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COUNTY OF SANTA BARBARA

December 5, 2023

Honorable Pauline Maxwell
Presiding Judge
Santa Barbara Superior Court
County Courthouse
1100 Anacapa Street
Santa Barbara CA 93101

Reference: Response to Santa Barbara Civil Grand Jury report titled, “A Vicious Cycle – Incarceration of the Severely Mentally Ill”

Judge Maxwell:

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 (PC). Pursuant to PC Section 933 (c) and (d), responses are provided on behalf of the Board of Supervisors as well as the Public Defender’s Office.

Sincerely,

Das Williams, Chair
Santa Barbara County Board of Supervisors

cc: Santa Barbara County Board of Supervisors
Bill Brown, Sheriff-Coroner
John Savrnock, District Attorney
Tracy Macuga, Public Defender

Santa Barbara County Board of Supervisors
Response to the Santa Barbara County Grand Jury 2022-23 Report
“A Vicious Cycle – Incarceration of the Severely Mentally Ill”

Finding 2

Santa Barbara County could not provide to the Jury the costs of incarcerating people who suffer from substance abuse, mild to moderate mental health disorders or serious mental illnesses compared with the costs of providing meaningful community treatment for such persons.

The Board of Supervisors agrees. The County is able to provide the daily cost to house an inmate; however, the variables and types of mild to moderate mental health disorders or serious mental illnesses compared to meaningful community treatment options are extensive and complex, and extremely challenging to track from a cost perspective on an individual basis. However, there are numerous nationally recognized studies that affirm that treatment in the community is less costly than incarceration.

Recommendation 2

That Santa Barbara County prepare a study comparing the cost of incarcerating people who have substance abuse, mild to moderate mental health disorders or serious mental illness compared with the cost to provide effective community treatment for such persons.

National and State-level studies are available that affirm that the cost of incarcerating people who have substance abuse, mild to moderate mental health disorders or serious mental illness is greater than the total cost for community treatment, some of which also account for cost savings and cost shifting for the delivery of community behavioral health treatment in lieu of incarceration. Therefore, **this recommendation will not be implemented because it is not warranted.**

Finding 3

In December 2024, Santa Barbara County is mandated to create and implement the CARE Court program, which will run concurrent with AOT and an IST Solutions program.

The Board of Supervisors partially agrees. The County is mandated and plans to implement CARE Court and currently operates an Assisted Outpatient Treatment (AOT) program. A collaborative IST workgroup was formed in January 2023 and effective July 2023, is State funded for five years to identify strategies, including potential programs or process enhancements, to minimize occurrences of felony IST commitments within Santa Barbara County.

Recommendation 3a

That when Santa Barbara County creates and implements its CARE program, which will run concurrent with AOT and an IST Solutions program, the County

ensure that there are community-based programs organized and operated with sufficient staffing and adequate resources.

In partnership with the Santa Barbara County Superior Court, the County plans to collaborate and contract with partner CBOs to implement the County's CARE program in compliance with the governing legislation. Although the recommendation is generally supported, it lacks specificity and would require the County to mandate operations upon community-based organizations (CBOs), which is not within the County's authority. **This recommendation will not be implemented, as stated, because it is not reasonable.**

Recommendation 3b

That when Santa Barbara County creates and implements its CARE program, which will run concurrent with AOT and a revamped IST program, the County ensure that community-based programs are adequately resourced, including but not limited to the following:

- 1. Outreach efforts must be fully staffed and maintain client relationships once a client is enrolled in treatment;**
- 2. Outreach efforts and referrals must be well coordinated based on the client's needs, diagnosis, current service status, and history;**
- 3. Avoid unnecessary criminalization of mental illness;**
- 4. Avoid further victimization of mentally ill persons on the streets;**
- 5. Clinical providers must be adequately staffed, experienced, and able to engage demanding clients long-term;**
- 6. Providers must be able to meet clients' essential needs, including adequate and coordinated County resources;**
- 7. Provide needed substance abuse treatment coordinated with mental health care;**
- 8. Provide stable housing in the County for the mentally ill and those suffering from substance abuse in areas where housing is currently severely limited;**
- 9. Provide clients with medications and dosages adjusted as needed, early medical appointments, and timely follow-ups;**
- 10. Provide clients continuity of care and do not discharge them before their treatment plan is completed;**
- 11. Use private-public partnerships to provide adequate system coordination and hospital bed space for those with mental health challenges, including those diagnosed with severe mental illness;**
- 12. Prevent repeated hospitalization and release after only short stays without notification to the clinical provider; and**
- 13. Only incarcerated and release clients with adequate coordination with the clinical provider.**

In partnership with the Santa Barbara County Superior Court, the County plans to collaborate and contract with partner CBOs to implement the County's CARE program to the requirements of the governing legislation. This recommendation would require the County to mandate operations upon CBOs and healthcare providers, which is not within the County's authority. If the recommendations listed above are a higher standard than

the legal requirements and if sufficient resources are available, the County will review and implement additional recommendations as feasible and within its authority.

However, as stated, this recommendation will not be implemented because it is not reasonable.

Finding 4

For the first two quarters of FY 2022-23, the Santa Barbara County Incompetent to Stand Trial caseload is one of the highest in the state.

The Board of Supervisors disagrees partially. According to the Department of State Hospitals IST Determinations for FY 2022-23, Santa Barbara County is ranked 11th out of 58 California counties in the number of IST determinations. In a population-based ranking, the County is ranked 20th. The County participates in Department of State Hospitals-funded programs that endeavor to reduce the County's overall IST commitments.

Recommendation 4a

That Santa Barbara County work with countywide criminal justice agencies to analyze why the Santa Barbara County Incompetent to Stand Trial caseload is one of the highest in the state.

This recommendation has been implemented. The County Executive Office is leading a workgroup, in collaboration with various County agencies as well as the Santa Barbara County Superior Court, with the primary objective of comprehensively studying the Incompetent to Stand Trial (IST) process and exploring strategies to minimize its occurrences within Santa Barbara County. Since January 2023, the workgroup has been meeting regularly to address this critical issue.

Recommendation 4b

That the County work closely with the Santa Barbara Superior Court and criminal justice agencies to identify effective community-based treatment programs to reduce Incompetent to Stand Trial orders and Department of State Hospitals commitments.

This recommendation has been implemented. The County Executive Office is leading a workgroup, in collaboration with various County agencies as well as the Santa Barbara County Superior Court, with the primary objective of comprehensively studying the IST process and exploring strategies to minimize its occurrences within Santa Barbara County. Since January 2023, the workgroup has been meeting regularly to address this critical issue.