

❖ We encourage Placer County to review the data and discuss the recommendations presented in this Report, and to use both to help fashion a Criminal and Social Justice Master Plan. The choice of a Jail Capacity forecast depends on several factors: including the extent to which streamlining and improving the existing system can be expected to forestall projected capacity needs in the next 20 -25 years. Placer County well understands the costs of a jail system that is overcrowded. We encourage it to chart a bold path forward.

The next phase involves a careful review of the data and the recommendations advanced. This should be followed by the development of an Implementation Plan. This Plan should be guided by the goals of efficient and effective practices that save taxpayer dollars, responsibly reduce the custody population, and improve overall public safety.

Based on our experience with the implementation of such plans we encourage the County to take a broad, ‘systems approach’ to this next, crucial phase. Such an approach calls for a broad focus across all major components of the system (from pre-booking to re-entry); addresses core system values (swift justice, better justice, equal justice); takes a hard look at how to optimize or reformulate existing services; and pursues – and tests—new method of doing business. Such a Plan must also take a long view. It must develop strategies that will serve to guide the allocation and funding of custody and community resources, and help manage these resources to meet forecasted needs.

A comprehensive Plan must be more than the sum of a few parts. To produce meaningful changes in the system, changes that can reduce the impact on the jail and ensure system integrity, a Plan must fully encompass that system. Key recommendations advanced in this Report include the following:

Placer County

Recommended jail capacity management strategies

Reduce jail admissions

- Provide comprehensive Detoxification resources
- Divert mentally ill ‘frequent fliers’ to stabilization resource
- Offer pre-booking drug treatment diversion options
- Reduce Pretrial failure: Rely on validated risk tool for release decisions

- Reduce Pretrial failure: Reduce reliance on for-profit sureties, use Pretrial supervision
- Reduce recidivism for female offenders with better in-custody and aftercare
- Reduce recidivism for the mentally ill with more co-occurring treatment
- Reduce recidivism for drug addicts: refer to Drug Court and other treatment
- Reduce recidivism for domestic violence: adopt 'focused deterrence' initiatives
- Reduce recidivism for highest risk AB109 offenders: 'focused deterrence'

Reduce jail average length of stay

- Improve case processing times: Develop early case resolution program
- Establish in-county drug testing lab
- Reduce reliance on incarceration: Use risk data to divert to alternatives
- Reduce sentence length
- Institute universal risk & need screening for jail inmates
- Build a community corrections center for jail step-down
- Improve flexibility to manage offenders along the continuum
- Allow minimum security inmates on work release to live at Home
- Sentence non-violent offenders to Drug Court & alternatives
- Institute structured risk-based and behavior-driven step-down protocols
- Make split sentencing the norm
- Review long sentences for out-of-county residents: Review eligibility of non-residents for alternative programs
- Offer quality transition services

Improve system integrity

- Reduce 'no- file' rate for all offenses, especially person crimes
- Adopt practice of court notification of all felony 'no-file' decisions
- Review high 'reduction' Rates, percentage of felony offenses reduced to misdemeanors
- End the practice of Fedcap releases by implementing the recommendations contained in this report

- Stop unstructured and unregulated Pretrial releases due to pending district attorney investigation: case not yet filed
- Build system flexibility: For sentenced inmates released on Fedcap have courts modify sentence order to mandate Probation supervision
- Institute research-based program quality assessments

Next Steps

Continue to monitor the impact of AB109

Realignment was the response of the state of California to the federal mandate to reduce its prison population, in order to come into compliance with constitutional standards. Enacted through California Assembly Bills 109 & 117, realignment gave counties responsibility to manage two populations of non-violent, non-serious, and non-sexual offenders who have been the responsibility of the state:

Post-prison released offenders, and offenders convicted of a felony offense who must now serve their sentence in the local jail.

The total projected ADP increase to Placer County due to realignment was 276: 251 for the 1170(h) cases (those now sentenced to the local jail) and 25 for PRCS cases (prisoners released to community supervision).

Reconviction rates for felons released to Placer County from prison since realignment are lower than pre-realignment figures. These findings are consistent with state data, which found very little difference between the one-year arrest and conviction rates of offenders released pre and post realignment. The study looked at offenders released to counties from State prisons between October 1, 2011 and September 30, 2012.

These data, although preliminary (given they track only one-year outcomes) demonstrate that reliance on prison can be lessened without compromising public safety, and may actually improve outcomes. This may reflect the fact that half of the offenders released from prison were not high risk.

Placer County - Pre-Realignment vs. Post-Realignment Offender Outcomes			
	Pre	Post	Difference
Re-Arrest Rate	61%	62%	Not significant
Re-Conviction Rate	20%	17%	Down 3%
Return To Prison Rate	40%	5%	Down 35%

Note: all figures are rounded up to the highest number

The ‘return to prison rate’ reflects the difference between past and current sentencing and revocation practices at the county level: with current practices constrained by new limits on prison use. This is a significant change for Placer County, reflecting their previous use of state prison resources. The only California counties with a greater drop in ‘return to prison rate’ were: Yolo (36%); Santa Cruz (37%); Del Norte (38%); Fresno (39%); and Solano (40%).

Some of the other findings of the state study on realignment outcomes include:

- State prison population down by 26,000 between June 2011 – June 2012
- Jail population increased but not by the magnitude of the corresponding decline in the State prison population
- 16 counties are operating jails above rated capacity, up from 11 the previous year
- To a modest degree, convicted felons sentenced to jail and parolees serving time for technical violations are displacing Pretrial detainees and sentenced misdemeanors

Realignment in California has had an impact on jails, and it has had a greater impact on jails already under a Fedcap order. The impact has not, however, been a one-to-one transfer from the prisons to the jails. By mid to late 2013, some of the findings about the impact include: ²⁷

- **Increase in jails exceeding capacity:** Since Realignment, 16 counties are operating jails above capacity; up from 11 jails before the policy change. However, \$1.7 billion in funds to counties is projected to add 10, 926 new jail beds, which will serve to mitigate the impact.
- **Not a one-to-one effect from prison reduction to jail increase:** It is estimated that, on average, a county jail population increased by 1 inmate for every 3 felons no longer served by state prison
- **Pretrial jail populations have dropped slightly since realignment:** To a slight degree, convicted felons sentenced to the local jail and parolees serving time in jail for technical violations, have displaced Pretrial detainees and sentenced misdemeanants.

²⁷ Magnus Lofstrom and Steve Raphael, “Impact of Realignment on County Jail Populations,” June, 2013, Public Policy Institute of California

The percentage of jail beds occupied by un-sentenced defendants has dropped to 62%, down from a statewide average of 71% prior to realignment. The new lower Pretrial figure brings California more in line with the national average of 61%.

- **More long sentences:** As of February, 2013, 1.4% of jail inmates (1,155 individuals) were serving a sentence of more than 5 years.
- **Jail over-crowding releases have increased:** in counties with a Fedcap it is estimated that for every 4 Realigned offenders, 1 jail inmate per month is released early due to Fedcap limits. (According to our data analysis, in 2013 in Placer County, 60 sentenced AB109 inmates were released early from jail due to Fedcap constraints.)
- **Felons represent a large percentage of jail populations:** Statewide, the percentage of jail beds occupied by felons (on either a charge or a conviction) has increased to 85%, up from 80% prior to realignment.

State analysts claim that at this time the majority of Realignment’s impact has already occurred. Of course, new demands on the State to further reduce the prison population will need to be monitored, along with jail and system data.

The Governor has now been given two years to come up with a plan for further prison reductions, a plan that does not include sending more prison inmates out of state. The Governor has indicated his interest in Rehabilitation as a prison reduction strategy and will make extra money available to support this.

Pre-Realignment Jail Capacity in California (October 2010 - September 2011)			
	ADP per 100,000	Unsentenced	Felony Inmates*
Statewide	159%	71%	80%
Placer	146%	65%	77%
Sacramento	288%	58%	60%
El Dorado	175%	55%	84%

** Note: 'percent felony inmates' includes both Pretrial and sentenced inmates*

The 'ADP per 100,000 population' data must be interpreted with caution, as it does not reflect the difference in county crime profiles (especially rates of violence) or local policies and practices that impact the rates.

Similarly, any interpretation of 'Percent Felony Inmates' must be based on assumptions about healthy jail functioning. High percentages of felony cases might, at first blush, seem to reflect a conservative use of resources; but the inability to hold misdemeanors accountable can erode system integrity and compromise its ability to stop the escalation of crime. A misdemeanor conviction says nothing of the person's prior convictions nor does it reflect their risk level. Jails need the flexibility to respond appropriately, whether the offender present with a misdemeanor or felony offense — hence the importance of risk assessment information at sentencing.

Another statewide measure is 'Average Daily Population as a Percent of Rated Capacity' which is a rough measure of bed utilization. In the same pre-realignment period captured in the above statistics, the statewide figure was 93.2% and Placer was at 80.4%.

Monitor arrest and other trends

Jail forecasting should be responsive to changes in local conditions, and try to understand what is driving those changes.

Placer County has a lower rate of felony person offenses than the statewide average (19% of felony arrests are for person offenses vs. the state average of 27%). 75% of all person offense arrests are for assault; the same figure as the State average.

Only 5% of all felony arrests in Placer County are for serious violent crimes: rape, kidnapping, homicide or a sexual offense.

Placer County does stand out from the State in the percentage of females arrested for Person offenses. In Placer County, females make up 25% of all Person offense arrests, compared to a 19 percent statewide average.

Total crime and violent crime in Placer County were on a downward since 2007. While there was an uptick in overall felony arrests between 2011 and 2012, the increase was not in violent crime or property crime; the increase was due entirely to an increase in drug arrests.

Select a jail forecast

There is a real incentive to decrease the number of jail beds needed in Placer County in the future.

Other jurisdictions and states have demonstrated that a reliance on incarceration

can be lessened and that counties and states can slow or reduce their hard beds. And it has been shown that it can be done without jeopardizing public safety.

There is no doubt that Placer County criminal justice system has been under pressure because of the lack of jail space and the Fedcap, which has been in place since 1990.

The Auburn Jail, which was built in 1985, has been added to and now has a rated capacity of 646 beds. The new South Placer Jail will, when fully opened, have a rated capacity of 980. This 980-bed capacity is in the ballpark of the 950 jail beds projected to be needed by 2040 with a 16-day average length of stay (the local 5-year average).

Given our examination of the Placer County criminal justice system we recommend an eventual closure of the Auburn Jail and the development of a Master Plan focused on living within the capacity of the South Placer Detention facility.

Placer County is neither large enough geographically, nor is its criminal justice system large enough by case volume, to justify having two facilities.

To be able to limit operations to the South County facility there will, over time, need to be some design modifications. Unfortunately, the South Placer facility does not have the type of beds needed to support an AB 109 population: there were not enough single cells constructed. However, these issues can be resolved and Placer County can, with system reforms, live within the capacity of this facility.

One of the reforms we recommend to support this is the construction of a Community Corrections Center (CCC). This would provide the necessary flexibility to manage the inmate population across an extended custody continuum.

A CCC, which has been shown to cost half as much to build as a jail bed, and one-third as much to operate, serves the interests of increased flexibility in offender management and improved offender outcomes. The ability to step inmates down from jail to an intermediate facility, one with a focus on returning offenders to the community as self-supporting and responsible citizen, is in best interest of the county and the community.

As an example, to reduce the average length of stay from the current 18-days to an average 16-days (the local 5-year average) would result in 131 fewer inmates. Not counting jail construction costs which in California can be \$250,000 per bed for new construction of a facility that includes a variety of housing options (which are less than 10 percent of the total costs of a detention facility over its lifetime) the operating cost savings for those 131 fewer inmates (at the current California state average for jail operating costs of \$114 per day) would be \$5.5 million per year or \$109 million over a 20-year period.

The results are even more dramatic if one assumes that the current 18-day average length of stay would increase to 22 days in the future. An increase from 16 days to 22 days would result in an expected average daily population increase of 261, at an additional cost of \$13 million per year or \$268 million over a 20-year period. The costs presented are based on the average per-day cost to house a single prisoner and the overall expected average daily population, based upon different average lengths of stay.

Placer County - Jail Forecast Scenarios to Year 2040			
Average Length of Stay	16	18	22
Jail Bed Need	1101	1232	1493
<i>Note: assumes annual admissions of 4,000</i>			

To plan for the lower end of the range requires the system to make changes to existing policies and practices. This can be accomplished. As this report demonstrates there are ample opportunities to realize system efficiencies and improved offender outcomes — all of which will reduce jail impact.

We encourage Placer County to select a jail capacity forecast that reflects trends in jail/service usage as well as expected reductions due to system reforms.

The jail capacity forecast for the year 2040 depends on assumptions about local jail admission rates and average length of stay, among other factors. Using the 5-year admission average (4,000) and an average length of stay that reflects the upward trend for time-in-custody (22 days) results in an expected average daily population of 149.

The Placer County Jail admission rate has been on a slight downward trend over the last several years: In 2013, the 3,499 admissions rate was lower than the 5-year average of 3,900 per 100,000 population and considerably lower than the 10-year admissions rate average of 4,200.

The Placer County Jail average length of stay has been on an upward trend over the last several years: In 2013, the average length of stay of 18.5 days was higher than the five-year average of 15.7 days; and higher than the 10-year average of 14.8 days. Jail average length of stay (ALOS) has experienced a recent increase, one that corresponds in time with the new AB109 population. Over the last three years the ALOS has increased 44% to the current 18.5 days. This may or may not reflect the longer sentences served in local custody by the AB109 population — there simply is not enough time to tell. The impact of AB109, and any other system changes, can be monitored over time.

Jail forecasts depend on expected trend-lines for jail usage and expected reforms and changes in system practices that can reduce the demand on custody resources: As an example, decreasing the expected average length of stay in the forecast formula from an average of 22-days to an average of 16-days (the 5-year average) results in a jail forecast of 950 beds: 357 fewer beds.

Establish Routine System Data Collection

This report offers system baseline data to help inform future corrections planning. It paves the way for routine reports that can inform and guide system decision-making.

We encourage the kind of on-going data collection that will allow the system to continuously analyze its operations, chart its progress, and report results: case processing, jail snapshot, program quality and offender outcome data are central to achieving long-term and sustainable system change.

As new system data collection capabilities are formalized, Placer County should also set in place data collection strategies for measuring offender outcomes. We recommend an approach that not only measures the impact of individual programs, but one that captures a systems approach to offender case management. Do high-risk offenders have quick access to treatment; do they receive meaningful supervision + treatment; are they in treatment for sufficient duration; and, are sanctions delivered in a swift fashion? Evidence-based systems must aspire to measuring the collective impact of evidence-based offender management.

System data supports system refinement, and forms the foundation of a strategic Master Plan.

Establish Work groups

Formation of work groups

Placer County can only effect change through comprehensive whole-system reform. This is a system that is falling short of the goals of both punishment and rehabilitation. This is not an indictment of any one sector of the system; it is a clarion call to the entire system. To address this will require a system plan. We recommend that the adoption of key recommendations form the basis of that plan. We also recommend that this be followed by the formation of work groups charged with the task of designing implementation strategies. These groups include:

Case processing Work group

- Develop expedited case resolution program
- Review the case processing analysis contained in this report, including

filing rates and case dispositions

Assessment & resource prioritization

- Develop universal risk and need assessment protocols and policies for decision-points along the continuum: law enforcement diversion; Pretrial release; sentencing alternatives; in-custody programming; re-entry planning, and Probation supervision and sanction
- Validate Pretrial tool
- Consider expanded Pretrial assessment process to support diversion decisions, mental health referral, and facilitated access to new Medicaid funds through the Affordable Care Act to medical and treatment services
- Review eligibility for alternative programs
- Discuss issues raised in ‘sentencing chapter’: use of incarceration, split sentencing, lack of sentence order modification upon Fedcap release, longer sentences for out-of-custody offenders, low use of Drug Court, etc.

Offender management along the continuum

- Review pre-booking options to divert mentally ill and inebriates
- Review the needs of specific populations of offenders from Pretrial to re-entry: the ‘frequent flier,’ the domestic violence offender, female offenders, drug and alcohol depended persons, and the mentally ill.
- Restructure the Drug Court to a weekly program and significantly expand the number of participants
- Expand jail treatment and vocational options
- Develop re-entry program and consider a step-down jail facility
- Discuss concept of ‘supervisory authority’ for behavior-based offender management along the continuum

Data routines and quality control

- Develop routine data reports to track jail usage and system functioning
- Collect recidivism data for probation and programs and the jail
- Design a quality control assessment and remediation protocol for all corrections programs
- Collect recidivism data for probation and programs and the jail
- Design quality control protocols for all corrections programs

The development of a Master Plan must be grounded in a *Systems Approach*. Such an approach is guided by a philosophy that system change must be informed by data, guided by clear objectives, and shaped by an understanding of the interactive effects of the larger system. The Placer County ‘Criminal Justice Action Plan’ Report reflects this approach.