

AB 109 - A Year in Review

Summary

Each year the Grand Jury is required to inspect all detention facilities in Santa Cruz County. The 2012-13 Grand Jury visited the Main Jail, Rountree Facility, Blaine Street Women's Facility, Juvenile Hall, and court holding cells. Four deaths occurred in the Main Jail this year as opposed to none the previous year.^{[1][2]} For this reason, the Grand Jury looked into the medical procedures followed when an inmate is placed in custody. In addition we decided to focus on the effects Assembly Bill 109 had on these facilities. Due to the county's implementation of its Custody Alternative Program (CAP), severe jail overcrowding has not yet occurred. However, the county must not lose sight of public safety concerns when inmates are released early, making it important to monitor the success or failure of the program.

Background

On April 5, 2011, California Governor Jerry Brown signed into law Assembly Bill 109 (AB 109), the 2011 Realignment Legislation Addressing Public Safety (Realignment), which shifts custodial responsibility to the counties for many offenders who would previously have served their sentences in state prison.^[3] The state was in an unprecedented financial crisis, and budget deficits forced legislators to make tough decisions, including cutting spending in the criminal justice system as well as cuts in education and other social services. Weeks before the bill's signing, the United States Supreme Court had upheld a lower court's judgment ordering California to reduce its prison population.^[4] The result of that ruling was that within a two-year period, a projected 30,000 low-risk felons who would have gone to state prison would now be going to county jail or an alternative form of community corrections. Statewide, county probation departments will eventually take on the supervision of roughly 60,000 additional offenders on Post-Release Community Supervision (PRCS). Although the counties receive funding to cover the cost of supervising these felons, the state has not established any statewide standards, nor provided funding for evaluating policies and practices of managing this new program.^[5]

Under AB 109, three major changes took place beginning October 1, 2011. First, felony offenders who have been convicted of non-violent and non-serious crimes and are not required to register as sex offenders will now serve their sentences in county jail. Second, most offenders released from state prison will now be subject to county post-release supervision rather than state parole. Third, parolees violating a condition of release will no longer be returned to state prison but will serve out any custodial punishment in county jail.^[4]

Between October 2011 and October 2012, 88 people who would have gone to state prison have been sentenced to Santa Cruz County Jail. The Santa Cruz County Probation Department took on 128 people who would have otherwise been supervised by state parole.^[6]

Scope

The Grand Jury wanted to know how the implementation of AB 109 has affected Santa Cruz County and whether it is adding to county jail overcrowding. We wanted to find out if the County had implemented any changes to the medical services provided to the inmates since last year's inspection. In addition, we wanted to find whether and to what extent the county is offering programs to help people both while in jail and after release that could reduce recidivism.

Investigation

AB 109 Implementation

AB 109 mandated that each county establish a Community Corrections Partnership (Partnership), a countywide oversight committee created to design an implementation plan.^[7] Members of the committee include representatives of the Probation Department, Sheriff's Office, District Attorney's Office, Public Defender's Office, and the Superior Court.

Santa Cruz County considered the following objectives when developing its plan: 1) improve public safety by reducing recidivism; 2) maintain accountability to taxpayers by providing cost-effective solutions; 3) protect the County of Santa Cruz from costly litigation related to jail overcrowding; and 4) reduce inequalities of incarceration based on race and poverty.^{[8] [9]}

Approximately \$5.2 million was allocated by the state to the county for AB 109-related costs in fiscal year 2012-2013. Rather than spending the full amount for incarceration expenses, the county elected to allocate one-third to corrections, one-third to probation, and one-third to intervention services and rehabilitation programs. The total 2013-2014 allocation is projected to increase by approximately \$1 million.^[10]

The Grand Jury interviewed representatives from various law enforcement agencies and the criminal justice system in Santa Cruz County. We evaluated some of the programs offered to help people transition from incarceration to private life such as the Community Action Board's R.I.S.E. program (Reclaiming Integrity, Self Awareness and Empowerment), which received funding under AB 109.^{[10] [11]}

A key feature of the Partnership is the Sheriff's Custody Alternatives Program (CAP). Non-violent, non-sexual, non-serious offenders are given the opportunity of an incarceration reduction and/or release with an ankle monitor. Between October 2011 and December 2012, 292 inmates were released with monitors. This has saved the county \$1.9 million when compared to the cost of housing these offenders.^[12]

The Grand Jury asked jail personnel if there were any written guidelines on how inmates were chosen for CAP. They responded that inmates were chosen on a case-by-case basis using minimal guidelines. During the course of our investigation, jail personnel advised us they were developing additional policies and procedures. We asked if there were any written guidelines regarding punishment for violating the terms of release by removing monitoring devices or committing other infractions, and also asked how often violations occurred. We learned that there are no statistics yet on violations, and no written guidelines on punishment.

In interviews with police chiefs and during grand jury member ride-alongs with patrol officers, some law enforcement officials expressed frustration with one aspect of AB 109's changes to parole and probation procedures: namely, the process for managing re-arrest of offenders who have violated a Post Release Community Supervision (PRCS) agreement. These offenders could be jailed for violating the agreement, but only if the enforcement action is authorized by the the Probation Department, which could take excessive time to obtain. In follow-up interviews with the Probation Department we were told that this problem had been resolved with increased intra-departmental communication and additional training.

Jail Facilities

In addition to investigating the implementation of AB 109, the Grand Jury also performed its mandated inspection of the detention facilities within Santa Cruz County:

- Santa Cruz Main Jail
- Rountree Facility
- Blaine Street Women's Facility
- Santa Cruz County Juvenile Hall
- Holding cells in both courthouse facilities

The Main Jail has 16 specific housing modules, each with its own rated capacity, with a total rated capacity of 311. This capacity is routinely exceeded: on September 16, 2011 the jail population was 343, and on April 16, 2013 it was 363^[12] ^[2]. The Main Jail was built for prisoners whose average length of stay was between 17 and 18 days. Prior to realignment the maximum sentence to county jail was one year. Now, the average length of stay is 393 days; the longest sentence so far is eight years.^[13]

Main Jail Medical Services

On September 17, 2012, the county contracted with California Forensic Medical Group (CFMG)^[14] to perform medical services inside the county jail. The previous practice was to transport inmates off site for medical procedures, which led to security issues and increased expense. Retaining CFMG has allowed officers to spend more time in the field by enabling more medical procedures to be performed on site.

Aware of the four inmate deaths^[15] that occurred this year in county jails, we inquired into the medical procedures followed when each individual is booked. At the Santa Cruz County Jail, a booking officer completes an intake health screening form for each detainee to determine if they have any existing medical or mental health issues that need to be immediately addressed. The officer also asks if the detainee is taking any medications, receiving any medical treatments, or has any suicidal tendencies. If the screening indicates an immediate medical concern, CFMG personnel then complete a more detailed medical information form to determine whether further steps are required, such as referral to Dominican Hospital's Emergency Room. CFMG also evaluates all inmates within the first 15 days of booking, and every six months thereafter.

Other Facilities

The Grand Jury visited Rountree, a medium-security detention facility which is located in an unincorporated area of southern Santa Cruz County. This facility has a capacity of 96 male inmates serving long term sentences and it focuses on rehabilitation. During our visit to Rountree facility we learned about R.I.S.E., an in-custody program implemented by the Community Action Board. The primary purpose of R.I.S.E. is to reduce recidivism by providing services and support to men in their transition back into the community. This includes development of effective communication skills, relapse prevention, re-entry planning, goal setting, money management, job training and employment preparation.^[16]

During our visit to Juvenile Hall, we witnessed representatives of other juvenile facilities from across the country sent to study the Santa Cruz facility and its procedures. Each detention facility the Grand Jury inspected appeared to be clean, well run, and staffed by caring and competent employees.

Findings

- F1.** The Custody Alternatives Program (CAP) is vital to decreasing jail overcrowding.
- F2.** There are presently insufficient written criteria for the selection of inmates for CAP. However, during the course of our investigation, jail personnel indicated to us they are developing additional policies and procedures.
- F3.** There are no written guidelines to follow when an individual violates the terms of CAP.
- F4.** There are few statistics on how well CAP is working.
- F5.** There is a difference of opinion between police officers in the field and the Probation Department regarding the timely processing of PRCS violators.
- F6.** As of April 1, 2013, AB 109 appears not to have resulted in critical jail overcrowding in Santa Cruz County. However, as the length of sentences and the number of inmates

sentenced to county jail instead of state prison increase, jail populations will likely expand.

Recommendations

R1. The Chief Deputy of Corrections should consider expanding the CAP Program in order to decrease future jail overcrowding.

R2. The Chief Deputy of Corrections should complete and adopt written guidelines for eligibility for CAP.

R3. The Chief Deputy of Corrections should establish guidelines to follow when an individual violates the terms of CAP.

R4. The Chief Deputy of Corrections should establish a program to determine how successfully CAP is working.

R5. The Probation Department should improve communication with law enforcement agencies to facilitate placing a hold on probation violators.

R6. The Probation Department should contract with an independent data analyst to help determine the effectiveness of the County's AB 109 implementation.

Commendations

C1. We commend Santa Cruz County for hiring the California Forensic Medical Group to perform medical services at the County Jail. This has resulted in the ability to have more officers patrolling the streets instead of transporting and guarding inmates at off-site medical facilities.

C2. The Grand Jury commends the Santa Cruz Juvenile Hall staff, whose vision and dedication has led to the facility being a model for other agencies.

C3. We also commend the Community Action Board of Santa Cruz County for implementing the R.I.S.E. program at the Rountree Men's Facility.

Responses Required

Respondent	Findings	Recommendations	Respond Within/ Respond By
Santa Cruz County Sheriff-Coroner	F6	R6	60 days September 1, 2013
Probation Chief, Santa Cruz County Probation Department	F5 - F6	R5 - F6	90 days October 1, 2013
Chief Deputy, Main Jail, Santa Cruz County	F1 - F4	R1 - R4	60 days September 1, 2013

Definitions

- **CAP:** *Custody Alternatives Program* - A program in which an inmate is released part way through their sentence with a wireless monitoring or tracking device.
- **Community Corrections Partnership:** The group designated by AB 109 to direct an individual county's implementation plan.
- **PRCS:** *Post-Release Community Supervision* - This is a program under which current prisoners under the authority of the California Department of Corrections will be transferred to community supervision by the county probation department rather than by the State Division of Adult Parole Operations following release from state prison.
- **Recidivism:** Although there are many ways to define recidivism, including arrests, convictions, and returns to prison, the California Department of Corrections and Rehabilitation utilizes returns to prison as its main indicator of a recidivist. The rate of recidivism is based on the number of felons in a particular group who were returned to prison during a specific period.^[17]
- **R.I.S.E.:** *Reclaiming Integrity, Self-Awareness and Empowerment Program* - This is an in-custody program instituted by the Santa Cruz County's Sheriff's Office and the Community Action Board assisting incarcerated men in transitioning from surviving to thriving.

Sources

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Resources

- Santa Cruz County Jail Intake Health Screening Form
- Santa Cruz County Sheriff's Office - On Demand Custody Housing Summary
- California Department of Corrections and Rehabilitation: Public Safety Realignment. www.cdcr.ca.gov/realignment/