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COUNTY OF SANTA BARBARA

March 15, 2022

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

Reference: Response to Santa Barbara Grand Jury report titled, "Jail Diversion in Santa Barbara County - Criminal Justice Partners Are Finding Common Ground" published December 27, 2021.

Judge Lavayen:

Please find attached the Santa Barbara County Board of Supervisors (Board) response to the above referenced Civil Grand Jury Report. As directed by the Grand Jury, all responses are provided in accordance with Section 933.05 of the California Penal Code.

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
Response to the Santa Barbara County Grand Jury 2021 Report
“Jail Diversion in Santa Barbara County - Criminal Justice Partners
Are Finding Common Ground”**

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.

The Board of Supervisors disagrees partially with this finding. Developing an integrated criminal justice data system to address complex data sharing needs across the system and facilitate decisions making is a key goal of the County’s Criminal Justice Partners, and a project to ensure sharing of data – the Integrated Justice Information System (IJIS) has been underway for several years.

- The County’s Criminal Justice Data Committee (CJDC) includes the Probation Department, the Santa Barbara Sheriff’s Office, Santa Barbara County Public Defender, Santa Barbara County’s Department of Behavioral Wellness, the Santa Barbara County District Attorney, and the County of Santa Barbara Superior Court as participating partners. Together, the CJDC developed and worked to establish the Integrated Justice Information System (IJIS). The IJIS is a platform that allows each agency to share, analyze and report data amongst the participating partner agencies. The IJIS has refined a process for matching data from disparate agency systems, which are otherwise not compatible. This system is both flexible and efficient, as it allows agencies to request only that data required to work on a particular project, and outlines limitations on using that data to ensure each agency’s confidentiality requirements and regulations are met.
- Historically, each of the agencies involved in the CJDC have had their own caseload and data management systems, which were put in place to meet the specific needs of that agency. Data systems are often highly specialized, developed with the unique needs of agencies in mind, and evolving constantly due to changes in each field. They are also often proprietary, and this makes interfacing complicated. It would take years to plan and consolidate all these essential and specialized systems into a single system – if a compatible method of doing so could even be found – and the reality is, such a system would likely be obsolete before it was even implemented. In addition, the cost over time would be prohibitive, and a waste of taxpayer funds for something that can be accomplished in a more flexible and efficient manner.
- The existing IJIS and the Master Name Index (MNI) project of the Criminal Justice Data Committee (CJDC) allows the matching of client data housed in the individual systems and preparation of reports based on matched data. This system has been used to develop the data dashboards and meet data needs of the departments who are participating. Each agency is responsible for its own data dictionary, and is be able to define the specific data that will be shared. This mechanism is more compatible with information technology best practices, which allows agencies to protect their client data as required by individual agency mandates, and yet match data where that data exists and can be shared.

Recommendation 1

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

The recommendation will not be implemented because it is not warranted. As discussed in the response to Finding 1, the CJDC Integrated Justice Information System/Master Naming Index allows each agency to share, analyze and report data amongst the participating partner agencies. The IJIS has refined a process for matching data from disparate agency systems, which are otherwise not compatible.

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.

The Board of Supervisors disagrees partially with this finding. As discussed in the response to Finding 1, the CJDC IJIS/MNI project negates the need to implement a consolidated criminal justice data system; however, there is a continued need to increase data integrity and reporting capabilities throughout the criminal justice system.

The addition of data analyst positions in criminal justice departments is currently under review, with some funding already set aside to address this need upon completion of the review process and clearer definitions and accountability measures of how the positions would improve the overall criminal justice data needs and transparency of information. The Community Corrections Partnership has also allocated Public Safety Realignment Act (AB109) funding in the Probation Department for an analyst to assist with reports for all criminal justice partners utilizing the MNI as well as other collaborative needs.

Recommendation 2

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

This recommendation has been implemented but not for a consolidated data system as described above. However, a data analyst position, currently funded by AB109, will be filled to assist in the currently established collaborative data sharing efforts. Additionally, the need for other data analyst positions for criminal justice departments is currently under review.

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.

The Board of Supervisors disagree partially with this finding.

While Santa Barbara County is the only county in the State of California that does not give law enforcement officers an ability to write 5150 Welfare and Institutions holds, this is not the key indicator of prevention of timely and effective interventions for those in critical need.

A variety of elements within the law enforcement and behavioral health care system in the County creates timely and effective interventions for those in crisis.

Ensuring an appropriate array of crisis beds, such as certified and appropriate acute care mental health beds, as well expanding those within the healthcare continuum who can write 5150 holds is critical. As noted in the report, currently persons placed on 5150 holds are routed to hospital emergency rooms throughout the County. At this time only Santa Barbara Cottage Hospital has an operating 20 bed Emergency Department Holding Unit for persons designated as 5150 for the duration of the hold. The Department of Behavioral Wellness is piloting 5150 hold writing with Cottage personnel.

Dignity Health's Marian Hospital has created a new Crisis Stabilization unit in partnership with the Department of Behavioral Wellness. Their unit is not open due to pending California Department of Public Health licensing. They are also in the process of requesting the Board of Supervisor's authorization as a Lanterman-Petris Short (LPS) designated facility, which would allow them to place persons on 5150 holds in an involuntary setting. The Department of Behavioral Wellness plans to expand the pilot 5150 hold writing with these Marian Hospital personnel when the CSU is open.

Unlike Cottage, however, the unit at Marian will only allow the hospital to keep persons in this unit as needed for up to 23 hours. During the initial hours of the 72-hours of a 5150 hold, both designated local hospital personnel and Department of Behavioral Wellness staff must complete and submit applications to various long-term hospitals in attempt to move them out of the emergency departments. Currently, the 16-bed Psychiatric Health Facility is the locked acute care hospital in Santa Barbara. In February, Behavioral Wellness renewed its contract with another locked acute care hospital, located in Ventura County, in order to improve the flow of persons on 5150 holds through local emergency departments.

Recommendation 3

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

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 5150 holds. However, planning and implementing such a pilot requires a thorough data analysis to ensure success.

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.

The Board of Supervisors agree with the finding.

Co-Response Teams are very successful and are a valuable tool in addressing the issue of jail diversion. Currently, Co-Response teams are funded by a variety of sources including grants and current funding does not provide countywide 24-hour, seven days per week coverage (24/7).

Currently, there are four Co-Response teams that are funded by a variety of sources including grants that stagger four days a week each of coverage throughout the County.

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.

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.

Finding 5

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

The Board of Supervisors agree with the finding.

In recognition of the needs to address facility needs across the mental health system of care within Santa Barbara County, a capital facilities plan was created with stakeholder input and provides a blue print for expanding services

to enhance the mental health care continuum over time. Progress reports are provided to the Board of Supervisors. During Fiscal Year 2016, the capital facilities plan outlined a focus on Crisis Residential beds, Crisis Stabilization and care, as well as identified the need for additional locked beds in county to increase flow through the County's 16 bed Psychiatric Health Facility (PHF). Additionally, on January 10, 2022, the Behavioral Health Continuum Infrastructure Program (BHCIP), funded by the California Department of Health Care Services (DHCS), published a statewide report titled, "Assessing the Continuum of Care for Behavioral Health Services in California". It offers data and information on the broader behavioral health system in California. The statewide assessment provides County specifics and identifies that Santa Barbara County has too few mental health emergency facilities. This report will also be considered as the capital facilities report is updated and funding strategies are developed.

Further, there is a need for general acute psychiatric inpatient beds within the countywide system of health care. A psychiatric health facility is an LPS facility designated to address 5150's and those in severe crisis. However, general acute inpatient psychiatric beds, that are connected to a hospital, to also address those who qualify for 5150 but have complex medical needs or comorbidities, and therefore cannot be placed at a freestanding PHF facility, must also be considered.

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.

The recommendation will be implemented with a plan to be completed by December 16, 2022 consistent with the due date of the Behavioral Health Continuum Infrastructure Program (BHCIP) plan submittal.

The County's charge under California Welfare and Institutions Code 5600-5600.9 is to provide the full range of mental health services to the extent resources are available. Therefore, the provision of mental health services broadly requires extensive partnerships with hospitals, community-based partners as well as the justice system. These partnerships and collaborations continue.

A capital facilities plan was created with stakeholder input and provides a blue print for expanding services to enhance the care continuum over time. During Fiscal Year 2016, the capital facilities plan outlined a focus on Crisis Residential beds, Crisis Stabilization and care, as well as identified the need for locked beds in county to increase flow through the County's 16 bed Psychiatric Health Facility (PHF). In the ensuing years, using grant funding as leverage, Behavioral Wellness created an additional 20 Crisis Residential beds providing care for up to 90 days and repurposed the County owned Carmen Lane Crisis Residential treatment facility, to specialize in serving clients with criminal justice involvement. Further to assist with care for those with forensic mental health needs, a residential board and care facility in South county was created to focus on the interim crisis level care for those needing 6 to 18 months of treatment.

Following the current facilities plan, Behavioral Wellness contracts for 32 beds at the Champions Center Mental Rehabilitation Center in Lompoc and has worked with the Community Corrections Partnership (CCP) to pilot creative strategies to offer this option for those deemed incompetent to stand trial on misdemeanors. In partnership with the Department of State Hospitals, the County created 6 diversion beds utilizing Senate Bill 1810 grant funding in the north county and expanded capacity in crisis intervention teams.

As part of new funding opportunities that the State has created, including the Behavioral Health Infrastructure Program (BHCIP), Behavioral Wellness plans to update the facility action plan by examining opportunities to expand

the crisis services continuum and evaluate the need for acute treatment beds.

The Behavioral Health Continuum Infrastructure Program (BHCIP) provides California's Department of Health Care Services (DHCS) funding to award competitive grants to qualified entities to construct, acquire, and rehabilitate real estate assets or to invest in infrastructure to expand the community continuum of behavioral health treatment resources throughout California. On January 3, 2022, the County of Santa Barbara's Department of Behavioral Wellness received an award for planning infrastructure needs, including repurposing and/or improvements of existing facilities. The planning process includes community stakeholder involvement and a coordinated approach inclusive of various departments, including General Services, Behavioral Wellness, and the County Executive Office. This planning award will enable the County to develop an action plan based on the County's behavioral health needs and facility options. It is due to DHCS by December 16, 2022.

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.

The Board of Supervisors disagree partially with the finding.

Both the Behavioral Wellness Crisis Stabilization Unit and the Stabilization Center (Sobering Center) are open and available for admissions 24/7. Unfortunately, during the COVID-19 pandemic, there were times when one or the other was closed to admissions for some time due to staffing shortages and/or quarantining as a result of a COVID-19 infection or exposure. During these times, there were challenges in communication of admission protocols and inconsistency in hours of operation. Additional outreach and education are occurring to community partners to again communicate admission protocols.

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.

The recommendation has been implemented.

Both the Behavioral Wellness Crisis Stabilization Unit and the Stabilization Center (Sobering Center) are open and available for admissions 24/7. Behavioral Wellness has reviewed the admittance protocols for the sites with law enforcement and ongoing will maintain consistent communication about these to ensure law enforcement is able to access all tools readily available to them for jail diversion easily and promptly.

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