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San Mateo County Jails and Alternatives to Incarceration

Issue

Is it feasible to solve the chronic jail overcrowding in San Mateo County through a combination of jail construction and other alternatives to incarceration?

Background

In California, County Civil Grand Juries are required by California Penal Code Section 919 to “inquire as to the condition and management of the public prisons within the county.” San Mateo County Civil Grand Juries have had to issue reports that tend to be consistent by virtue of the need to repeat essentially the same conclusions year after year that:

- 1) The San Mateo County jails are well managed by professional staff.
- 2) The jails are over-crowded.
- 3) The Women’s Correctional Center is wholly inadequate.

The 2007-2008 San Mateo County Civil Grand Jury (the Grand Jury) has chosen to explore the extent to which budget-cutting measures by the San Mateo County Board of Supervisors (BOS) have contributed to the ongoing problems cited by recent Grand Juries. The budget cuts resulted in the closures of the Work Furlough Program, the North County Jail, the Medium Security Facility, the Men’s Honor Camp, and the Women’s Honor Camp between 1993 and 2003.

One of the closures cited above, the Work Furlough Program in 1993, resulted in all 140 inmates returning to full-time incarceration. Up until the termination of the Work Furlough Program, the 140 sentenced inmates continued their employment during the day, but were locked up during their non-work hours. The BOS planned to reduce costs through the use of electronic monitoring instead of requiring inmates to be in a secured facility during non-working hours. This approach was never used extensively. The Work Furlough Program was subsequently reinstated in 2003, but with a significantly smaller population of fewer than 30 inmates.

Jail and prison overcrowding is a national problem. Two-thirds of those released from custody are re-arrested within three years. The various members of the San Mateo County criminal justice community have been working closely for the continued reduction of recidivism through:

- willingness prosecutors to consider alternatives to jail
- sentencing policies of judges
- availability and effectiveness of the rehabilitation programs
- continuing efforts to find acceptable alternatives to full-time incarceration.

In addition, San Mateo County has a relatively low crime rate, which further helps reduce the size of the jail population. The criminal justice system in the county appears to be open to consideration of new approaches to the problems set out in reports issued by recent Grand Juries. These favorable factors give this year's Grand Jury reason to hope that alternative approaches can be tried as a newer, larger facility is built.

Investigation

The Grand Jury toured Juvenile Hall, the Maguire Correctional Facility, and the Women's Correctional Center. The Grand Jury also interviewed members of the Sheriff's Office (Sheriff), the Probation Department (Probation), the District Attorney's Office and a judge who described successful rehabilitation programs funded by the BOS. Grand Jury members also attended presentations about plans for a new jail by the Sheriff's Office to the Board of Supervisors. Numerous documents were consulted. These are listed in Appendix A.

Findings

The Sheriff is required to hold in custody persons who have been arrested by law enforcement agencies and who, by law, must remain incarcerated pending court resolution of charged crimes committed within the county, and those sentenced by the court to serve terms in county jails. The BOS has funding responsibilities to provide the Sheriff with jail facilities adequate to house all these inmates. Since 1993, the jails have been insufficient for the number of inmates placed in custody. Currently, the jails house almost 45% more inmates than the design capacity – an average daily population of 1,198 in facilities designed for 834.

The current cost of incarceration of inmates is estimated to be over \$100 per inmate per day.

The effective collaboration of all the components of the San Mateo County criminal justice system has helped avoid far greater overcrowding of the jails. San Mateo County's experts in criminal justice have instituted programs that have convinced prosecutors and the court that public safety goals can often be achieved through participation in specially designed programs. One of the more successful alternatives has been the Bridges Program, which is an intensive treatment regimen that assists those who are addicted to alcohol and/or drugs. When the court is convinced that rehabilitation is possible, the court may include successful completion of the Bridges Program as part of the initial or modified sentence.

During the first phase of the Bridges Program, participants begin to identify their personal reasons for changing behavior. The Bridges Program provides them with skills necessary for socially acceptable behavior. This program also helps participants develop skills

necessary for successful re-entry into the job market. During the second phase of the Bridges Program, participants begin reentering the community by reporting weekly for counseling groups and monthly court appearances. This program has proven to be quite successful in reducing numbers of repeat offenses and their associated costs. The Bridges Program costs less than 60% of the cost of incarceration.

Probation believes that the behavioral and cognitive changes realized through the Bridges Program could be applied to the rehabilitation of persons not convicted for chemical dependency, provided those persons have the potential to develop social skills that would allow them to reenter society and avoid committing further crimes.

More than 10 years ago, there was an attempt to introduce electronic monitoring in the Work Furlough Program as an alternative to night time lock-up, but it failed to achieve acceptance as a sentencing alternative.

A supervisor for another county, Santa Clara County, observed that the termination of that County's rehabilitation programs have resulted in a price being paid at a later date.¹ Thus far, San Mateo County's programs have prevented our problems from being much larger than they might have been.

Conclusions

The 2007-2008 Grand Jury concludes:

1. There is a dedicated professional Sheriff's staff that:
 - maintains the jails well
 - offers effective assistance programs, such as Choices, to the inmates in spite of the overcrowding in facilities too small to accommodate the population
 - motivates some inmates to re-enter society and avoid recidivism.
2. The County currently plans to replace the Women's Correctional Facility with a larger jail on the same site. Maguire Correctional Facility and the Women's Correctional Center have been filled beyond capacity for 15 years, so it is important that a new jail be constructed jail without delay.
3. Continued over-crowding significantly increases the challenges in providing effective rehabilitation of inmates.
4. The BOS has been made aware of the direct and indirect costs of overcrowding.
5. There are cost saving programs that are acceptable to prosecutors and courts that can be used as alternatives to incarceration, such as the Bridges Program.
6. Overcrowding at the Maguire Correctional Facility will increase during construction if the current site of the Women's Correctional Center is used as the site for the new jail. As such, acceptable alternatives will need to be identified and funded during construction.

¹ Palo Alto Daily News, 5/19/08 "Prisons may add to staff"

7. The principles of the Bridges Program may have a broader application in the Probation Department Program for the courts to consider as an alternative in all cases in which a referral to the Program may be appropriate.
8. Electronic monitoring is being used in other jurisdictions in the State as a component in the sentencing of adults. It is also a frequent part of the sentencing for some of the juveniles in the county to be part of a program where each juvenile is assigned to a Probation Officer with a case load small enough for the Officer and the monitored juvenile to meet three times a week. Adding close supervision by Probation may make the use of electronic monitoring a viable option in the sentencing of some convicted adults in the county.
9. San Mateo County owns the property upon which the new jail is proposed to be built. If the new facility is not large enough to accommodate the projected growth in the jail population, the need in the future to build an additional jail facility will be far more expensive because the county may need to purchase the land and the Sheriff's Office would need to staff one more jail.

Recommendations

The San Mateo County Civil Grand Jury recommends that the:

San Mateo County Board of Supervisors direct the County Manager to:

1. Explore with the Chief Probation Officer the creation and proper staffing of a program along the lines of the Bridges Program to provide rehabilitation of inmates not convicted and sentenced for crimes involving drugs or alcohol.
2. Avoid building a facility that is too small by constructing the largest facility that can be built on the selected site so that the building can properly house the current number of inmates and any projected increases in the jail population, and also provide space for both the rehabilitation and re-entry programs.

San Mateo County Board of Supervisors and the San Mateo County Sheriff should:

1. Work together in the design of the new facility so that it can be securely partitioned to house both the incarcerated and participants of special programs run by the Sheriff's Office and the Probation Department. Planning for the new facility and programs to be housed there should include a full cost benefit analysis that:
 - ascribes a value to recidivism reduction
 - considers additional costs for building a new facility should the jail population outgrow capacity
 - includes possible income from housing inmates from other counties in the new facilities if there is initial excess capacity.
2. Explore with the Chief Probation Officer and other members of the criminal justice community the use of electronic monitoring accompanied by close supervision of inmates in an expansion of the Work Furlough Program.

Appendix: Documents Consulted

- The Maple Street Correctional Facilities Needs Assessment Report;
- U. S. Department of Justice – Office of Justice Programs “Recidivism” and “Key Research Findings About Recidivism”;
- FBI Law Enforcement Bulletin, December 2004 Volume 73 Number 12,
- “Offender Reentry A Returning or Reformed Criminal?”; Federal Bureau of Prisons “Release Preparation”;
- The White House: “Fact Sheet: President Bush Signs Second Chance Act of 2007” 4/9/08;
- Justice Center, the Council of State Governments, “The Report, Part II: Review of the Re-Entry Process” January 2005;
- California Board of Corrections “Jail Profile Survey, Annual Report 2004”;
- Rand Corporation, “Focus on the Worst Ex-Cons and Boost Community-Based Rehab”;
- Urban Institute: “Effective Reentry Programs” May 2006;
- J. Petersilia “What Works in Inmate Reentry? Reviewing and Questioning the Evidence”, Federal Probation, Vol. 68 No. 2;
- B. Welsh “Monetary Costs and Benefits of Correctional Treatment Programs: Implications for Offender Reentry” Federal Probation, Vol. 68 No. 2;
- S. Johnson Listwan, F. Cullen, & E. Latessa, “How to Prevent Inmate Re-entry Programs From Failing: Insights From Evidence-Based Corrections” Federal Probation, Vol. 70 No. 3;
- The New York Times “Inmate Count in U.S. Dwarfs Other Nations”, 4/23/08;
- The New York Times “New Tack on Straying Parolees Offers a Hand Instead of Cuffs”, 05/17/08;
- Los Angeles Times “Parole in California: It’s a crime” 4/23/06;
- The Palo Alto Daily News “Prisons may add to staff” 5/19/08,
- E. Latessa, F. Cullen, & Paul Gendreau “Beyond Correctional Quackery – Professionalism and the Possibility of Effective Treatment”;
- C. Lowenkemp & E. Latessa “Developing successful reentry programs: lessons learned from the 'what works' research”;
- S Listwam, F. Cullen & E. Latessa “How to Prevent Inmate Re-entry Programs From Failing: Insights From Evidence-Based Corrections”;
- Superior Court of California, County of San Mateo “Strategic Plan: 2007 – 2013”;
- F. Cullen & P. Gendreau “Assessing Correctional Rehabilitation: Policy, Practice, and Prospects”, Criminal Justice 2000, Vol. 3; and
- I. Murray “Making Rehabilitation Work” 12/4/02



COUNTY OF SAN MATEO

Office of the Sheriff

GREG MUNKS
SHERIFF

CARLOS G. BOLANOS
UNDERSHERIFF

400 COUNTY CENTER • REDWOOD CITY • CALIFORNIA 94063-1662 TELEPHONE (650) 599-1664 www.smcsheriff.com

ADDRESS ALL COMMUNICATIONS TO THE SHERIFF

August 19, 2008

Honorable Joseph C. Scott
Judge of the Superior Court
Hall of Justice and Records
400 County Center; 2nd Floor
Redwood City, ca 94063-1655

Re: Grand Jury Report San Mateo County Detention and Rehabilitation Facilities

Judge Scott,

The Sheriff's Office appreciates the 2007-2008 Grand Jury's careful study of the issues concerning the overcrowding of San Mateo County's detention facilities and the effective re-entry of detainees back into our community. Their conclusions and recommendations underscore the complex issues facing both this agency, the County and the State. They also emphasize the need to find cooperative solutions to relieve overcrowding and provide successful re-entry programs for those released from custody in order to enhance their rehabilitation. Our responses to both the conclusions and recommendations pertaining to our agency follow.

Conclusions:

- 1) There is a dedicated professional Sheriff's staff that maintains the jail well, offers effective assistance programs, such as CHOICES, to the inmates in spite of the overcrowding in facilities too small to accommodate the population, motivates some inmates to re-enter society to avoid recidivism"

Response: The respondent agrees with the conclusion. The Sheriff's Office prides itself on the professional staff members who work in our correctional facilities making it possible to operate a safe and secure environment for staff, inmates, and visitors despite severe overcrowding.

One significant priority is to provide inmates with beneficial inmate program services to better support them for release into our community and elevate their chances for successful re-unification with their families as productive citizens. The Sheriff is grateful to the members of the Grand Jury and joins them in acknowledging the dedication of the women and men of this organization.

- 2) The County currently plans to replace the Women's Correctional Center with a larger jail on the same site. The Maguire Correctional Facility and the Women's Correctional Center have been filled beyond capacity for fifteen (15) years, so it is important that a new jail be constructed without delay.

Response: The respondent agrees with the conclusion. The Sheriff's Office has experienced a net loss of three hundred and eighty (380) inmate beds over the last decade which has caused on-going jail overcrowding at both our Maguire Correctional Facility and our Women's Correctional Center. This has also caused a strain on the available inmate re-entry and program services with limited program space in said facilities. It has also resulted in increased costs related to overcrowding. It is important to note that the final decision on site selection is yet to be determined.

- 3) Continued over-crowding significantly increases the challenges in providing effective rehabilitation of inmates.

Response: The respondent agrees with the conclusion. Our Jail Planning Unit is working closely with the Board of Supervisors, County Manager's Office and criminal justice stakeholders in planning for and securing a replacement jail facility both for males and females that will offer inmate programs and re-entry services offering a continuum of care and services from incarceration to release for our clients.

- 4) The Board of Supervisors has been made aware of the direct and indirect costs of overcrowding.

Response: The respondent agrees with the conclusion. Our Jail Planning Unit is working with the County Manager's Office and County Real Property regarding site selection; a value matrix is being developed in order to assist in site selection for our replacement facility. This is an ongoing process to keep the Board of Supervisors aware of the direct and indirect costs of overcrowding.

- 5) There are cost saving programs that are acceptable to prosecutors and courts that can be used as alternatives to incarceration, such as the BRIDGES Program.

Response: The respondent agrees with the conclusion. There are several post-incarceration programs, including BRIDGES that are helpful in providing re-entry programming to inmates upon release from custody.

- 6) Overcrowding at the Maguire Correctional Facility will increase during construction if the current site of the Women's Correctional Center is used as the site for the new jail. As such, acceptable alternatives will need to be identified and funded during construction.

Response: The respondent agrees with the conclusion. The existing La Honda facilities will provide needed space for the temporary location of displaced inmates. We anticipate a detailed study to identify acceptable alternatives and funding obligations and opportunities.

- 7) The principles of the BRIDGES Program may have a broader application in the Probation Department for the Courts to consider as an alternative in all cases in which a referral to the Program may be appropriate.

Response: The respondent agrees with the conclusion. Our Office is committed to working collaboratively with the Court, Probation and various service providers in the identification of a continuum of care, including rehabilitative and re-entry services spanning from incarceration to release, for detainees in our facilities.

- 8) Electric monitoring is being used in other jurisdictions in the State as a component in the sentencing of adults. It is also a frequent part of sentencing for some of the juveniles in the county to be part of a program where each juvenile is assigned to a Probation Officer with a case load small enough for the Officer and the monitoring juvenile to meet three times a week. Adding close supervision by Probation may make the use of electronic monitoring a viable option in the sentencing of some convicted adults in the county.

Response: The respondent agrees with the conclusion. Our Office is committed to working collaboratively with the Court and Probation to explore the use of electronic monitoring as a viable option in the sentencing of some convicted adults in our county. The Sheriff's Office currently operates an Electronic Monitoring Program (EMP) for non-violent sentenced inmates in-lieu of jail when appropriate and when approved by the Court. It is anticipated that the Sheriff's EMP participants will grow in conjunction with added programming which will be possible with a new replacement facility.

- 9) San Mateo County owns the property upon which the new jail is proposed to be built. If the new facility is not large enough to accommodate the projected growth in the jail population, the need in the future to built an additional jail facility will be far more expensive because the county may need to purchase the land and the Sheriff's Office would need to staff one more jail.

Response: The respondent agrees with the conclusion; however the actual jail site location has not yet been selected. Our Jail Planning Unit is working closely with the Board of Supervisors, County Manager's Office and criminal justice stakeholders in planning for and securing a replacement jail facility that will meet our current estimates of approximately six hundred and forty-eight (648) beds for a combination of pre-trial and sentenced inmate populations. The timeliness of our ability to move forward with the project, length of anticipated construction time and the identification of future spatial needs are critical to the success and cost-effectiveness of the project.

Our strategy is to use a participative process of planning and information sharing in each step of development. Community outreach efforts are on-going. Meetings are being set up in various locations within the county to communicate with the residents of our need for a new replacement facility, the type of facility that will be built, and the various inmate programs and services that will be offered in order to reduce the recidivism rate in San Mateo County. We have also dedicated a public space on our website (www.smcsheriff.com) of jail planning frequently asked questions for information sharing and public education.

Recommendations:

San Mateo County Board of Supervisors directs the County Manager to:

- 2) Avoid building a facility that is too small by constructing the largest facility that can be built on the selected site so that the building can properly house the current number of inmates and any projected increases in the jail population, and also provide space for both the rehabilitation and re-entry programs.

Response: The respondent agrees with the recommendation. However, the size of the facility should be consistent with population estimates contained in the recently completed needs assessment report.

San Mateo County Board of Supervisors and the San Mateo County Sheriff should:

- 1) Work together in the design of the new facility so that it can be securely partitioned to house both the incarcerated and participants of special programs run by the Sheriff's Office and the Probation Department. Planning for the new facility and programs to be housed there should include a full cost benefit analysis that:
 - ascribes a value to recidivism reduction
 - considers additional costs for building a new facility should the jail population outgrow capacity
 - includes possible income from housing inmates from other counties in the new facilities if there is initial excess capacity.

Response: The recommendation requires further analysis. The needs assessment report by DMJM in building a replacement sentenced jail facility provides overall general design options, yet does not include architectural details. The planning phases for the new facility have not yet reached the architectural design stage. A Request For Information (RFI) for a functional program consultant is underway as a preliminary step to developing a Request For Proposals (RFP) to identify and secure an architect for the project. In projects of this scope and nature, site selection generally precedes selection of an architect.

Our strategy is to use a participative process of planning and information sharing in each step of development that should meet the intention and spirit of this recommendation, yet this recommendation is unlikely to be fully implemented and settled in the next six months. During the upcoming six-months and beyond, we will continue to work closely together in the design of the new facility with the Board of Supervisors, County Manager's Office, Probation Department and other criminal justice stakeholders. It is important to note that given the lack of large building sites it is unlikely that there will be adequate room to build additional space for post-incarceration programs run by the Probation Department.

- 2) Explore with the Chief Probation Officer and other members of the criminal justice community the use of electronic monitoring accompanied by close supervision of the inmates in an expansion of the Work Furlough Program.

Response: The recommendation requires further analysis. The Sheriff's Office plans to increase the Alternative Sentencing Bureau and expand the capacity of inmates participating in the Sheriff's Work Furlough Program and Sheriff's Electronic Monitoring Program. We plan to have a robust model of alternative sentencing programs to offer the Court as options for the inmate population within our new replacement facility. Doing so allows us to reduce our jail population at both the Maguire Correctional Facility and the Women's Correctional Center.

Further processes are now being developed in conjunction with the Probation Department and the Health Department regarding initial risk assessments in order to better identify our target population and refine the continuum of care for detainees and alternatives for sentenced inmates. We plan to include an effective hand-off process to the Probation Department once our clients complete their sentences or are modified out of custody into programming by the Court.

Our Office is committed to working collaboratively with the Court, Probation and other members of the criminal justice community to explore the use of electronic monitoring as a viable option in the sentencing of some convicted adults in our county. It is important to note that while inmates are serving their sentence the Sheriff is charged with their care and custody. Programs such as the Sheriff's Work Furlough and Electronic Monitoring for in-custody prisoners will continue to be operated by the Sheriff. Statutory obligations providing for the care and custody of detainees and inmates must be strategically leveraged with the mission of the Probation Department in the supervision of released inmates.

In order to utilize alternative programs, such as the Sheriff's Work Furlough Program, we need the assistance of our other criminal justice partners and the Court. Realistically, this recommendation is unlikely to be fully implemented and settled in the next six months. During the upcoming six-months and beyond, we will continue to work closely together in the expansion of the Work Furlough Program with the Court, Board of Supervisors, County Manager's Office, Probation Department and other criminal justice stakeholders.

In conclusion, I extend my personal appreciation for the comprehensive review; the perspectives of the members of the Grand Jury cannot be overstated. This valuable insight promotes dialogue and helps to build consensus in order to bring about real change. The Sheriff's Office thanks the Grand Jury for their recommendations contained in this report.

Sincerely,

Greg Munks
Sheriff



COUNTY OF SAN MATEO
Inter-Departmental Correspondence

County Manager's Office

DATE: September 2, 2008
BOARD MEETING DATE: September 16, 2008
SPECIAL NOTICE: None
VOTE REQUIRED: None

TO: Honorable Board of Supervisors
FROM: John L. Maltbie, County Manager
SUBJECT: 2007-08 Grand Jury Response

RECOMMENDATION

Accept this report containing the County's responses to the following 2007-08 Grand Jury report: San Mateo County Jails and Alternatives to Incarceration.

VISION ALIGNMENT:

Commitment: Responsive, effective and collaborative government.

Goal 20: Government decisions are based on careful consideration of future impact, rather than temporary relief or immediate gain.

This activity contributes to the goal by ensuring that all Grand Jury findings and recommendations are thoroughly reviewed by the appropriate County departments and that, when appropriate, process improvements are made to improve the quality and efficiency of services provided to the public and other agencies.

DISCUSSION

The County is mandated to respond to the Grand Jury within 90 days from the date that reports are filed with the County Clerk and Elected Officials are mandated to respond within 60 days. To that end, attached is the County's response to the Grand Jury report on San Mateo County Jails and Alternatives to Incarceration, issued on June 30, 2008.

San Mateo County Jails and Alternatives to Incarceration

Findings:

Staff is in general agreement with the Grand Jury's findings.

Recommendations:

The Board of Supervisors should direct the County Manager to:

1. **Explore with the Chief Probation Officer the creation and proper staffing of a program along the lines of the Bridges Program to provide rehabilitation of inmates not convicted and sentenced for crimes involving drugs or alcohol.**

Response: Agree in concept. While all indications are that the Bridges Program is effective in reducing crime and recidivism, additional programming must be considered with other competing interests during development of future budgets, including other programs, potential State cuts and the County's structural budget deficit.

2. **Avoid building a facility that is too small by constructing the largest facility that can be built on the selected site so that the building can properly house the current number of inmates and any projected increases in the jail population, and also provide space for both the rehabilitation and re-entry programs.**

Response: Agree in part. The County agrees that the new jail should be sized appropriately to properly house the current number of inmates, provide room for future capacity, and provide space for rehabilitation and re-entry programs. However, future capacity needs should take into account any new programs that would alleviate jail overcrowding.

The Board of Supervisors and the Sheriff's Office should:

1. **Work together in the design of the new facility so that it can be securely partitioned to house both the incarcerated and participants of special programs run by the Sheriff's Office and the Probation Department. Planning for the new facility and programs to be housed there should include a full cost benefit analysis that:**
 - ascribes a value to recidivism reduction
 - considers additional cost for building a new facility should the

jail population outgrow capacity

- **includes possible income from housing inmates from other counties in the new facilities if there is initial excess capacity.**

Response: The recommendation requires further analysis. The needs assessment report provided by DMJM in building a replacement sentenced jail facility provides overall general design options, yet does not include architectural details. A Request For Information (RFI) for a functional program consultant is underway as a preliminary step to developing a Request For Proposal (RFP) to identify and secure an architect for the project. An architect will not be chosen until a site has been selected.

The County's intent is to use a participative process of planning and information sharing in each step of development that should meet the aim and spirit of this recommendation. During the coming year and beyond, the County will continue to work together with the Sheriff's Office, Superior Court, Probation Department, and other criminal justice and community stakeholders in the design of the new facility. Given the lack of large building sites, it is unlikely that there will be adequate room to build additional space for post-incarceration programs run by the Probation Department or to house inmates from other counties or the State.

2. **Explore with the Chief Probation Officer and other members of the criminal justice community the use of electronic monitoring accompanied by close supervision of inmates in an expansion of the Work Furlough Program.**

Response: Concur. The Board of Supervisors and the County Manager's Office is committed to working collaboratively with the Sheriff's Office, Court, Probation, and other members of the criminal justice community in exploring the use of electronic monitoring as well as the expansion of the Sheriff's Work Furlough Program and other alternatives to incarceration in order to limit the occurrences of jail overcrowding.