

***DO THE CRIME,
DO THE TIME?
MAYBE NOT,
IN CALIFORNIA***



***JAIL CELL SHORTAGE IS
UPSETTING THE BALANCE***

***CALIFORNIA STATE SHERIFFS' ASSOCIATION
JUNE 2006***

CALIFORNIA STATE SHERIFFS' ASSOCIATION

Board of Directors

2006-2007

OFFICERS

PRESIDENT

Sheriff Gary Penrod
San Bernardino County

1st VICE PRESIDENT

Sheriff Laurie Smith
Santa Clara County

2nd VICE PRESIDENT

Sheriff Ed Bonner
Placer County

SECRETARY

Sheriff Clay Parker
Tehama County

TREASURER

Sheriff Curtis Hill
San Benito County

SERGEANT-AT-ARMS

Sheriff Mark Pazin
Merced County

SERGEANT-AT-ARMS, EMERITUS

Al Cooper

IMMEDIATE PAST PRESIDENT

Sheriff Bill Kolender
San Diego County

DIRECTORS

Sheriff Lou Blanas
Sheriff Bob Brooks
Sheriff Mike Carona
Sheriff Jim Denney
Sheriff Bob Doyle
Sheriff Don Horsley
Sheriff Mike Kanalakis
Sheriff Dan Paranick
Sheriff Mike Prizmich
Sheriff Gary Simpson

Sacramento County
Ventura County
Orange County
Sutter County
Riverside County
San Mateo County
Monterey County
Mono County
Amador County
Napa County

PRESIDENTS' COUNSEL

Sheriff Robert Doyle
Past President

Marin County

Sheriff Bruce Mix
Past President

Modoc County

Sheriff Charles Plummer
Past President

Alameda County

Sheriff Warren Rupf
Past President

Contra Costa County

CSSA Detention Facility Ad Hoc Committee Members

Chair, Sheriff Jim Anderson – Santa Barbara County

Members

Sheriff Ed Bonner – Placer County
Sheriff Mike Carona – Orange County
Sheriff Mark Pazin – Merced County
Sheriff Mike Prizmich – Amador County
Sheriff Mack Wimbish – Kern County

ACKNOWLEDGEMENTS

The California State Sheriffs Association deeply appreciates the efforts of those who have developed and reviewed this document. Having conceptualized the need to explain California's crisis in jail capacity, CSSA sought out knowledgeable resources to help bring the concept to life.

The research and writing of this document were the work of Suzie Cohen & Associates. CSSA thanks principal consultant / author Suzie Cohen and research director John W. Kohls, Ph.D., for producing a comprehensive, accurate and readable description of the state of California's local detention systems.

I also wish to thank the Correctional Standards Authority (CSA) for providing data and statistical information as well as reviewing the draft document for accuracy.

Also, a special thank you to Cathy Coyne, CSSA's legislative analyst, who invested innumerable hours reviewing and editing this report.

*Steven C. Szalay
Executive Director
June 2006*

TABLE OF CONTENTS

	<i>Page</i>
<i>Executive Summary</i>	v
<i>Introduction</i>	1
<i>Background</i>	2
<i>Legislators and Judges Determine Who Gets Locked Up</i>	
<i>Who Is In Local Detention</i>	4
<i>Jails</i>	
<i>Juvenile Facilities</i>	
<i>Mentally Ill Offenders</i>	
<i>State and Federal Inmates</i>	
<i>Capacity vs. Need</i>	11
<i>Jails</i>	
<i>Population Growth Drives Need for Expansion</i>	
<i>Additional Factors Affecting Capacity</i>	
<i>No Room for Sentenced Inmates</i>	
<i>Population Caps</i>	
<i>Alternatives To Incarceration</i>	
<i>Juvenile Facilities</i>	
<i>Facility Design as a Function of Efficiency</i>	22
<i>Existing Facilities Need Updating</i>	
<i>Program Space</i>	
<i>Multiple Populations</i>	
<i>Special Needs</i>	
<i>Age of Existing Facilities vs. Functional Life Expectancy</i>	
<i>Costs</i>	26
<i>Construction costs</i>	
<i>Tentative Cost Projections For Jail Construction</i>	
<i>Operating Costs</i>	
<i>Jails</i>	
<i>Juvenile Facilities</i>	
<i>Where Will, Can or Should the Money Come From</i>	
<i>What Has Been Done to Address Capacity Deficits</i>	30
<i>Jail Construction and Renovation</i>	

Juvenile Facility Construction and Renovation

Next Steps 32

Appendix I Local Detention Population Overview -- Adult and Juvenile

Appendix II Counties with Court Imposed Population Caps

EXECUTIVE SUMMARY

"If you can't do the time, don't do the crime" is no longer in effect in California. Our public safety system is increasingly unable to effectively meet its mandate to hold criminals accountable for their actions.

Local detention facilities - adult jails and juvenile halls and camps - are the crucial front end of California's correctional system. They're a vital part of every community's effort to protect itself. Without them, community safety disappears. There is no detention of the accused. There is no local programming of the convicted. Law enforcement, probation and parole lose a key consequence to impose for illegal behavior. That's just unacceptable!

In California's local adult system, jail facilities are bursting at the seams. Twelve percent of our jails are more than 60 years old, and nearly half are 30 years old or older. Dangerous crowding is a daily fact of life in many of the state's 460 jails. Simply put, California does not have enough local detention capacity or adequate program space to meet public safety demands.

The consequence is that, in 2005 statewide, *9,148 offenders a month* were given pretrial releases and an additional *9,323 inmates a month* were released early from their jail sentences due solely to lack of jail space.

The Facts

There are state and federal standards, rules and regulations determining how many people can be housed in each jail and/or cell. When those standards aren't met, inmates sue. In 20 California counties, those suits have resulted in court-ordered population caps. An additional dozen counties have imposed population caps on themselves to avoid the costly litigation that results from crowding. These population caps mean that, when a jail is full, for every new inmate being admitted, someone already in custody has to be released.

In 2005, statewide bookings per month reached a ten-year high -- 106,941 per month (up from 97,589 in 1995).

There are 74,686 rated capacity (RC) jail beds in the state and, in 2005, the average daily population (ADP) of jails was 79,639 inmates -- the highest yearly ADP in history! It would take an additional 4,953 beds to house all the inmates in today's ADP.

The highest one-day jail population count statewide, in 2005, was 87,500 inmates. This means that, with current capacity, during times of peak demand for jail space, the state is short at least 12,800 jail beds.

In 2005, 233,388 individuals *avoided incarceration or were released early from jail sentences due solely to lack of jail space*. It would take 18,471 additional beds to eliminate these pre-trial and early releases.

There are over 285,000 unserved felony warrants and over 2,391,000 unserved misdemeanor warrants in California annually. If only 10% of the felony warrants resulted in someone being incarcerated, another 28,522 beds would be needed to house these felons.

Jails are required to separate the many classifications comprising their populations. Pre-adjudicated offenders have to be separated from sentenced, juveniles from adults, civil commitments from criminals, females from males, gang members from members of rival gangs, and violent offenders from those they might prey upon. Additionally, those who are physically or mentally ill must be provided appropriate housing. Jails are supposed to maintain a "vacancy factor" to allow for these classification separations. At the current ADP, to maintain a 5% vacancy factor for management and classification purposes jails would require 4,000 additional beds.

This is the current state of our jails. These deficits exist today. California is short 66,385 jail beds statewide right now to meet current public safety demands.

Looking to the future, California's inexorable population growth will require 40,943 *new* beds by 2050 to address population growth alone.

These beds would not eliminate early releases or unserved warrants or allow for a vacancy factor. To deal with those existing deficits and achieve a fully functioning jail system by the year 2050, the state would need to add 217,300 jail beds.

In its local juvenile detention system, on any given day California's 125 juvenile halls and camps house between 10,000 and 11,000 youth -- 10,920 per day in 2005. Most of these youth (58.6%) are confined on a court-ordered commitment; the rest are going through the court process.

By the end of 2005, there were a total of 13,575 beds in California's local juvenile facilities. Of these, 8,182 beds were in juvenile halls and 5,393 were in local commitment facilities (camps).

While local juvenile facility capacity is in better shape than it had been (in 1999 the ADP exceeded rated capacity by 400 juveniles), it is still true that, especially in juvenile halls, juvenile capacity is *merely* adequate. On peak population days in the final quarter of 2005, the number of juvenile hall rated capacity beds statewide (8,181) exceeded incarcerated populations (7,560) by only 621 beds.

Like adult detention facilities, juvenile halls require at least a 5% vacancy factor to appropriately manage their populations. On peak days it would take only 243 additional juvenile detainees statewide to drive bed need up to the level of optimum capacity.

In other words, a small increase in the rate of juvenile offending or the number of juveniles in the at-risk population, or both, will produce a deficit in juvenile hall beds.

Juvenile correctional reforms under discussion in the Legislature could make significant new demands on local capacity. Whether or not those changes come to fruition, it is quite certain that, at the conclusion of the current juvenile facility construction program, there will still be counties that need to replace old, outmoded facilities and others that will continue to face chronic crowding problems in their juvenile facilities.

The Chief Probation Officers of California (CPOC) predict a need for approximately 6,800 additional local juvenile detention and commitment beds by 2015. An upward trend in the juvenile crime rate, changes in correctional policy or new legislative initiatives could greatly expand that number.

Alternatives to Incarceration

Not only do local corrections agencies need more facility capacity, they also need additional ways to ensure communities' public safety. While existing alternatives to incarceration help relieve some of the pressure of crowding, they are not appropriate for everyone. Moreover they are often circumvented by inmates because those programs would be longer -- as well as harder -- to complete than jail time.

Research and best practices show significant success with correctional day reporting centers (DRCs). DRCs provide all or partial day custody along with intensive treatment, counseling, life skills, vocational readiness and educational remediation services that effectively reduce recidivism and link offenders to positive support in their communities. Sheriffs and chief probation officers across California are investigating these proven alternatives to incarceration because day reporting centers allow them to actively supervise lower-risk, non-violent offenders while freeing up jail space for the high risk offenders who should be housed and programmed in the more secure jail environment.

What Does All This Mean?

One obvious conclusion is that jails must have added space to house pre-adjudicated inmates and the most dangerous sentenced offenders for the full term of their court-ordered sentences.

Jails also have to be able to provide the behavioral and educational programs, counseling and other treatments that will interrupt jail inmates' criminal careers and help correct their offending behavior.

In addition jails need still more beds to address the growing demand for specialized housing for medically or mentally ill offenders and other special populations.

The Legislature and taxpayers statewide must keep the already tenuous condition of California's jails from becoming much worse. We have to keep the already dramatic bed-and-program-space deficit from becoming a public safety disaster.

In order to do that, California:

- must construct a large number of additional jail beds,
- must be prepared to add juvenile facility capacity,
- must renovate and retrofit existing jails and older juvenile facilities to continue their useful lives,
- must have space in all local detention facilities in which to provide the behavioral and educational programs, counseling and other treatments that interrupt offenders' criminal careers and help correct their offending behavior,
- must have space in which to address the growing demand for specialized housing for medically or mentally ill offenders and other special populations, and
- must develop additional, viable, proven alternatives to incarceration as well as alternative kinds of facilities to most safely and cost effectively manage offender populations.

This study's best estimate is that it will cost nearly five billion dollars (\$4,913,160,000) between now and 2050 to construct just the new jail space needed to stay abreast of California's projected population growth. Significantly more dollars will be required to deal with early releases and unserved warrants, renovate and upgrade existing facilities, address juvenile facility needs, and create viable alternative interventions.

We won't be able to do all this work -- and won't need all this money -- at once. What we do need is a plan, the will to put the plan into action, and a consistent funding stream aligned with the steady growth in the demand for detention capacity.

We need to switch to a proactive 'continuous growth' model for jail and juvenile facility construction and abandon the 'periodic crisis' model that produces the kinds of deficits in which we now find ourselves.

No sheriff, no jail commander, no chief probation officer wants to release people from custody before their time is served or before they appear in court. Doing so means offenders are not held accountable and public safety is compromised.

We must restore the balance between 'doing the crime' and 'doing the time.' That balance is vital to holding offenders accountable for their criminal behavior.

We can't afford to ignore this problem. Jails and juvenile halls are critical components of the state's justice system. We Californians must ensure they have adequate capacity to do their jobs. Our safety and quality of life depend on it.

INTRODUCTION

Infrastructure is the underpinning of life in California. The quality of life in every community is built on the physical environment in concert with the community's health, education and safety.

Land use; clean air; clean water; dams, dikes and levies; roads, streets and transit; parks and libraries; schools and hospitals; courts and correctional facilities -- all critical -- and all interrelated. The idyllic community doesn't stay idyllic if asbestos is poisoning its children. The high priced neighborhood doesn't hold its property values if crime runs rampant in and around it.

Public safety is in everybody's interest. Public safety is everybody's business. Public safety comes from public and private interaction and takes a complex mix of planning, precaution, vigilance, caring, compassion, enforcement and accountability for a community to be and to stay safe.

There is no one way to guarantee a community's safety, but there are plenty of ways to undermine it. Not planning, not preparing, not taking care of the infrastructure of the community are sure to undercut safety and quality of life.

Why should you care about jails? What do they have to do with you?

- Jails are paid for by taxpayer dollars. Every taxpayer is a part-owner in local detention facilities.
- Jails and juvenile facilities reflect the community's interest in being safe by getting dangerous law breakers off the streets.
- Every person in jail or juvenile hall before or during trial and found not guilty comes home to the community reflecting his/her experience in jail.
- Every person sentenced to a jail or local juvenile facility comes back to the community within a year.

Public safety is everyone's business. Supporting improvements for jails is not some kind of 'gift' to inmates in the jails. It is a benefit for law-abiding citizens. Holding people accountable for their actions as well as providing resources to ready them for their eventual release back to the community is in our best interest. We should all be local corrections advocates.

The California State Sheriff's Association is committed to taking the lead in advocating for enough properly designed, efficiently operated jails and local juvenile facilities to correct the existing deficit and keep up with California's population growth of 5 to 10 million people every decade. We want every Californian to be safe to enjoy the best of life in the Golden State.

In this report, we show that support for local corrections facilities is in all of our interest.

BACKGROUND

Some facts to consider:

- Cities and counties operate 335 booking and short term holding jails (they can detain offenders for no longer than 96 hours).
- Over 327,000 people are booked into these jails annually.¹
- Sheriffs run 125 jails that house arrestees awaiting and going through the court process and serving court-ordered jail time. -- Type II, III and IV jails.
- These jails booked over 1,283,290 adults (an average of 106,941 per month) in 2005.²
- County probation departments operate 125 local juvenile halls and commitment facilities.
- In 2005, 108,560 juveniles were booked into these juvenile halls (an average of 9,046 per month).³
- During 2005, local detention facilities delivered detention and correctional services to an average daily population of 79,639 pre-adjudicated and sentenced adult offenders and 10,923 pre-adjudicated and committed juvenile offenders.⁴

While adult and juvenile offenders found guilty of committing the most egregious offenses and those with the most entrenched criminal histories are generally remanded to state-level adult and juvenile correctional facilities (prisons), each of these offenders spends time in a local detention facility before being transferred to the California Department of Corrections and Rehabilitation (CDCR).

Public safety demands that California's jails and local juvenile facilities be able to safely and securely house and program every kind of detainee, from the first-time arrestee through the most violent repeat criminal.

Legislators and Judges Determine Who Gets Locked Up

Local detention facilities do not determine their own populations. The administrators of these facilities have nothing to say about which offenders or how many come to them. Legislators pass the laws that say who should be locked up. Judges sentence people convicted of breaking those laws. Jails and juvenile facilities take those who are sent their way and seek to manage these offenders as safely and effectively as possible.

Every time the Legislature passes a bill creating a new crime or a sentence enhancement, it affects local corrections.

¹ Corrections Standards Authority/Board of Corrections, 2004 Legislative Report, *Local Corrections in California*, pg. 8

² Corrections Standards Authority Jail Profile Survey Fourth Quarter 2005

³ Corrections Standards Authority Juvenile Detention Profile Survey, Fourth Quarter 2005

⁴ Corrections Standards Authority Jail Profile and Juvenile Detention Profile Surveys 2005

Every time a Board of Supervisors or City Council enacts an ordinance requiring a curfew or a ban on particular behaviors, it is affecting local corrections.

Often these policy and legislative decisions are made without the slightest consideration for their correctional implications. And, just as often, the desired public safety benefit of the law or ordinance or policy is thwarted because there is no more room in the local jail or juvenile facility for those who break these new rules.

One only has to note that there are more than 2.67 million unserved arrest warrants extant in California today to understand the dilemma. Jails don't have enough room for the offenders they have and can't simply manufacture the space to house more.

Here is an example of the effect a legislative action can have on local correctional populations. In 1997, the Legislature began providing counties with a fiscal incentive to treat criminally delinquent minors locally versus incurring a "sliding scale fee" for committing those offenders to the California Youth Authority. Since then, local juvenile facilities' populations have increased dramatically, not only in response to the "sliding scale," but also because some courts have increased their use of "juvenile halls as commitment facilities for certain minors deemed to need secure care, as well as education, treatment and program opportunities that can best be provided locally with the participation of family members."⁵

Ongoing legislative consideration of the possibility of transferring responsibility for state parolees (adults and/or juveniles) to the local level is driving counties to explore strategies for expanding their correctional capacity, as well as their service delivery networks and partnerships. With just a stroke of the pen, the Legislature and Governor would have a profound and enormous impact on local jails and juvenile facilities.

⁵ Corrections Standards Authority/Board of Corrections, 2004 Legislative Report, pgs. 22-23

WHO IS IN LOCAL DETENTION?

Jails

There are *79,630 people in county jails every day*. Eighty-seven (87) percent are male and most are adults. Although a large number of offenders are sentenced to county jails, space limitations have forced counties to put many of these sentenced offenders in alternatives to confinement or simply to release them before the end of their sentences. As a result, the majority of people in jail (67 percent) are pre-sentenced, i.e., arrestees and those going through the court process.

It has become harder to keep sentenced offenders in jail as sheriffs have had to devote more and more of their severely limited jail capacity to pre-adjudicated offenders. Communities need their jails to be able to carry out the sentences of the court, not release offenders before their sentences are over.

In 2005, more than three-quarters (78 percent) of jail prisoners were in custody for felony offenses. More than 24,760 of these inmates (30 percent) required maximum security housing. Eleven (11) percent of jail inmates were illegal/criminal aliens.

People who come to jail have a variety of medical and mental health issues. Many are indigent or homeless, without access to medical care. Many use and abuse drugs. Jails do their best to address these issues through the current stock of 1,002 medical treatment beds and 3,095 mental health treatment beds, as well as through in-house programming and treatment services and in liaison with community providers. But again, much more is needed.

Nearly every jail in the state needs more treatment and program space and professional support to appropriately work with the people in custody.

Juvenile Facilities

On any given day, between 10,000 and 11,000 of California's youth are in custody in local juveniles halls and camps around the state -- 10,920 a day in 2005. Most (58.6 percent) are confined on a court-ordered commitment; the rest are going through the court process.

Among the young people in custody, the typical detainee is male (85 percent) between 15 and 17 years old (77 percent). Two out of three are in custody for felony charges and an average of one out of every twelve youth booked each month (8.7 percent) has been arrested on a weapons-related charge.

Assessments of juvenile detainees generally reveal a picture of troubled youth with multiple problems, including substance abuse (77 percent) and serious mental health

issues (42 percent).⁶ Among the juveniles in local custody in 2005, 3,400 were receiving treatment for open mental health cases and 1,219 required and were receiving psychotropic medications.⁷

Mentally Ill Offenders

Jails and juvenile detention facilities across the nation have seen dramatic increases in the number detainees who are mentally ill. Many of these offenders also have drug and alcohol-related diagnoses that exacerbate their mental illness.

Studies repeatedly confirm that a growing number of jail inmates suffer from severe mental illness and that schizophrenia, major depression, bipolar disorder and other mental illnesses often result in impaired judgment and criminal behavior.

Nationally it is estimated that at least 16 percent of jail inmates are mentally ill. This translates into more than 12,000 seriously mentally ill inmates in California's jails.

According to the Pacific Research Institute, California's annual jail and probation costs for mentally ill offenders exceed \$300 million a year.⁸

Mental illness impacts not only the affected individuals and their families, but also local corrections and society as a whole. In a costly cycle of incarceration, release and re-incarceration, mentally ill people come to jails and local juvenile facilities time and time again for crimes that grow out of their mental illness.

At the urging of the California State Sheriff's Association, in 1998 the Legislature established the Mentally Ill Offender Crime Reduction Grant (MIOCRG) program in response to the concern that jails are among the primary (or only) treatment facilities for an increasing number of mentally ill adults. The MIOCRG program, which ran from 1998/99 through 2003/04, tested, determined and documented 'what works' in reducing recidivism among mentally ill offenders.

Thirty projects in 26 counties, involving more than 8,000 adult offenders, produced a wealth of evidence about what works. All of the following were shown to have a positive effect, reducing re-arrests and returns to custody.

- Enhanced assessment and more comprehensive understanding of therapeutic needs in jail;
- The provision of quick and reliable services designed to ameliorate the effects of mental illness while in custody;

⁶ CPOC Needs Assessment reference to 2003 National Council on Crime and Delinquency (NCCD) survey of mental health needs of youth in local detention

⁷ See Appendix 1 for tables providing an overview of the size and characteristics of the local jail and juvenile facility populations and comparing current populations with those in local detention in the year 2000.

⁸ California Board of Corrections, Mentally Ill Offender Crime Reduction Grant Program report to the Legislature, December 2004, page 2

- More complete after-jail systems of care designed to ensure adequate treatment and support; and
- After-release monitoring to ensure that additional illegal behavior, mental deterioration, and other areas of concern were quickly addressed.

MIOCRG participants were booked less often, were convicted less often and were convicted of less serious offenses when they were convicted than were those not in the program. Fewer participants than offenders in the comparison group served time in jail and, when they did serve time, they were in jail for fewer days than non-program inmates.

Program participants learned to comply with medication regimens, stay sober, return to school, find jobs, manage their money, and in some cases live independently and/or reunite with their families.

The MIOCRG Program reduced many participants' involvement in the criminal justice and acute-care hospitalization systems and provided the opportunity -- for some, the first ever - to maintain crime-and-drug-free lives in the community.⁹

That's the good news -- very good news indeed. Jails, mental health agencies and communities learned what worked. They came together and made a real difference in the quality of life and public safety in their communities.

[In Santa Clara County's Mental Health Court] all are mentally ill, some so severely that they bring their "voices" to court. Many have been bouncing for years from court to jail to treatment and then, back to jail. The goal here is to break the cycle by stabilizing their lives.

*Sacramento Bee
May 15, 2006*

The not so good part is two-fold. First, when the MIOCRG Program

grants ended, counties were forced to discontinue key program elements for lack of ongoing funding. Some of the Mental Health Courts and after-jail support could not be sustained with existing resources. Increasing jail crowding meant jails were hard pressed to continue housing mentally ill inmates in separate treatment units, and budget problems meant mental health agencies had to pull back the grant-funded intensive counseling they had been providing in jails. Having learned what worked made it all the more disheartening not to be able to sustain the hard won victories. However, as this report goes to press, CSSA and other organizations have convinced the Governor and legislature to appropriate \$45 million for a MIOCRG II Program for FY 2006-07.

The second downside is that, despite a groundswell of evidence that it was and still is needed, there has been no comparable effort to test or implement strategies related to mentally ill *juvenile* offenders. Although a 2003 NCCD survey of mental health care in California's local juvenile justice system showed that at least 42 percent of youth in detention had "serious mental health issues" and 30 of the 45 counties surveyed reported they did not have an appropriate selection of services available for youth with

⁹ op. cit., pages 15 - 56

mental health issues,¹⁰ the state has not yet initiated a juvenile mentally ill offenders crime reduction effort.

Mirroring the NCCD survey, a preliminary juvenile justice gap analysis report, provided to the Legislature on December 1, 2005, found that

...mental health issues (including treatment, facilities, staff and appropriate jurisdiction) comprised the single most critical gap in juvenile justice services. It was clear from the frequency with which they were identified, and the priority ranking accorded them that gaps in mental health services are a primary concern. Without exception, every county – large, medium or small, from Imperial to Del Norte and including large Los Angeles County, small Trinity County, and every other county in between -- described mental health service capacity related to either at risk youth, juvenile offenders or most frequently both, as a significant, if not their most significant, gap.¹¹

That gap analysis and CPOC's juvenile facility needs assessment found that the most common unmet need was locked facilities for seriously mentally ill youth.

Counties may have no options but to build and operate the needed secure detention/treatment facilities themselves. In a 2006 Needs Assessment study, the Chief Probation Officers of California (CPOC) estimate that county probation departments will require 6,800 juvenile detention and commitment beds by 2015 and 3,400 of those should be targeted for mental health and drug abuse treatment.¹² They will need the state's help to get that done.

State and Federal Inmates

County and city jails in California work with the state and federal governments to house prisoners under certain circumstances.

The state and/or federal prison systems sometimes ask local jails to house certain of their inmates for a period of time for 'protective custody' or while the prisoner is going through a court or parole violator proceeding. There are also more formal, contract arrangements by which local jails provide housing to state and/or federal sentenced inmates to help relieve pressure on the state / federal system and/or to address other public safety demands.

In calendar 2005, the California Department of Corrections and Rehabilitation (CDCR) contracted with 15 counties and two cities (Oakland and Santa Ana) for a total of 29,435

¹⁰ Hartney, C., McKinney, T., Eidlitz, L. and Craine, J. NCCD Focus: A Survey of Mental Health Care Delivery to Youth in the California Juvenile Justice System: Summary of Findings, September 2003

¹¹ CDCR, Division of Juvenile Justice, Juvenile Justice Reform Second Quarterly Report to the Legislature, December 2005, page 2

¹² Chief Probation Officers of California, Facilities Needs Survey, February 2006 (47 counties reporting representing 89% of the state population)

jail bed days, approximately 2,453 jail bed days per month or 80 jail beds per day statewide.¹³ The local jails housing state inmates were:

State Contract Inmate Days in 2005				
Jurisdiction	Inmate Days		Jurisdiction	Inmate Days
Alameda	6,469		Sacramento	4,955
Del Norte	116		San Benito	31
Fresno	729		San Diego (Wk. Furl.)	424
Imperial	344		San Mateo	443
Kern	244		Santa Ana P.D.	95
Los Angeles	14,934		Tulare	211
Madera	160		Yolo	149
Napa	28		Yuba	72
Oakland P.D.	26			
Total State Contract Days				29,430

Obviously, the great majority of contracted beds were in the Los Angeles, Alameda and Sacramento County jail systems. Note that, of the counties contracting to hold state prisoners, only three -- Fresno, Kern and Los Angeles -- are operating under court imposed population caps.

In the 2004/05 federal fiscal year (from October 2004 through September 2005), California jails in 18 counties and two cities (Oakland and Santa Ana) held federal prisoners for a total of 43,297 jail bed days, approximately 3,608 jail bed days per month or 118 jail beds per day statewide.¹⁴

As indicated by the table on the following page, the majority of bed days used by the federal government were located, in descending order, in Los Angeles, San Bernardino, Sacramento, the Santa Ana (City) Police Department jail, Fresno, Alameda, Imperial, Kern, Yuba and San Diego Counties' jail systems. Immigration and Naturalization System (INS) use of local jail beds to detain illegal immigrants may account for the large number of bed days in such jurisdictions as Fresno, Imperial, Kern, Santa Ana, and San

¹³ Corrections Standards Authority / Board of Corrections Jail Profile Survey, State Contracted Inmates 2004-2005

¹⁴ Corrections Standards Authority / Board of Corrections Jail Profile Survey, Federal Beds 2004 - 05

Bernardino. The presence of federal courthouses in Los Angeles, Alameda and Sacramento may explain the very high bed usage in those jurisdictions as well.

Note that, of the counties contracting to house federal inmates, five -- Fresno, Kern Los Angeles, San Bernardino and Yolo Counties -- are operating under court imposed population caps.

Federal Contract Inmate Days in 2004-2005				
Jurisdiction	Inmate Days		Jurisdiction	Inmate Days
Alameda	3,846		Oakland P.D.	408
Fresno	4,030		Sacramento	5,195
Humboldt	2		San Bernardino	6,781
Imperial	3,001		San Diego Wk. Furl.	1,600
Inyo	192		San Mateo	87
Kern	2,630		Santa Ana P.D.	4,151
Los Angeles	8,680		Sutter	8
Madera	9		Tulare	347
Marin	186		Yolo	154
Napa	0		Yuba	2,180
Total Federal Contract Days				43,487

The contracts by which local jails house state prisoners generate reimbursement in accordance with what is called the Daily Jail Rate (DJR). The DJR is based on each jurisdiction's actual costs, does not include booking fees and is subject to specific guidelines. The DJR had been \$59/per day until recently; however, as part of the 2005 Budget Act, the daily rate has become \$68.22 per inmate per day. It is capped at 95 percent of the state's average cost for housing inmates in state facilities, excluding the cost of non-routine medical care.

While the DJR does not cover the full cost of supporting an inmate in local detention and although the state is often slow to make the contracted payments, contract arrangements have produced benefits to local detention facilities. In some instances, contracts have enabled jails to make use of beds they could not otherwise afford to operate. The contracts have provided the dollars necessary to pay for staff and programming for which county dollars were not available. This inter-system cooperation has been a win/win with both the state and local jurisdictions benefiting.

However, this mutually beneficial relationship may be difficult to sustain. The relentless increases in the numbers of local offenders in jail -- and the resulting jail overcrowding -- may force counties to eliminate existing contracts, leaving the state and federal systems without needed beds and the counties without the vital revenue that has helped maintain jails and related services.

CAPACITY VS. NEED

Jails

California lacks sufficient local detention capacity and adequate program space to meet even the current, let alone future, public safety demands. It has been 20 years since the last comprehensive jail construction bond program.

That effort was very successful, adding 42,000 much needed local jail beds. However, since those beds were built in the 1980s, the state's population has ballooned. Jail capacity has not kept pace. In 1999, the State Board of Corrections projected a need for more than 55,000 additional jail beds. To date, only 6,150 new beds have been added since 1999.

Jails are bursting at the seams. Dangerous crowding is a daily fact of life in almost all of California's jails. There are 74,686 rated capacity (RC) jail beds in the state.¹⁵ In 2005, jails' average daily population (ADP) was 79,639 inmates -- the highest yearly ADP in history!

Jail officials say the average daily population at the [Sonoma County] jail has increased three times faster than the general population since 1990, chiefly because inmates are spending more time incarcerated and because many are repeat visitors.

*Sonoma County Press Democrat
January 25, 2006*

What the difference between rated capacity and average daily population means is that on the typical day, jails lacked space for more than 4,900 inmates.

Having 4,900 more inmates than available beds is a serious jail-capacity problem, but it is only the tip of the iceberg in terms of the overall capacity deficit.

The highest one-day population count statewide, in 2005, was right around 87,500 inmates. This means that, under current conditions, during times of peak demand for jail space, the state is short at least 12,800 jail beds.

Population Growth Drives Need for Expansion

Growth in the jail population is related directly to the growth in the general population. California's general population is projected to grow at a steady rate for at least the next half century. It becomes very clear that we have a problem. If we're going to maintain a statewide local detention system of adequate capacity and appropriate efficiency, we must pay attention to the growth in the general population and, with it, the at-risk population.

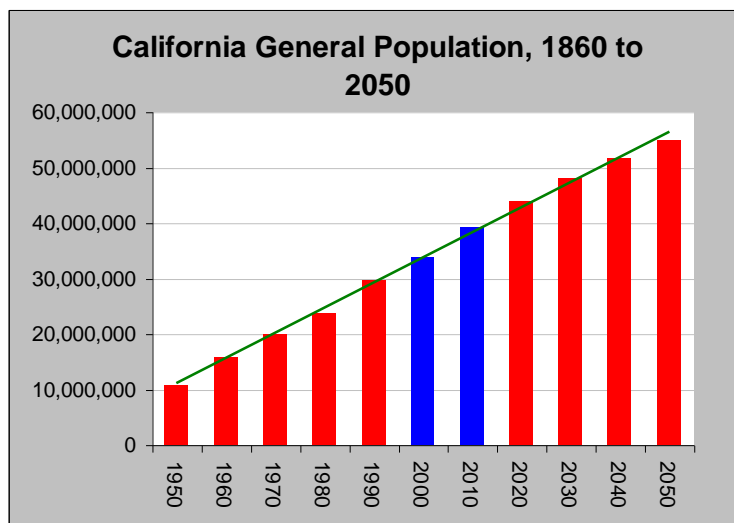
¹⁵ CSA data, current to April 2006

Look for example at tiny Calaveras County. Development already underway in its town of Copperopolis is slated to add 3,000 homes in the next three years and more than 40,000 in the next 30 years. The entire county's population was 45,939 in 2004; it is expected to be at least twice that 2030.¹⁶

The Calaveras County jail is one of the smallest in California. A court order limits the jail to holding 65 people each night - 56 men and nine women. The Sheriff says the County needs 100 beds now and 200 by 2020.¹⁷ By 2050, Calaveras will need many more.

CROWDED HOUSE -- Lack of space at Calaveras County Jail results in hundreds of prisoners a year being released. Sometimes even violent felons are released.
The Record
November 13, 2005

The State Department of Finance population projections, illustrated by the following graphic, results in about the straightest, most consistently upward-sloped line one will find in any social research. This steady and reliable growth in the general population makes it overwhelmingly clear that our current jail capacity shortfall can only get worse - a lot worse -- and that is likely to happen very soon.



Coupling population growth projections with historical data regarding incarceration rates provides a striking picture of the inexorable increase in needed jail beds up to the year 2050.

CSA data indicates that, between the years 2000 and 2005, the incarceration rate has varied relatively little -- from 2,111 per 1,000,000 people in the general population to 2,224 per 1,000,000.

¹⁶ "In Calaveras, development out leaps jumping frogs," Sacramento Bee, May 1, 2006

¹⁷ "Crowded House: Lack of Space at Calaveras County Jail results in hundreds of prisoners a year being released," The Record, November 13, 2005

Incarceration Rates: 2000 through 2005			
Year	General Population	ADP	Incarceration Rate
2000	33,871,648	75,340	0.002224
2001	34,441,561	73,824	0.002143
2002	35,088,671	75,156	0.002142
2003	35,691,442	75,340	0.002111
2004	36,271,091	76,939	0.002121
2005	36,810,358	79,639	0.002163

The most conservative estimate of future bed needs, (i.e., one that will most probably be on the low side) would make use of the lowest recent incarceration rate -- the .002111 that occurred in 2003. As shown in the table below, using this assumption, California will need 82,845 jail beds by the year 2010. By 2020, 92,565 beds will be needed, and by 2050, we will need 115,629 beds.¹⁸

Projected Data: 2010 through 2050			
Year	Projected General Population	Estimated Incarceration Rate	Projected ADP
2010	39,246,767	0.002111	82,845
2020	43,851,741	0.002111	92,565
2030	48,110,671	0.002111	101,555
2040	51,538,596	0.002111	108,791
2050	54,777,700	0.002111	115,629

In other words, 40,943 new beds will be needed by 2050 (i.e., projected bed need of 115,629 minus the 2005 rated capacity of 74,686 = 40,943 beds), under the most conservative circumstances.

These projections are based on the following, *very conservative*, assumptions.

- There will be no increase in the incarceration rate.

¹⁸ Based on California Department of Finance (DOF) population projections

- The projections relate to the ADP and not peak demand which in 2005 was 10% higher than the ADP.
- There *will continue to be significant releases due to lack of space.*
- There will be *no significant reduction in the number of unserved felony warrants.*
- There will be no increase in the current crime rate; and
- There will be no policy or legislative changes affecting the use of jail beds for new or additional populations (like parolees, for example).

Remember - California needs over 4,900 additional beds to eliminate *current* jail crowding (on a typical day) and 12,814 additional beds to accommodate *current* peak population days.

In other words, our jails are already thousands of beds short of being able to fully address their public safety functions and the shortfall will get worse as the population continues to grow.

Additional Factors Affect Capacity

There are very good reasons for labeling the estimate of 40,943 beds by 2050 "very conservative." The estimate could easily be increased by 250 percent!

Why? Because there are other realities besides, and in addition to, population growth that greatly exacerbate the problem. Consider the following:

- *Currently, over 18,000 individuals a month in California are not incarcerated or are released early from jail sentences due solely to lack of jail space -- 9,148 are given pretrial release and 9,323 are released early from their sentences;*
- *There are over 285,000 unserved felony warrants and over 2,391,000 unserved misdemeanor warrants in California annually.*
- *If, by some means, all of the felony warrants were served over a one-year period, and 10 percent of the warrants resulted in someone being incarcerated, the jail ADP would increase by 28,522 inmates.*
- *Bookings per month reached a ten-year high in 2005 -- 106,941 per month (up from 97,589 in 1995).*
- *It is a key principle of good jail management to maintain some flexibility in inmate housing assignments by keeping a certain small number of beds vacant (e.g., for administrative segregation, conflict management, inmate safety and other purposes). Some experts suggest facilities should maintain a 10 percent vacancy rate. Even using a more conservative 5 percent vacancy factor,*

California needs to build about 4,000 additional beds just to have adequate space to appropriately manage the existing ADP of nearly 80,000 inmates.¹⁹

- Adding the vacancy factor after early releases were eliminated and 10% of the felony warrants were served would require an additional 6,718 beds.

Number of Beds Required to Fulfill Current Need Given the Current RC of 74,686 Beds		
Source of Need	Additional Bed	Beds Needed
ADP, 2005	4,953	79,639
Capacity for Peak Demands	7,992	87,631
No Early Releases	18,471	106,102
10% of Felony Warrants Served	28,251	134,353
5 % Vacancy Factor	6,718	141,071
Beds Needed to Fulfill Current Need Minus Current RC of 74,686 beds		66,385

As the above table demonstrates, one could easily argue that the *current* jail system bed capacity is 66,385 beds short of the *current* need.

This makes it clear that the estimate of 40,943 beds needed by 2050 would allow jails to address only increases in the population. That number of beds would not substantially improve the bare bones functioning of the current jail system. It would not allow for correcting the glaring problems of vacancy factors, unserved warrants and early releases.

On the other hand, if the goal were a *fully functioning system* by 2050, one could estimate the 2050 bed need using the following formula:

- If the current bed need is equal to the current ADP plus the additional 66,385 beds in the above table, the total would be 146,024 beds (or 0.3967% of the general population of California).
- Extrapolating that percentage to the projected 2050 general population yields a predicted need for bed space in 2050 of 217,299 beds.

While the formula and percentages and extrapolation may be complicated, the conclusion is not. If California wants to achieve a fully functioning jail system by the year 2050, it needs to develop capacity to house 217,299 inmates.

¹⁹ These conclusions are based on the CSA 2005 Jail Profile Survey 4th Quarter 2005 report

No Room for Sentenced Inmates

The percentage of inmates who are pre-sentenced has been rising steadily over the past 20 years and is currently at its highest rate in history -- 67 percent. As the number of pre-sentenced people rises while the number of jail beds doesn't, there is less and less space for sentenced inmates. In fact, in 2005 the ADP of sentenced inmates was 2,300 lower than it had been in 1995, even though the overall ADP is over 8,000 inmates higher today than it was in 1995.

We say, "If you can't do the time, don't do the crime" -- but crooks know better. In fact, they're electing to have monetary fines transferred into jail time since they know they'll have to serve only a fraction of their sentences.

The Orange County jail system has become the most crowded in the state and the third-most crowded in the country, with about 1,500 inmates released early this year because there were no beds for them.

*Orange County Register
October 21, 2005*

Statewide in 2005, 9,323 sentenced inmates per month were released from jail before they completed their sentences. Or they were put on alternative programs in lieu of custody. In tiny Calaveras County alone, 45 years of sentenced jail time went unserved in 2005 due to early releases.

Inmates may have turned the expression around to, "We won't do the time, so we might as well do the crime."

Population Caps

No sheriff, no jail commander, no chief probation officer wants to release people from custody before their time is served or before they appear in court. Doing so means offenders are not held accountable and public safety is compromised.

Why then are inmates being released early? Why don't sheriffs keep every sentenced inmate who is sent to jail *in jail* for their whole sentences? Why are some pre-trial people being released too?

Here's why.

- California lacks sufficient jail beds.
- There are state and federal standards, rules and regulations determining how many people can be housed in each jail and/or cell.
- When those standards aren't met, inmates sue.
- In 20 California counties, those suits have resulted in court - ordered population caps.

"We're on the verge of a meltdown," Acting Shasta County Sheriff Larry Schaller said. We need additional space to "help correct a system in which only the most serious felons are held in the main jail, while others are assigned to work-release programs and sent home at night."

*Redding Searchlight
January 27, 2006*

- An additional dozen counties have imposed population caps on themselves in order to avoid the inevitable, costly litigation that crowding can and does bring.

The 20 counties with court-ordered population caps account for 64 percent of the statewide average daily population.

What a cap means is that, when the jail is full, for every new inmate being admitted, someone already in custody has to be released.

Of course, jailers make every effort to release only those whose return to the community poses the least risk to public safety. The 'least risk' is not the same as 'no risk,' but jailers are, to the greatest extent possible, using classification and other criteria to determine which offenders to release.

Calaveras County says it "releases people guilty of misdemeanor drug offenses, traffic violations and so on first. But some nights there's only room for people accused of murder, rape and assault. When the crowding is most severe, even violent criminals get released before their sentences are completely served."²⁰

To ease jail overcrowding, San Bernardino County has adopted a temporary policy to stop jailing suspects accused of drug offenses, theft, burglary and other nonviolent offenses if they promise to appear in court. Some sex offenders who fail to register with police, a violation of state law, also are booked, cited and released from custody if they promise to show up for their scheduled court hearings. "The sheriff's up against it here," sheriff's spokeswoman Cindy Beavers said. "The sheriff is concerned about the safety of the citizens of this county. At the same time he risks court action if he doesn't address the overcrowding that has left some inmates sleeping on [jail] floors."²¹

Since 2002, Los Angeles County has had to grant early releases to more than 150,000 inmates, most of whom, according to the LA Times, had served only 10 percent of their sentences.²²

"Guidelines issued by the sheriff spell out which inmates qualify for early release.

RELEASING INMATES EARLY HAS A COSTLY HUMAN TOLL

*A shortage of beds puts career criminals back on the street, where they often commit new offenses
 Mario Moreno should still have been behind bars the night he climbed into the passenger seat of a stolen car with two fellow gang members....Moreno, 18, shot and killed Darrell Dennard, a grandfather who...had just bought a lottery ticket. If not for a chronic shortage of jail beds in LA County, Dennard's killer would have been in jail four more months....
 Moreno joined more than 150,000 county inmates who have been released during the last four years after serving fractions of their sentences. Thousands, like Moreno, committed violent crimes when they would otherwise have been locked up....*

*Los Angeles Times
 May 14, 2006*

²⁰ The Record, November 13, 2005

²¹ Los Angeles Times, October 27, 2005

²² "Revamp of Lockups is a Budget Priority," Los Angeles Times, April 18, 2006

Those in jail for manslaughter, sex offenses and child abuse, along with violators of gang injunctions, do all their time. For nearly all other convictions, inmates serve a fraction of their sentence. Women usually do no more than 25%. Men serve no more than 10%."²³

Sheriff Lee Baca asked the County Board of Supervisors for "... \$128 million in the 2006-07 budget year -- on top of \$150 million the year before -- for a systemwide modernization that would control the violence and end the controversial practice of releasing inmates early to ease overcrowding."²⁴ "Today, the county has about 19,000 jail beds in use. Baca says he'd need at least 30,000 -- and additional deputies -- to end early releases."²⁵

Statewide in 2005, 138,498 sentenced inmates had to be released early due to lack of space. An additional 94,890 pretrial inmates had to be released early for the same reason.

This is a total of 233,388 arrested and/or convicted people who avoided incarceration or were released early because there was insufficient space in jails to legally keep them.

Ninety-eight percent of the releases (all but about 3,300) occurred in counties with population caps.²⁶

Alternatives to Incarceration

It's important to understand that many of the people released early from jail are not just set free. They're still under the constructive custody of the sheriff and, to the extent possible, they're put in alternative programs, such as work release, electronic monitoring, drug court intensive supervision and Proposition 36 drug treatment.

With Napa County's jail often filled to capacity and beyond ... Supervisors ... approved an expansion of the county's home detention program ... [that] allows qualified inmates to remain at home wearing a transmitter which is monitored by corrections officials 24 hours a day, seven days a week. Individuals must get approval to leave for counseling, work or educational programsParticipants are required to be inside their homes for at least 100 of the 168 hours in a week.
Napa Valley Register

While existing alternatives to incarceration help relieve some of the pressure of crowding, they are not appropriate for everyone. Moreover, they are often circumvented by inmates, because those programs would be longer -- as well as harder to complete -- than jail time.

²³ "Releasing Inmates Early Has a Costly Human Toll," Los Angeles Times, May 14, 2006

²⁴ "Revamp of Lockups Is a Budget Priority," Los Angeles Times, April 18, 2006

²⁵ "Releasing Inmates Early Has a Costly Human Toll," Los Angeles Times, May 14, 2006

²⁶ CSA data on early releases in counties with population caps

One obvious conclusion is that jails must have added space to house pre-adjudicated inmates and the most dangerous sentenced offenders for the full term of their court-ordered sentences.

Jails also have to be able to provide the behavioral and educational programs, counseling and other treatments that will interrupt jail inmates' criminal careers and help correct their offending behavior.

In addition jails need still more beds to address the growing demand for specialized housing for medically or mentally ill offenders, and other special populations.

The issue of overcrowding at the San Joaquin County Jail isn't something new.... As a way to reduce overcrowding, those convicted of certain nonviolent crimes are given options in place of jail time. There is the alternative work program, in which people are contracted to work at places like the Tracy Airport; home electronic monitoring; and work furlough. But the frequent guests at the jail know better ... Instead of serving their 30-day sentence in alternative programs -- where they have to serve the entire month -- they opt for the over-crowded jail in a gamble to serve only a fraction of that time before being sent home.

*Inside Bay Area
January 23, 2006*

It is also increasingly clear that alternative kinds of facilities and/or programs must be put in place. For example, research and best practices implemented in other parts of the country show significant success with day reporting centers that provide all or partial day custody along with intensive treatment, counseling, life skills, vocational readiness and educational remediation services that effectively reduce recidivism and link offenders to positive support in their communities.

Day reporting centers enable a progressive array of sanctions that not only hold offenders accountable but also help to maximize jail capacity. Because day reporting centers actively supervise lower-

risk, non-violent offenders, they free up jail space for the high risk offenders who should be housed and programmed in the more secure jail environment.

Several California counties including Orange, Sacramento San Diego and Solano, are operating day reporting centers for juvenile offenders and Placer County has recently opened a day reporting center for convicted adults. The California Department of Corrections and Rehabilitation (CDCR) has entered into a contract with a widely respected, well researched organization -- Behavioral Interventions (BI) -- to pilot a day reporting center for California's parolees. BI is also implementing this proven model at the local level in Franklin County, Pennsylvania and Sedgwick County, Kansas and could help California's local sheriffs' and probation departments develop these effective alternatives to incarceration for appropriately screened offenders who would otherwise be crowding local jails and juvenile facilities.

The Legislature and taxpayers statewide must support alternatives to incarceration, like day reporting centers, to keep the already tenuous condition of the state's jails from

becoming much worse. We have to keep the already dramatic bed-and-program-space deficit from becoming a public safety disaster.

Juvenile Facilities

Juvenile halls and local commitment facilities -- camps and ranches -- administered by county probation departments serve dual purposes. First and foremost, they protect the public from juveniles who are considered too dangerous because of their criminal behavior to remain in the community. And second, within the confined setting, detainees are provided education, rehabilitation and treatment services that offer these youth an opportunity to get their lives back on track.

By the end of 2005, there were a total of 13,575 beds in California's local juvenile facilities. Of these, 8,182 beds were in juvenile halls and 5,393 were in local commitment facilities (camps).

The average daily population of juveniles in local custody in 2005 was 10,923 juveniles. The ADP of juvenile halls was 6,826 while camps held an average of 4,097 committed juveniles per day. (There were another 2,355 juveniles who were considered to be legally detained who were serving their time on home detention; and there were 250 juveniles assigned to alternative confinement programs).

Officials Push for Expansion of Cramped Juvenile Hall

For the last 17 years, [Sacramento] county's juvenile hall has housed more young people than its official capacity allows. Earlier this year, some 356 juveniles were inside a facility approved for 261 beds.....Probation staff outlined \$44 million to \$50 million in new programs and new beds needed within 15 years ... By 2015, the county will need 150 more beds at the juvenile hall and 81 more beds at longer term commitment facilities [as well as] a 30-bed treatment unit for offenders with mental health issues, a long-term girls only facility and a 60-bed expansion of the Boys Ranch.

*Sacramento Bee
April 19, 2006*

The last decade's decline in the juvenile crime rate coupled with counties' successes with prevention and early intervention,²⁷ as well as completed construction projects coming on line enabled juvenile hall capacity to exceed halls' average daily populations by 1,356 beds, and camp capacity to exceed camp ADP by 1,296 beds.

Doing the math shows that local juvenile facility capacity is in better shape than jail capacity. But it may be too soon to start celebrating. Crowding is still a problem in many counties. Ten counties -- accounting for almost 60 percent of the entire local juvenile

detained population -- reported crowded conditions²⁸ for six months or more in at least one of their detention facilities in 2004.²⁹

²⁷ Many counties programs are funded through the Juvenile Justice Crime Prevention Act (JJCPA)

²⁸ Crowding as defined by title 15, Section 1343, California Code of Regulations, occurs when a facility exceeds the CSA rated capacity (RC) for fifteen or more days during a month.

²⁹ Chief Probation Officers of California, Needs Survey, February 2006

While local juvenile facility capacity is in better shape than it had been (in 1999 the ADP exceeded rated capacity by 400 juveniles), it is still true that, especially for juvenile halls, juvenile capacity is merely adequate. For example, on peak population days in the final quarter of 2005, the number of juvenile hall rated capacity beds statewide (8,181) exceeded incarcerated populations (7,560) by only 621 beds.

Like adult detention facilities, juvenile halls require at least a 5 percent vacancy factor to appropriately manage their populations. Thus, on peak days it would take only 243 additional juvenile detainees statewide to drive bed need up to the level of optimum capacity.

In other words, a small increase in the rate of juvenile offending and/or the general population and related number of juveniles in the at-risk population will produce a deficit in juvenile hall beds.

In fact, the Chief Probation Officers of California (CPOC) have conducted preliminary assessments of counties' projected bed needs and are estimating that California will need in excess of 6,800 additional local juvenile beds by the year 2015.³⁰

³⁰ *ibid*

FACILITY DESIGN AS A FUNCTION OF EFFICIENCY

Having adequate and efficient jail capacity is critical for the state as a whole. Jails and local juvenile facilities have to be able to play their role in the continuum of correctional responses to ensure community safety. They can't do that in inefficient, outdated buildings.

Existing Facilities Need Updating

In addition to adding capacity by building new beds, California must also commit to renovating and retrofitting currently existing jails and juvenile facilities.

Why? Because many of the state's older jails and juvenile facilities are linear designs and don't work for today's populations.

Not only are linear facilities staff-intensive and thus more expensive to operate than new generation, podular designs, they also are woefully inadequate for housing mentally ill offenders, inmates with drug and alcohol addictions and/or inmates with major health problems -- a great percentage of today's correctional populations.

Program Space

Linear facilities, as a rule, have no programming space. It has been proven to be vitally important to provide programs and interventions to positively impact offenders' behavior (as well as to efficiently run jails). California's older, linear jails don't have room for the counseling, education, vocational training or other programming and reentry activities that should be offered.

Multiple Populations

Not every jail is the same; not all juvenile correctional facilities look or function alike. Facilities' designs have to reflect the particular jurisdiction, the types of offenders to be housed, the correctional goals to be addressed and the kinds of interventions to be provided.

Nonetheless, all facilities are alike in that they must have enough beds to house the many classifications comprising their populations.

- Pre-adjudicated offenders have to be separated from sentenced.
- Those under 18 must be housed separately from those over 18.
- Civil commitments must be separated from criminals.
- Females must be separated from males.
- Gang members must be separated from members of rival gangs.
- Violent offenders can't be housed with those they might prey upon.

- Offenders who are physically or mentally ill must be provided appropriate housing, often separate from the general population.

And there should be enough beds to meet peak demand within each separate classification and for the facility as a whole.

Remember that, while the jail ADP was 79,639 in 2005, the highest one-day count was 87,531 inmates. That means jails had to fit over 87,500 inmates into the 74,686 beds that comprise California's jail bed capacity -- a trick that would confound even Houdini.

Special Needs

Further exacerbating the 'form vs. function' strains on local correctional facilities is the fact that, in both adult and juvenile facilities, the need for specialized beds is growing. Mental health capacity, appropriate space for female populations and secure segregation are three of the areas of specialized housing that challenge local jurisdictions.

Sheriff Keith Royal said changing numbers at the jail in recent years have left the county open for lawsuits. The jail averages 200 to 220 inmates per day, but the state considers 80 percent to be full, he said, which is 200 prisoners.

The jail was built to house 13 females, but there is now an average of 35 per day, Royal said. Jailers are also having a difficult time meeting state requirements to keep misdemeanor and felony inmates separate.

*The Union, Nevada County
February 1, 2006*

While the number of medical beds in adult jails statewide has remained fairly stable over the last seven years (the average number was 1,002 in 2005), the number of occupied beds used for inmates receiving mental health services has increased steadily over the past decade, from 1,329 in 1996 to more than 3,100 in 2005.

In 2003, an estimated 26 percent of the juvenile detention population was identified as having an open mental health services case file; by the fourth quarter of 2005, that number rose to slightly over 31 percent. Additionally, the percentage of juveniles receiving psychotropic medication, and thus potentially in need of specialized housing, rose slightly from 10 percent in 1999 and 10.4 percent in 2003 to 11.2 percent by the end of 2005.

The proportion of female offenders continues to increase. In adult facilities, female offenders grew from 11.6 percent of the population to 13 percent from 1996 through 2003 and to 14 percent by the end of 2005. From 2000 to 2003, the female juvenile population increased from 14 percent to 15 percent, bringing an additional 109 juvenile girls into detention facilities during a one-year period. In the fourth quarter of 2005, girls comprised 17.1 percent of juvenile hall detainees and 10.5 percent of those housed in local juvenile commitment facilities.

Jails and juvenile facilities have to have not only the ability to separate females from males, but also the space and design capacity to provide gender responsive programming in an appropriate environment. Research has long shown that correctional facilities have to do more than paint their living and program areas pink to have the most correctional effect with females in custody.

An additional stressor on local detention facilities is that both juvenile and adult facility managers report increasing demands on their limited ability to provide secure segregation for inmates and minors who cannot be mixed with the general population in their facilities.

Age of Existing Facilities vs. Functional Life Expectancy

Under the best circumstances, the life expectancy of a detention facility is approximately 30 years. Many of California's jails and some of the not-yet-updated juvenile facilities are approaching the end of their functional lives.

Over 12 percent of our jails are more than 60 years old, and nearly half (47.9 percent) are 30 years old or older.

By way of example, San Francisco's County Jail #3 was constructed in 1934. San Joaquin County's Honor Farm was opened in 1949. Los Angeles County's Pitchess East Facility was built in 1954 (and Pitchess North in 1975). Calaveras County's jail was originally opened in 1963. Monterey County's Rehabilitation Center came on line in 1971 and the Monterey County Jail was opened in 1976.

The Yolo County Jail was built in 1987 and three years ago reached capacity of about 455 inmates. "In the past nine to 10 months we have processed 7,000 inmates, Sheriff Prieto said. And most of our inmates are felons due to drugs....If we could have 1,000 (jail) beds that would be wonderful."

*Davis Enterprise
November 18, 2005*

Of the state's Type II jails:

- 7 (6 percent) were built in the 1930s and '40s;
- 8 (6.9 percent) were built in the 1950s;
- 21 (18 percent) were built in the 1960s;
- 20 (17 percent) were built in the 1970s;
- 31 (26.7 percent) were built in the 1980s;
- 29 (25 percent) were built in the 1990s;
- and
- only 2 have been added since 1999.

Local detention facilities are in constant use. People are walking their halls and flushing their toilets and slamming their doors 24 / 7 / 365. Jails and juvenile detention facilities

are often crowded and deteriorate more rapidly as a result of this extensive use. Years of crowded conditions place severe stresses on their infrastructure, physical plants and fixtures.

Facility obsolescence is also hastened by changes in correctional populations and by emerging best practices. Jails built without program space, for example, find themselves unable to accomplish currently understood best practices in terms of occupying inmates' time with constructive activities and modeling productive behaviors. Juvenile facilities built for low-level young offenders are ill-equipped to securely confine, program and separate violent, gang bangers from one another and from other youth in custody. Facilities built for male offenders may not be able to appropriately house and program the increasing number of women and girls coming into local custody.

As correctional populations change and the validity of evidence-based practices is documented, correctional policy can be adapted to changing circumstances. Correctional facilities, however, are quite literally cast in concrete. They do not -- because they cannot -- change easily, quickly or cheaply.

COSTS

Construction Costs

Even though construction represents less than 10 percent of the total cost of a detention facility over its life span, it is undeniably costly to build new detention capacity.

According to construction managers who have been involved in recent jail and juvenile facility construction, jail construction today costs about \$400 per square foot and \$120,000 to \$150,000 per cell. Santa Barbara is being told it will cost \$250,000 per cell to build that county's much needed additional jail beds.

Juvenile halls construction costs are about 25 percent higher than those for jails because of the additional education and program space required for juveniles. The roughly \$500 per square foot construction cost for juvenile halls equates to a per cell cost of \$180,000 to \$200,000, including the necessary classroom and program space required by CSA standards.

Construction of commitment space (camp beds), traditionally somewhat less secure than juvenile halls, costs about \$80,000 - \$90,000 per bed. By way of example, Sacramento County spent \$9,009,700 to add 90 new secure beds to its juvenile hall and \$4,914,381 to add two new 30-bed housing units to the Warren E. Thornton Youth Center, one of the county's two juvenile commitment facilities.

The prices of crude oil, lumber and other construction material have been skyrocketing and are not expected to stabilize any time soon. The cost of materials has increased 30 - 40 percent in the last two years, creating multi-million dollar differences between initial bids and ultimate construction costs.

Tentative Cost Projections for Jail Construction

To get a ballpark estimate of the costs of keeping the adult system functioning at about its current level of capacity, we need to multiply the number of beds projected to be needed by an estimated cost per bed.

The number of beds being talked about here relates only to those it would take to stay abreast of California's projected population growth.

Conservative Estimate of Costs for Needed Beds*				
Need by Year	ADP Beds	Additional Beds	Cost Per Bed	Cost for Additional Beds
Current	79,639	4,953	\$120,000	\$594,360,000
2010	82,845	3,206	\$120,000	\$384,720,000
2020	92,565	9,721	\$120,000	\$1,166,400,000
2030	101,555	8,990	\$120,000	\$1,078,800,000
2040	108,791	7,236	\$120,000	\$868,320,000
2050	115,629	6,837	\$120,000	\$820,560,000
Total Expense to 2050* for 40,943 Beds				\$4,913,160,000

*Does not include capacity for: 1) peak times, 2) preventing releases due to lack of space, or 3) reduction in the number of unserved felony warrants.

Caution should be exercised in using these cost estimates for the following reasons:

- First of all, they are purposefully conservative.
- Second, they are only as good as the assumptions upon which they are based.
- Third, we don't have a current solid and reliable cost-per-bed estimate.
- Fourth, inflation and the ever increasing cost of construction materials will result in the cost per bed rising steadily over the next half century.
- Fifth, the cost per bed does not include all the infrastructure investment that will be required for new jail construction.

Nevertheless, this analysis makes clear that maintaining the effectiveness of the local jail system will involve continual, substantial costs.

Remember that this nearly five billion dollar amount (\$4,957,033,504) does not take into account *current* needs for renovation and upgrading existing facilities to meet existing demands.

In terms of new construction, this figure is *the least* the state can realistically expect to pay over the next 45 years to achieve adequate jail capacity. The actual amount will be affected by inflation, construction costs, changes in the crime and incarceration rates and changes in policy, such as those proposing to house state parole violators at the local level, and others.

Operating Costs

Staffing and operating costs account for 90 percent or more of the lifetime costs of local detention facilities. These costs are borne by local governments.

Jail Operating Costs

County jail operational costs (excluding debt service) more than tripled between 1984/85 and 2001/02, increasing from \$446 million in 1984/85 (when there were about 40,000 beds on line) to \$1.7 billion in 2001/2002 (by which time there were approximately 73,000 beds on line).

Per capita operational bed costs increased from \$11,000 to over \$23,000 from 1984/85 to 2001/02, more than a 100 percent increase over 17 years.³¹

The 2003 statewide average cost per inmate per day (ADC) in county jails was \$71.27. The highest reported ADC was \$138.33 in the Nevada County Jail. The lowest was \$26.69 in Del Norte County Jail.³²

An indicator that the cost of jail operations is increasing is the fact that the California Department of Corrections and Rehabilitation (CDCR) and the Department of Finance (DOF) concurred, in the 2005 budget, to raising the amount the state reimburses county jails for holding state parolees.³³ The Daily Jail Rate (DJR) had been \$59 per day. Since approval of the 2005 Budget Act, the new DJR is \$68.22 per inmate per day and is capped at 95 percent of the state's average cost for housing inmates in state facilities, excluding the cost of non-routine medical care.

Juvenile Facility Operating Costs

Because specific staffing ratios are prescribed for local juvenile facilities, as are intensive programming and state-mandated education, the operational costs for county juvenile facilities are almost twice that of county jails.

CSA reports that operational costs (excluding debt service) for local juvenile facilities "increased from \$196 million in 1984/85 (when there were about 9,000 beds on line) to over \$620 million in 2001/02 (with 12,000 beds on-line). If only those beds in the CSA Rated Capacity were counted, per capita operational per bed costs rose from \$21,000

³¹ Corrections Standards Authority/Board of Corrections, 2004 Legislative Report, *Local Corrections in California*, pg. 10

³² op. cit., page 11

³³ Parolees are held in county jails pursuant to PC Section 4016.5

to nearly \$51,000 from 1984/85 to 2001/02, an increase of over 100 percent over 17 years (not adjusted for inflation)."³⁴

Where Will, Can or Should the Money Come From?

Like the state, local governments have experienced severe budget problems since the economic recession that began in the early 1990s. Add to this the further handicap laid on counties by the state property tax shift that began in 1992 and it will be crystal clear why counties have not been able to afford costly jail and juvenile facility construction.

To make improvements in their local detention capacity, counties have had to rely on funding from state and federal grants. A very successful bond program in the 1980s raised and expended more than \$2.1 billion in state bond revenue and local matching funds for the construction of jails. Current federal and state grants will have increased local juvenile facility capacity 27 percent by 2006/07 when construction will be completed.

In all of these instances, counties have been required to match grant funds and that, in and of itself, has been challenging.

For much of the recent past, neither counties nor the state have been able to afford costly construction projects. There has been no stable funding stream to pay debt service on the bonds needed to finance the renovation of existing jails or the construction of much needed expanded capacity. Counties have been hard pressed to generate dollars to operate new or expanded jails and, in some instances, were unable to immediately open beds that grant funding had allowed them to build.

Proposition 1A, which was approved by the voters in November of 2004, will stabilize local revenue and prohibit unfunded state mandates, but it does not generate any new revenue. It may ensure that whatever is constructed can be operated, but it will not provide dollars to expand the supply of local jail and juvenile facility beds needed to meet the demand created by population growth, crime trends and best practices in public safety.

³⁴ Corrections Standards Authority/Board of Corrections, 2004 Legislative Report, *Local Corrections in California*, pg. 11

WHAT HAS BEEN DONE TO ADDRESS CAPACITY DEFICITS

Almost all of the jail and local juvenile facility construction that has occurred in California in recent decades has been state or federal grant funded under the auspices of the Corrections Standards Authority (CSA), formerly the Board of Corrections.

Since 1997, the Board/CSA administered 107 state and federally funded construction grant projects in 48 counties. Totaling more than \$491 million, these grants resulted, or will result, in the addition of 1,755 adult jail beds and 5,389 juvenile facility beds, plus the replacement of 2,221 outmoded juvenile beds, for a net gain of 3,168 beds statewide by 2007.

Jail Construction and Renovation

Some California jails have completed or are in the process of completing renovations and expansions via the current state and federal Construction Grant Program, concluding in 2007. Some jurisdictions are funding jail renovation and construction through local bonds and/or other funding mechanisms.

Nevertheless, the number of beds being added will not make even a dent in California's jail capacity deficits.

As facilities continue to age, cities and counties must repair and remedy older facilities to maintain functional use and existing capacity and create program space wherever possible.

They also have to build new facilities, to accommodate population growth and to provide the program and special needs space increasingly required to protect inmates/detainees and staff, and to maintain public safety.

Juvenile Facility Construction and Renovation

The current Construction Grant Program -- the first major infusion of construction funds for local juvenile correctional facilities in several decades -- will help increase local juvenile facility capacity and significantly improve conditions of confinement in the counties with funded projects.

At the conclusion of the program in 2007, however, there will be several counties -- Los Angeles among them -- that will still require additional juvenile beds. There will also be a need to retrofit and provide treatment space in older juvenile halls.

The Chief Probation Officers of California are anticipating a need for approximately 6,800 new beds by 2015. An upward motion in juvenile crime trends, changes in

correctional policy and/or new legislative initiatives could greatly expand that expectation.

Regardless of what the Legislature might do in terms of juvenile correctional reforms that will impact local capacity needs, it is quite certain that, at the conclusion of the current construction program, there will still be counties that need to replace old, outmoded facilities and others counties that will continue to face chronic crowding problems.

NEXT STEPS

Planners are often asked, "How many local jail and juvenile facility beds will we need in the year 2010?" The answer is simple -- we will need all of them. This is not a joke. California will need every bed it currently has and more.

As of now, there has been minimal planning and there aren't sufficient resources available, to remedy the jail bed deficit. It is vitally important that we do something now to stop what is already a serious problem from becoming much worse.

It makes little sense to allow the adult system to become even more inadequate and overwhelmed as California's population continues to grow.

While the juvenile system is in better shape than the adult system, it would be a mistake to think the work in that arena is done. Failing to plan for the ongoing needs of local juvenile facilities would continue the cycle of building followed by neglect that has placed local juvenile corrections in deficit mode for much of its history.

Thoughtful planning and preparation are critical to keep both the adult and juvenile correctional systems functioning efficiently. It is essential to prepare for the population increases and policy changes that are coming, and also to address the populations and challenges jails and juvenile facilities have now.

California would be well advised to abandon the 'periodic crisis' model that produces the kinds of deficit situations in which we now find ourselves and undertake a 'continuous growth' model, a proactive strategy. We must develop a plan and consistent funding streams aligned with the steady growth in the demand for detention capacity.

We recommend that a panel of subject matter experts be convened to:

- 1) review the issues,
- 2) consider the assumptions that should be included in the planning model,
- 3) develop detailed and reliable estimates of construction costs,
- 4) establish a projection model,
- 5) use the model to plan future jail and local juvenile facility construction,
- 6) develop multiple local and statewide financing strategies and
- 7) establish statewide implementation goals.

It is possible that California may never catch up in terms of producing and maintaining an ideal local detention and/or corrections system. On the other hand, with careful planning, and the generation of adequate resources, we can hope to keep pace with the ever-increasing demand for additional local detention capacity.

We must address this issue. The chief law enforcement officers in each county, California's sheriffs, take their responsibility to keep the public safe very seriously. But

sheriffs can't do it alone. All of us must recognize that local corrections is an important and integral part of each of our communities. We need a strong correctional component to our local infrastructure, just like we need good schools and roads and hospitals and libraries. We must all become advocates for local corrections because corrections infrastructure ensures our community safety.

The California State Sheriffs Association is committed to advocating for a jail and local juvenile facility construction / reconstruction program similar to the very successful jail bond program in the 1980s. That program raised more than \$2.1 billion in state bond revenue and local matching funds. Five state bond measures were approved by the Legislature and voters to finance the construction and renovation projects. A similar strategy could and would be successful again.

California's sheriffs will be aggressively advocating for a plan that will provide sufficient funding to begin eliminating overcrowding and early releases at the local level.

We will be encouraging our local public safety partners, our corporate partners and our over 42,000 Associate Members to work with us to convince state Legislators that improving and expanding local detention facilities is a top priority -- important to the quality of life and safety in California and worthy of inclusion in the state's infrastructure package and subsequent bond and legislative measures.

We urge you to join us in the vital endeavor. We ask you to help hold offenders accountable by restoring the balance between doing the crime and doing the time.

APPENDIX I

**LOCAL DETENTION POPULATION OVERVIEW -
ADULT AND JUVENILE**

**SUMMARY OF FINDING FROM THE
2005 CSA JAIL PROFILE SURVEY REPORT**

SURVEY MEASURES	2000	2005
Average Daily Population for the calendar year	74,937	79,639
Current beds meeting the CSA standards	71,093	74,686
Highest one day count for the calendar year	79,418	87,531
Number of bookings for the year	1,177,205	1,283,292
Percentage of males	87%	87%
Percentage of non-sentenced inmates	60%	67%
ADP of Sentenced Inmates	29,929	26,454
Percentage of felony inmates	70%	79%
Percentage of inmates in maximum security housing	46%	31%
Estimated percentage of inmates who are illegal/criminal aliens	12%	11%
Number of pretrial inmates released due to lack of space	52,597	99,192
Number of sentenced inmates released early due to lack of space	128,784	155,052
Unserved felony warrants as of the last quarter	253,361	285,216
Unserved misdemeanor warrants as of the last quarter	1,995,439	2,391,801
ADP of inmates housed on contract to the Federal Government	3,577	3,584
ADP of inmates housed on contract to other jurisdiction in CA	14	147
ADP of inmates housed on contract to CDCR	2,590	2,665
ADP of inmates awaiting transport to CDCR	1,058	2,390

**SUMMARY OF FINDINGS FROM THE
CSA JUVENILE DETENTION SURVEY, 2000 and 2005**

SURVEY MEASURES	2000	2005
Average Daily Population for juvenile halls for the calendar year	7,108	6,826
Juvenile hall beds meeting the CSA standards	6,769	8,182
Highest one-day population for juvenile halls	7,805	7,692
Average Daily Population for camps for the calendar year	4,467	4,097
Camp beds meeting the CSA standards	5,033	5,393
Highest one-day population for camps	4,930	4,350
Number of juvenile bookings for the year	10,526	9,353
Percentage of males in detention	85.9%	84.2%
Percentage of pre-disposition juveniles	68.9%	58.4%
Total ADP of committed youth	7,992	6,866
% of 707b offenders	725	815
Number of youth on home supervision or alternative confinement	2,927	2,616
Number awaiting transfer to CDCR DJJ	159	84
Number of juveniles receiving psychotropic medication	1,075	1,219

APPENDIX II

**COUNTIES WITH
COURT IMPOSED POPULATION CAPS**

County	Facility Name	Court Imposed Population Cap Reported by County Sep 2005	Total Facility ADP Reported by County Sep 2005
Butte	Jail	U	530
Calaveras	Jail	65	74
El Dorado	Jail	243	201
	So Lake Tahoe Jail	158	119
Fresno	Main Jail	1064	988
	Satellite Jail	300	217
	North Annex Jail	1296	1272
	South Annex Jail	688	629
Kern	Central Receiving	292	186
	Lerdo MaxMed Fac	374	88
	Lerdo Minimum	800	88
	Lerdo Pretrial	1232	1125
Los Angeles	Century Reg Det	1945	226
	Central Jail	6800	6325
	North Co Correctional	3400	4073
	Pitchess East	1830	1710
	Pitchess North	1600	2605
	Twin Towers	4192	3940
Merced	Correctional Fac	U	604
	Jail	D	169
Orange	Intake Release Ctr	U	801
	J A Musick Facility	D	1224
	Men's Jail	D	1354
	Women's Jail	D	342
	Theo Lacy	D	2807
Placer	Main Jail	382	369
	Minimum Security	160	160
Plumas	Jail	67	49
Riverside	Banning Correctional	694	659
	Blythe Jail	125	102
	Indio Jail	353	331
	Robert Presley	1081	1079
	Southwest Co Det	1111	1099

San Bernardino	Glen Helen	1364	1322
	Detention Center	D	937
	West Valley Det	3072	3530
San Diego	Descanso Detention	D	376
	East Mesa	D	497
	George Bailey	D	1638
	Las Colinas Womens	D	725
	Central Detention	D	869
	So Bay - Chula Vista	D	536
	Vista Facility	D	263
San Joaquin	Honor Farm	571	438
	Main Jail	879	970
Santa Barbara	Main Jail	705	708
	Honor Farm	D	247
Shasta	Main Jail	381	385
Stanislaus	Public Safety Center	0	606
	Honor Farm	0	358
	Jail	396	385
Sutter	Jail	355	355
Tulare	Bob Wiley Det Ctr	U	715
	Men's Corr Fac	D	301
	Adult Pre-Trial Facility	D	102
	Jail	264	267
Yolo	Leinberger	142	132
	Monroe Detention	313	294

Source: *Corrections Standards Authority, Jail Profile Survey, "Court Imposed Caps / Early Releases / ADP for September 2005*