

**Talking Points for Little Hoover Commission**  
**Public Hearing: September 26, 2013**

**Realignment Challenges**

- Managing the jail population has been challenging, not just in Los Angeles, but in all of our neighboring counties within Southern California. The inmate population hit a high of almost 19,000 early in 2013, but has since continued to hover around 18,600 inmates.
  - Males represent 86% of the population - Averaging 16,100 inmates
  - Females represent 14% of the population - Averaging 2,500 inmates
  - Felons represent at least 90% of the population for both males and females
  - The 10,300 pre-sentenced inmates represent 56% of the total population (note this includes pre-sentenced and bail revocation)
    - The pre-sentenced population averages the following length of stay:
      - ✓ Less than 6 Months - 73%
      - ✓ Six Months to Nine Months - 14%
      - ✓ In Excess of One Year - 13%
- The increase in inmate population coupled with the characteristics of the N3, or AB109, population (sentenced and longer time in custody), has challenged the traditional way in which county jail systems operated. The inability to transition inmates into and back out of the system quickly has taxed the jail system as the population count has risen. The rise of the inmate count has directly led to other complicated issues:
  - Difficulty in managing special inmate populations (crime, gender, medical and mental health needs) due to bed space issues, and services available.
  - Providing services to the inmate population as a whole. The growth of the populations without the parallel expansion of staff has created issues in the delivery of services such as medical, counseling, mental health...
  - Providing programming to both general and specialty populations.
- The N3 population demographics are as follows:
  - 5,900 AB109 inmates comprise 30% of the total population
  - The AB109 represents 77% of the sentenced jail population
  - Approximately 50% serve less than 1 year after sentenced
  - The average AB109 sentence is 2.6 years (or a total of 1.3 years after legislatively mandated credits are applied)
    - Since October 2011 and the inception of AB109:
      - 5 inmates have been sentenced to 20 years +
      - 38 have been sentenced to 10 years + (not including above)
      - 489 have been sentenced to 5 years + (not including above)
      - 759 have been sentenced to 3 years + (not including above)
      - 13,751 have been sentenced to 3 years or less

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- The longest sentenced AB109 inmate is for 42 years
- Partnerships with other County agencies. In the past, the realignment inmates would have been released from state prison and placed under parole supervision, now they are supervised by county probation. This has created new rules of engagement for the probation department, as police agencies as we struggle with assisting probation with compliance checks and arresting absconders.
  - The Sheriff and County Probation have agreed to work on “in reach” programs that will challenge CBO’c to meet inmates while they are still inside the jails.
- Funding – the lack of post sentence program funding designated to the Sheriff’s Department has impacted our ability to initiate transitional programming for substance abusers.
- Steps taken to manage the population have included:
  - Early release of county sentenced inmates.
  - Immediate release of some pre-trial inmates arrested on misdemeanors.
  - Cite out release of inmates on warrants and with bail amounts below \$25,000
  - Alternatives to custody including Electronic Monitoring (ankle bracelets), work release, community based housing - including substance abuse housing.
- Measuring recidivism is new to the county. The county has agreed to follow N3’s for three years after release. They will be measured in three areas: re-incarceration, re-arrest, and violation of parole/probation. The Sheriff’s Department has initiated a number of programs that we believe will positively impact the recidivism rate back into the county jail system. It is expected that the expansion of the Education Based Incarceration and MERIT programs, the improvement in substance abuse programming and improvements in post-release treatment should positively impact the recidivism rate.
  - The pending expansion of our post-release substance abuse and mentally ill assistance programs (transportation, medication upon release, Community Based Housing for mentally ill) should greatly impact the recidivism rate for those specialty populations.

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**Strategies to Improve Realignment Implementation**

- Increased use of alternatives to custody such as community based housing, community based substance and mentally ill housing, electronic monitoring, split-sentencing, and work release programs. The goal is to free jail beds up for offenders with significant crimes/charges.
  - Only 4% of sentenced inmates are receiving split-sentences, as a result, most sentenced inmates are released without post-release supervision or transitional funding.
- More State funding and financial incentives that support the use of alternatives to custody.
- Seek resources to maximize Affordable Care Act by enrolling inmates into Med-Cal to assist with funding for re-entry mental health and substance abuse treatment.
- Expand Education Based Incarceration (EBI) programming, targeting state initiatives (SB624) that increase inmate credit earning.
  - EBI currently has 6,976 inmates participating in a wide variety of programming.
  - Thus far, EBI has graduated 7,483 inmates from structured education programs as provided by LA Works and Five Keys Charter Schools.
  - To date, 20,997 inmates have participated in EBI programming.
  - EBI has graduated 2,423 inmates from informal EBI education classes.
- Creation of effective mentally ill diversion alternatives.
- Funding or incentives to aid in-custody and post-release programming including increased CBO programming in the jails. Currently all such funding is funneled to the Probation Department.
- Redefine the conditions of AB109 so that inmates with long consecutive sentences will be allowed to serve them at the state level. The county jails are simply not equipped to house inmates with 10 year + sentences. As a result, the inmate is the one who fails to obtain consistent services that they require.
- Greater cooperation and collaboration between county partners: Sheriff and the Departments of Probation, Health, and Mental Health. The State could coax county agencies into a greater level of partnership by offering future AB 109 funding in collaborative performance based awards.

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**FYI – Information from the Little Hoover Commission Letter to Governor Brown and Legislature: dated May 30, 2013**

- As part of its realignment goal of adopting evidence-based practices for local public safety, the state should create incentives in its AB 109 funding to speed the implementation of validated risk and needs assessment tools.
- The state could ease such concerns by designating a portion of AB 109 money for counties to implement validated risk and needs assessment tools. One potential source of money for a fund to incentivize adopting a validated risk-and-needs assessment tool is the additional sales tax revenues covered by Proposition 30 that have been generated by recovering consumer spending.
- Testimony by Mr. Cate indicated that several non-state organizations such as the California State Association of Counties, California State Sheriffs' Association and Chief Probation Officers Association of California are investing in training efforts in these tools and other pre-trial services, while state and national foundations have expressed interest in helping counties expand their pre-trial capacity.
- Mr. Cate (Matt Cate, executive director of the California State Association of Counties and former Secretary of the Department of Corrections and Rehabilitation) testified that the California State Risk Assessment used in the California state prison system, validated to the characteristics of the state's inmate population, predicted future criminal behavior with 70 percent accuracy. *This is the automated Risk Tool Terri spoke to you about. It uses RAP sheet to give risk of re-arrest.*
- The most accurate assessment tools, which are not widely used in California, are those that have been statistically validated to reflect the behavioral characteristics of local defendants. *We are seeking validation of Nothpointe to ensure accurate predictions of LACO inmates.*
- The Commission continues to call for oversight to encourage accountability and incentives to use best practices.
- To date, the state has no specific standards by which to measure counties as they implement this historic policy shift, nor has it provided incentives for pursuing strategies that have worked at the county level in California.
- Pre-trial detainees: They occupy well more than 60 percent of the state's nearly 80,000 county jail beds statewide, according to the most recent Board of State and Community Corrections survey. *The jail system currently houses 10,300 presentenced inmates, which is 56% of our overall jail population.*
- Across counties, bail amounts vary widely for similar crimes – from \$5,000 in San Diego County for possession of a narcotic or controlled substance to \$25,000 in Tulare County

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- The bail industry has expressed concern that high bail schedules prevent more defendants from posting bail, adding to jail crowding. The industry makes the case that uniform and lower statewide bail schedules would enable more people to afford bail and relieve jail overcrowding.
- Bail standards must be tied to the specific factual circumstances of the detainee's alleged offense and prior criminal history. They are not a space management tool for our county facilities.
  - Rather than seek a statewide standard bail schedule, the Commission recommends that the state establish objective criteria for bail schedules to ensure that bail schedules are consistent in their aims statewide and that courts provide an objective rationale for such practices as bail stacking.
- The Commission's 2007 study on sentencing in California found that sentences for similar crimes can vary significantly by county and by courtroom. Such disparities are inconsistent with an equitable and efficient criminal justice system.
- Counties will need to integrate program delivery to ensure that law enforcement, public health, substance abuse and mental health treatment, education, employment and housing officials are able to work together toward a shared vision of reducing crime in the community – Sept. 27, 2011 Report