

LITTLE HOOVER COMMISSION

TESTIMONY OF LEROY D. BACA, SHERIFF LOS ANGELES COUNTY October 26, 2006

1. *What role can counties play in expanding community-based alternatives to prison for short-term offenders and parole violators?*

Strong connections to family and community give many people who are leaving jails and prisons hope. For many offenders who return to jail or prison for short stays, or who are arrested on technical violations of their terms and conditions of probation and parole, the return to custody can be devastating not only for them, but their loved ones too.

Many offenders, once their term of incarceration is complete, return to their community to find they are no longer welcome. During their incarceration, the family was unable to continue paying the rent or mortgage, were evicted and forced to look elsewhere for shelter, and have very little in terms of surviving. Furthermore, the community turns their backs on the ex-offender, not because they don't care, but because they don't understand.

Communities are striving to rebound from ongoing detriment due to many factors. In addition to increasing single parent families and rising crime rates, communities see closing the door on the once embraced as the answer to "cleaning up their communities." In fact, what is needed is a means to show communities the importance of welcoming individuals back into their neighborhoods.

Proposed reentry facilities for state prisoners are essential. If designed appropriately, these facilities will lend themselves to an investment in communities. They are, by definition, an opportunity for individuals to safely and successfully return to their communities. Needing political backing and a strong collaborative piece to bring communities together, these reentry facilities will begin to address the missing pieces that have fostered the revolving door of recidivism.

Counties can explore, through the data captured at the state level regarding short-term stay and parole violators, the cost benefits of placing these individuals in a setting that is embraced by all assigned there. Designed to return to their families and communities, opportunities for these individuals to succeed will be created through education institutions,

the criminal justice system, employment and industry, and housing entities. All partners in the process, including the reentering offender, must be held accountable. Focusing on family and supportive networks is essential.

Oftentimes, a technical violation for a parolee involves a “dirty” drug test. It is imperative that parole not place the individual back in custody unless their desire to become clean and sober and a contributing member of society is sorely lacking. The state must fund more treatment beds in communities. These include residential and day treatment beds that allow individuals to move through recovery and ensure the process of recovery remains ongoing and does not stall because their benefits only pay for 30-days of treatment when 45 are needed. This means finding more ways to place individuals on electronic or GPS monitoring, maintaining their employment, and preventing families from ending up on public benefits.

2. *What can the State do to assist counties in expanding alternative sanctions?*

The State can fund and support reentry systems. Easier said than done! Reentry courts, reentry units, and reentry services all sound great. However, there are many identified holes in a system that continues to work in silos, rarely acknowledging the realities of why recidivism continues to climb. Reentry should begin through a classification system, accepted by both local county jails and state prison systems. It should include the courts, the public defender, district attorney, probation, parole, and jail and prison administrators. It should be a system that attempts to divert individuals, especially those who are chronically homeless, mentally ill, or substance abusers from the criminal justice system and into a system of care. Mostly, it should include incentives for participation and sanctions for noncompliance. Many times, these individuals need a second, third, and sometimes fourth chance to get out of their rut. Yet, running them through a system that has no sanctions for noncompliance is negative reinforcement. Modeling proper behavior and setting clear, defined, and understood direction for success will likely increase positive outcome and reduce recidivism.

The State can support legislation that encourages the creation, implementation, and monitoring of electronic monitoring programs. These programs allow individuals to continue pursuing their education and employment and fostering relationships with loved ones. They are relatively inexpensive to operate and can continue economic vitality of families.

Recently, the Los Angeles County Sheriff's Department, in conjunction with the CAO and many other partners, proposed a plan to have five "stabilization centers" sited throughout the county. These centers will be designed to provide officers, who are patrolling the streets of Los Angeles County, an alternative to taking someone who is clearly mentally ill, homeless, or under the influence to jail or the local emergency room. Built on a solid foundation of partnerships spanning across all systems of care throughout the county, these centers will provide proper care and treatment as an alternative to incarceration.

3. *Has the State expanded partnerships with local law enforcement and community-based service providers since the reorganization and, if so, what impact have these efforts had on improving offender reentry and reducing recidivism.*

I think the State has made great strides at expanding partnerships and leading the charge to reduce recidivism. There have been numerous efforts undertaken, many of which my staff has participated in, to address the monotony at the State level. A good start is the request for proposal (RFP) that was released to create community-based beds for 4,500 low-level female offenders. What is especially encouraging is that a component of these beds includes reunification with family and children.

Additionally, the State has been reaching out to local counties and communities to address concerns and seek recommendations for making the system more efficient. The State's support for Re-Entry Courts, the Second Chance Act, and seeking clarification and studying sentencing structure is vital to how overall reentry is conducted. I was pleased to see that Governor Schwarzenegger called a special session to address prison overcrowding and the high recidivism rates. Addressing these issues brought forth an awareness of reentry courts and the need to hire and appropriately train corrections officers.

Senate Bill 618 has begun in San Diego County, and I am interested in reviewing the outcomes of this bill. It is through SB618 that the CDCR is seeking partnerships with various counties to support the design of programs that will assist in the reentry process.

It's too soon, at this point, to say if the efforts at the State level are impacting recidivism, but the foundation has been laid and the Governor has made prison reform a priority.

4. What are the factors driving jail overcrowding and how does overcrowding at the local level impact the State's prison population?

Factors driving jail overcrowding include the following:

- A federal cap that has impacted many jails, not just Los Angeles County
- Judicial decisions on the number of inmates that can be housed together in cells
- Illegal alien issues
- Three-strikes law
- Broken judicial system – i.e., trying only 5 percent of the cases with the remaining cases being pled
- Changing demographics and crime structure. We are seeing more serious and devastating crimes.

Because we have more felons in custody in the Los Angeles County jails, we are shipping more felons to the State prisons. In essence, we mirror one another in our issues and concerns.

Sentencing Reform

Concerning sentencing reform; the volume of prisoners violated while on parole is the lead cause of prison overcrowding. Moreover, the absence of significant recovery programs from criminal behavior is a major reason why criminals are not able to hold themselves back from crime once they are released on parole.

Parole management should be a local county responsibility including the decision to revoke parole.

Local county parole courts should be developed. A superior court judge should have the final say when a parolee is sent back to prison.

Sentencing reform; other than some minor three-strikes law revision, is tantamount to taking certain interior blocks out of a pyramid. No one will notice the difference in crime on the streets of California.