion but also the severity of the crime and the person’s record. In these specialized courts, if the individual qualifies for diversion under the District Attorney’s assessments, offenders can be released from serving time if they complete courses. Sometimes this will also allow a reduced charge or an expungement of their record.

These courts include:

Mental Health Diversion	Mental Health Treatment	Veteran’s Treatment
Pre-Plea Substance Abuse	Misdemeanor Diversion	Military Diversion
Dual Diagnosis Treatment	Theft Awareness	CREDO47 ⁹

Positive outcomes of these specialty courts are dependent upon well-informed diagnoses and upon the classes and the programs developed. Every individual’s case is unique, and the treatment needs to be the most suited to that person. Otherwise, specialized courts such as the drug court may not find lasting success, the Jury heard. In general, the more classes available and the more options the individual has, the greater the chances of success.

The Santa Barbara Police Department has a Restorative Court, created for the homeless and the mentally ill with low-level infractions. It also is not a direct form of diversion, as the individuals are cited and go to court. But they do avoid time in jail.

Diversion Strategies to Alternative Facilities or Programs

Another means of pre-jail diversion is referral to another facility, program, or treatment, if those options are available. The intent is to keep those with mental illness or with addictions out of the jail, where intensified stress could exacerbate their problems. Moreover, custody staff at the jail have limited training in dealing with the mentally ill or substance abusers. The Sheriff’s Office is in the process of providing a more involved crisis intervention training for custody staff.

Alternative Facilities

One alternative to incarceration is to take those suffering from mental illness or addictions to alternate facilities rather than to jail. Santa Barbara County has two units that are operated by Behavioral Wellness: a Stabilization Center (Sobering Center) at the County Campus, as well as

⁸ There are other Sheriff and District Attorney diversion programs not studied in this report. For example, the District Attorney’s Office is working with the Center for Court Innovation for a felony diversion program. Prop 47 enabled a three-year \$31.1 million grant for diversion for those who are incompetent to stand trial. There is also a grant for those who would be accepted into state hospitals. The Stepping Up program hopes to place mental health inmates in other hospitals for mental health.

⁹ This Court is held with Behavioral Wellness.

a Crisis Stabilization Unit (CSU). Since the County Campus is not near the city center, law enforcement often needs to drop off those who would not be able to get there on their own and then take them home. Those who are taken to either center are medically monitored and referred to treatment services. The Sobering Center has twelve beds or reclining chairs, and the CSU has the same. People can stay 24 or more hours, and they can leave at any time. Both centers are supposed to be open 24/7 for anyone who comes voluntarily, but the Jury learned that operation hours are not consistent, and placement procedures are confusing. Behavioral Wellness staffing shortages and the public's lack of awareness about the Centers have meant that they are underutilized and can even be closed when someone arrives. Occupancy has been low. Because of these uncertain arrangements, law enforcement must determine if the Stabilization Centers are available and appropriate for those exhibiting trauma with drugs or mental breakdown, or decide to take them to the jail, where they are watched and kept off the streets. For now, in many cases, it is often more convenient to take people to the jail.

The two major hospitals in the County can also accept persons in crisis. The two Cottage Hospitals in the Santa Barbara area have 20 short-term beds, and Marian Hospital in North County recently opened a CSU with beds for eight people. Three of these beds are reserved for Santa Barbara County Behavioral Wellness. Here, a person can stay up to 23 hours and avoid jail. Hospitals also offer crisis intervention for mental health and chemical dependency evaluations. It must be noted that these hospitals are not locked facilities, and participation is voluntary.

For people whose symptoms are more acute and need more critical care, they can be taken to the 16-bed Psychiatric Health Facility (PHF) unit in South County. The PHF is a lock-down facility run by the Santa Barbara County Behavioral Wellness Department. There are many mental health resources along with security at the PHF. When it is full, the jail is the only other place these severe cases can go to in this County. By federal law, PHF facilities are limited to 16-beds, so the current one in Santa Barbara cannot expand. The Sheriff reserves two beds in PHF, but this is never enough, the Jury was informed. The County has looked for a second lock-down facility in North County. The Jury learned from a mental health expert that Santa Barbara County should have 40-80 mental crisis beds for the population size of this County, meaning the County needs at least three times the current number of beds it currently has.

The question of “divert to where?” is often echoed in criminal justice meetings. The problem of lack of facilities in the County has been particularly disturbing as it is a disincentive for law enforcement in North County to go to the alternative facilities in South County. Any trip to the more secure County centers on the outskirts of Santa Barbara City takes a North County officer or deputy off the streets for at least three hours while they drive to the Main Jail or Stabilization Centers in South County. While Marian Hospital in North County does have some capacity to take in individuals in crisis, the Jury was told that officers and deputies for a number of reasons are reluctant to impact the hospitals' emergency rooms. Since December 2020, the Santa Barbara County Department of Behavioral Wellness has reserved 34 beds at the Crestwood (formerly Champion) Center in Lompoc. Crestwood is not a facility for drop-ins, nor is it a lock-down secure facility.¹⁰ It is a place where only referrals are accepted.

¹⁰ Crestwood Center focuses on living skills for moderate mental health clients. It hopes to increase capacity to 80 beds.

Alternative Interaction with Law Enforcement

With the rising number of people with mental or substance problems, especially among the homeless, diverting them from the jail has become a greater concern among law enforcement officers. Interactions with these individuals can take much more time, keeping them away from patrol duties. Furthermore, the mentally ill and the addicted in the throes of crisis don't always respond well to an armed officer. Responding to this reality, in 2018, the Sheriff's Office and Behavioral Wellness created Co-Response teams, with one law enforcement officer trained in crisis intervention and one mental health clinician. These teams are typically summoned by local law enforcement and will approach an individual in crisis in a nonthreatening way. If they cannot calm the person down or connect them with family or friends, they will attempt to take the disturbed person to a sobering center or a treatment center. The team documents every contact, so law enforcement has a record of all incidents, even if they do not result in an arrest. The Jury was informed that by June 2021, there were 2,602 mental health calls and the Co-Response teams responded to 1,600. Of those, only 15 individuals were taken to jail.¹¹

When a law enforcement officer encounters a distressed individual who has not committed an apparent crime, the officer will attempt to reach a Co-Response team to de-escalate and assist the individual. With the small number of Co-Response teams available, however, the result can often be a trip to the jail. There are currently only three daytime Co-Response teams in the County – one in North County, two in South County. The North County team allots two days for Lompoc and two days for Santa Maria. Each of these teams is funded through grant money, meaning funding is not permanent.¹² The City of Santa Barbara Police Department also has a team, and the Santa Maria Police Department is forming a Co-Response team with a Behavioral Wellness clinician, for a total of five teams in the County.

The process of staffing Co-Response teams has been slow because of a difficulty in providing clinicians from Behavioral Wellness. Staffing shortages in law enforcement can also imperil the teams. All law enforcement entities want to maintain the integrity of the teams, rather than have their officers or deputies pulled off for patrol. The Sheriff's Office hopes to have enough mobile crisis units to cover the region, with at least two dedicated teams for North County and two for South County. Their presence is not 100 percent reliable now, the Jury was told, as they cover geographically large regions. Moreover, no County Co-Response teams are available at night or on Sunday. Ideally, the County would have eight co-response teams so that another team could respond if the first team were already on a call and so that teams would be available during night hours.

The State of California has a tool under Section 5150 of the Welfare and Institutions Code, where a law enforcement officer has the ability to detain and place individuals under a 72-hour involuntary hold if they are a danger to themselves and/or others, despite no crime being committed. Santa Barbara County is the only county in the State of California, where law enforcement officers do not have the capability to place a 5150 Welfare and Institutions Code hold. This ability now rests only with Behavioral Wellness, whose clinicians need to be

¹¹ In an October 2021 presentation to the Board of Supervisors, Behavioral Wellness staff said that Co-Response teams receive between 5 and 8 calls a day, plus 36-40 suicide calls a month.

¹² One co-response team was funded by Prop 47 funds and its CREDO program. It granted \$6 million over three years. A Byrne Jag grant funded two co-response teams with \$2.1 million over three years. The Public Defender also has a team made possible through grant funding. The Jury heard that the Santa Barbara Police Department, which has one team, is committed to creating a second team also.

summoned by the officer on scene.¹³ Santa Barbara County criminal justice partners have expressed frustration with the current protocol. Law enforcement could be trained and authorized to make the decision to enact a 5150 hold, as their counterparts do throughout the State.

Regardless of who may be writing the 5150 hold, one criminal justice partner remarked that having the capability to use it has little meaning if there is no place to take the distraught individual. To be able to divert individuals to places with treatment or mental health programs, there needs to be more secure facilities in the County, such as another 16-bed PHF unit. The Santa Barbara County Sheriff has publicly referred to the Main Jail as “the de facto mental institution for the County.” Often, the jail is the last resort for a person experiencing a mental health crisis.

In-Jail Reduced Time or Jail Avoidance

Intake Assessment

Once inside the jail, the possibility of early release becomes a method of diversion. The inmates can reduce their time in jail if they qualify for various programs. To be considered for early release, the individual must first be considered a safe risk if allowed back in the community. Low-risk offenders do better in the community than in jail, stated one jail program director.

Assessment for early release begins as early as the inmate enters the jail. The intake assessments may impact the length of stay in the jail. The initial screening tool is used to check for medical conditions and mental health issues, based on the responses given. Then a classification assessment interview again checks for issues and assigns points according to the arrestee’s responses on the assessment for behavior, violence, and prior arrests. The points are used to determine housing placement with medium or maximum security after the COVID-19 isolation period ends. With a better score, the inmate can also become an eligible candidate for in-house programs that would contribute to early release.

The Probation Department and the Office of the Public Defender have taken a more humanist approach towards inmates, which enlarges the scope for evaluation and eligibility for eventual release. Over the last 20 years, the intake assessment interviews have been modified to include more than basic medical and mental health information, a change which coincides with the outlook of reform in the criminal justice system. Both departments regard the whole person, from the family history to the living environment.

Some criminal justice partners have suggested having representatives at intake from Behavioral Wellness and Probation who could check for possible alternatives to incarceration for the arrestee. Members of different departments can be present at intake now, but it is not a standard procedure.

Programs and Classes

An inmate’s participation in programs inside the jail can lead to consideration for early release. The Sheriff can assign “milestone credits” from the programs toward release eligibility. The programs can take the form of classes or workshops. Many are part of the highly regarded Sheriff’s Treatment Program (STP). The STP has included classes in anger management, drug and alcohol addiction, cognitive behavioral training, relapse prevention, and release and

¹³ For the past year, medical professionals at Cottage Hospital have also been empowered to issue involuntary psychiatric holds also. In May of 2021, the hospital had 97 such cases, or about three a day.

reintegration.¹⁴ Their purpose is to give inmates better coping tools and life skills to avoid recidivism when released. Some of the programs and classes have not been held during the pandemic. For example, Santa Barbara City College used to have classes at the jail and those have stopped. Efforts are being made to revive the partnership with the College and other instructors.

The Sheriff's Office also has an Alternative Sentencing Bureau (ASB) that has a modified form of release. There are two programs in ASB: electronic ankle monitoring and work alternative. Both allow inmates with less serious offenses to be in the community, but with restrictions. Ankle monitoring is not always popular, the Jury heard, because of the ever-present supervision and house confinement. Inmates often would prefer to wait out their jail term and exit with less monitoring. Moreover, the point of release is not just to get out of jail but to reenter society under optimal conditions, which often include programs and treatment deemed important in a successful transition to society. The work alternative option is more attractive to eligible inmates. The Sheriff's Office has been able to add a new work furlough program, a result of a grant in July 2021. The \$2.49 million Pathway Home grant provides job training and jobs for qualified released inmates. Inmates and their employers are monitored regularly to ensure program standards are met.

In the past, the high population of inmates allowed jail staff to rely upon their own selection of inmates for these programs based on assessments. With the reduced population, fewer inmates have been available to participate in these programs, so custody staff actively recruit volunteers who have been assessed as good candidates. This effort to find participants for programs demonstrates the jail staff's emphasis on diverting offenders from jail by reducing time spent in jail.

A senior law enforcement official has estimated that 75 to 80 percent of those in the Main Jail are awaiting trial, even with all the mechanisms for diversion, pre-trial supervision, or release now in effect.¹⁵ The high percentage of those unsentenced in the jail has long been a problem, and this is now being addressed. The Probation Department is responsible for managing pre-trial release supervision. In an effort to decrease the high population of those awaiting trial, Probation has increased the pre-trial release caseload from 200 to 300 cases. This expansion under the COVID release protocols stimulated a request for two more Probation Officer positions. A May 2021 report stated that over the past year, 574 criminal defendants entered this program. Of the 426 who completed it, 339 did not reoffend. Pre-trial supervision is considered a highly successful diversion-type program and has been a main factor in reducing jail population.

The Need for Shared Data for Shared Decisions

Shared responsibility requires shared information. The criminal justice partners confer or collaborate at more than one point from diversion to release strategies.¹⁶ The goal is that each

¹⁴ The Sheriff's Office has pointed out that the abbreviated jail terms of many inmates preclude them from fully participating in the classes. The classes are seen as an important step toward transition to a stable life outside the jail.

¹⁵ In addition to those not released and awaiting trial are those who have plead guilty but are not yet sentenced, along with probation and parole offenders.

¹⁶ Some of the joint meetings now taking place are the Community Corrections Partnership, the Community Corrections Partnership Work Group, the Criminal Justice Data Commission, the Planning Group, the Grant Oversight Committee, Regional Response Teams, Community Corrections Institute, and Compliance Response Teams.

partner would be informed of all the facts concerning the inmate when considering eligibility for release. The data needs to be accessible within each law enforcement agency and among all criminal justice partners.

Assembly and sharing of information have already begun in Probation's data dashboard.¹⁷ This data dashboard includes crime type, length of stay in jail, age, gender, race, ethnicity, supervision type, risk level, etc. that the criminal justice partners can refer to. The Sheriff's Office is currently adding its information and the offices of the District Attorney and the Public Defender are expected to add theirs soon. For transparency of evidence-based information concerning arrest and/or release, all partners need to post data.

The Jury was told that beyond the dashboard, law enforcement does not have a way to pull out data from the current computer system in a meaningful or efficient way. Moreover, the quantity of information these days overwhelms most storage. In the age of digital evidence especially – primarily videos from body cameras or cell phones – the search for meaningful data is prohibitively labor intensive according to one criminal justice partner. The partners have asked for data analysts to help organize and retrieve data not only in their departments but in a centralized operating system. The Santa Barbara County Board of Supervisors has set aside \$1.5 million for data analysis and technology tools among the criminal justice departments. Although supportive of more data storage capacity and technical help, not all funding requests have been granted by the Board.

Post-Jail Diversion after Final Release

Discharge Team

Keeping former inmates out of jail after release is equally important as diverting them before entry into the jail system. Discharge from jail might seem like the end of the need for diversion, but it has been described as a form of diversion in itself: releasing inmates with a proper exit strategy and a long-term support plan would reduce recidivism. Discharge helps make plans for what the inmates need when they get out – housing, transportation, medication, work, drug or alcohol treatment, mental health services, Medi-Cal enrollment, etc. – and sets up those connections.

The Sheriff's Office, Probation, Behavioral Wellness, the Public Defender's Office, WellPath, and the Court are participating in the discharge process. Yet the Jury heard that these departments are still siloed in this work. Each criminal justice partner evaluates qualifications from their own department's perspective, and they do not yet coordinate. With multi-agency input, having a common agreement of eligibility requirements, terms, and conditions is important as they consider allowing inmates out. Teamwork here is critical.

Of the 1,900 inmates released in the last year and a half, there was a 28 percent recidivism rate. While the 72 percent success rate is commendable, one criminal justice partner recommended that the failures should be studied to see what went wrong. This is not being done. Tracking inmate release with recidivism rates would bring greater accountability. One step being taken for more responsibility in assuring success is the Public Defender's Office assignment of a social worker and client advocate to the inmate. At a time when law enforcement and local leaders are

¹⁷ A data dashboard is a tool businesses use to help track, analyze, and display data to gain deeper insight into the overall well-being of the organization.

emphasizing rehabilitation, such a study among the members of collaborative discharge could especially guide decisions for discharge and early release programs.

Discharge Planner

What has been missing from the jail discharge process is a dedicated position for a discharge planner who would gather information from the various agencies and plot a course of action.¹⁸ Since there is little coordination among criminal justice partners at discharge, a planner could carry out that function. Discharge planners would make sure the inmate leaves with all the best resources for success, whether it be supervision and programs by Probation, treatment or housing by Behavioral Wellness or Probation, or job connections from the Sheriff's Office. With the jail staff being more invested in release programs, the discharge planning position would be pivotal in the smooth flow of reentry into the community.

Community Programs

Once released and supervised, community programs help form a security network to support those inmates so that they can successfully transition back to living outside the jail; the more encompassing the resources, the less recidivism. To best prevent recidivism, the Sheriff has publicly stated on numerous occasions that the five main resources that inmates need upon release are housing, job skills, a job, treatment for addictions, and anger management. Both Behavioral Wellness and Probation are actively creating more transitional housing, and this can be the essential first step outside the jail.

The Jury learned that community treatment programs are not necessarily robust now, and this lack of programs could impair the work of stabilizing former inmates. It takes work to establish relationships with service providers in the community, along with financial support from the County and each criminal justice department. All criminal justice partners can benefit from developing relationships in a common community network.

Programs frequently depend on grant funding. The criminal justice partners are often more competitive when jointly applying for grants. The Sheriff's Office and Behavioral Wellness won grants for their Co-Response teams. Partners can be found outside the criminal justice system as well. The Sheriff's Office was awarded the Pathway Home grant with the participation of Santa Barbara City College, Allan Hancock College, Good Samaritan Shelter, and the Workforce Development Board to provide job training and jobs for released inmates.

CONCLUSION

The 2021 Santa Barbara County Grand Jury concluded that, despite all the efforts to increase diversion, results show more work is needed to accomplish the desired outcomes. The dual nature of diversion – maintaining public safety and improving personal reform – relies upon interagency coordination and continued evaluation.

Collaboration among the criminal justice partners is vital for the success of jail diversion. The Santa Barbara County Sheriff's Office, the District Attorney, the Public Defender, the Probation Department, and Behavioral Wellness, along with the Santa Barbara County Chief Executive

¹⁸ The Main Jail placed a discharge planner through a one-year grant. There is a need for multiple planners on long-term contract.

Office, have created a platform for discussion and decisions. Consensus is developing. The criminal justice partners would benefit from technological and budgetary support from the Santa Barbara County Board of Supervisors. As one of the supervisors stated in the April 12, 2021 budget meeting, the Board needs the “political will to tie it all up with a bow.” Criminal justice collaboration that allows both public safety and improved personal reform would be a gift to the community.

FINDINGS AND RECOMMENDATIONS

Finding 1

The Santa Barbara Sheriff’s Office, Santa Barbara County District Attorney, Santa Barbara County Public Defender, Santa Barbara County Behavioral Wellness, and Santa Barbara County Probation Department need a consolidated criminal justice data system.

Recommendation 1

That the Santa Barbara County Board of Supervisors allocate funding for a consolidated criminal justice data system.

Finding 2

The Santa Barbara Sheriff’s Office, Santa Barbara County District Attorney, Santa Barbara County Public Defender, Santa Barbara County Behavioral Wellness, and Santa Barbara County Probation Department need a data analyst to organize and retrieve data for a consolidated criminal justice data system.

Recommendation 2

That the Santa Barbara County Board of Supervisors allocate funding for a data analyst specifically for a consolidated criminal justice data system.

Finding 3

Santa Barbara County is the only county in the State of California that does not give law enforcement officers the ability to write 5150 Welfare and Institutions holds, preventing timely and effective intervention for those in critical need.

Recommendation 3

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

Finding 4

Santa Barbara County does not have enough Co-Response teams to provide the entire County with 24-hour, seven days per week coverage.

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.

Finding 5

Santa Barbara County has too few mental health emergency facilities to meet the County's needs.

Recommendation 5

That the Santa Barbara County Board of Supervisors develop a plan to adequately address the mental health needs within the County, including repurposing existing facilities.

Finding 6

The Santa Barbara County Behavioral Wellness Department's Crisis Stabilization Unit and Stabilization Center (Sobering Center) need to clarify their admittance protocols and maintain consistent hours.

Recommendation 6

That the Santa Barbara County Board of Supervisors instruct the Santa Barbara County Department of Behavioral Wellness to clarify the admittance protocols and maintain consistent hours for the Crisis Stabilization Unit and Stabilization Center (Sobering Center) to make them more accessible.

Finding 7

The Santa Barbara County Main Jail needs dedicated discharge planners to coordinate post-incarceration programs.

Recommendation 7

That the Santa Barbara Sheriff's Office allocate funding for dedicated discharge planners to coordinate post-incarceration programs.

REQUEST FOR RESPONSE

Pursuant to *California Penal Code Section 933 and 933.05*, the Santa Barbara County Grand Jury requests each entity or individual named below to respond to the enumerated findings and recommendations within the specified statutory time limit:

Responses to Findings shall be either:

- Agree
- Disagree wholly
- Disagree partially with an explanation

Responses to Recommendations shall be one of the following:

- Has been implemented, with brief summary of implementation actions taken
- Will be implemented, with an implementation schedule
- Requires further analysis, with analysis completion date of no more than six months after the issuance of the report
- Will not be implemented, with an explanation of why

Santa Barbara County Board of Supervisors – 90 days

Findings 1, 2, 3, 4, 5, and 6

Recommendation 1, 2, 3, 4, 5, and 6

Santa Barbara County Sheriff's Office – 60 days

Findings 1, 2 and 7

Recommendation 7

Santa Barbara County District Attorney's Office – 60 days

Findings 1 and 2

Santa Barbara County Public Defender's Office – 60 days

Findings 1 and 2

Santa Barbara County Behavioral Wellness – 60 days

Findings 1, 2 and 6

Recommendation 6

Santa Barbara County Probation Department – 60 days

Findings 1 and 2