

Introduction

As previously referenced in this report, the County of Santa Barbara faces increasing difficulties with jail overcrowding which has resulted in numerous Court Orders and Grand Jury Reports aimed at finding mechanisms to reduce overcrowding through the use of alternative sentencing programs. In spite of reductions in reported crimes, the average daily population of jail facilities continues to rise largely due to a steady increase in County population, a national trend toward the strengthening of sentencing laws, and increased time to process criminal cases through the court system.

An October 2000 U.S. Department of Justice report, “A Second Look at Alleviating Jail Crowding – A Systems Perspective,” identified the types of changes that can be made to reduce jail overcrowding as either “process” or “program” changes. The County of Santa Barbara has largely focused on **program** changes in the areas of:

- Relaxing criteria for acceptance into work furlough, electronic monitoring and community work programs
- Changing Honor Farm criteria
- Citing and releasing most misdemeanors
- Creating a Jail Overcrowding Task Force to address the 1989 Court Order
- Expanding use of Own Recognizance (OR) releases

Unfortunately, as described in the Overcrowding Alternatives section of this report, those programmatic measures are reaching maximum capacity and any additional expansion runs a significant risk to public safety. In addition, most research into jail overcrowding or “bloating” (e.g. “a condition in which a jail population is unnecessarily enlarged due to causes other than crime and sentencing laws”¹) confirms that, though these programmatic changes have merit, they are merely stop gap measures or temporary “band-aids” for a larger issue. More specifically, these measures are valuable in that they help organizations “buy time” while addressing the larger issues such as systemic societal problems that lead to incarceration and/or streamlining the criminal justice system. However, they cannot be relied upon as long-term solutions.

As part of the overall analysis to plan for the construction of a new jail facility, the County reviewed both the existing alternatives to incarceration and explored with a team of experts, including the Sheriff, the Judge managing court orders related to overcrowding, the District Attorney, the Public Defender, and the Director of Alcohol, Drug and Mental Health Services, the potential for creating and implementing new programs or processes that may eliminate or delay the need for construction of a new jail. Systemic changes to the criminal justice system, particularly those related to arraignment, pretrial, trial, and sentencing are countywide changes that would need to occur and will take time to coordinate and implement. Although the County continues to explore these alternatives with the parties that comprise the criminal justice system, they should not be viewed as permanent, viable alternatives to a new jail facility.

¹ Jail Bloating: A Common But Unnecessary Cause of Jail Overcrowding, Allen R. Beck, PhD., 2001



Jail Alternatives

In exploring jail overcrowding options, a wide variety of research, reports, and white papers were found. A number of the alternatives described in this report are derived from that research. Overall, the research demonstrates, as previously discussed, that creative solutions to jail overcrowding or “jail bloating” rely upon successful partnering with the various parties comprising the criminal justice and/or court system. Therefore, the efficacy of most of the alternatives described in this section is not solely within the control of the County. Rather, success will rely upon establishing the necessary partnerships and securing the support and cooperation of various entities. Fortunately, a number of the alternatives addressed in this report have the input of a number of the key parties and have conceptual agreement as measures that should be pursued.

Finally, in reviewing the alternatives addressed in this section, it should be kept in mind that they require further exploration and analysis and should only be viewed as short-term aids rather than long-term solutions. They do not replace the ultimate need to expand jail facilities.

Potential Alternatives

A number of alternatives center around process improvements to the criminal justice system - improvements that can potentially result in reductions in the amount of time inmates are occupying County jail facilities. In order to successfully affect any of these alternatives, strong partnerships must be formed between the Courts, prosecuting and defense attorneys, the County, the Sheriff, and others. The literature notes that establishing these partnerships can be challenging, and require participation at the highest levels of each of the organizations, i.e., the Presiding Judge, the District Attorney, the Public Defender department head, attorneys from the private sector, the Sheriff, the County Executive Officer. Following are some examples of the types of system reviews that may have potential, and some, as noted, have been implemented by Santa Barbara County:

Establishing a Jail Overcrowding Task Force – this is an approach already employed by the County of Santa Barbara. In 1985, the “Jail Overcrowding Committee” comprised of representatives from the Courts, Public Defender’s Office, County Counsel, District Attorney’s Office, Sheriff, local police agencies, Mental Health, Probation, and the Court’s Own Recognizance Unit. This Committee developed many of the jail overcrowding interventions which later appeared in a Court Order issued by Superior Court in 1989. This committee was later renamed the Jail Overcrowding Task Force and remains an operating committee to date.

Piecemeal or Program Improvements – These types of changes are made by seeking solutions to specific problems, rather than the core of the problem. Many of the measures recommended by the Jail Overcrowding Task Force, ordered by the Courts, and independently undertaken by the Sheriff fall into this category (i.e., relaxing program criteria, implementing electronic monitoring, early release programs, cite and release of misdemeanants, etc.). Though these measures definitely provide some relief from the bigger problem, as evidenced by the current state of jail overcrowding in Santa Barbara, they do not offer a long term solution. Further, even if they were or could be expanded, they would not resolve the core problem.



Court Delay Reduction Program - A Court Delay Reduction Program may be realized with a firm commitment from the courts, prosecuting and defense attorneys, the Sheriff, and the County in general to work together to reduce delays in the court system. An effective partnership of this nature could potentially agree to process improvements and measurements that would set standards for criminal case processing (i.e., 90% of all felony cases are adjudicated within 120 days of arrest; 98% within 180 days; and 100% within a year). Through this partnership and a commitment to process criminal matters more expeditiously the amount of incarceration time spent waiting for case disposition could be reduced.

System Studies – Hiring a consultant to study the Court system specifically, or the entire criminal justice system is another suggestion for streamlining processes in order to reduce the amount of overcrowding in jails. The literature suggests there are distinct advantages to obtaining the services of a consultant to conduct a study of this nature. Another approach would be to contract with the National Institute of Corrections (NIC) to conduct a Local System Assessment (LSA). Monterey County has completed the process and Merced County is in the preliminary stages of contracting for an LSA. NIC performs the assessments at no cost to the counties. Favorable outcomes from approaches of this nature are reliant upon forming a study oversight group that includes the presiding judge, elected prosecutor, court administrator, the public defender, sheriff, jail administrator, probation, representative of the local bar, and potentially a County Board member. The strength of this approach is that it can lead to a strong coordinated infrastructure.

Reducing Jail Stay of Illegal Immigrants – In the course of conducting this planning study, a committee also looked at a measure to reduce jail overcrowding by reducing the number of days illegal aliens are housed by the County. Currently about 12% of the jail population are aliens who have committed a crime after entering the U.S. illegally. The County and the Sheriff may wish to explore a partnership with the Office of Detention and Removal, Immigration and Custom Enforcement Division (ICE). The parties may be able to develop a more timely transfer of aliens from the County to ICE. This would reduce the number of days that illegal aliens whose cases have been adjudicated by the Court or have been placed on “hold.” Another advantage to exploring this option may be addressing a cost shortfall that occurs when aliens remain in County custody past the date their cases are disposed. Currently it costs \$230 per day for the County to house these individuals, and the federal government reimburses at a rate of \$55 per day. The County could seek federal legislation to increase the per diem reimbursement rate.



Jail Alternatives

Renting Jail Space – In a Mercury News article from November 12, 2005, it was reported that Santa Clara County has been renting 300 cells to federal and state authorities and a handful of additional cells to neighboring counties. On the other hand, in a Santa Barbara News Press article on November 26, 2005, it was reported that State programs are bursting at the seams. Nevertheless, this is an option the County may wish to explore by surveying surrounding municipalities and State and federal law agencies to determine if there are jails that may not be operating at full capacity and would be willing to enter into a contractual agreement to rent space to the County of Santa Barbara. Again, this would be a short-term solution to the County’s overcrowding situation, and could not be relied upon in the long term. Additionally, recent contacts with San Luis Obispo, Ventura, and Kern counties revealed that they have no additional jail space available. Therefore, there may be few or no opportunities in this arena. Nonetheless, a more thorough survey of city jails and other surrounding counties could be conducted.

Psychiatric Health Facility (PHF) – Typically Alcohol, Drug and Mental Health Services (ADMHS) attempts to expand drug and mental health treatment within the jail environment. There may be a potential to divert mentally ill and drug dependent individuals into treatment programs before a crime is committed or after the incident. This would entail expanding the number of PHFs to provide services for those who need intensive treatment in an acute care hospital setting. The estimated yearly operating cost of a 16-bed facility is approximately \$4 million; building costs are not yet known. Although this is an option to be explored, it should be kept in mind that any potential to positively impact jail overcrowding is unknown.

City/County Consortium – The County could explore establishing a consortium with surrounding counties and cities to address the overall problem of overcrowding. Through this partnership, there would be a potential for sharing of resources, creating agreements for the use of vacant cells, implementing plans to maximize the use of available space, and address both systemic and procedural issues. Additionally, through the consortium, the County could explore the feasibility of sharing the cost of construction and operations of a new jail facility.

Convert to “Direct Filing” of Court Cases – Currently the County of Santa Barbara court system uses a traditional approach to the assignment of court cases. At each step of the process, individuals are assigned to a different courtroom and judge. During each phase of the process, therefore, a new judge needs to familiarize him/herself with the case. Several years ago, San Luis Obispo converted to a “direct filing” approach in which cases are assigned to a single department from arraignment to sentencing. This has significantly sped up the process. Since 70% of Santa Barbara County inmates are pre-trial, converting to this approach would expedite cases through the system and help to alleviate overcrowding. The Court system, Sheriff, and District Attorney are all supportive of exploring this alternative, which may alleviate the problem during the years it will take to construct a new jail facility.



Jail Alternatives

Interim Housing for Prisoners – Another alternative to consider is exploring the cost and overall feasibility of retrofitting and/or renovating existing facilities to furnish interim housing for prisoners. There are currently two known options: the old jail in the Courthouse, and a vacant wing of a Probation facility. Currently these holding facilities do not meet State standards; however, it would be worthwhile to determine whether they could be brought up to standard in a relatively short period of time, and the cost of the necessary renovations.

Summary

In addition to the alternatives explored above, there are many other mechanisms already implemented focused on reducing overcrowding. This section of the report sets forth additional potential alternatives for exploration. Implementing most if not all such alternatives will depend on establishing sound, solution-oriented, partnerships with other entities. Additionally, professional resources that specialize in this area may be required. Again, though these alternatives are worthy of exploration, they will likely only serve as stop gap, short-term measures, and will not ultimately eliminate the need for a new jail facility.

