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 FILED  
 SANTA BARBARA  
 SUPERIOR COURT

SEP 22 1998

 GARY M. BLAIR  
 Executive Officer

 By Ofelia Villanueva  
 OFELIA VILLANUEVA-Deputy Clerk

 Attorneys for the Sheriff of the  
 County of Santa Barbara

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

9  
 10 INMATES OF SANTA BARBARA  
 11 JAIL

12 Petitioners,

13 vs.

 14  
 15 SHERIFF JOHN CARPENTER

16 Respondent.

Case No: 152487

 [consolidated with case numbers  
 156957, 158862, 179020]

 STIPULATION TO IMPOSE CAP  
 ON MAIN JAIL AND ORDER  
 THEREON

 Date: September 22, 1998  
 Time: 8:30  
 Dept: Six

Assigned Judge: William L. Gordon

17  
 18  
 19 Petitioners are represented by Robert M. Sanger, Esq. and Michael  
 20 McMahon, Assistant Public Defender and Respondent is represented by Stephen D.  
 21 Underwood, Chief Deputy County Counsel. The parties hereto agree that chronic  
 22 overcrowding has occurred in the men's portion of the Santa Barbara County Main Jail  
 23 in recent years, and as a result it has been necessary for the main jail to place beds in  
 24 day rooms and to "triple bunk" beds in various housing units within the male portion  
 25 of the main jail. In addition, while placing beds in the dayrooms and triple bunking  
 26 some cells has lessened the number of "floor sleepers," it has created increased safety  
 27 concerns for both male inmates and corrections staff, including, but not limited to,  
 28 increased possibility of escapes, inmate on inmate assaults, gang-related assaults and

1 other health and safety issues.

2           The parties to this Stipulation are members of the Jail Overcrowding  
3 Task Force and were members of the Task Force's subcommittee which reviewed  
4 conditions in the jail and alternatives to incarceration. As a result of the  
5 subcommittee's work and report to the Task Force, the Task Force recommended a  
6 reduction in the number of beds in the male portion of the main jail, along with other  
7 alternatives to provide for the early release of sentenced male inmates from custody in  
8 order to achieve a lower number of male inmates housed in the main jail. The  
9 recommendation was for a decrease in the number of beds in the mail portion of the  
10 main jail from its current capacity of 702 to 587, its rated capacity. Accordingly, the  
11 Sheriff has determined it appropriate to reduce the number of beds in the male portion  
12 of the main jail. The reduction in the number of beds is planned to be phased in during  
13 the next year.

14           As a result of overcrowding and the removal of beds, some male inmates  
15 will be released earlier than their normal sentence date. The parties recognize that the  
16 early release of male inmates poses concerns for the community. In order to lessen  
17 those concerns, every effort is being made to ensure that those persons who are  
18 released pose the least danger to the community. Those with non-violent property  
19 crimes and non-violent crimes against persons will be the first released, those of a  
20 higher risk, including those charged with spousal abuse and assaults will remain in jail.  
21 In addition, programs will be established to require those released to serve their time  
22 through alternative sentencing programs, which will include SWAP, County Parole,  
23 electronic monitoring and increased supervision by Probation staff.

24           Reducing the number of beds is the first and most important aspect in  
25 alleviating overcrowding and providing for the safety of sheriff's staff, inmates, and  
26 the community. In order to accomplish the reduction of beds and alleviate  
27 overcrowding, **IT IS HEREBY STIPULATED AS FOLLOWS:**

- 28           1. Within one (1) year from the date of this signing of this order,

1 there shall be a cap on the number of beds in the male portion of the main jail of 587.

2 2. The Sheriff is ordered to phase in the reduction of beds in the  
3 male portion of the main jail from 702 to 587 during that one (1) year period.

4 3. Upon the completion of the phasing out of the 115 beds and  
5 reaching 587 beds, in order to ensure that male inmates will not be housed in areas  
6 where they will be required to sleep on the floor, and for purposes of classification,  
7 there shall be a "flex" cap of 530 inmates. It is at this flex point that the Sheriff's  
8 Department will begin using the release criteria in order to ensure the capacity will not  
9 exceed 587 inmates.

10 4. That the Sheriff is authorized to utilize the early release criteria,  
11 incorporated as part of the Jail Overcrowding Task Force's Final Report, in  
12 determining which male inmates are to be released early when the "flex" cap is  
13 reached.

14 5. If, during the one (1) year period, circumstances change which  
15 necessitate relief from this order, the Sheriff shall provide the parties twenty (20) days  
16 written notice of such changed circumstances and shall calendar the matter for a  
17 hearing before this court.

18 6. This matter shall be placed on the court's calendar at a date not  
19 less than twelve (12) months from the date of this order and not exceeding thirteen (13)  
20 months from this order for a full status report.

21 Dated: 9-14-98

Sanger & Swysen

22  
23 By Robert M. Sanger  
24 Robert M. Sanger  
25 Attorneys for Petitioners DOB

26 Dated: \_\_\_\_\_

Glen Mowrer  
Public Defender

27 By \_\_\_\_\_  
28 Michael McMahon  
Assistant Public Defender  
Attorneys for Petitioners

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8 Department will begin using the release criteria in order to ensure the capacity will not  
9 exceed 587 inmates.

10 4. That the Sheriff is authorized to utilize the early release criteria,  
11 incorporated as part of the Jail Overcrowding Task Force's Final Report, in  
12 determining which male inmates are to be released early when the "flex" cap is  
13 reached.

14 5. If, during the one (1) year period, circumstances change which  
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18 6. This matter shall be placed on the court's calendar at a date not  
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20 months from this order for a full status report.

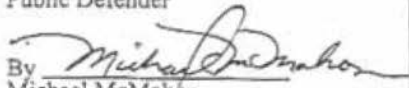
21 Dated: \_\_\_\_\_

Sanger & Swysen

22  
23 By \_\_\_\_\_  
24 Robert M. Sanger  
Attorneys for Petitioners

25 Dated: 9/11/98

Glen Mowrer  
Public Defender

26  
27 By   
28 Michael McMahon  
Assistant Public Defender  
Attorneys for Petitioners

NSBL  
Barbara  
no Street  
CA 93101

1 Dated: Sept. 15, 1998

Stephen Shane Stark  
County Counsel

2  
3 By [Signature]  
4 Stephen D. Underwood  
5 Chief Deputy County Counsel  
6 Attorneys for Respondent

### ORDER

7 Based upon the Stipulation of the parties and the court's review of the  
8 Jail Overcrowding Task Force's Final Report, IT IS HEREBY ORDERED AS  
9 FOLLOWS:

- 10 1. Within one (1) year from the date of this signing of this order,  
11 there shall be a cap on the number of beds in the male portion of the main jail of 587.
- 12 2. The Sheriff is ordered to phase in the reduction of beds in the  
13 male portion of the main jail from 702 to 587 during that one (1) year period.
- 14 3. Upon the completion of the phasing out of the 115 beds and  
15 reaching 587 beds, in order to ensure that male inmates will not be housed in areas  
16 where they will be required to sleep on the floor, there shall be a "flex" cap of 530  
17 inmates.
- 18 4. That the Sheriff is authorized to utilize the early release criteria  
19 attached as part of the Jail Overcrowding Task Force's Final Report in determining  
20 which male inmates are to be released early when the "flex" cap is reached.
- 21 5. If, during the one (1) year period, circumstances change which  
22 necessitate relief from this order, the Sheriff shall provide the parties twenty (20) days  
23 written notice of such changed circumstances and shall calendar the matter for a  
24 hearing before this court.
- 25 6. This matter shall be placed on the court's calendar at a date not  
26 less than twelve (12) months from the date of this order and not exceeding thirteen (13)  
27 months from this order for a full status report.

28 Dated: Sept 22, 1998

[Signature]  
Judge of the Superior Court  
WILLIAM I GORDON