

FILED
SUPERIOR COURT
SANTA BARBARA

AUG 2 1988

Kenneth A. Pettit,
County Clerk-Recorder

By William A. Villanueva
Deputy Clerk

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SANTA BARBARA

INMATES OF SANTA BARBARA)
COUNTY JAIL,)

Petitioner,)

vs.)

SHERIFF JOHN CARPENTER, et al.,)
Respondents.)

No. 152487

No. 156957

No. 158862

DECISION AND ORDERS

SHAHROUZ JAHANSHAH, etc.,)
Petitioner,)

vs.)

JOHN CARPENTER, etc.,)
Respondent.)

ABEL FRANSICO PULIDO,)
Petitioner,)

vs.)

JOHN CARPENTER, SHERIFF,)
Respondent.)

Further proceedings in the above-captioned matters were held on May 23, 1988. Evidence was presented which establishes that as of the date of hearing the rated bed capacity for the Santa Barbara County Jail was 408. Actual bed capacity

1 was 542. Inmate population was running at about 23% above
2 rated bed capacity, which would put it at 502. On two days in
3 April and one in May, the actual inmate population reached 557,
4 13 above actual bed capacity. At no time between July 1, 1987,
5 and the hearing date has the jail been without floor sleepers.
6 The range has been from a low of 1 on March 9, 1988, to a high
7 of 29, which occurred twice. The trend in inmate population
8 has been substantially upward. Average inmate population for
9 July, 1987, was 413. Average inmate population for April, 1988,
10 was 530.

11 Given the fact that actual inmate population has
12 exceeded bed capacity on only 3 occasions, mathematically, at
13 least, there should have been floor sleepers only on those
14 occasions. However, for housing purposes inmates need to be
15 classified, and problems of numbers of inmates in a particular
16 class exceeding space available for those so classified are
17 frequent. In addition, the classification process is sometimes
18 slow. In fact, the Sheriff's Department is working on this
19 problem and anticipates that a more efficient classification
20 process will result in fewer floor sleepers.

21 What the evidence presented did not disclose was the
22 length of time that the average floor sleeper goes without a
23 bed, and the percentage of inmates who cease being floor sleepers
24 as a result of finding a bed, as opposed to being released from
25 jail.

26 What is most disturbing is the trend which, if it
27 continues, will undoubtedly lead to a chronic overcrowding of
28 the County Jail, in which the inmate population will exceed bed

1 capacity on a routine basis.

2 To date, other than the suggestion by the Jail Command
3 that a more efficient classification process might alleviate the
4 problem, the only proposal made on behalf of respondent by way
5 of solution is the construction of a 128-bed capacity reception
6 center.

7 As of July 18, 1988, when this project was discussed
8 in some detail in a letter from the County Counsel, construction
9 planning had not been begun. Furthermore, the probability of
10 availability of County funds for actual construction is remote.

11 There has been in existence for the past several years
12 a jail overcrowding task force, with Countywide representation,
13 which numbers among its members the Court Administrative Officer,
14 an Undersheriff, the head of the Probation Department, repre-
15 sentatives from the District Attorney, Public Defender, County
16 Counsel, Public Works, and Municipal Court. The task force meet:
17 fairly regularly. To date, no recommendations attributable to
18 the task force have been presented to the Court by way of re-
19 solving jail overcrowding.

20 It seems imperative that now is the time for procedure
21 and policies to be implemented which will prevent jail overcrowd
22 ing from reaching the levels of 1986-87.

23 ORDERS

24 1. The Sheriff is authorized to institute an early
25 release program pursuant to §4024.1 of the Penal Code.

26 2. The Sheriff is directed to prepare a plan for earl
27 release based upon a three-day pass system pursuant to §4018.6
28 of the Penal Code. The plan should exclude inmates with sentence

1 of 60 days or less.

2 3. The jail overcrowding task force is directed to
3 prepare and present to the Court a report with specific recom-
4 mendations regarding the following:

5 1) Earlier release for those inmates not being
6 released pretrial under existing OR/bail procedures.

7 2) Staffing requirements and attendant cost to
8 expand bail/OR unit to allow adequate screening and pretrial
9 early release of more County Jail inmates.

10 3) The feasibility of expanding the use of the
11 County parole program in reducing jail overcrowding.

12 4) The feasibility and attendant costs of a pro-
13 gram of house arrest similar to one being implemented in Orange
14 County.

15 5) A plan of release of pretrial detainees in
16 addition to routine O/R and bail releases and sight releases to
17 be implemented in the event of a court-ordered deadline to re-
18 duce overcrowding. For example, O/R release all persons whose
19 bail by schedule is less than a specific amount.

20 6) A plan for clearing outside agency holds and
21 a transfer of inmates to those agencies.

22 7) The feasibility of releases.

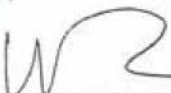
23 As to each of the tasks assigned to the Jail
24 Overcrowding Task Force, an estimate of potential impact on
25 overcrowding should be included with the recommendation.

26 4. Further hearing on these matters is set for
27 September 26, 1988, at 8:30 a.m. At that hearing, the Sheriff
28 should present his report regarding the results of the revised

1 classification procedures. He should also present his recommen-
2 dation regarding the three-day pass early release program, with
3 projected impact, and a report as to the impact of the Penal Code
4 §4024.1 early release program. The Sheriff should also present
5 an updated statistical report on jail overcrowding, to include,
6 if possible, information as to the average length of time an
7 inmate is on the floor and the extent to which the termination
8 of his status as a floor sleeper is due to pretrial release as
9 opposed to finding a bed.

10 Also, at the hearing on September 26 a representa-
11 tive or representatives of the jail overcrowding task force should
12 be present to advise the Court of the progress being made in the
13 areas assigned and provide estimated dates by which report and
14 recommendations will be made.

15 DATED: August 2, 1988.

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18 _____
19 William L. Gordon
20 Judge of the Superior Court
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SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA BARBARA

 Santa Barbara
1100 Anacapa St, 93101 Santa Maria
312 E Cook St, 93454

SHORT TITLE OF CASE:

Inmates of Santa Barbara County Jail
vs.
Sheriff John Carpenter, et al.

Shahrouz Jahanshahi
vs.
John Carpenter

Abel Fransico Pulido
vs.
John Carpenter, Sheriff

FILED
SUPERIOR COURT
SANTA BARBARA

AUG 1988

Kenneth A. Pettit,
County Clerk-RecorderBy Ofelia R. Villanueva
Deputy ClerkCase Number: 152487
156957

158862

CLERK'S CERTIFICATE OF MAILING

I certify that I am not a party to this cause, and that a true copy of the document(s) listed as follows:

DECISION AND ORDERS

 Listing of documents mailed continued on reverse

were served to each person or entity named below, by placing a copy thereof in a sealed envelope addressed to each of them as shown with postage thereon fully prepaid, and on the date shown below depositing it in the US mail at Santa Barbara Santa Maria CA.

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 Listing of additional
addresses continued on reverse

Kenneth A. Pettit, Clerk of the Santa Barbara Superior Court

Mailed on (Date): August 3, 1988

By Ofelia R. Villanueva, Deputy

Ofelia R. Villanueva