Jail Population, Diversion, and Collaborative Justice
Overview

• Background and presentation purpose
• Progress to-date
• Next steps
Significant Efforts to Collectively Improve Criminal Justice System Have Been Underway Since Before the Pandemic

- Improve Overall Speed and Efficiency of Criminal Justice System
- Reduce recidivism and chances of return to jail
- Divert those with mental illness from jail
- Divert offenders from jail & reduce time in jail, when safe

- Criminal Justice Partners
  - Probation
  - District Attorney
  - Public Defender
  - Sheriff
  - Courts
  - Behavioral Wellness
Efforts Underway

- Discharge planning from jail
- Holistic defense
- Probation supervision
- Referral to services
- Sheriff treatment program in jail
- Probation housing efforts

Improve Overall Speed and Efficiency of Criminal Justice System

- Sixth Amendment Initiative (CCI)
- KPMG Reports
- Discovery/data process improvements
- Video arraignment

Divert Offenders from jail & reduce time in jail, when safe

- Expanded pre-trial services – assessment and supervised release
- Specialty (diversion) courts
- Electronic monitoring
- Holistic defense
- DA diversion
- Restorative justice

Divert those with mental illness from jail

- Co-Response Teams
- Stepping Up
- State Hospital Diversion Grant for ISTs
- BW referrals to Crisis Stabilization Unit
- Sobering Center

Reduce recidivism and chances of return to jail

- Video arraignment
- Expanded pre-trial services – assessment and supervised release
- Specialty (diversion) courts
- Electronic monitoring
- Holistic defense
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FY 2021-22 Budget Workshops
Background: Leading into Pandemic

- Board has expressed desire to ensure public safety and lower average daily population through sustained or increased diversion.
  - At hearings held in June, July, and December 2020, Board directed staff to return with an update in April 2021.

- Past two years have focused on information gathering and strategic analysis and recommendations.
  - Center for Court Innovation’s strategic planning coordination through a Bureau of Justice Assistance Sixth Amendment grant
  - Criminal Justice and Racial Equity Report – July 16, 2020
    - Criminal Justice Mapping Report
    - Jail population reduction strategies
    - Recommendations to improve overall system efficiency (including during COVID) and reduce recidivism
  - KPMG reports – late 2020 to early 2021
    - Departmental reviews: Public Defender, Probation, District Attorney, Sheriff
    - Operational and performance review of interagency criminal justice opportunities
Background: During the Pandemic

- Criminal Justice Planning Group meets monthly to discuss 15 strategies identified in the July 2020 report and other criminal justice system improvement initiatives, with a focus on diversion strategies.
  - Some strategies have been implemented during the pandemic
  - Others are in discussion or in progress
- Court has held in-custody arraignments and restarted out-of-custody arraignments.
- Immediate pandemic impacts:
  - Courts closed with case backlog built up
  - Public Defender appointed as attorney of record
  - Judicial Council $0 emergency bail schedule
Today: Presentation
Purpose

• Our focus today is to use the available information to define actionable next steps that will enhance access to justice.
Crisis Management during the Pandemic

- Certain efficiencies adopted during emergency may be here to stay
  - Paperless practice enables work from anywhere and immediate access to documents
  - Video arraignment allows court hearings for in-custody clients with no transport or waiting time; once defense attorney can meet with client in jail, will allow private space for consultation
Crisis Management during the Pandemic

• Some actions have had positive impacts on lowering the jail population in a safe way and increasing diversion
  
  • Mandatory settlement conferences allow earlier disposition of cases
  
  • $0 bail for certain cases means lower jail population and Probation is supervising more pre-trial individuals
    
    • California Supreme Court Humphrey Decision (March 25, 2021) means $0 bail for certain individuals
  
  • Law enforcement has increased use of cite and release
Status Update on Jail Population During the Pandemic, Post-Pandemic, and with New Jail Opening on the Horizon

- Jail population has declined 30% during the COVID pandemic
  - February 2020: 918
  - February 2021: 642
- Drivers of this decline
  - Coordinating efforts with the many citing authorities, including police, CHP, Fish and Wildlife, etc, to cite and release
  - $0 bail
  - Sensitivity about spread of virus in jail during COVID
- Report from Sheriff Bill Brown
Diversion Overview

• Successful diversion programs save tax dollars, improve life circumstances, satisfy victims and provide rehabilitation while minimizing the lasting negative implications of a criminal record.

• Diversion can occur at different stages of the system.
  • Pre-arrest
  • Pre-filing
  • Pre-conviction
  • Post-conviction
  • Jail diversion – Pre-sentence, Post-sentence
Diversion Overview

• Diversion Programs can better target resources
  • Risk/need Tools
  • Restorative Justice
  • Early treatment opportunities
  • Individualized
  • Trauma Informed
  • Builds on Strengths
  • Protects and Builds Resiliency
Report from the Field

• Current status of diversion: District Attorney and Public Defender attorneys’ perspectives
  • Pre-arraignement mandatory settlement conferences (“non-diversion” diversion)
  • Mental health diversion
  • DA diversion
  • Court diversion
Perspectives from Leadership

• Diversion data
  • Mental health diversions
  • DA diversions
  • Court diversions
  • Court diversions and/or DA diversions requested but rejected or opposed
Perspectives from Leadership

- Questions to District Attorney and Public Defender
  - Who gets diverted and why?
  - What is the process, criteria, and parameters of the diversion programs and are they working?
  - What is your department going to do in the next 60 days to enhance and improve Diversion Programs and Early disposition efforts?
  - What would you request the other stakeholders to do to enhance or improve these programs?

- Return within 60 days with report on progress
Conclusion and Call to Action

• The next 18 months will see great progress towards criminal justice improvements
  • Initiatives many years in the making
  • Collaboration between justice partners is better than ever before
  • Strong local economy during pandemic has made it possible to fund certain initiatives
    • Data analysis capacity-building
    • Discovery process set-aside
    • PD staffing to address backlog

• Next step: Departments to return to Board and report progress in 60 days on criminal justice system collaborative efforts
Questions

JAIL POPULATION, DIVERSION, AND COLLABORATIVE JUSTICE