

**Proposed Amendment to the San Diego County Public Safety Realignment  
and Post-Release Community Supervision 2011 Implementation Plan –  
Section 4 “Employ Alternative Custody Options in Custody Programming”  
October 27, 2011**

**Purpose:**

The purpose of these proposed changes to the 2011 Implementation Plan is to add specificity to the preliminary plan as it relates to Section 4; “Alternative Options in Custody Programming”.

**Background:**

The California Criminal Justice Realignment Act of 2011 will have a significant impact on the criminal justice system in San Diego County. The Sheriff’s Department currently operates seven jails with a capacity of 5,600 inmates. Current average daily population (ADP) is approximately 4,700 and increasing rapidly. It is anticipated the Sheriff’s Department will see an increase in the ADP of between 2,100 – 2,500 inmates when realignment reaches full implementation due to newly sentenced inmates staying in County jails rather than being sent to State Prison. Additionally, the Sheriff is beginning to see the impact of parole violators remaining in local custody. In the first 3 weeks of AB 109 Implementation, the Sheriff has received more than 200 parolees who will serve their violations in County Jail.

The Sheriff’s Department believes the need exists to provide alternatives to incarceration that will benefit not only the low risk offender, but the community, local agencies and local organizations. The utilization of alternatives to custody and the expansion of re-entry services are specific strategies included in the realignment plan developed by the CCP and subsequently approved by the Board of Supervisors under component #4 “Employ Alternative Custody Options and In Custody Programming”. This proposal outlines specific steps to implement those strategies.

**Alternate Custody Unit:**

In order to deal with the ADP impact in the County jails associated with AB 109, the Sheriff’s Department will offer an Alternative Custody Program utilizing either Global Positioning System (GPS) or other form of Electronic Monitoring (EM) to provide a technological solution to the jail overcrowding challenges that loom on the horizon.

The proposed Alternative Custody Program will employ 24-hour GPS tracking and/or EM house arrest. The Sheriff’s Department will issue a Request for Proposal for a vendor to provide continual tracking in as close to real time as is possible, immediate notification of violations of conditions of release and the capability to pin point offender locations within 15 feet.

The use of Alternate Custody through GPS/EM would be an expansion of the Department’s existing Local Reentry Program that will continue to offer Work Release, Educational Classes, Psych/Social Programs and Vocational Programs. GPS/EM will aid in program operation in that it will allow a transition into the community and will ensure that only the most serious offenders

remain in custody. It provides benefits in that gathering accurate, reliable, and around the clock information will ensure offender accountability and compliance with program parameters.

The Department proposes the initial Alternate Custody Unit will be for 300 offenders. Because this is an area in which the Sheriff's Department has no expertise or experience, the Department will start with a smaller number of offenders and expand the capacity of the program when and if it becomes necessary. To effectively staff an alternative custody unit, the Sheriff's Department will use a 40/1 offender supervision ratio. Staffing will include the following for 300 offenders:

- 1 Lieutenant
- 2 Sergeants
- 8 Deputies
- 2 Correctional Counselors
- 1 Administrative Secretary

County staff is necessary to respond to violations of alternative release, take offenders into custody and book them into jail. The approximate County cost for operating this unit will include first year start up costs of approximately \$2.2 million, and an ongoing cost of approximately \$1.8 million annually. These costs do not include any amount for costs to contract with a vendor for GPS/EM services. There are vendors who have offender supported programs with no cost to the County. The Sheriff's Department goal would be to utilize Inmate Welfare funds for any program costs associated with GPS/EM. The Alternate custody Unit could be operational in 6-9 months from implementation.

The effective management of an Alternative Custody population can only be successful with the reality of incarceration when conditions of release are violated. Every post release community supervised offender (PRO), State parole supervised offender, and participant of an Alternative Custody Program are threats to the management of the jail population. Allowing the Sheriff's Department Alternative Custody Unit to maintain control of the sentenced inmates participating in alternative custody is an absolute necessity to minimize this risk. Alternative Custody can only be successful by employing strategies that encourage success while at the same time providing for sanctions when conditions are violated.

#### **400 Re-entry Jail Beds:**

County jails were not designed with the idea of housing inmates for long periods of time. For that reason, the existing jails in San Diego County offer little in the way of day rooms or space to provide programming for inmates. Prior to AB 109 implementation the average daily stay for an inmate in County jail was 75 days. The implementation of AB 109 will significantly increase the stay. In the first three weeks of implementation, the Sheriff's Department has had inmates remanded to custody with 1956 day (5.36 years) sentences.

The existing East Mesa Detention Facility has a more open, dorm like design than the other jails in San Diego County. It is for this reason that it was chosen for the operation of the Local Reentry Program in 2009. It currently houses lower level offenders who work in the food

processing plant, laundry, print shop and commissary. The existing Re-entry program will not be able to address the needs of the growing population of inmates who will require education and services while in custody in County jails. The current capacity at the East Mesa Facility is 562. It is proposed that both the LRP and this facility be expanded by 400 beds to allow slightly fewer than 500 inmates to participate in re-entry programming while in custody. The EMDF will continue to house inmate workers who are receiving trade programs by working in the fields previously listed.

LRP currently provides substance abuse services, educational/vocational programming, counseling services, and cognitive behavioral programming. Currently there are approximately 60 participants in the LRP. This program has been a success in addressing recidivism. By increasing the capacity at the East Mesa Facility, the Sheriff's Department can add to the number of eligible candidates for the LRP program. Adding the 400 beds at EMDF also addresses current housing needs in the short term and addresses the need for evidence based practices in the programming of offenders with the goal of reduced recidivism in the long term. In order for program expansion of the LRP to occur, additional staff will have to be added to EMDF to make it a fully functioning 24/7 operation. Currently, the facility utilizes its proximity to the George Bailey Facility on the East Mesa campus for medical services. EMDF would have to have 24 hour medical coverage to operate as a separate Re-Entry Facility. To do this would require an increase in sworn staffing for security and movement, and added correctional counselors to facilitate the inmate programming.

The exploration of adding 400 beds to existing infrastructure at the East Mesa Detention Facility has begun, and approval is being sought to move forward with the Request for Proposal (RFP) phase of this project. Final decisions on building and funding the re-entry facility will be made once the RFP process is complete and exact cost and construction information is known. The Sheriff's Department has already dedicated \$200,000 in department resources towards planning for this facility. It is estimated that an additional \$200,000 of one time funding will be needed for the next phase of planning and that the approximate one time costs for facility design development will be approximately \$2.5 million. The construction cost for adding 400 beds to EMDF is estimated to be \$30-35 million. Ongoing operational costs, including staffing and services and supplies, will be approximately \$12.5 million annually. It is estimated that it could take up to two years before occupancy of this facility could take place.

In the interim, the Sheriff's Department will be utilizing Inmate Welfare Funds to place several trailers on the East Mesa site to serve as the required additional classroom space to begin the expansion of the LRP.

The following steps are necessary to increase the LRP and capacity at the East Mesa Detention Facility:

- Construct new inmate housing area.
- Increase medical staffing by 10 nurses to accommodate a 24/7 operation at EMDF.
- Increase sworn staff by 50 to manage the increased population and movement.
- Increase counseling staff by 8 to facilitate the increased LRP population.
- Increase professional staff by 18, to provide ancillary services.

**Outcomes:**

It is anticipated that these amendments to the 2011 Public Safety Realignment Implementation Plan under Section 4, “Alternative Custody Options and In Custody Programming” will serve to better prepare the inmate population for re-entry to the community thereby reducing recidivism while also providing additional housing capacity.

**Recommendations:**

The Sheriff’s Department recommends to the CCP Executive Committee the following:

- That they approve the proposed amendments to the Preliminary 2011, Implementation Plan as described in this document and that they recommend to the Board of Supervisors their approval thereof and;
- That they approve the allocation of \$200,000 from the California Local Revenue Fund 2011, to the Sheriff’s Department toward planning for a Local Re-entry Program and recommend to the Board of Supervisor their approval thereof and;
- That they approve the allocation of \$2.2 million from the California Local Revenue Fund 2011, to the Sheriff’s Department toward the development and staffing of an Alternatives to Custody Unit and recommend to the Board of Supervisors their approval thereof.