

**COUNTY OF SACRAMENTO
CALIFORNIA**

For the Agenda of:
June 9, 2009

To: Board of Supervisors

From: Probation Department

Subject: Report Back – Cost to Keep Individuals Incarcerated Longer Due to Probation
Reductions and Closures

Contact: Suzanne Collins, Interim Chief Probation Officer

BACKGROUND:

On May 13, 2009, at the Budget Workshop, Probation presented the Department's Fiscal Year 2009-10 budget plan. During the presentation, the Board of Supervisors requested Probation report back on 1) how Probation's reductions/closures will increase the jail population, 2) the cost to keep individuals incarcerated longer due to the closures/reductions and 3) how many Probation Officer positions would that cost fund.

DISCUSSION:

The Criminal Justice Cabinet is completing an Impact Statement on how a reduction within one department will impact other departments, such as the increased costs for the Sheriff due to longer jail times.

Drug Court

Individuals participating in the Drug Court program have their criminal proceedings suspended, with an agreement that a specified sentence will be imposed should they fail to complete the program. If participants successfully complete the program, their charges are dismissed. Without Drug Court as a sentencing alternative, those jail sentences would be imposed. Probation estimates an additional 18,051 jail days each year would be served, costing \$1,392,995 annually, which could fund approximately 11 deputy probation officer positions.

Adult Court

The Adult Court Services Division prepares Pre-sentence Investigation reports for the Superior Court. Judges consult the reports for defendants' Judgment and Sentencing Hearings. The reduction of two fulltime employees in the Adult Court Services Division will increase the workload ratio and the need to file continuances. Any continuance requested by Probation potentially increases the workload of the Court, the Public Defender's Office, and the District Attorney's Office and may result in additional jail days. It is impossible to determine how many defendants this will affect or their increased number of jail days (per Sacramento Sheriff's Department, each day in jail costs \$77.17).

Overcrowding in the Youth Detention Facility

The loss of the ability to contract with Yolo County for secure juvenile detention beds and the closure of the Sacramento County Boys Ranch and the Warren E. Thornton Youth Center will cause an unmanageable increase in the population at the Youth Detention Facility. The increase will compromise Probation's ability to maintain suitability standards in accordance with the Suitability Plan imposed by the Corrections Standards Authority. In order to keep the Youth Detention Facility's population within a manageable range, detention decisions will be primarily based on population management. Probation will not be able to house all minors who may be a risk to the community, thereby potentially jeopardizing public safety.

Care In Homes

The reduction to the Care In Homes budget unit will prohibit Probation from contracting with Yolo County for secure juvenile detention beds. In 2008, Probation housed approximately 30 minors each month in Yolo County, using an average of 846 bed days per month. These minors will now be housed in the Youth Detention Facility.

Sacramento County Boys Ranch and Warren E. Thornton Youth Center

In 2008, the Sacramento County Boys Ranch had an average daily population of 107, using an average of 3,210 bed days per month. The Warren E. Thornton Youth Center had an average population of 102, using an average of 3,060 bed days per month. The closure of these commitment facilities could result in these minors being committed to the Youth Detention Facility causing significant overcrowding.

In addition, the Courts are planning to close one Wednesday per month. An average of 22 minors are scheduled each Wednesday for Detention Hearings. The reduction of one Detention Hearing calendar day per month could result in an extra day of detention for approximately 264 minors each year.

Suitability

The Youth Detention Facility has been operating under a Corrections Standards Authority approved Suitability Plan since 2000 due to overcrowding. The current capacity at the Youth Detention Facility is 270. The closure of the Sacramento Boys Ranch, the Warren E. Thornton Youth Center and the return of minors housed in Yolo County could possibly create an initial increase of an additional 239 minors to the average daily population of the Youth Detention Facility. This number may be less depending on the number of minors eligible for furlough on the date of the facility closures. The elimination of Sacramento County Boys Ranch and the Warren E. Thornton Youth Center will result in fewer dispositional options for the Juvenile Court which may lead to an increase in minors committed to the Youth Detention Facility.

If the Youth Detention Facility continually operates above rated capacity, the Corrections Standards Authority will find the current Suitability Plan unacceptable. Pursuant to Welfare and Institutions Code 209(d), Probation will have 60 days to reduce the population and submit a Corrective Action Plan, the result of which must be realized within 90 days. If Probation is unsuccessful, the Corrections Standards Authority will initiate the process of determining the facility unsuitable for the confinement of minors. Following an unsuitability finding, a declaration is published on the Corrections Standards Authority internet site and in the local newspaper. An unsuitability finding would likely expose the County to further litigation

regarding the conditions of confinement in the institutions, as the Probation Department is already in current litigation regarding conditions of confinement including the effects of overpopulation.

Respectfully submitted,

APPROVED:

SUZANNE COLLINS
Interim Chief Probation Officer

TERRY SCHUTTEN
County Executive