

Placer County case processing study

The data presented here come from case processing study that tracked a sample of cases through the Placer County criminal justice system from booking to disposition to provide baseline system data, to allow an examination of system efficiency, and to reveal system decision-making along with process times. In the Placer County study the sample included 1,000 local arrests that were booked into the Placer County Jail in calendar year 2011 on new charges (600 felony cases and 400 misdemeanor cases). The sample was taken from each of four quarter (January, April, July and October). The detailed statistics this study generated provides a framework for system assessment and planning.

Profile of cases adjudicated

- **Person offenses comprise a high percentage of felony bookings:** 49% of felony bookings. Statewide 27% of felony arrests are for person offenses. Nationally, 25% of felony arrests are for a Person crime.
- **Alcohol & drug related offenses comprise a high percentage of misdemeanor bookings:** 62% are either narcotic or drunk driving offenses. Statewide, 44% of misdemeanor arrests are alcohol or drug related.
- **High percentage of intoxicated at booking:** A high percentage of felony defendants (19%) were intoxicated at booking into jail; 31% of misdemeanor defendants were intoxicated.
- **A high percentage of female offenders:** 26% of felony defendants in the case-processing sample were female offenders; this is significantly higher than the national figure of 17%. (22% of misdemeanor defendants in the case-processing sample were females. No national data exists for this cohort.)
- **A high percentage of defendants reside outside Placer County:** 42% of those booked into Jail. 45% of felony defendants and 42% of misdemeanor defendants in the case-processing sample lived outside Placer County.

- **Substantial felony unemployment rate:** 48% of felony defendants and 29% of misdemeanor defendants in the case-processing sample were unemployed at booking.
- **Relatively low minority population:** 75% of felony defendants and 79% of misdemeanor defendants in the case-processing sample were Caucasian. 11% of felony defendants and 13% of misdemeanor defendants were Hispanic — the second largest racial group after Caucasian.
- **Relatively high percentage of first time offenders at booking:** 62% of felony and 72% of misdemeanor defendants had, at the time of booking, no prior bookings into the local jail. To some extent, this undoubtedly reflects the high percentage of defendants who do not reside in Placer County.

Case processing data

- **Filing delays contribute to case processing delays and inefficiencies:** The delays begin with the district attorney’s filing decision, with an average 28 days from booking to filing; and an average 129 days from filing to the preliminary hearing, for felony cases.
- **Significant felony ‘no-file’ rate:** 33% of felony arrests and 21% of misdemeanor arrests were not filed by the District Attorney.
- **High charge reduction rate for felony cases:** 25% of felony bookings were ultimately filed as a misdemeanor.
- **Low felony conviction rate:** Only 32% of felony bookings resulted in a felony conviction. (Nationally, 54% of felony arrests result in a felony conviction.)²⁸ This is a result of ‘No-File decisions’ by the DA, coupled with a high ‘charge reduction’ rate. Only 30% of person crime bookings and 40% of narcotic bookings resulted in a court disposition.
- **High ‘no file’ rates for felony person offense:** 54% of felony person crime bookings were not filed. Very high case attrition for felony domestic violence cases: Only 15% resulted in conviction
- **16% of Pretrial defendants exited jail on an unsupervised**

²⁸ Brian Reaves, “Felony Defendants in Large Urban Counties”, 2009 BJS, December 2013

release (regardless of the level of assessed risk) pending the district attorney investigation or filing: 28% of felony Pretrial defendants exited under this kind of Pretrial release.

- **56% of defendants who were released from jail unsupervised ‘pending district attorney investigation’ and Filing decision failed to appear in court at least once: an off-the-chart rate.**
- **Of felony cases released on an unsupervised ‘own recognizance’ release pending district attorney investigation or filing, 56% were never filed by the district attorney:** 55% of misdemeanors released in this manner also had cases that were never filed.
- **High number of court appearances:** Felony defendants have an average 8.7 court hearings; misdemeanor defendants have an average 5.3 hearings.
- **Relatively high felony to misdemeanor reduction:** Of felony arrest cases that were filed by the District Attorney, 37% were reduced to a misdemeanor filing. Of those cases filed as a felony 20% were reduced to a misdemeanor at adjudication.
- **Extremely low felony trial rate:** Only one-half of one percent of the felons who were convicted, were convicted as a result of a trial as opposed to pleading guilty; this compares to a national felony trial rate of 4 percent. Only two percent of the misdemeanants who were convicted, were convicted as a result of a trial.
- **Lengthy felony case processing times:** The average time from booking to disposition for defendants charged with a felony offense (and released from jail prior to disposition) is approximately 7 months (209 days).
- **Lengthy misdemeanor case processing times:** The average time from booking to disposition for defendants charged with a misdemeanor offense (and released from jail prior to disposition) is approximately 5.5 months (164 days). The delays begin with the district attorney’s filing decision, with an average 39.5 days from booking to filing.

Pretrial process

The data findings in this section come from the Placer County case-processing study, and a separate analysis of case outcomes for a sample of defendants interviewed by Pretrial services. The latter study looked at Pretrial release decision for 200

defendants who were interviewed by Pretrial program staff over an 18-month period, between January 2012 and July 2013. The study examined release rates and release type to better understand the workings of this important front-end component of the criminal case process. As part of this study we also took a look at 199 cases of individuals released on electronic monitoring to determine rate of successful completion.

- **Pretrial release rates are higher than the national average for felony defendants (64%):** Placer County Pretrial services program has a release rate of 73% for felony defendants and 89% for misdemeanor defendants. However, until Fedcap and unintended releases are stopped there is no way to assess whether this rate is too high or too low.
- **Pretrial release is compromised by the ‘wildcard’ of Fedcap releases and delays in District Attorney filing:** 28% of pretrial defendants exit the local jail on either an unplanned Fedcap release (5%) or an unsupervised pretrial release pending District Attorney filing (23%).
- **High rates of Pretrial Failure to Appear (FTA):** At 33%, the felony Pretrial FTA rate is 2x the national average for felony defendants.
- **Felony Pretrial defendants released on surety have higher FTA rates than those released to Pretrial services:** The FTA rate for felony defendants released on a surety bond was 4x the FTA rate for those released to Pretrial services electronic monitoring.
- **53% of Pretrial defendants charged with a Felony Domestic Violence offense, released from custody prior to trial, exited on a surety release (to a commercial bail bonds company).** 77% of Pretrial defendants charged with a misdemeanor domestic violence offense, released from custody prior to trial, exited on a surety release.
- **Fedcap/Over-Crowding Releases (OCR) of Pretrial defendants guarantees failure:** 63% of felony Pretrial Fedcap releases resulted in a failure-to-appear, as did 56% of unsupervised releases due to pending district attorney investigation.
- **Pretrial risk Information does not clearly inform release type decisions:** contrary to expectations, Pretrial defendants who exit on Pretrial supervision have lower average risk scores than those released on bond.
- **Half of Pretrial defendants scored as high risk according to the Ohio risk tool:** 52% of Pretrial defendants interviewed by staff scored as

high-risk.

- **More than one-quarter of Pretrial defendants were already on active probation supervision:** 28% were on active probation supervision at the time of the Pretrial interview.
- **Pretrial release type shows little variation by Pretrial risk score:** Not only do release types not vary substantially by risk score, but also time in Pretrial detention was also not associated with risk score. This suggests that courts are not fully incorporating risk information into their release-decision-making and (like in many jurisdictions) bond setting by bail schedule results in disproportionate detention of those defendants who do not pose a high risk, but are unable to afford the bond.
- **Formal Pretrial supervision is not fully used:** Only 8% of all Pretrial releases (both financial and non-financial) were to Pretrial supervision (either electronic monitoring or formal supervision). A mere 5% of all releases were to formal Pretrial services supervision.
- **High bail amounts for felony defendants:** For felony defendants the average bail amount is \$28K; for 59% the average is \$30K or higher; for 23% the average bail amount is \$50K or higher. (The average bail amount for misdemeanor defendants is \$7,700)
- **Lack of prompt Pretrial release:** The average time from booking to Pretrial release is 22 days

Sentencing

The data in this section comes from two sources: the Placer County case-processing study, and a separate analysis of a sample of sentencing decisions. The latter study examined 405 sentencing outcomes (between July 1 and October 25, 2013) to better understand the extent to which the courts utilize alternatives to incarceration, and to review the reasons given when they are not employed.

- **High use of incarceration as a sentence:** 60% of felony and 92% of misdemeanor offenders sentenced to Jail. Nationally, 28% of felony offenders are sentenced to Jail and 56% of misdemeanors.
- **At sentencing, 58% of individuals were deemed by the courts to be ineligible for alternatives:** 40% were considered eligible (there was no record in 2% of the cases).

- **There is a broad range in local judicial decision-making for considerations of eligibility for alternatives:** For judges (looking at those who had ruled on 20 or more cases in this sample), the percentage range of cases considered eligible for alternatives was 43 percent to 78 percent.
- **There is disconnect between eligibility for alternatives and actual placement:** Of those individuals deemed eligible for alternatives, only half (53%) were actually placed in treatment. Only 21% of the individuals who came before a judge in this sample were both ‘found eligible for an alternative’ and ‘placed in an alternative.’
- **Offenders refusing treatment does not appear to explain low placement rates:** Of those deemed by the courts to be eligible for placement, only 5% of individuals are documented as refusing treatment.
- **Low use of alternatives:** Overall, 81% of inmates serving a local jail sentence had been deemed by the courts to be ineligible for jail alternatives; the court approved only 19% of sentenced inmates for alternatives.
- **Missed opportunity to use less restrictive options for lower risk offenders:** 63% of low/moderate risk inmates serving a local jail sentence had been deemed by the courts to be ineligible for jail alternatives.
- **Offenders who reside outside the county serve significantly longer jail sentences than those who reside in Placer County:** Out-of-county jail inmates (30 days or longer sentence) serve an average 6 months longer than local offenders, although they have similar risk levels. Non-residents serving time for a narcotics conviction have on average *lower* risk scores than residents serving time on a narcotics convictions, but the non-resident serves an average 4 months longer; 25% of non-residents serving time for a narcotics offense serve an average 10-12 months longer than their local counterparts.
- **Low use of split sentencing (jail + probation):** In the first 18 months of realignment only 6% of AB109 local sentences were split, dividing the sentence time between jail and probation
- For a non-AB109 population (the case processing sample was taken from the period before realignment) **69% of misdemeanants and 80% of felons sentenced to the local jail were also placed on probation at the conclusion of their jail sentence.**

- **Average jail sentence length for felony offenders in Placer County is almost 7 months, or 198 days.** Nationally, the mean jail sentence for felony offenders is 5 months.
- **There is not much variation in sentence length for felony offenders sentenced on a person offense (211 days) and a property offense (190 days).** Average sentence length for a Narcotics offense (164 days) is shorter than the average for a felony DUI offense (298 days).
- **The average jail sentence length for misdemeanants is 42 days:** Misdemeanants with a DUI offense receive an average jail sentence of 38 days.

Drug Court

The objective of this analysis was to gain basic profile information about the Placer County Drug Court participants, and to review key process data, toward the goal of identifying possible areas for program improvement. No outcome data was available. The study reviewed data on 44 individuals who had participated in the program between September 2011 and October 2013.

- **Significantly underutilized Drug Court:** Over two years only 44 active participants. Yet, over that same period an estimated 1100 individuals were booked into the local jail on a narcotics charge.
- **Few individuals are screened for participation:** Over a recent 8-month period only 32 people were assessed for the Drug Court program. Given that 31% of the 3,500 annual admissions into the local jail are for narcotic offenses (1085 narcotic admissions) the number of Drug Court participants is shockingly low. This does not include the high percentage of individuals arrested for property and other crimes who are drug-addicted.
- **The Drug Court has a significant number of low risk participants:** The program is serving a relatively large percentage (33%) of low risk offenders who might not need a program of this length and intensity; and the program lacks differential treatment “tracks” by risk level. 22% of program participants were moderate risk; only 44% were high-risk.
- **The Drug Court has a significant percentage of individuals with a mental health diagnosis:** 20% of Drug Court participants were described as having a mental health diagnosis.
- **The average age of Drug Court participants (30 years) was slightly lower than the overall average for all defendants booked into jail:** The average age for individuals booked on a felony charge in

Placer County is 35-years, and 34-years for those booked on a misdemeanor.

- **The majority of those in the program are felony offenders: 89% of participants had felony charges/convictions:** The participation of misdemeanor offenders is the exception.
- **The Drug Court makes good use of short sanctions:** The average jail sanction for Drug Court non-compliance is 6 days. This conforms to Drug Court research, which suggests that short and swift sanctions are as effective as longer sanctions, and that sanctions of more than 6 days per incident actually *increase* recidivism.
- **The Drug Court holds participants accountable through numerous and routine drug tests:** Program participants received an average 55 drug tests.
- **The Drug Court has a relatively low successful completion rate:** 56% of participants successfully complete the program.
- **Prop 36 programs fail to hold offenders accountable:** In fiscal year 2011-2012, 150 individuals coming through the criminal justice system in Placer County were deemed eligible for Prop 36 programs. Of those, 30% never attended court even once; 65% were not referred to treatment; and, only 20% successfully graduated from treatment and had their charges dismissed.
- **The Drug Court program is a long program:** Participants spent an average 328 days in the program.
- **The Drug Court does not have the benefit of District Attorney's participation:** The Drug Court is built on a team model that assumes participation of key system players. The full participation of the District Attorney is essential to achieve full program potential.

Inmates serving a jail sentence of 30 days or longer

A sample of 101 sentenced inmates, currently serving time in the Placer County Jail, was examined to provide a more in-depth profile of demographics, justice system status, and risk level. Each inmate in the study was also afforded the opportunity to be interviewed by probation staff. The interview provided information on current program involvement, past treatment participation, and input on programs that would be deemed beneficial if available.

- **Low use of alternatives:** Overall, 81% of inmates serving a local jail

sentence had been deemed by the courts Ineligible for jail alternatives.

- **High percentage of lower risk inmates serving a jail sentence:** Overall, only 32% of inmates serving a jail sentence scored as high risk for recidivism; 68% scored as low or moderate risk — a population that in many cases has been shown to function well in non-jail alternatives.
- **The AB109 population comprises the majority of the sentenced population serving a local jail term:** 58% of sentenced inmates were AB109 offenders.
- **The AB109 population has a higher risk profile:** 39% of sentenced AB109 inmates scored as high risk compared to 21% of non-AB 109 inmates.
- **For those inmates serving a 30 days or longer sentence, there was no relationship between inmate risk score and eligibility for alternatives:** a higher percentage of moderate risk inmates were deemed ineligible for alternatives (46%) than high risk inmates (35%).
- **Of those deemed by the courts to ‘not be eligible’ for alternatives, 63% are low or moderate risk**
- **60% of inmates had either a substance abuse issue or a mental health issue.** For 30% it was a drug-only issue; for 10% it was a mental health-only issue.
- **An estimated 17% of jail inmates serving a sentence of 30 days or more had both mental health *and* drug dependence issues:** This estimate was based on the inmate affirmative response to questions about needing mental health services and/or needing drug treatment.
- **Approximately 20% of jail inmates serving a sentence of 30 days or longer were both high risk and high need (serious drug problem):** These persons are good candidates for priority custody treatment and transition services. This estimate was derived by asking what percentage of inmates who scored high risk also indicated a need for drug treatment.
- **Of local jail inmates serving a sentence of 30 days or longer, non-residents were serving sentences that were, on average, 6.6 months longer than local residents.** The difference was especially

pronounced for offenders sentenced for a property offense.

- **Of local jail inmates serving a sentence of 30 days or longer, non-residents convicted of a property crime were serving sentences almost 2x as long as residents.**
- **Of the non-resident inmates serving a sentence for a narcotics conviction, 25% had sentences that were 10-12 months longer than residents serving a sentence for the same offense.**

'Frequent flier' sample: Profile of offenders with high repeat jail admissions

A sub-sample of individuals from the inmate risk study, those with 20 or more bookings into the Placer County Jail, was examined. The objective was to develop a profile of this 'frequent flier' population in an effort to consider possible strategies to mitigate the impact on the facility and to improve the conditions of these recyclers.

- **A small subset of individuals has a disproportionate impact on the jail:** Overall, the average number of local jail bookings was 8 bookings (for the sample of sentenced jail inmates serving a 30 days or longer sentence). However, 10% of the sample had an average of 20 or more bookings; 7% of the sample had an average 32 bookings each, or a collective 221 bookings.
- **Small number of convictions for 'frequent flier' group:** only 16% of the bookings resulted in conviction. Of the 221 bookings for this subsample of 7 offenders, there were only 36 convictions.
- **The average number of jail days per booking per 'frequent flier' offender was 35 days:** this represents a total 1068 jail days collectively spent by these 7 individuals.
- **Little evidence of past programming:** 94% of the offenses for which this subset were booked were non-violent offenses. There were lots of drug charges among the group; 29% of most recent bookings were for narcotic offenses. There was, however, little proof of program involvement or completion to address underlying issues. In looking at criminal history one can see, in many cases, the escalation of crime from low level criminal activity to more serious offenses.
- **Fedcap releases contributed to the recycling of 'frequent fliers':** of the 49 most recent bookings for this subset; 20% had been released

on a Fedcap order.

Probation assessment & treatment referral

A review of 217 recent probation assessments was conducted. The goal was to better understand Behavioral Health staff decision-making in the determination of individual treatment needs and referral to services, and to gain a general sense of resource need.

- **Poor linkage between alternative sentence and placement:** in an analysis of 408 sentencing decisions by the local courts, half of offenders sentenced by the court to alternative program are never placed.
- **The majority of probation behavioral health assessments are directed toward prison release to community supervision (PRCS) cases:** 60% of the behavioral health assessments and referrals were conducted on PRCS cases. This reflects the intended focus of this newly funded assessment resource.
- **The majority of probationers receiving a behavioral health assessment are Caucasian and male:** the assessments are almost all reserved for felony probationers; 91% of assessments were conducted on felony offenders. But, while 75% of felony cases booked into the local jail are Caucasian, a higher 92% of probationers assessed for treatment referral were Caucasian. And, while 26% of felony cases booked into the local jail are female, a lower 19% of probationers assessed were female.
- **Approximately one-third of offenders assessed by behavioral health had court-ordered treatment:** in 29% of the cases assessed, the offender already had been ordered to treatment by the courts.
- **The majority of probationers assessed by behavioral health scored as high risk:** of these, 11% scored as very high risk. This reflects a good focus on those individuals with the highest propensity for repeat criminal behavior.
- **A small percentage of probationers assessed for service needs were homeless at the time of the behavioral health review:** 13% of the probationers assessed indicated they were homeless.
- **Approximately 10 percent of those assessed had already come into contact with the local behavioral health system:** these included prior contacts and cases currently case managed.

- **The majority of probationers assessed for treatment already had a history of treatment:** the AB109 probationers assessed by behavioral health staff for treatment/service consideration have a relatively high percentage of meth users (46%); 13% are homeless; and 57% score as high risk. 70% have a history of treatment.
- **The vast majority of probationers assessed were determined to be in need of treatment or services:** 91% of those assessed were deemed to be in need of treatment or services.
- **The most frequently assigned treatment was cognitive-behavioral coursework:** 60% of assigned treatment was to one of several cognitive class options. This is very positive, reflecting the empirical data on the positive effects these courses can have on prompting behavioral change.
- **Substance abuse treatment referrals were almost evenly divided between outpatient and residential treatment:** approximately 40% of the service referrals were to substance abuse treatment; of these 53% were to outpatient services and 47% were to residential programs.
- **The most frequently reported drug of choice among the probationers assessed was methamphetamine:** 46% of those assessed reported meth as their most serious drug of choice; alcohol was the second more frequently reported, at 20%. Cocaine and heroin made up 5% of reported drug use.
- **The behavioral health assessment process is not a conduit into Drug Court:** Only 4% of the service referrals were to Drug Court.
- **A small percentage of referrals were to violence specific programs:** although 10% of the probationers assessed score very high risk, making prior or current violence a high likelihood, there were no anger management classes for assignment, and less than 3 of the 225 referrals were to domestic violence or batterers treatment.