

August 4, 2009

Board of Supervisors
County of Ventura
800 Victoria Avenue
Ventura, California 93009

J. Matthew Carroll
Assistant County Executive Officer

Paul Derse
Chief Financial Officer

John K. Nicoll
Human Resources Director

SUBJECT: Receive and File a Report on Jail Alternatives And Provide Further Direction, If Necessary.

RECOMMENDATION:

Receive and file a report on proposals for jail alternatives and provide further direction, if necessary.

FISCAL IMPACT:

There is no fiscal impact at this time.

DISCUSSION:

Pursuant to your Boards expressed interest in addressing the need of jail overcrowding by exploring and developing incarceration alternatives, the Chief Probation Officer worked closely with the Sheriff, Courts, District Attorney and Public Defender to develop such programs. This is a summary report of the proposals for jail alternatives; all but the Work Furlough program are attached to this board letter. The three proposals are still in development and only the Pre-Trial Supervised Release Program is close to being ready for implementation. The impetus for the proposals arises from the realization that funding for the expansion of the Todd Road Jail will not be available for several years due to the current economic recession and the subsequent state and county budget shortfalls. However, the County's jails are still overcrowded and historically a recession produces more crime, including those of an economic nature. Furthermore, the Sheriff's Department estimates 1,000 to 1,200 of the state prisoners proposed to be release due to prison overcrowding will be returned to the communities of Ventura County, potentially impacting the jail population, if rearrested. Therefore, the County will need to plan for this expected future increase in the jail population.

REPORT:

Background:

On July 24, 2008, your Board held the first in a series of three study sessions that evaluated the Sheriff's proposal to expand the Todd Road Jail in order to address the

overcrowding and projected growth of the jail population. The second study session, held on September 23, 2008, focused on an examination of potential alternatives to incarceration. Crout & Sida, Criminal Justice Consultants, gave a presentation on best practices by other jurisdictions nationwide and made recommendations for jail alternatives for Ventura County. Also, Karen Staples, the County's Chief Probation Officer, gave a presentation on the Agency's current programs and practices. Moreover, some elements of these proposals were discussed in Probation's budget hearing presentation to the Board.

In response to the study session on potential jail alternatives, this office is returning to your Board with this report on three jail alternatives being developed by the Probation Agency. Here are the following three pilot programs for your consideration:

- Pre-Trial Supervised Release
- Day Reporting Program
- Work Furlough Short-Term Housing

A significant finding from the January 22, 2008, Management Partners, Inc. (MPI) report on Public Safety Benchmarking, revealed an eight year trend in rising felony filings, coupled with a seven year trend of slowing disposition of cases. This has contributed to a dramatic shift in the jail population from predominately sentenced to an un-sentenced one, comprised of pre-trial or convicted but not yet sentenced inmates.

On November 25, 2008, the Sheriff presented to the Board results taken from a snapshot of the jail population. The snapshot showed that 67% of the inmates are un-sentenced, confirming the MPI report. These proposed programs will attempt to divert a portion of this un-sentenced population from the jails, as well as a portion of those inmates serving short-term commitments for low risk offenses.

Collaboration:

There has been an openness and cooperation among our partners in the criminal justice system to develop reasonable alternatives to jail. Probation Agency has worked with the Courts, District Attorney, Sheriff, and Public Defender in getting feedback and suggestions on the pilots being proposed today. The Sheriff has already offered jail space for Probation staff to implement the program screening. All partners have expressed a commitment to the programs. Research from other jurisdictions emphasizes that such agreement from the entire justice system is important to the success of such jail alternatives. The field of corrections on the federal, state, and county level is undergoing a shift involving the increased use of electronic monitoring technology, as discussed below, to monitor offenders in the community who would otherwise be incarcerated, thereby managing down the costs of incarceration.

Pre-Trial Supervised Release Program:

The Pre-trial Supervised Release Program is a pilot program to mitigate those awaiting trial that are unable to post bail. Modeled after a similarly successful probation program in Santa Cruz County, the proposed pilot will allow those who qualify and are accepted into the program to be released by the court on supervised own recognizance (O.R.) with supervision of the O.R. release provided by the Probation Agency. It is the intent of the Probation Agency during the pilot period to recommend electronic monitoring for each participant. Defendants must meet predefined program requirements, be screened utilizing an evidence based risk assessment, and be interviewed and assessed by the Probation Agency. If approved for participation in the program and released under pre-trial supervision by the Court, participants will be required to obey all laws, attend all future court appearance, and follow specific court ordered conditions, including electronic monitoring. Additional terms such as drug and alcohol testing will be included on a case-by-case basis as indicated through the pre-release investigation.

The two main factors considered for eligibility in the release program are low risk to community safety and the likelihood of attending all scheduled court appearances. To that effect, the evidenced-based assessment screening tool to be used by Probation has been proven effective for identifying non-violent offenders for diversion from incarceration.

Benefits: Based upon a one-day snapshot of the pre-trial jail population, the Sheriff's staff recently identified a potential pool of 352 inmates for this program, although this potential pool would need to be assessed and evaluated for program participation. Assuming an average daily program population of 100 inmates the daily cost is \$21.92 per inmate. Compared to \$153.42 for housing at the Pre-Trial Detention Facility, the savings offsets are obvious.

Additional benefits include:

- Give the Court an opportunity to objectively balance public safety against the constitutional rights of a defendant pending trial.
- Provide the Court with an opportunity to evaluate a defendant's pre-conviction supervision compliance.
- Provide early-intervention strategies by allowing defendants to maintain or seek employment, maintain family ties, and participate in appropriate services while awaiting trial.

Staffing/Funding: At the start, staffing for this program will be incremental depending on the number of eligible defendants. At full implementation, the Probation Agency anticipates program staffing of 7 FTE's at an annual cost of \$784,000. Electronic

Monitoring is currently provided to Probation by Behavioral Interventions, Inc. (BI) on a limited basis to monitor some adult offenders. Offenders with the ability to pay will be charged an administrative fee of about \$65 and a daily fee of \$2.40/day for a home based EM device or \$7.42/day for a GPS device.

The Probation Agency has applied for almost \$1 million in competitive ARRA Byrne Grant stimulus money to fund the cost of this program for the first year and a portion of the costs for the second year. Notice of grant funding is to be given in September of this year.

Work Furlough Short-Term Housing:

The Sheriff has requested that Probation develop a program to house inmates who have been sentenced to less than 30 days in custody. These are typically offenders who are convicted of less serious offenses. The Probation Agency is currently exploring options to accept low-risk, less than 30 day commitments, including releasing those who qualify on supervised electronic monitoring or providing housing for them in the Work Furlough building. The Work Furlough building has the potential to increase the inmate capacity; however, many of the rooms are not habitable due to plumbing and other needed repairs. GSA is in the process of determining if short-term repairs are possible to allow the rooms to be used pending further renovation.

The Work Furlough building is in need of major renovations. These renovations will eventually be necessary to continue the life of the building. The renovation has been estimated to cost over \$4 million. The renovation has been approved by the Capital Planning Committee, but the project lacks funding. An ARRA stimulus grant has been applied for through Public Works to increase the building's energy efficiency. Another potential source of funding is to borrow short-term at the current low rates.

Day Reporting Program:

Although still in the conceptual development stage, the Day Reporting Program (DRP) is a pilot program to mitigate populations from the jails who are in the 18 – 25 age groups: 1) Lower risk offenders that have been convicted but not yet sentenced, and 2) sentenced offenders who have violated probation. DRP is modeled after other successful programs throughout the state. Program participants will be placed into one of three levels of monitoring:

- Level 1 – Direct supervision for Low Risk Offenders. Participants must report three days per week for DRP programming and drug and alcohol testing.
- Level 2 – Direct Supervision with EM for Medium Risk Offenders. EM will be used to monitor compliance with home restrictions. Participants must report five days per week for intense DRP programming and drug and alcohol testing.

- Level 3 – Direct Supervision with EM (to include GPS monitoring in limited, higher risk circumstances). Participants must report six days per week for customized DRP programming and drug and alcohol testing.

Potential participants will be screened using an evidence based risk assessment tool and must adhere to predefined requirements. The two main factors considered for entry into DRP are limited risk to community safety and the long term needs of the offender. Participants may move from one level to another depending on performance and compliance with DRP requirements.

Pre-sentenced offenders who successfully comply with all DRP requirements will be screened for Work Furlough prior to sentencing. Sentenced offenders already in Work Furlough may also be transferred to DRP to assist in transition back to the community.

Benefits: The DRP employs a more comprehensive and intensive approach that will more likely engender a reduced recidivism among participants. Participants will benefit from being able to maintain or seek employment, continue family ties, and receive a broad range of programming.

Probation estimates an average daily population of 25 inmates in this program with an approximate daily cost of \$55 per inmate. The preliminary estimate of overall DRP cost is less than that of the Pre-Trial Program, but the daily cost per inmate is more due to the more intensive programming component. However, it is still far less costly than housing at the Pre-trial Detention Facility.

The court can benefit from the opportunity to evaluate a participant's pre-sentence supervision compliance. Program outcomes will be measured to evaluate participant compliance and the success of the overall program.

Funding/Staffing: Staffing for this program will start on an incremental basis. At full implementation, the Probation Agency approximates increase of 5 FTE's at an annual cost of \$482,000. The cost for Electronic Monitoring is similar to the Pre-Trial Program. Much of the programming will be at little or no cost due to volunteers, potential Medi-Cal reimbursement for some alcohol and drug counseling, the limited use of Work Furlough Inmate Welfare Funds, and utilizing existing Probation staff to provide some in-house classes and programming. Also, participants who can afford to pay will be charged for the programming.

Potential funding for this program could be partially provided through SB 678, which is pending in the state legislature. This bill constitutes \$40 million in Byrne grant money to be distributed throughout California for adult probation services. The funding formula for distribution of funds is yet to be determined. Probation will also explore the use of

an outside provider for the DRP. Napa County contracts for a provider to operate their DRP.

The Probation Agency would like to start on an incremental basis one or more of these programs by September. Funding is needed to pay for the ongoing labor costs. However, the investment may save us much more by preventing overcrowding, reducing recidivism, and by providing intervention strategies that allow defendants to maintain or seek employment, maintain family ties, and participate in appropriate services. When there is more information about the submitted grants applications or any other funding source, we will return to your Board with further recommendations or remaining funding requirements.

This letter has been reviewed by County Counsel, Sheriff's Department, and Probation Agency. Should you have any questions, please contact Frank Chow at 654-2686.


MARTY ROBINSON
County Executive Officer

Exhibit 1 - Pre-Trial Supervised Released Program
Exhibit 2 - Day Reporting Program

c: Karen Staples, Chief Probation Officer
Bob Brooks, Sheriff