



# Sacramento County Consultant Report on Jail Alternatives

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## Executive Summary

The Carey Group (TCG) was hired to conduct an analysis of Sacramento County’s sentenced, incarcerated population to determine if a portion of these individuals could be safely supervised and managed in a setting other than jail. This request was precipitated by a substantial growth in jail costs and a consent decree. Sacramento County’s two jails have an average daily population (ADP) of 3,700, with roughly 60% of individuals (2,200) pretrial and 40% of individuals (1,480) sentenced.

Over the years, TCG has conducted a number of system analyses and developed strategic plans for large, mid-size, and small jurisdictions in California, the Midwest, and Eastern United States. Based on these experiences, TCG expected to find one or more significant programs missing from the correctional intervention continuum which could alleviate overreliance on jail. That was not the case for Sacramento County. Instead, TCG discovered that the county had already put in place a number of effective programs. In addition, criminal justice stakeholders and planners recently put forth a concerted, large-scale effort to address the largest portion of the jail population, pretrial detainees. Despite this effort and despite the rather full continuum of correctional programs, the county is experiencing incarceration rates that are significantly higher than those of similarly sized counties. It appears that for many justice-involved individuals, jail has become the “go-to” placement instead of one of last resort.

According to TCG’s analysis, it is plausible to decrease the jail population by hundreds of individuals. It would require expanding existing programs and adding support services to help justice-involved individuals be successful in the community. With more people being supervised in the community than in jail, one or more jail units could close. The resulting savings could then be used to fund the expanded and new programs and services on an ongoing basis. There are four main reasons to be optimistic that the jail population could be significantly reduced:

1. While some of Sacramento County’s higher incarceration rate can be explained by demographic and statute differences, there are indications that policies and long-standing practices likely play a significant part. It also appears that, with some additional community-based services, these policies and practices can be changed without negatively impacting community safety.
2. A large percentage of the sentenced jail population is “lower risk” (i.e., at lower risk of being reconvicted in the three years after discharge from the criminal justice system) and could likely be managed in the community, without detriment to public safety, if they are provided with sufficient services.
3. The new pretrial initiative, which is grounded in effective practices and research, should reduce pretrial holds.
4. Most criminal justice stakeholders support the view that the system cannot continue to operate as it is currently operating without consuming a disproportionate amount of the county budget, leaving inadequate resources for crime prevention and other badly needed non-correctional services. They understand the urgency of the situation, are open to change, and have been working collaboratively to improve the system.

This optimism is buoyed by the fact that the county has a number of significant strengths that it can leverage to successfully revamp how it manages its correctional resources. Some of these include a commitment to excellence by criminal justice stakeholders; the establishment and operation of collaborative criminal justice planning groups; a broad continuum of correctional responses (e.g., diversion, jail alternatives, reentry programs, collaborative courts, and day reporting centers); a probation department and jail reentry management driven by an evidence-based, risk reduction mission; a surge of revitalized planning by health and addiction services dedicated to the corrections population; and a nonprofit community that is interested in doing their part. Many impactful and innovative practices have already been put in place, including but not limited to the use of homeless and mental health outreach teams by local police, the use of mobile crisis support teams, the use of “quick release” processes to book and release low-level offenders, the use of flash incarceration (instead of longer terms), use by the Sheriff’s Office of the “3-day kick” to release individuals from their jail sentence three days early, and the adoption of a pretrial risk assessment and of monitoring strategies.

While a great deal of progress has been made to address the size of the jail population, additional opportunities exist to make a more significant impact. This report outlines six recommendations that build on the aforementioned county strengths.

**1. Adopt a systematic approach to criminal justice planning.**

Adopt an approach to criminal justice planning that is methodical, disciplined, comprehensive, and data-driven. This systematic approach includes the following activities and planning processes: logic modeling; systemwide mapping of the justice system from law enforcement contact through sentencing and termination; developing a criminal justice master plan; creating committee charters that include operating norms and a consensus statement on the values endorsed by the criminal justice system; implementing a data simulation model; examining the existing criminal justice planning staffing level; and establishing a criminal justice scorecard that includes outcome measures and program evaluation.

**2. Make pretrial the priority.**

Make pretrial the priority by continuing the existing effort and adopting additional features as the Judicial Council-funded initiative unfolds. Given that 60% of the jail population is held pretrial, this group represents the greatest potential for jail reduction. Current efforts to utilize a static pretrial risk assessment, provide monitoring services, and expand the countywide automated court date notification system will likely yield positive results. Additional considerations such as expanding the use of citations, establishing a sequential bail review process, enhancing the Chronic Nuisance Offender effort, and others can aid in significantly reducing this subset of the jail population.

**3. Adopt a universal risk screening process.**

Adopt a more comprehensive, risk-based system by implementing universal screening and assessment processes. Risk assessment has become the norm across most industries, including criminal and juvenile

justice. Actuarial instruments can provide guidance for policymakers on who should receive the most or least amount of correctional attention. While the county is using a number of screening and assessment tools, many decisions are made without the benefit of knowing the individual's risk level. This practice can result in an under- or overresponse, both potentially negatively impacting public safety. It can also result in an under- or overuse of correctional resources. A comprehensive risk-based system increases the likelihood that justice-involved individuals will receive the level of services and supervision that is most appropriate for them.

#### **4. Expand existing, successful programs.**

Expand existing, successful programs and tie them to risk. The following programs are well suited for expansion both because of their adherence to research-informed principles and their potential impact on the incarcerated population: the Sheriff's Jail Alternative Programs (Home Detention, the Alternative Sentencing Program, and the Sheriff's Work Project), Collaborative Courts, Probation and its Adult Day Reporting Centers, and Jail Reentry.

The county could consider adding new correctional programs as an alternative to housing individuals in jail. However, these programs would likely compete for the same pool of individuals served in the existing programs. With one exception—expanding support services—expanding the existing, effective programs will achieve the same objective as adding new programs without requiring the time and costs associated with establishing something altogether new. By carefully targeting existing programs to offender risk and needs, individuals can be placed in the program that match intensity and dosage requirements for maximum effectiveness and reduces the likelihood of pulling from the same offender pool.

#### **5. Increase support services.**

Increase support services by adopting a countywide framework for support service delivery, and resource the continuum based on identified population needs. As every criminal justice stakeholder is acutely aware, the county is insufficiently resourced to provide the level of support services needed for the correctional population, especially around housing, mental health, and addiction services. Jail, then, becomes the default behavioral health service provider. As services become increasingly available in the community, the incentive to use jail will decrease.

#### **6. Put in place an ongoing continuing education series.**

Sponsor a series of research-informed forums or roundtables to increase awareness of practices that are or are not effective, especially those that impact the use of jail. Whatever changes are made to manage the jail population differently, it will require the willingness of key decision-makers to do something differently to meet justice needs. Criminal justice stakeholders—who know that they are responsible and will be held accountable for their decisions on a daily basis—would benefit from a clear understanding of what is effective and what actions can inadvertently be harmful. A consensus among criminal justice stakeholders on the research foundation behind policies and programs would help bolster stakeholders' support for the use of non-incarceration programming where appropriate.

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## Introduction

Sacramento County administers the adult correctional system, which consists of two jails and the adult probation department. The jails have a total rated capacity of 4,005 beds and an average daily population of 3,700. Adult probation is responsible for 22,000 adult offenders, and actively supervises 4,500. The county has been diligent in implementing best practices to decrease offender recidivism and reduce the jail population while maintaining community safety. These measures have included using model treatment programs, accessing specialty and collaborative courts, improving court case processing speed, and using jail alternatives. Despite these progressive practices—and despite the recent decreases in crime and jail bookings—challenges remain.

The county is currently spending over \$292 million on jail and probation.<sup>1</sup> Further driving the county's interest in the jail population is a consent decree prompted by a class action lawsuit filed in Federal District Court on July 31, 2018, alleging conditions that violate inmates' rights. The decree requires the county to improve conditions of confinement, including staffing, services, and the jail infrastructure. Strategies that can safely manage the offender population in the community rather than in jail could offer some relief.

While the average daily population of Sacramento County's jails has declined by nearly 22% since its peak in 2008, the county wanted to explore whether there were untapped opportunities to reduce the jail population further. While incremental savings can be gained for each person diverted from the jail, significant costs savings are realized when enough people are diverted to close an entire unit. Acknowledging that jails are an essential element of public safety, the county sought outside expertise to determine how to reduce its reliance on incarceration in a manner that would minimize the risk to the community. In July 2019, the county contracted with The Carey Group (TCG), a justice consulting firm, to examine the risk profile of the jail population and to determine if some subsets of this population could be managed in less costly ways.

TCG began by reviewing previous reports and documents, including the Carter Goble Associates' December 6, 2016 report. TCG retained the expertise of Applied Research Services, Inc. (ARS), a data and research firm, to identify what percent of the jail population was at lower risk to reoffend and could potentially be diverted from jail. TCG also held introductory phone interviews with key stakeholders from the following organizations:

- Department of Health Services
- District Attorney's Office

<sup>1</sup> FY 2019–20 adopted budget figures.

### COVID-19

Information gathered and analyzed for this report was conducted prior to the impact of COVID-19. Since then, the jail population has dramatically decreased. The report uses the jail's population of recent years as a baseline for analysis. The reduction in the jail population due to COVID-19 is unlikely to be sustained once operations return to normal without implementing long-term system changes.

- Conflict Criminal Defender
- Probation Department, Adult Division
- Public Defender’s Office
- Sacramento City Police Department
- Sacramento County Board of Supervisors
- Sacramento County Sheriff’s Office
- Superior Court of California, County of Sacramento.

Multiple themes emerged from these interviews, including:

- insufficient behavioral health services for those most at risk of becoming involved in the justice system
- absence of a detox center, resulting in people being transported to the emergency room or to jail
- lack of capacity to serve more individuals in jail alternative programs
- exclusionary program criteria, making it impossible for individuals involved in the justice system to access programs and services that would reduce their likelihood to return to the system
- limited access to data and outcome measures to determine the effectiveness of programs and strategies to reduce recidivism.

TCG conducted on-site visits in October 2019 and January 2020. During the October visit, TCG toured an Adult Day Reporting Center and the Rio Consumnes Correctional Center (RCCC), observed multiple collaborative courts in session, and visited with representatives from numerous agencies. TCG’s pretrial subject matter expert met with management and staff responsible for the implementation of Adult Probation’s new state-funded pretrial program. During the January visit, TCG returned to discuss initial data findings and to further explore the county’s identified needs for alternative approaches to offender accountability. TCG’s subject matter expert on alternatives to incarceration spent additional time learning more about the alternative-to-jail programs operated by the Sheriff’s Office.

TCG documented numerous positive efforts to address public safety and reduce the risk of offenders returning to the justice system. TCG also noted various planned strategies to serve the population involved in the justice system or at risk of becoming involved.

This report documents TCG’s observations and findings and provides six key recommendations for how the county can more effectively apply research and best practices to manage its offender population and reduce individuals’ likelihood to return to the system.

### **SAFE COMMUNITIES**

In a free society, we will always need a place to house people who are too dangerous to live in the community. The question is not whether to support a jail, rather it is for whom. Every community must answer how they want to respond to people who violate the law, what is the most prudent course of action, and how this action can leave the community stronger and not more fragile.



## The Potential

With an average daily jail population of approximately 3,700 inmates, county stakeholders voiced concerns about the amount of funding required to operate the jails and the growing price tag to make much-needed capital improvements. Increased staffing and the implementation of other improvements as a result of the lawsuit and consent decree added even more financial strain. Significant reductions in the jail population will be required to mitigate the taxpayer burden. Yet, some practitioners who were interviewed expressed apprehensiveness that a change in policies and practices would reduce the jail population to the point that public safety would be threatened. Many of these individuals pointed out that the public is weary of the impact crime is having on their quality of life and insisted that the justice system address these issues at whatever cost it takes. While these stakeholders supported making changes to help find a middle ground, they expressed reservations about whether a significant number of individuals currently held in jail could be safely managed in the community without high-intensity, high-cost programming. They stressed a considerable number of policies, practices, and programs that “mined the jail population” for lower-cost interventions have been implemented.

The amount of funding dedicated to the pretrial and post-adjudication population (jail and probation) is notable, with FY 2019 gross expenditures as follows:

- Jail, excluding work release: \$229,476,017
- Jail Work Release Programs: \$19,105,034
- Adult Probation (Community Corrections and Field Services): \$43,650,117.

Sacramento County’s average daily cost per jail bed day is \$172. However, reducing the daily jail population by 10 individuals will not save the county \$1,720 because the jail minimum staffing requirements will not change. More considerable cost reductions will only be realized when an entire unit is closed and staff are reassigned. While small, incremental reductions in the jail population will help resource management, it will take a formidable response to reduce the jail population enough to meaningfully offset current or pending financial investments in the jails and to then reinvest the savings in less costly alternatives to incarceration. TCG wanted to know whether this was even remotely feasible.

One of TCG’s first steps in determining the feasibility of large cost savings was to assess whether there was the potential to responsibly reduce the jail population. To do this, TCG focused on two pieces of information: 1) whether Sacramento County incarcerates less, the same, or more people per capita when compared with counties of similar size and 2) whether a significant number of lower-risk individuals held in jail could be managed through means other than incarceration. If Sacramento County’s incarceration rates were average or lower than the rates of their counterparts, or if the inmate profile was primarily made up of high-risk individuals, the potential to make significant reductions would presumably be low.

## INCARCERATION AND JAIL ADMISSION RATES

Carter Goble Associates also examined incarceration rates, and their findings were reported to the Board of Supervisors. Using data from the Board of State and Community Corrections and California Attorney General, they compared Sacramento’s 2015 per capita incarceration rates with the average of other California counties. They found that Sacramento incarcerated at a rate 42.5% higher than other California counties (268 people per 100,000 population compared to 188 for other California counties). In addition, they looked at the county’s use of correctional sanctions, which includes jail, prison, probation, and parole, and found that Sacramento County used correctional sanctions at a rate 65% higher than the California statewide average.

TCG was interested in broadening the examination by looking more closely at incarceration rates of counties of similar size—not only in California but nationwide—and by also looking at the issue from a booking perspective. These analyses are reported below. The methodology used to conduct the analyses is described in appendix 1.

### Average Daily Population

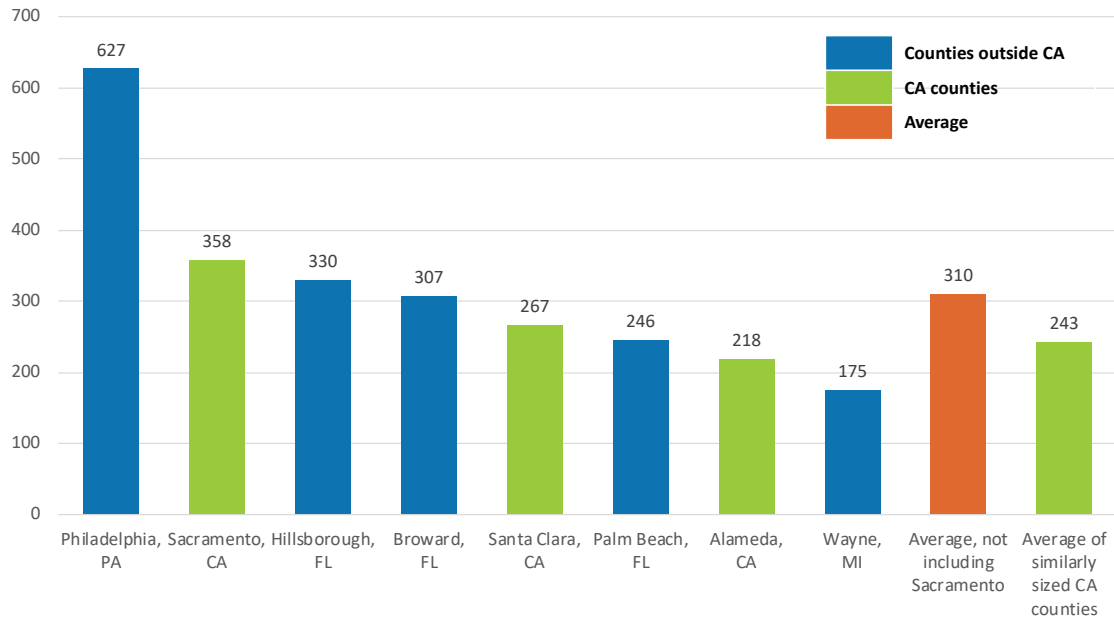
TCG examined the average daily population rates of jails in U.S. counties of similar size to Sacramento. This data was available through the Federal Bureau of Justice Statistics. A total of 13 counties had a population between 1.4 million and 2.0 million residents. However, jail data from five counties were not available. This left eight counties (three California counties and five U.S. counties outside of California) in the comparison group. The most current annual data available was provided. TCG examined statistics for residents ages 16–64; individuals in this age group are more likely to engage in crime than those outside this age range.

Figure 1 shows that, on any given day in 2017, Sacramento incarcerated an average of 358 individuals for every 100,000 residents between the ages of 16 and 64. The only county that incarcerated at a higher rate was Philadelphia County, Pennsylvania, at 627 per 100,000 residents in that same age group. The average for all counties of similar size (excluding Sacramento) was 310 per 100,000. In this scenario, Sacramento incarcerated at a rate that was 15.5% higher than similarly sized counties in the U.S., and 47% higher than the two other California counties of similar size.<sup>2</sup> The methodology to derive comparison rates for the average daily population and other comparison data that follows can be found in appendix 1.

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<sup>2</sup> TCG also examined comparison rates of the following California counties: San Bernardino, Riverside, San Francisco, and Los Angeles. While these counties were not within the population size of the comparison sample, they provide additional context. The results show that San Bernardino incarcerates at a rate higher than Sacramento but the other counties are significantly lower. See appendix 1 for the comparison information.

**FIGURE 1: 2017 Incarceration (ADP) Rates (per 100,000 Residents Ages 16–64) Comparisons Among Similarly Sized Counties (1.4–2.0 Million Residents)**

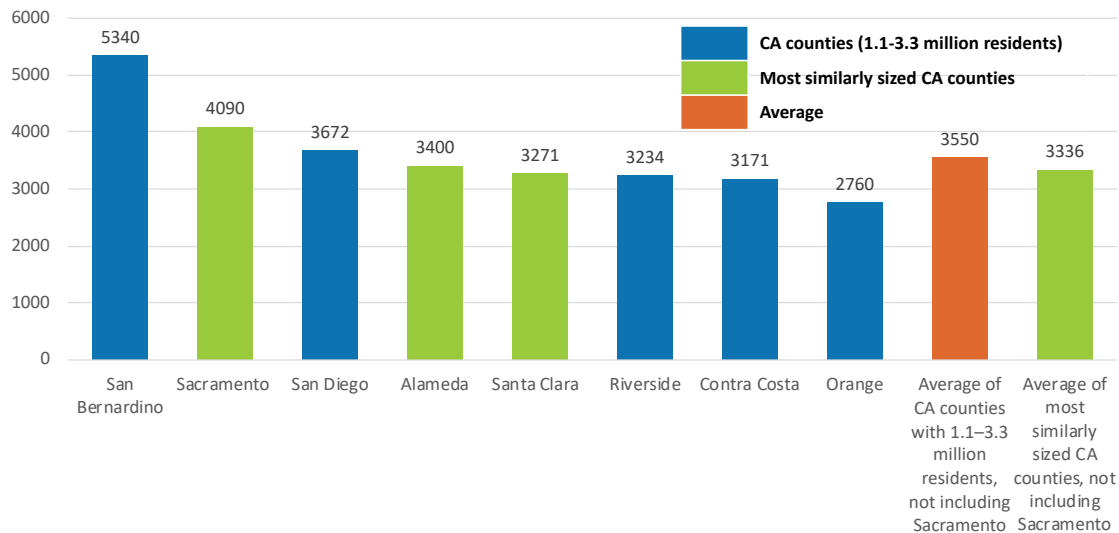


### Jail Admission Rates

Another way to determine jail usage is by looking at the total volume of admission activity or bookings. While many justice-involved individuals are *processed* through the jail, for population censuses, only those *admitted* to the jail through the booking process count as jail admissions. TCG compared booking rates per 100,000 residents ages 16–64 in similarly sized counties. This data was available for California counties through the Board of State and Community Corrections. A total of eight counties with a population range of 1.1 million to 3.3 million were used for comparison purposes.

Figure 2 shows that Sacramento County had 4,090 jail admissions for every 100,000 residents between the ages of 16 and 64 in 2017, a rate higher than six of the seven other counties of comparable size. The average for all counties of similar size, excluding Sacramento, was 3,550 per 100,000, and the average for the two California counties most similar in size was 3,336. In this jail admissions scenario, Sacramento had 15% more bookings per capita than its California counterparts and 22.6% higher than the average of Alameda and Santa Clara counties.

**FIGURE 2: 2017 Annual Jail Admission Rates (per 100,000 Residents Ages 16-64) Comparisons Among California Counties (1.1–3.3 Million Residents)**



After comparing these statistics, TCG tried to ascertain whether there were clear reasons for Sacramento County’s relatively high numbers. TCG reviewed the Carter Goble Associates report, which examined some of the significant drivers of incarceration, such as per capita rates of reported crime, rates of arrest, rates of violence, length of jail stay, rates of state prison use, and other potentially relevant factors. The factors that stood out as contributory to Sacramento County’s higher incarceration numbers was the county’s higher reported crime rates and higher length of stay compared to California counties. This, however, falls short of explaining the extent of the difference in incarceration rates compared to similarly sized California counties.

TCG also looked at legislative changes to better understand their impact on local incarceration rates. While legislative changes would not explain incarceration rate differences between Sacramento and other California counties, they might explain discrepancies between Sacramento and counties of a similar size outside of California. TCG could not attribute the differences to legislative changes. The review of the various published reports indicated that, although some legislative impacts are in dispute, on the whole, statute changes have likely offset each other in terms of incarceration rate impact. Specifically, while some statutes have resulted in an increased use of incarceration at the local level, other statutes have resulted in a decreased use of incarceration.<sup>3</sup> Table 1 summarizes TCG’s literature review.<sup>4</sup> The “Jail Impact” column shows the overall impact of the statute on local incarceration rates but does not attempt to quantify this impact.

<sup>3</sup> It should be noted that while TCG is of the view that these legislative changes likely offset each other in terms of incarceration rates, they had other impacts above and beyond the scope of this work—namely, increased sentence lengths requiring more medical and mental health services, as well as program and recreation space, in jails, and increased numbers of supervisees assigned to the local probation department.

<sup>4</sup> The review does not include the Public Safety and Rehabilitation Act of 2016 (Proposition 57) as its impact (positive, negative, neutral) was unclear.

**TABLE 1: Impact on Jails of Legislative Changes**

Legislation	Jail Impact	Description
SB 678 (2009)	↓	The California Community Corrections Performance Incentive Act was designed to incentivize local probation departments to increase their use of evidence-based practices and decrease the number of adult felons sent to state prison, especially on revocations.
AB 109 and 117 (2011)	↑	The Public Safety Realignment Act was designed to reduce the state prison population by requiring parole violators to serve a short time or be sanctioned locally and by requiring probation to supervise lower-level offenders released from state prison (“post-release community supervision”).
Amendment: Section 4019 of the Public Safety Realignment Act	↓	Section 4019 of the Public Safety Realignment Act was amended so that inmates confined in or committed to county jail for four days or longer receive two days of conduct credit for every four days served, or approximately one-half off their sentence. Prior to this amendment, they received one-third credit. Some exclusionary criteria apply.
California Penal Code Section 1170 (h) (5); California Rule of Court, Rule 4.415 (a) (2011 and 2015)	↔	Section 1170 (h) (5) was added in 2011 to address gaps in AB 109 by allowing judges to impose a straight sentence of incarceration or a split sentence of incarceration followed by a term of supervision. In 2015, Rule 4.415 (a) made a split sentence the default for realigned offenders as a means to reduce jail populations and reduce recidivism.
Adult Local Criminal Justice Facilities Construction Program (SB 1022) (2012)	↔	Senate Bill 1022 was passed to address the need for costly updates to facilities; accommodate growth in jail populations due to realignment; increase medical, mental health, and programming services; and accommodate a shift from indirect to direct jail supervision.
The Safe Neighborhoods and Schools Act (Proposition 47) (2014)	↓	Proposition 47 was designed to reduce the prison population by reducing specified property and drug possession felonies to misdemeanors. It allowed for those already serving sentences for these crimes to petition for shorter sentences. There is some evidence that this increased the rates of property crime (and therefore incarceration), although not violent crime, and it has led to lower recidivism rates among those released after serving sentences for Proposition 47 offenses.
Mental Health Diversion (Penal Code §§ 1001.35, 1001.36, 1370, and 1370.01 (AB 1810)) (2018)	↓	AB 1810 provides for the discretionary diversion of individuals who commit a crime because of a mental health disorder, allowing for charges to be dropped if the individuals successfully complete a mental health program.
Pretrial Reform (SB 10) (2019)	↔	Senate Bill 10 authorizes a change to the pretrial release system from a money-based system to a risk-based system. It assumes that a person will be released on their own recognizance or with the least restrictive nonmonetary conditions. It is currently in Referendum 1856 (18-0009), qualifying for the November 2020 ballot.

Other factors may help explain Sacramento County’s higher incarceration rates when compared to other counties, for example, the number of police officers; the amount of support services (e.g., detoxification centers, emergency mental health services, assessment centers); municipalities’ utilization of booking services in order to free up officers’ time; the fact that Sacramento is the capitol city, thereby serving as a

hub for others to relocate to take advantage of services; and so forth. However, examining these factors would require significant additional analysis.

TCG would like to assert that Sacramento's incarceration rates are higher than the majority of other similar sized counties is not a judgment of the dedicated professionals working in law enforcement, courts, attorney offices, probation, and community-based organizations. As discussed, there are likely many reasons to account for the higher rates—some of which are known and some of which are not known. The question is, what should be done about the issue? And, are there lower-risk individuals in jail who could be safely managed in the community?

### **Risk Level of Individuals Held in Jail**

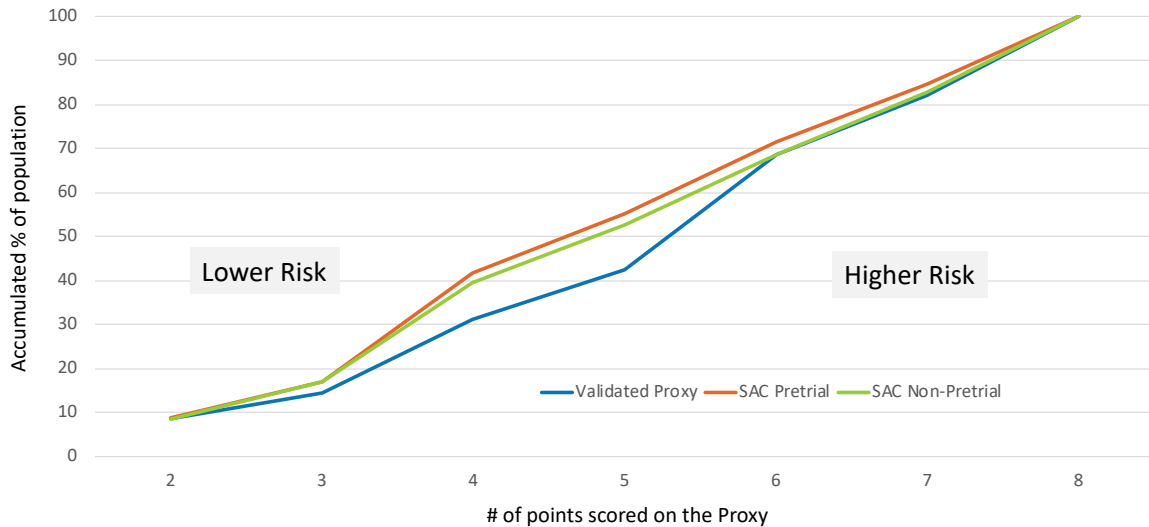
The Sheriff's Office uses a number of processes to determine housing classification and service needs of those in jail; however, it does not routinely assess risk of rearrest or reconviction—at least not for the majority of the jail population. For this reason, TCG was not able to link risk data (defined as future risk of rearrest or reconviction) with the various subpopulations (e.g., pretrial, chronic, female, domestic violence, etc.). As a result of this gap in information, TCG extracted jail data from 2016 to 2018, a total of 130,044 cases. That data was used to assess risk to reoffend using a proxy method. As noted in recommendation 3—adopt a universal risk screening process—almost all risk tools use similar risk factors that have been proven over numerous validation studies to predict rearrest or reconviction. The most heavily weighted risk factors are static (i.e., unchangeable). These factors are few in number—they include prior arrests or convictions, age, and gender—and they can be determined using the existing database (i.e., an interview is not required to determine them). When examining static risk factors, research shows that the risk of rearrest or reconviction increases for those who have had multiple prior encounters with the justice system, are male, and are younger (especially between the ages of 16 and 25).

To know whether it was reasonable to use a validated proxy tool to assess risk, TCG had to determine if the risk factors contained in the tool were similar to those of the Sacramento jail population. The tool chosen was first validated in Hawaii and its validation has since been replicated many times.<sup>5</sup> The first question that needed to be answered was whether the Sacramento jail population aligned with the validation sample in terms of risk factor scoring. That is, was the Sacramento jail population similar or dissimilar to the sample used to validate the proxy? If the risk profile distribution was similar, it would be possible to determine that it had face validity. A review of more than 130,000 jail episodes over a three-year span revealed significant similarities between the risk score distribution of the original proxy validation sample and the Sacramento jail population, including the means and standard deviations (see figure 3).

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<sup>5</sup> The Hawaii proxy had an Area Under the Curve (AUC) above .65.

**FIGURE 3: SAC Risk Distribution Compared to Validated Proxy (pretrial n = 92,126; non-pretrial n = 37,918)**



While this is encouraging from a face validity point of view, this information does not definitively identify the risk distribution of the Sacramento jail population. Only an independent validation process would confirm that information. However, this analysis provides us with an important indicator that gives us reasonable understanding of the risk level of the individuals held in jail.

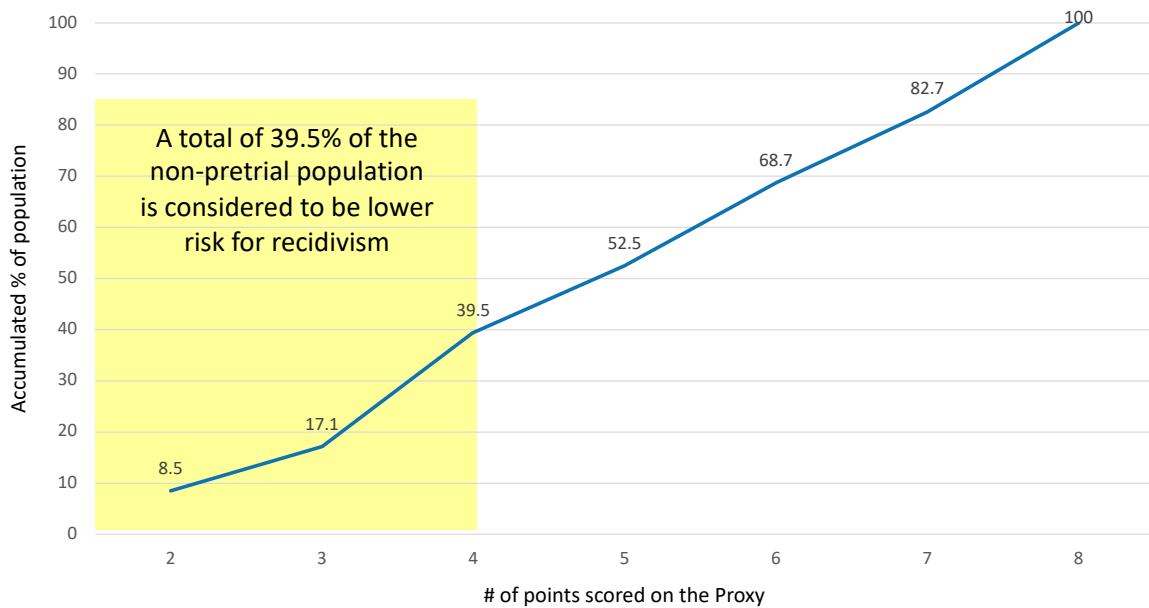
Since the Sacramento jail risk profile is similar to the validation source, the next question was, what percentage of the population is considered lower risk to reoffend? The authors of the proxy note that scores of 2–4 indicate lower risk and scores of 5–8 indicate higher risk. “Lower risk” includes those at very low risk to reoffend and are lower risk than their higher-risk counterparts.<sup>6</sup> Furthermore, the authors note that lower-risk individuals’ risk to recidivate means that less than 50% of these individuals would reoffend, compared to 70% or more for higher-risk individuals. The original validation study defined “recidivism” as a new arrest for criminal behavior or revocation within a three-year time frame.

Based on the scores indicative of lower and higher risk, nearly 40% of Sacramento’s adjudicated (sentenced) jail population were considered to be at lower risk to reoffend, 60% were higher risk (see figure 4). This suggests that a significant percentage of the adjudicated, jailed population might be safely managed in the community as long as sufficient services are available.<sup>7</sup>

<sup>6</sup> Local stakeholders may define “lower risk” differently than the proxy authors.

<sup>7</sup> Factors other than risk to reoffend might impact decisions about whether to manage lower-risk individuals in the community or in jail. For example, an individual at a lower risk to reoffend may have committed a serious crime. In this instance, the prosecutor (on a plea) or the judge (on sentencing) may determine that the impact to the victim or the community warrants a lengthy jail term rather than supervision in the community.

**FIGURE 4: SAC Risk Distribution for Sentenced Population (n = 37,918)**



Interestingly, the proxy information on the pretrial population indicated that 42.5% were similarly lower risk; however, the proxy was validated on the adjudicated population, not on a pretrial population. Typically, recidivism measures for the adjudicated population are longer term—in this case three years—while pretrial assessments measure rearrests over shorter periods of time—specifically, during the pretrial period—and also assess the risk of failing to appear in court pretrial. While the data extrapolated for the pretrial population should be viewed with extreme caution, it nonetheless provides a potentially promising indicator of the number of individuals for whom alternatives to pretrial detention may be appropriate.

#### Additional Data

The primary purpose of the data extraction was to identify whether a significant portion of the jail might be safely managed in the community. However, some additional information was collected that is noteworthy for planning purposes.

**Probation Violations.** A total of 18% of booking episodes included a parole or probation violation. This 18% accounts for 23,856 episodes. It is not known how many of these episodes included a booking for a new offense.

**Length of Stay.** The most frequently reported (mode) length of stay was less than one day, indicating that a majority of bookings were short term, booked, and released. In fact, half of all booking episodes were short term. Specifically:

- 25% of all bookings were for less than one day (.46 of a day)
- 50% of all booking episodes were for less than 4.75 days
- 75% of jail booking episodes were for 28 days or less.



**Public Order/Nuisance Offense.** Compared to the rest of the jail population, individuals booked for a public order/nuisance offense have more jail episodes, are arrested for less serious and violent offenses, and are more likely to have a record for failing to make their court appearances. Specifically, individuals arrested for a public order/nuisance offense are:

- more likely to have prior arrests (17.1 priors vs. 10.8 priors)
- less likely to have a felony in their booking event (12% vs. 39%)
- less likely to have a violent offense in their booking event (9% vs. 25%)
- more likely to have a failure to appear (FTA) offense in their booking event (6.2% vs. 1.8%)
- more likely to have a shorter length of stay (22.7 days vs. 35.4 days).

**Violence.** A total of 23% of booking episodes involved violent crimes. This included felonies and misdemeanors.

**Drug Possession.** A total of 21% of booking episodes included a drug possession offense (not possession with intent to distribute).

**Warrants.** A total of 37% of all bookings included a warrant as follows:

- warrant for arrest (31%)
- warrant for commitment (6%)
- warrant en route (less than 1%).

## IMPLICATIONS OF THE ANALYSIS

Given the above analysis, there are several reasons why TCG is optimistic that Sacramento County can significantly reduce its jail population:

1. It appears that a significant portion of the jail population is lower risk, suggesting that a large number of these individuals could be safely managed in the community if services were made available.
2. While there are possible explanations for why Sacramento County's incarceration rates are higher than those of similarly sized counties in the United States and California there are no clear driver(s). This leaves open the opportunity to examine and revise policies and practices that may encourage greater incarceration rates, often unnecessarily.
3. The pretrial population makes up 60% of the jail population. Changes in pretrial assessment and supervision that would be made possible by SB 10 and the pretrial pilot project could result in lower numbers of individuals being detained in jail pretrial.
4. The county has in place a number of well-run, evidence-based programs that could be expanded by modifying the criteria and adding staff to manage the higher numbers, at much less expense than jail. This is discussed later in this report.

5. Stakeholders recognize that status quo is not sustainable and have indicated a commitment to try alternative methods to achieve their goals. They have a collaborative spirit and have in place a number of planning teams, putting them in an excellent position to make the necessary changes, especially if the effort is enhanced.

Consider the implications if Sacramento County managed to implement policies and practices that reduced its incarceration rate to the average of its counterparts. When examining the comparative data, Sacramento’s incarceration rates are between 15% and 47% higher than their counterparts (see table 2).

**TABLE 2: Comparisons of Incarceration Rates**

Data Measure	Sacramento County Compared to Other Counties
2015 incarceration rate compared to other CA counties (as reported by Carter Goble Associates)	42.5% higher
2017 incarceration rate (per 100,000 residents ages 16–64) compared to similarly sized US counties	15.5% higher
2017 incarceration (per 100,000 residents ages 16–64) compared to similarly sized CA counties	47% higher
2017 admission rates (per 100,000 residents ages 16–64) compared to CA counties with a population of 1.1–3.3 million	15.2% higher
2017 admission rates (per 100,000 residents ages 16–64) compared to similarly sized CA counties	22.6% higher

If Sacramento’s jail population aligned with its state and national counterparts, hundreds of jail bed savings could be realized. Assuming a mid-range reduction of 20% of the current incarceration rate, Sacramento’s ADP would decrease by 740. Another way to estimate possible jail reduction is by examining the lower risk population in jail. If approximately half of the lower risk post adjudicated and pretrial jail population (see figure 4) were managed in the community, it would result in an overall 20% reduction of jail beds. Under either scenario, this would result in a decrease of 740 ADP (see figure 5).

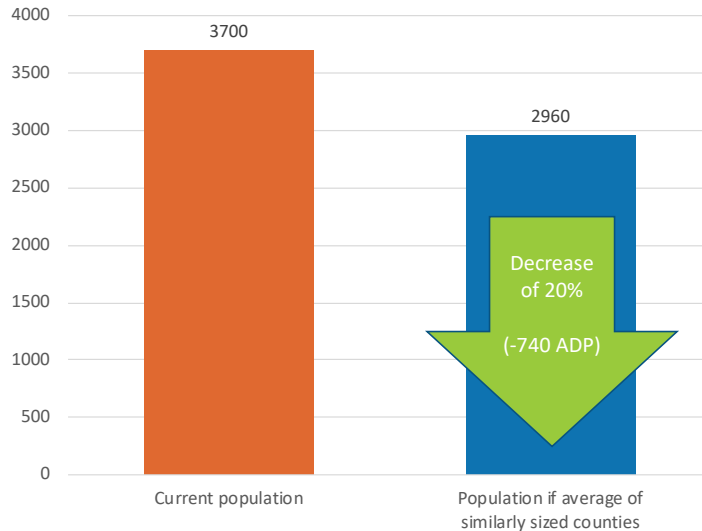
Achieving this goal will require more of some processes and programs and less of others. In terms of the arrest and pretrial side of the system response, there will need to be, where appropriate:

- more use of cite and release
- less use of bail with financial conditions
- less overall detention, except for carefully limited exceptions.

In terms of post-adjudication, there will be a need for, where appropriate:

- more non-incarceration responses
- shorter jail stays
- more reliance on probation supervision and programming
- use of long-term incarceration only for serious offenders and recalcitrant offenders.

**FIGURE 5:** Impact of Sacramento County Policy Change: Aligning ADP with Similarly Sized Counties



Finally, reducing the jail population will require careful planning, including altering current policies and practices, such as built-in incentives to use jail; robust, two-way communication across and within all of the criminal justice agencies, particularly to allay agency concerns over loss of staff or budget if resources are used differently; collaboration among agencies; and a willingness to give up something in order to achieve a greater good.

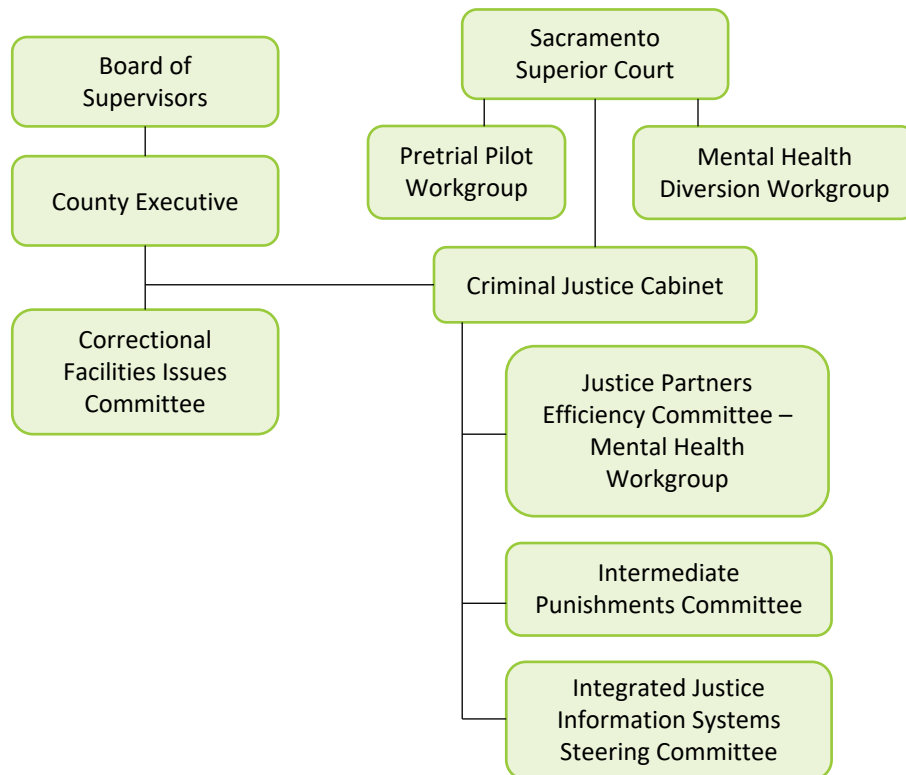
// Long-term transformational change requires an acknowledgment that profound change is necessary: a willingness to collaborate across traditional institutional boundaries and to reexamine root assumptions; the courage to take risks and explore new ways of thinking and practice; the honesty to critically evaluate changes; and a long-term commitment. //

Tom Reed and John Chisholm, *From Funnels to Large-Scale Irrigation: Changing the Criminal Justice Paradigm to Improve Public Health and Safety* (p. 2)

## Strengths of the Current System

While this report is focused on strategies to reduce the jail population, TCG thought it would be useful to point out that the system has significant strengths that position the county to achieve its jail reduction goals. Most organizations struggle to communicate and collaborate around community alternatives to incarceration. Sacramento County, on the other hand, has endorsed a high degree of openness and commitment to achieving public safety through innovative means as evidenced, in part, by agencies trying new approaches to better serve the adult offender population and to improve the quality of life for county residents. Agency leadership is active, participating in multidisciplinary planning groups, and engaged in a shared goal to improve justice system practices. Leadership recognizes that more changes are needed, and there is a willingness to pursue new initiatives as well as garner more community involvement. There are also many multidisciplinary criminal justice planning groups, such as the Correctional Facilities Issues Committee, the Pretrial Pilot Workgroup, the Mental Health Diversion Workgroup, and the Criminal Justice Cabinet (see figure 6). TCG observed stakeholders across agencies actively looking for opportunities to improve further.

**FIGURE 6:** Existing Criminal Justice Planning Groups



Many efforts stand out as laudable, from attempts to divert individuals from the justice system to efforts to help individuals successfully reintegrate into the community. The following are just a few examples of these efforts.

## COMMUNITY DIVERSION

There exist multiple programs to divert individuals from justice system involvement. One notable effort is the Sacramento City Police Department's homeless outreach and mental health units, which are overseen by a social service administrator. Officers attempt to engage and link individuals to resources and solutions when they come in contact with the police department. Social work interns are embedded in the units, practicing their skills and working with the community. The Sheriff's Office Homeless Outreach Team (HOT) operates in a similar manner—connecting homeless individuals and families with critical services. Mobile Crisis Support Teams also provide on-the-spot responses to people with mental illness to prevent unnecessary hospitalization or incarceration.

## JAIL ALTERNATIVES

As previously noted, Sacramento County's average daily jail population has been declining since 2008. The Sheriff's Office has implemented multiple strategies and programs to reduce jail occupancy rates, including a "quick release" process for low-level offenders. Twenty-five percent of all jail bookings are for less than one day, and half of all bookings are for less than five days. The Sheriff's Office provides the court with three jail alternative programs: Home Detention, the Alternative Sentencing Program (ASP), and the Sheriff's Work Project (SWP). These programs allow offenders to serve their sentences at home rather than in jail, with the requirement they report to community service work projects. The programs are also an early release option for eligible inmates. They run for as little as \$32 per day, compared to \$172 per day for a jail bed, and none requires housing inmates.

To help offset the impact of AB 109 and 117, Section 4019 of the Realignment Act was amended to increase good time credits. The Sheriff's Office provides up to 50% "good time" credits for eligible individuals. Inmates can lose some of that credit for poor behavior or failure to participate in required programming, creating an incentive for the individual to follow facility rules and take advantage of programming offered. The Sheriff's Office also allows individuals to earn up to 26 days of credit for program participation. Finally, the Sheriff's Office offers a "3-day kick" where individuals are released from their sentence three days early.

## JAIL-BASED PROGRAMS

For the sentenced population, the RCCC offers an impressive array of reentry services to reduce the likelihood of reoffending upon release. Vocational, educational, and treatment programs are based on the best-known research principles. Assessments such as the LS/CMI, ASAM, TCU5, Drug Screen T, and URICA are used to determine those factors that put an individual at risk to reoffend and motivation for change, and then reentry specialists develop individualized, dynamic case plans to address those needs and support skill acquisition aimed at reducing the individual's risk of recidivism. Reentry specialists also connect individuals with services upon release and continue with case management services for a year after release. The caseload of each reentry specialist is capped at 25 to ensure that they provide the

level of support required to help effect offender change. Fidelity is ensured using a variety of measures, including case plan file reviews and checklist-based observations. Impressively, three Correctional Program Checklists (CPC)<sup>8</sup> have been completed for the Reentry Services Bureau, with the last one placing the services at the higher end of effective programs. For outcome data, the Reentry Services Bureau routinely collects recidivism rates and tracks pre/post-assessment scores, among others.

## COURTS

The Superior Court of California, County of Sacramento, operates numerous specialty and collaborative courts that combine judicial supervision with monitored treatment and rehabilitation instead of detention. By taking a multidisciplinary approach, the courts attempt to address an individual's underlying problems, such as mental health or substance use disorders. The courts also rely on community-based strategies to meet offender needs and keep them accountable for their actions, thereby reducing reliance on incarceration.

## PROBATION

The Probation Department, recognized for its innovation and success in reforming the juvenile system, is implementing or expanding practices and programs in its adult system to more effectively manage its supervision population. The department has a robust screening and assessment process as part of the intake procedure to appropriately classify each probationer for services and supervision. The appropriate classification of individuals is critical to supervision placement.

Three Adult Day Reporting Centers (ADRCs) provide wraparound services for those assessed at a high risk to reoffend. Services include cognitive behavioral programs, vocational training, educational programs, and individual or family counseling. In addition, the ADRCs have a small residential budget to provide emergency housing and other family support services. Many services are delivered by community partners on site. Support staff are also co-located at the ADRCs to facilitate joint case management. Because the participants must physically get to the ADRCs, staff often use engagement strategies, such as family activities, food, and a positive environment, to ensure attendance.

Like the Sheriff's Office reentry program, the ADRCs have integrated evidence-based practices in their services. They utilize a variety of screenings and assessments, have established a level system with a heavy emphasis on rewards and incentives, and seek to involve participants' family members. The ADRCs have had a CPC conducted and are due for another one.

### Specialty and Collaborative Courts

- Adult Drug Court
- Chronic Nuisance Offender Program
- City Alcohol Related Treatment
- Community Realignment Re-entry Court
- Drug Diversion – PC 1000
- DUI Treatment Court
- Loaves And Fishes Court
- Mental Health Treatment Court
- Proposition 36 Court
- Reducing Sexually Exploited & Trafficked Court
- Re-entry Court
- Serial Inebriate Program
- Stand Down Court
- Veterans' Treatment Court

<sup>8</sup> The CPC is an evidence-based tool developed by the University of Cincinnati to evaluate how well correctional programs adhere to the principles of effective intervention to reduce recidivism.

Probation is proactively seeking to improve its violation responses in order to reduce jail admissions while still ensuring community safety. For example, it is adjusting its use of flash incarceration to respond to the probation violations of post-release community supervision (PRCS) clients. The use of flash incarceration was based on studies showing positive outcomes when intensive supervision was combined with short jail stays for probation violations. Officers currently have the authority to send someone to jail for up to 10 days, and officers have frequently ordered the full 10 days. Efforts are underway to encourage officers to consider fewer days in jail based on the severity of the probation violation and the person's previous history. Supervisors are also reviewing the time frames of jail stays, and are actively acknowledging officers who are sending people to jail for less time. A new proposed policy would also allow officers to extend flash incarceration to non-PRCS cases. This change could reduce the number of individuals who receive 30-, 60-, or 90-day jail sentences for a probation violation. This new policy would also eliminate court appearances, freeing up the court calendar and the time probation officers would normally spend in court on these cases.

In addition, probation is in the process of expanding its use of citations for violation behavior involving new offenses. While citations have always been an option, a new policy has been drafted so the practice can be adopted departmentwide. Officers will then be able to cite probationers for qualifying new misdemeanor crimes without requiring a jail booking.

Another effective strategy to prevent violations in the first place is the use of pre-release videoconferencing for individuals scheduled to be released from prison and put on community supervision. Previously, probation officers would hold these meetings in person at the prison, necessitating officers to be away from the office for an extended period of time. The meetings are now taking place via videoconferencing, and 90% of the individuals are showing up for their intake appointment following release.

Finally, the department is currently launching a state-funded pretrial program. See "Recommendation 2: Make Pretrial the Priority," for more information.

## **HEALTH SERVICES**

The Sacramento Department of Health Services is actively involved in developing services and programs for the offender population. These efforts are relatively recent, reflecting a promising new direction for the department, which had previously prioritized the service needs of other populations before those of justice-involved individuals. As an example, the department has plans to more than double its Mobile Crisis Support Teams from five teams to eleven teams. These teams are dispatched to individuals in crisis to resolve the problem and prevent unnecessary hospitalization or incarceration.

Another recent positive development was the county's reorganization of jail health services, which moved from the Sheriff's Office to the Department of Health Services. Under this model, health care specialists who are knowledgeable about the community-based health care system will be able to connect inmates with services upon release and improve continuity of care.

## COMMUNITY PROGRAMS

Justice system stakeholders agree that nonprofits and community-based agencies are essential partners in the effort to support justice-involved individuals in the community. While more could be done to strengthen county–community partnerships, numerous effective examples exist, including the following:

- The Brother-to-Brother (B2B) program demonstrates how partnering with a community-based organization can deliver services to offenders in a way that the government cannot. B2B connects former offenders with probationers and parolees, providing mentoring and support services by credible messengers. The mentors also work with law enforcement to help prevent violence and mediate problems in the community, and they teach a skills class at the RCCC.
- Many offenders who are involved in work programs through the Sheriff’s Office or the Probation Department work at nonprofit organizations. Not only do they learn important skills at these worksites but they become more acquainted with community agencies and more invested in their community.

## SUMMARY

Many examples of Sacramento County criminal justice and community provider strengths—in addition to those detailed above (also summarized in table 3)—could be described. Clearly, the county is engaged in a jail reduction effort from which a strong foundation of effective services and assets can be expanded to meet the needs of the incarcerated population. In fact, “Recommendation 4: Expand Existing, Successful Programs” recommends that—with one exception, that of support services—the county focus on expanding its existing programs rather than adding more.

**TABLE 3: Positive Practice Examples**

Practice	Description
Homeless & Mental Health Outreach Teams	Sacramento police officers collaborate with providers to connect individuals to needed services.
Mobile Crisis Support Teams	Specialists go to individuals in crisis to help resolve problems thus avoiding unnecessary hospitalization.
Jail Alternative Programs	Individuals serve their sentences in the community while completing work projects.
Good Time Credit	Individuals receive 50% credit for jail stays upon entry to incentivize good behavior and program participation.
RCCC EBP Programming	Incarcerated inmates receive evidence-based services to address identified criminogenic needs.
Flash Incarceration	Those who violate probation receive short-term, rather than long-term, jail stays.
Adult Day Reporting Centers	Probationers receive evidence-based programs to address identified criminogenic needs and connect with support services.
Community Partnerships	Community-based organizations provide justice-involved individuals with services that they are uniquely qualified to provide, such as mentorship and support.



## Recommendations Overview

TCG offers six recommendations for consideration:

### **1. Adopt a systematic approach to criminal justice planning.**

Adopt an approach to criminal justice planning that is methodical, disciplined, comprehensive, and data-driven. This systematic approach includes the following activities and planning processes: logic modeling; systemwide mapping of the justice system from law enforcement contact through sentencing and termination; developing a criminal justice master plan; creating committee charters that include operating norms and a consensus statement on the values endorsed by the criminal justice system; implementing a data simulation model; examining the existing criminal justice planning staffing level; and establishing a criminal justice scorecard that includes outcome measures and program evaluation.

### **2. Make pretrial the priority.**

Make pretrial the priority by continuing the existing effort and adopting additional features as the Judicial Council-funded initiative unfolds. Given that 60% of the jail population is held pretrial, this group represents the greatest potential for jail reduction. Current efforts to utilize a static pretrial risk assessment, provide monitoring services, and expand the countywide automated court date notification system will likely yield positive results. Additional considerations such as expanding the use of citations, establishing a sequential bail review process, enhancing the Chronic Nuisance Offender effort, and others can aid in significantly reducing this subset of the jail population.

### **3. Adopt a universal risk screening process.**

Adopt a more comprehensive, risk-based system by implementing universal screening and assessment processes. Risk assessment has become the norm across most industries, including criminal and juvenile justice. Actuarial instruments can provide guidance for policymakers on who should receive the most or least amount of correctional attention. While the county is using a number of screening and assessment tools, many decisions are made without the benefit of knowing the individual's risk level. This can result in an under- or overresponse, both potentially negatively impacting public safety. It can also result in an under- or overuse of correctional resources. A comprehensive risk-based system increases the likelihood that justice-involved individuals will receive the level of services and supervision that is most appropriate for them.

### **4. Expand existing, successful programs.**

Increase the use of existing, successful programs and tie them to risk. The following programs are well suited for expansion both because of their proven effectiveness and their potential impact on the incarcerated population: the Sheriff's Jail Alternative Programs (Home Detention, the Alternative

Sentencing Program, and the Sheriff's Work Project), Collaborative Courts, Probation and its Adult Day Reporting Centers, and Jail Reentry.

The county could consider adding new correctional programs as an alternative to housing individuals in jail. However, these programs would likely compete for the same pool of individuals served in the existing programs. With one exception—expanding support services—expanding the existing, effective programs will achieve the same objective as adding new programs without requiring the time and costs associated with establishing something altogether new. And, tying these programs to the risk level of the justice-involved individuals will help ensure that the programs are targeting the right individuals and are providing proper programming dosage and intensity.

#### **5. Increase support services.**

Increase support services by adopting a countywide framework for support service delivery, and resource the continuum based on identified population needs. As every criminal justice stakeholder is acutely aware, the county is insufficiently resourced to provide the level of support services needed for the correctional population, especially around housing, mental health, and addiction services. Jail, then, becomes the default behavioral health service provider. As services become increasingly available in the community, the incentive to use jail will decrease.

#### **6. Put in place an ongoing continuing education series.**

Sponsor a series of research-informed forums or roundtables to increase awareness of practices that are or are not effective, especially those that impact the use of jail. Whatever changes are made to manage the jail population differently, it will require the willingness of key decision-makers to do something differently to meet justice needs. Criminal justice stakeholders would benefit from a clear understanding of what is effective and what actions can be inadvertently harmful. A consensus among criminal justice stakeholders on the research foundation behind policies and programs would help bolster stakeholders' support for the use of non-incarceration programming where appropriate.

## RECOMMENDATION 1: Adopt a Systematic Approach to Criminal Justice Planning

**Recommendation:** Adopt an approach to criminal justice planning that is methodical, disciplined, comprehensive, and data-driven. This systematic approach includes the following activities and planning processes: logic modeling; systemwide mapping of the justice system from law enforcement contact through sentencing and termination; developing a criminal justice master plan; creating committee charters that include operating norms and a consensus statement on the values endorsed by the criminal justice system; implementing a data simulation model; examining the existing criminal justice planning staffing level; and establishing a criminal justice scorecard that includes outcome measures and program evaluation.

As noted previously, Sacramento County’s stakeholders are engaged and open to change. In some ways, this strength is also a weakness. In recent years, there has been a flurry of activity, with innovative approaches being added to existing practices and programs. However, stakeholders reported that some of these new approaches have fallen short of expectations. They also noted that some decision-makers in the criminal justice system are innately risk adverse and this risk aversion leads to a reliance on jail as a response to crime. As one stakeholder said, “No one will criticize me for being too harsh.” Furthermore, while system players reported that there is growing agreement on some key concepts (e.g., overreliance on high money bond amounts in order to be released on bail), there is not consensus on others. Certainly, the active participation of criminal justice stakeholders on the Criminal Justice Cabinet, the Correctional Facilities Issues Committee, and other subcommittees help develop consensus. However, greater consensus—and consensus that leads to consistent and long-lasting criminal justice practice improvements—can be achieved by using a strategic and deliberative approach that permeates every corner of each criminal justice agency. The key is to be methodical, disciplined, comprehensive, and data-driven.

### METHODICAL

Being methodical means adopting a careful planning process that builds the system logically, sequentially, and in a value-added way. Being methodical also means not taking certain things for granted. For example, stakeholders cannot assume that they all have the same expectations of one another, similar values and beliefs, and the same understanding of the data and research. Instead, they must discuss these topics—even when the conversations may be difficult, and it may be tempting to avoid them—because the discussions are a crucial component of an intentional planning process.

### Local Applications of “Methodical”

It is recommended that Sacramento County consider adopting a systematic use of logic models. Developing logic models involves spelling out in great detail the theory of change, activities to be performed, inputs and outputs, expected outcomes, and the assumptions that explain how these items are interrelated. Stakeholders can then use logic models to determine whether the activities will likely achieve the desired outcomes or whether other elements must be put in place. An example of a logic model can be found in appendix 2.

Furthermore, it is recommended that Sacramento County consider using a data simulation model as a planning tool. Computer simulation models provide planners and decision-makers with a way to assess the potential impacts of a change in a risk-free environment (e.g., without disrupting existing operational processes and/or investing in solutions that prove to be ineffective) before making major decisions. These models are widely used in manufacturing, retail, and health care to explore “what if” scenarios, for example, “What if we introduce this change? How will it impact our staffing, processes, and infrastructure?”

Sacramento County can use computer simulation models as it explores different strategies to reduce its jail population. These models can help answer questions such as the following:

- Do the proposed changes reduce the jail population? If they do, when can the necessary relief be expected?
- What changes are likely to demonstrate the greatest impact in the shortest amount of time?
- Is there a combination of short-term solutions, coupled with a long-term plan, that gives the jurisdiction the best chance of meeting population targets?
- In addition to short/intermediate reductions in the jail population, does the plan also address long-term reductions to meet required targets?
- Do the changes impact critical key subpopulations? If they do, what are the impacts?
- How do reductions in the jail population impact other parts of the justice system, outside service providers, the community, and others?

### DISCIPLINED

“Disciplined” refers to the fact that change should not be rushed. Albert Einstein said, “If I had an hour to solve a problem, I’d spend 55 minutes thinking about the problem and 5 minutes thinking about solutions.” Implementation science is clear on this point: careful planning cannot be overstated. Long-lasting solutions require a thorough analysis and testing of assumptions. Solving complex problems requires discipline to “hold back” and examine the issue from many different angles. Failing to do so can result in ineffective solutions and the need to fix new problems that the “solutions” created. It takes time and patience to adopt a disciplined approach. Not everyone is comfortable with the process. In fact, by the very nature of their jobs, many criminal justice practitioners are used to making swift decisions and sometimes eschew processes that take a long time to unfold.

### Local Application of “Disciplined”

It is recommended that Sacramento County consider undergoing a comprehensive mapping process in which justice system stakeholders map out each segment of the system in great detail. This process helps individual stakeholders understand how decisions are made and what policies and traditions encourage or discourage a particular, desired practice. Once completed, the map can be routinely used in future planning efforts. Any new proposed change can be added to the map to help participants understand how the change will likely impact current system activities and objectives. An example of a comprehensive system map, along with a subsection of that map, can be found in appendix 3.<sup>9</sup>

### COMPREHENSIVE

Being comprehensive means understanding the connection among activities and how the interplay of the actions impacts outcomes. In some instances, changes in one area can *result in changes* in another area; in other instances, changes in one area can *offset changes* in another area. A good example of this is when different programs draw from the same eligibility pool. Planners and stakeholders would benefit from knowing what future activities are being planned, how they will acquire referrals, and how the process or intervention will positively or negatively impact existing initiatives.

### Local Application of “Comprehensive”

It is recommended that Sacramento County consider enhancing its current planning effort by developing a criminal justice master plan. Master plans are commonly created specifically for jail planning; however, they can also be broader plans that address a comprehensive offender management strategy. The purpose of a criminal justice master plan is to understand the current system (i.e., how the system functions and how it can be improved), forecast trends, and determine programmatic and resource needs. It utilizes current data to inform decisions and can be updated periodically with new data, especially as the implementation plan unfolds. An example of a criminal justice master plan can be found on the Sonoma County website: <https://sonomacounty.ca.gov/WorkArea/DownloadAsset.aspx?id=2147509983>.

### DATA-DRIVEN

Being “data-driven” means using accurate and timely data to inform criminal justice decision-making. Indeed, when it comes to planning, data matters. Few argue with the statement made by American scholar W. Edwards Deming that, “What gets measured gets done” (later adapted by others as “What gets measured gets managed” and “What gets measured gets improved”). Furthermore, a significant amount of research indicates that data-informed decision processes result in better outcomes than processes that do not rely on data.<sup>10</sup>

<sup>9</sup> Although the comprehensive system map in appendix 3 is too small to read, it is hoped that it will convey the complexity of a system map.

<sup>10</sup> See Peters, T. J., & Waterman, R. H., Jr. (2004). *In search of excellence: Lessons from America's best-run companies*. HarperCollins Business; Senge, P. (2006). *The fifth discipline: The art and practice of the learning organization* (2nd ed.). Doubleday.

The following example demonstrates the importance of data: TCG conducted seven phone interviews with criminal justice stakeholders, behavioral health professionals, and county supervisors. In the course of those interviews, individuals were asked to identify the most promising solutions to reducing the reliance on the jail. Table 4 (page 25) provides a summary of potential solutions.

Twenty solutions were identified. There was near consensus on a number of items (e.g., discontinuing use of money bail and the immediate need for more accessible housing, mental health services, and detox and AOD programs), but not on many others. It is possible that most or even all of these solutions are needed, since complicated problems are rarely—if ever—solved with only one or two solutions. However, without collecting and analyzing data, it is difficult to know which solutions have the greatest merit. For example, some potential solutions may have too small of an impact from a cost–benefit point of view. In an evidence-based environment, data is paramount.

Sacramento County has demonstrated leadership in a number of data collection and outcome measurement areas, including the following:

- The Mental Health Workgroup collected aggregate data for calendar year 2018 to help guide their Sequential Intercept Model (SIM) project.
- The pretrial initiative resulted in the development of a Pretrial Pilot Program Data Repository using IJIS and probation assessment data. A Microsoft Power BI data analytics toolset is used to mine and analyze the data from the repository.
- The courts engaged researchers from San Jose State University to conduct an outcome study of the Mental Health Court for participants exiting the program in 2014.
- The Sheriff’s Office compiles outcome data for the Reentry Services Program. This report includes process measures (such as pre/post-program LS/CMI risk assessment scores) and outcome measures (such as post-discharge recidivism rates).
- The county is in the process of completely replacing the outdated Criminal Justice Information System (CJIS) mainframe with the Integrated Justice Information System (IJIS). The IJIS will serve as the centralized database for criminal justice information. Modern technology is being applied to sustain and utilize this centralized database through data exchanges with many agencies’ systems for purposes of case management, research, and reporting.
- The Sheriff’s Office is transitioning from the in-house CJIS mainframe Jail Inmate Management System (JIMS) to a new, vendor-produced jail management system, the Advanced Technology Information Management System (ATIMS).

Despite this concerted effort, most of Sacramento County’s criminal justice initiatives lack outcome data. Stakeholders repeatedly raised this issue during the interviews, expressing frustration over not knowing answers to questions ranging from the number and type of offenders in various programs to performance outcomes. As one stakeholder said, having access to accurate and timely outcome data helps the justice system avoid “golfing in the fog”; it provides stakeholders with a clear picture as to whether their actions are having a positive effect. Given the amount of resources spent on criminal justice, the lack of data is a significant issue.

**TABLE 4: Potential Solutions to an Overreliance on Jail**

Potential Solution Raised by Two or More Stakeholders		Number of Stakeholders Who Chose the Solution
Law Enforcement	Examine the practice of using arrests versus citations, especially for individuals who are booked and released within hours	3
	Increase law enforcement’s access to mobile crisis teams, crisis services/urgent care, and detox facilities; examine access criteria	4
Pre-trial	Change pretrial practice that relies on money bail	7
Sentencing	Provide judges with better options for the high-volume nuisance-related cases (e.g., by addressing individuals’ stabilization issues)	2
	Provide alternatives to inmates who are serving 1 year or less, given their imminent return to the community	2
Probation	Provide the courts better/more information to assist with sentencing	2
	Reduce the length of probation terms	2
	Expand the capacity of probation supervision	4
	Change probation violation practices	3
Community-Based Services	Give more attention to the front end of the system (i.e., prevention, pretrial, diversion, etc.)	2
	Change the scenario that incentivizes the use of jail for programming (i.e., with jail being the only place that can give needed services), including eligibility criteria (e.g., length of custodial time) to access this programming	3
	Provide a full continuum of non-criminal justice system (CJS) support services (e.g., for physical health, disabilities, elder care, etc.); examine criteria that limit CJS access to these services	4
	Provide more accessible housing	7
	Provide more/better mental health programs (crisis and ongoing); examine criteria that limit CJS access to these programs	5
	Provide more/better detox and alcohol and other drugs (AOD) programs; ensure that they are evidence-based; examine criteria that limit CJS access to these programs	5
	Expand community-based programs to specifically address criminogenic needs	2
Jail	Provide more support services in custody (and medication upon release)	2
	Expand in-house jail programs that address the risk for reconviction (e.g., Power Program; reentry, vocational, and culinary programs; etc.)	2
	Expand home detention, work release, and work program initiated from jail	2
Other	Educate CJS stakeholders; address existing CJS culture and political nature of CJS decisions	3

### Local Application of “Data-Driven”

It is recommended that the Criminal Justice Cabinet and Correctional Facilities Issues Committee develop an outcome and evaluation action plan for all major initiatives. Evaluations would be conducted on a rotating basis, and the plan would be updated annually. In addition, it is recommended that planners identify and insert on the system mapping chart the number of participants in each program to get a better understanding of how many defendants and offenders are at each point of processing and in each program.

As Sacramento continues to work to address gaps in data, it must address both actual and perceived risks associated with sharing data with other agencies and with the public. It will require objective, neutral individuals with specialized expertise and time dedicated to managing the data system. It is only with this support that stakeholders will be able to rely on the data to make decisions. The criminal justice committees are fortunate to have access to individuals who are knowledgeable about the data systems, their limitations, and potential solutions to those limitations. TCG recommends that the committees call upon these individuals to help ensure the timely access to data.

### CENTRALIZED PLANNING BODY

The justice system is made up of independently elected and appointed officials, each seeking to achieve their mission. However, each entity cannot do it alone. Cooperation and support among justice system partners and the community are key.

Effective communication and planning require a centralized criminal justice coordinating body that understands the true nature of collaboration. This planning body—often called a criminal justice coordinating council (CJCC)—is defined as a group of individuals working together to achieve a common goal that is difficult or impossible to reach without the assistance of others. It is usually comprised of criminal justice system decision-makers who gather together to assess and plan for systemwide change, recognizing that each stakeholder has an interest in the activities, processes, and outcomes sought by others on the planning team. Sacramento is well aware of the value of CJCC’s. In fact, its Criminal Justice Cabinet is a member of the National Network of Criminal Justice Coordinating Councils (NNCJCC).<sup>11</sup> The NNCJCC is a formal network that provides a forum for information sharing across the 30 member jurisdictions that have active CJCC’s.

The Criminal Justice Cabinet serves as its CJCC and has a number of committees and workgroups that are addressing criminal justice issues. The Cabinet is represented by key leaders in juvenile and criminal justice agencies. Its mission is to address a wide range of juvenile and criminal justice issues and improve efficiencies and justice system outcomes.

In addition, Sacramento has put in place a planning body that has been addressing the challenge of managing the jail population, the Correctional Facility Issues Committee. It is made up of judicial officials

<sup>11</sup> <https://www.jmijustice.org/network-coordination/national-network-criminal-justice-coordinating-councils/>



and executive members of the County Executive Office and of the Probation, District Attorney, Public Defender, Health Services, and Sheriff's Departments. Its mission is to "identify ways to significantly reduce the jails' population by providing correctional services at the least restrictive/costly level consistent with community safety and reducing recidivism."

No council or committee can maximize its potential without sufficient staffing. This is often an area that is under-resourced. The National Institute of Corrections identified six key roles of criminal justice planning staff: facilitation, research and analysis, presentation and instruction, project management, consultation, and information clearinghouse.<sup>12</sup> It pointed out that "to be successful, a CJCC requires the consistent participation of the principal decisionmakers, collective agreement on priority issues, adherence to a structured policy planning process, and regular measurement and documentation of achieved outcomes. CJCC planning staff facilitate the accomplishment of all these functions" (p. 4).

// Many decisionmakers who serve on criminal justice coordinating committees that have **sufficient, quality staff support come to rely on staff's analyses, synthesis of research, and** innovative ideas to the point that they request the staff's assistance before making any important decision that will have a major effect on their or their colleagues' agencies. Local jurisdictions that enjoy a culture with these characteristics are **often the ones that are awarded, year after year,** competitive free technical assistance or grants from federal and state governments and that earn a reputation as an example to follow. //

Michael R. Jones, *Guidelines for Staffing a Local Criminal Justice Coordinating Committee* (p. xi)

12 Jones, M. R. (2012, December). *Guidelines for staffing a local criminal justice coordinating committee*. <https://s3.amazonaws.com/static.nicic.gov/Library/026308.pdf>

Effective planning staff ensure that work (e.g., minutes, agendas, analysis, etc.) gets done well and in a timely manner. They take a coordinated approach, adopting planning processes that guarantee the participation and ownership of all key decision-makers. They look for efficiencies and innovative practices. They make sure that decisions are based on relevant data and information. They have “soft skills,” especially relationship skills, which are needed when dealing with people who do not necessarily get along, when trying to find common ground when there are differences in opinion, when supporting the chairperson and empowering other committee members, and when addressing member fatigue, frustration, or lack of participation. And, very importantly, effective planning staff ensure that the tough questions, such as the following, are asked, discussed, and—if necessary—acted upon:

- What is the proper role of the criminal justice system with the mentally ill, transient, homeless, and addicted populations?
- How can the criminal justice system be more visible and transparent to the public?
- How can the system meaningfully engage the public in criminal justice planning and services?
- How can the system strengthen the partnership with local service providers?
- How is the system unintentionally perpetuating racial and economic inequities?
- How can the system reduce the demand on criminal justice resources?
- How can the system better utilize its influence to advance prevention, desistance, restorative, and strength-based practices?
- How does the system manage the information flow between interdependent criminal justice agencies?
- How do changes in law enforcement or prosecutorial resources or practices impact the rest of the criminal justice system?
- What kind of criminal justice system does the county want to have? In what ways should the system be similar to and different from the system in counties of a similar size and profile?

#### **Local Application of a Centralized Planning Body**

It is recommended that Sacramento County evaluate its level of criminal justice planning staffing. Currently, many of the criminal justice planning committees are staffed by a highly capable Management Analyst in the Office of the County Executive. However, if the county decides to enhance its criminal justice planning by adopting one or more of the suggestions in this report, it may need to determine whether it would be advantageous to have similar positions in other departments and to have the individuals in those positions report formally or informally to the Management Analyst or someone else in the Office of the County Executive.

It is also recommended that a centralized planning body explore policies and practices that would have implications across the justice system. For example, they might consider the following:

- Is the county utilizing incentives or disincentives in a way that is affecting resource allocation? For example, is there a disincentive for probation to discharge people when funding is attached to the number of people on probation? Is there an incentive to keep people in jail longer so they can finish the jail programs that are lengthy? Is the system of care set up in a way that results in law enforcement using the jail for public intoxication and mental health episodes because they have no other resources or because it is more convenient?
- Should stakeholders be required to complete an impact statement when considering a new policy or program? Should they submit a logic model demonstrating their theory of change, research support, and assumptions? Should planning teams utilize the criminal justice system map to understand the proposed new process and its implications before endorsing it? Should a computer simulation model be used when considering initiatives that might impact the jail population?
- Should a formal, critical incident review procedure be used for events that could jeopardize public trust, threaten the vitality of the criminal justice planning committees, or erode the consensus of programs endorsed by the planning teams?
- Should the juvenile reform effort be carefully examined for lessons learned so that those lessons can be consciously applied to the jail reduction effort?

## OPERATING NORMS AND VALUES

An effective criminal justice coordinating team has a clear mission; effective leadership; competent team members; a collaborative climate; clearly defined roles and responsibilities for members; a unified commitment; a results-driven structure; high standards of excellence; and external support and recognition.<sup>13</sup> These qualities do not come by accident. They are built, usually with high intentionality. And, they require nurturing and maintenance; slippage is a constant threat.

One of the ways the team can reinforce a high-functioning environment is to adopt operating norms. Operating norms are rules of engagement. They help define the culture of the team by shaping how members interact with each other, how business is conducted, how decisions are made, and how people communicate with each other. While operating norms can be written or unwritten, explicit or implicit, open or hidden, it is preferable if they are discussed openly, written down, and agreed to by members.

Operating norms are especially important during times of change—even among stakeholders who have been working together for a long time. Team culture changes as work evolves and membership changes. While discussions of new initiatives—for example, initiatives to reduce the jail population—might energize teams, they might also lead to difficult or uncomfortable interactions, particularly when certain team members feel that their department’s past work is being criticized. In many cases, conversations can be unproductive, with team members unable to move beyond the information-sharing stage to decision-making and action. This weakens true collaboration and makes it difficult for the group to achieve its

<sup>13</sup> Adapted from: Larson, C. E., & LaFasto, M. J., (1989). *Team work*. Sage.

mission. In times of change, operating norms can help to regulate and steady group commitment during difficult conversations, to challenge members who are holding back, and to address discontentment.

Another way to reinforce a high-functioning team environment is to identify values. When team members understand the values that drive each other's motivation, communication and collaboration are enhanced. Yet, teams, which may be created to solve a particular problem such as jail crowding or the heroin epidemic, often do not take the time to understand the values that guide their members' approach to the issue. Instead, they dive in with a problem-solving mindset. When members do express values, for example, using terms such as "keeping the public safe," "being fair," "equal justice under the law," or "being transparent," they rarely define those terms, leading to a lack of clarity and understanding.

It can be difficult for criminal justice stakeholders to gain consensus on values, in part, because each player has a specific role to play: defend, prosecute, ensure fairness according to the law, protect, rehabilitate. Yet, it is possible in most circumstances to find common ground. The conversation itself can be enlightening and help stakeholders better understand where each is coming from. And, when beliefs are brought into the open, they can become actionable, and they help hold team members accountable. To illustrate this point, Sacramento County, and all California counties, are having important conversations about pretrial because of Senate Bill 10 and other influences. A jurisdiction that adopts core values of equality, fairness, integrity, and transparency may emphatically state their values as follows, which can be a powerful means of galvanizing an effort:

// We believe that...

- pretrial liberty is the norm and detention is the carefully limited exception
- wealth should not determine liberty
- we must protect presumption of innocence
- **for equal justice to occur, all of our pretrial strategies should be designed to level the playing field and eliminate racial, ethnic, gender, and economic disparities.** //

### **Illustration of a Behavioral Definition of “Transparency” as a Criminal Justice Value**

We recognize that we are trustees of the positions we hold and are ultimately accountable to the citizens we serve. We should seek their input. We should provide access to information whenever possible and respond to such requests efficiently. To be transparent, it is necessary to present sufficient information to give an accurate picture. The public has a right to know as much as possible about the administration of justice, including but not limited to court proceedings, internal audit reports, allegations of misconduct, and outcome data. Transparency holds us accountable to the public and is pivotal to earning public trust. The public should not have to endure unwarranted bureaucratic obstacles to get information that they have the right to know. Our job is to make it as easy as possible for them to acquire the information they seek based on statutes.

As another example, one jurisdiction defined the value of “pursuit of excellence” as follows: “We should be committed to the highest possible level of achievement. We are a group that has been brought together to do big things. A passion for quality is the hallmark of any criminal justice system.” This kind of value statement prompts all group members to bring their best self to every conversation, and it provides them with a means to hold up a mirror to their actions.

TCG is not advocating that Sacramento County adopt the above values. The selection of values is a local decision that needs to be a carefully deliberated, driven by individual principles and public sentiment. However, TCG is suggesting that the county undergo a values conversation whenever addressing a major topic such as determining how to most effectively use limited jail beds.

### **Local Application of “Operating Norms and Values”**

It is recommended that the Criminal Justice Cabinet, Correctional Facility Issues Committee, and other subcommittees adopt committee charters. While the Correctional Facility Issues Committee has a written goal statement, defines its membership and staff support, and includes a description of its work assignment, it does not have a charter. A charter is a document that defines the purpose of the team, explains how its members will work together (i.e., operating norms), and describes its vision, mission, and values. It helps the team to stay focused and to determine what to do when it goes off track. And, it helps build collaboration, especially when it is developed by consensus and there is an agreement to hold each other accountable to that consensus. An example of a policy team charter is in appendix 4.

## RECOMMENDATION 2: Make Pretrial the Priority

**Recommendation:** Make pretrial the priority by continuing the existing effort and adopting additional features as the Judicial Council-funded initiative unfolds. Given that 60% of the jail population is held pretrial, this group represents the greatest potential for jail reduction. Current efforts to utilize a static pretrial risk assessment, provide monitoring services, and expand the countywide automated court date notification system will likely yield positive results. Additional considerations such as expanding the use of citations, establishing a sequential bail review process, enhancing the Chronic Nuisance Offender effort, and others can aid in significantly reducing this subset of the jail population.

As previously noted, examining pretrial was largely outside the scope of TCG’s work. Instead, TCG was asked to examine post-adjudication options for managing the jail population since the county had previously received data extracts and consultant reports on the pretrial population and had already implemented an ambitious pretrial initiative. However, given that the unsentenced population makes up the majority of the jail population (approximately 60%), TCG was asked to take a brief look at the current pretrial effort and offer any thoughts that might be additive in nature. The following information offers insight into the national, state, and local pretrial environment.

### NATIONALLY

The national picture is clear, and the picture does not differ much in the state of California or in Sacramento County. As reported by the Pretrial Justice Institute, most pretrial detainees in the U.S. are held because of money bail,<sup>14</sup> often for very low amounts. Bond schedules are often set arbitrarily, at rates that are unaffordable to many. Nationally, roughly 60% of all people in jail are held on pretrial status, and 95% of the jail population growth between 2000 and 2014 was due to holds against people who had not yet been found guilty. Local communities spend at least \$14 billion every year to detain people who have not been convicted of the charges against them. Black and Latino people are more likely to be detained than white

### Elements of an Effective Pretrial System

1. Pretrial release and detention decisions based on risk and designed to maximize release, court appearance, and public safety
2. A legal framework that includes: presumption of least restrictive nonfinancial release; restrictions or prohibition on the use of secured financial conditions of release; and detention for a limited and clearly defined subset of defendant
3. Release options following or in lieu of arrest
4. Defendants eligible by statute for pretrial release are considered for release, with no locally imposed exclusions not permitted by statute
5. Experienced prosecutors screen criminal cases before first appearance
6. Defense counsel active at first appearance
7. Collaborative group of stakeholders that employ evidence-based decision-making to ensure a high-functioning system
8. A dedicated pretrial services agency

National Institute of Corrections, *A Framework for Pretrial Justice: Essential Elements of an Effective Pretrial System and Agency*

<sup>14</sup> See <https://www.pretrial.org/get-involved/learn-more/why-we-need-pretrial-reform/>.

people with similar charges and histories, and their financial conditions of release are much greater than those of their white counterparts with the same alleged crimes and criminal histories. Many of those held have a serious mental illness. And, in money-based systems, nearly half of the most dangerous defendants are released with little to no meaningful supervision.

For these and other reasons (e.g., lawsuits and court interventions), a consensus is growing around the need to reform the pretrial justice system. For this effort to be successful, questions such as “Whom should we release?” “Under what conditions should we release people to ensure their success pretrial and the community’s safety?” and “Whom should we detain?” must be answered.

## CALIFORNIA

Senate Bill 10 (Pretrial Release or Detention: Pretrial Services) was signed into law on August 28, 2018. It was to be implemented on October 1, 2019; however it is currently being placed in Referendum 1856 (18-0009), *Referendum to Overturn a 2018 Law That Replaced Money Bail System with a System Based on Public Safety Risk*, which has qualified for the November 2020 ballot.

SB 10 authorizes a change to California’s pretrial release system from a money-based system to a risk-based release and detention system. SB 10 assumes that a person will be released on their own recognizance or supervised on their own recognizance “with the least restrictive nonmonetary condition or combination of conditions that will reasonably assure public safety and the defendant’s return to court.”<sup>15</sup> Short term, SB 10 is designed to reduce the number of people being held in jail pretrial. Longer term, it seeks to help reduce racial and economic disparities inherent in California’s bail system which, until now, has largely relied on financial conditions of release.

Key to SB 10 is the establishment of pretrial assessment services to determine an arrested person’s level of risk and to recommend conditions of pretrial release. While guided by an assessment report, judges remain the final authority in making pretrial release or detention decisions.

## SACRAMENTO

In 2019, the County Board of Supervisors approved \$1.2 million in funding to implement Phase I of the Probation/Pretrial Department’s pretrial program which included training on and testing the Public Safety Assessment (PSA)<sup>16</sup> tool followed by using the PSA to assess arrestees. In addition, California’s Legislature allocated \$75 million to the Judicial Council as part of the Budget Act of 2019 to fund the implementation, operation, and evaluation of programs or efforts related to pretrial decision-making in at least 10 courts. Sacramento applied for funding and was notified in August 2019 it would receive a \$9.59 million award. Phase I of the program commenced in October 2019 and included weekend, holiday,

<sup>15</sup> See <https://www.courts.ca.gov/pretrial.htm>.

<sup>16</sup> The Public Safety Assessment (PSA) is a research-based actuarial pretrial assessment tool developed by Arnold Ventures. It predicts a person’s likelihood of attending court and remaining arrest-free while on pretrial release.

and evening coverage. In Phase II (November 2019) the program moved to a second courtroom. Phase III (January 2020) involved the automation of the PSA. Phase IV (February 2020) involved the expansion of the program to all arraignment courtrooms.

## EXPANDING PRETRIAL REFORMS

In addition to the pretrial reforms mentioned above, the Probation/Pretrial Department has recently evaluated commonly requested conditions to identify any that might be excessive or unconstitutional, such as search and seizure and counseling. Local stakeholders report that search and seizure conditions are recommended more sparingly than past practice and are reserved for clients with more serious offenses and/or a court-ordered level of monitoring that includes field visits and/or GPS monitoring. Counseling conditions are also rarely recommended; however, treatment resources are still available should clients request assistance.

It is recommended that the Probation/Pretrial Department, Correctional Facilities Issues Committee, courts/attorneys, and Sheriff's Office also consider the following actions to enhance existing pretrial efforts.

### Probation/Pretrial Department

- Continue efforts to adopt appropriate, additional screening tools (i.e., domestic violence, substance use/dependency, and mental health) for pretrial defendants to identify specific risk factors and maximize release of individuals from jail with appropriate conditions. Currently, the department is reviewing the Ontario Domestic Assault Risk Assessment (ODARA) for possible use with domestic violence pretrial cases. In addition, the department is meeting with Behavioral Health Services and the Public Defender's Office to address issues related to pretrial clients with a mental health condition. And, the department has three Sacramento County Department of Health Services counselors on site to conduct drug and alcohol assessments, as needed.
- Establish a sequential bail review process—that is, a continuous review of the defendant population to identify those who remain in detention past the point at which release was expected to have occurred. This process also involves ensuring that, when a judge approves a person for pretrial release, their bond type (if a financial condition was assigned) can be modified to a recognizance bond during the bail hearing.
- Keep data on the use of special conditions applied to pretrial releases, and review this data to ensure that blanket conditions<sup>17</sup> and conditions that could be challenged as excessive or unconstitutional (e.g., search/seizure, mandatory attendance in programming, use of AA/NA programs, the imposition of conditions that require user fees such as electronic monitoring) are not used.
- Establish a long-term timeline for the full rollout of the pretrial program.

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<sup>17</sup> Conditions for release should reflect an individual's risk characteristics rather than being assigned in a blanket, or "one size fits all," fashion.



## Criminal Justice Cabinet and Correctional Facilities Issues Committees

- Work with law enforcement to examine detailed data on the “quick release” population to determine under what conditions defendants could be issued a citation rather than go through the jail cite/release process.
- Establish community-based centers for short-term sobering and pre-charge arrest diversion opportunities.
- For pretrial and post-sentencing cases, review the impact on defendants of costs such as the following:
  - financial conditions of release
  - cost of court-appointed attorney
  - electronic monitoring fees (including SCRAM)
  - program assessments and courses
  - booking and classification fees
  - probation report preparation fees
  - restitution
  - additional fees for entering into a payment plan with court
  - any jail “pay-for-stay” fees.
- Evaluate pre-plea diversion programs to ensure they adhere to research-informed practices, maximize the participation of eligible defendants, offer appropriate support and stabilization services while avoiding duplication of effort, and evaluate outcome measures.
- Provide racial and economic justice training for pretrial practitioners to raise awareness and more carefully examine implicit bias, including bias that may be present in certain pretrial assessments. (For more information on training, see “Recommendation 6: Put in Place an Ongoing Continuing Education Series.”)

### Use of Citations

In 2016, the International Association of Chiefs of Police published a report entitled *Citation in Lieu of Arrest*. This report was compiled after conducting a national survey, literature review, and series of focus groups. The authors raised a number of challenges related to expanding the use of citations, such as whether officers have access to the necessary information to make the cite vs. detain decision, whether it would affect the collection of complete criminal histories, whether it might increase the potential for officer bias (i.e., when making discretionary decisions about whether to use citation), and whether it would result in net widening. The authors also pointed out that there is a compelling need for more research to determine, for example, how the use of citations impacts the rate of pretrial court appearances and other outcomes. However, they noted that the use of citations has a number of potential benefits, including increased law enforcement efficiency (importantly, they found that citations take significantly less time to process than do arrests—24.2 minutes vs. 85.8 minutes), enhanced community–police relations, reduced costs and overcrowding in the criminal justice system, and a lessened burden on nonviolent, low-level offenders.

## Courts and Attorneys

- Adopt a county-wide automated court date notification system.<sup>18</sup> (The Public Defender’s Office is currently pursuing a text messaging system for its clients and reports that it is in Beta testing.)

<sup>18</sup> Research has shown that court date notification systems (also known as court date reminder systems) can make a critical difference in whether individuals appear for their court dates.

- Evaluate the use and success of the Jail Diversion Pilot, administered through the Homeless Emergency Aid Program (HEAP), in connecting low-level misdemeanants experiencing homelessness with housing, financial assistance, and other services in lieu of jail.
- Consider a bail review at arraignment rather than scheduling the review for a week after arraignment.
- Consider the following changes to the Chronic Nuisance Offender Program:
  - Change the name of the program to one that articulates an expected positive outcome and that does not label people.
  - Use the results of an actuarial assessment to help determine eligibility for the program and to match participants to appropriate services. (For more information on assessments, see “Recommendation 3: Adopt a Universal Risk Screening Process.”)
  - Adopt a policy of when to expand the use of diversion from incarceration.
  - Provide participants with stabilization services (e.g., housing and transportation) prior to and during participation in intensive programming.
  - Review program costs to ensure they are not prohibitive.

#### **Jail and Law Enforcement**

- Determine a way to make property available to “quick release” individuals upon release rather than transferring it to the offsite property storage.
- As discussed above, consider expanding the use of citations in lieu of arrest. In particular, provide law enforcement officers with programs and services that will enable them to use citations for those with mental health and substance abuse disorders.

## RECOMMENDATION 3: Adopt a Universal Risk Screening Process

**Recommendation:** Adopt a more comprehensive, risk-based system by implementing universal screening and assessment processes. Risk assessment has become the norm across most industries, including criminal and juvenile justice. Actuarial instruments can provide guidance for policymakers on who should receive the most or least amount of correctional attention. While the county is using a number of screening and assessment tools, many decisions are made without the benefit of knowing the individual's risk level. This can result in an under- or overresponse, both potentially negatively impacting public safety. It can also result in an under- or overuse of correctional resources. A comprehensive risk-based system increases the likelihood that justice-involved individuals will receive the level of services and supervision that is most appropriate for them.

The use of assessment tools is ubiquitous. Assessment tools are used in medicine and nursing, psychology, insurance, and nearly every other major industry. While there are some concerns about their use in criminal and juvenile justice (see "Criticism of Actuarial Assessments"), offender risk assessment has become a mainstay activity of correctional agencies worldwide. When properly administered, assessments inform professional judgment about an individual's likelihood of attending court and remaining arrest-free while on pretrial release, or about an individual's likelihood of remaining arrest-free after a period of supervision. As one researcher emphatically pointed out: "No strong empirical case can be made for risk assessment based on unstructured clinical judgment".<sup>19</sup>

Researchers indicate that, when compared to the use of professional judgement alone, actuarial assessments are:

- more predictive
- more transparent
- more consistent
- less biased.

They have found that, when only professional judgment, knowledge of an individual's past experiences, and official records are used, the justice system tends to view individuals as being more risky than they actually are. This has significant implications for decision-making and is particularly important when examining decisions around the use of incarceration.

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<sup>19</sup> Harris, P. M. (2006). What community supervision officers need to know about actuarial risk assessment and clinical judgment. *Federal Probation*, 70(2), 8–14.

## Screening vs. Assessment

“Screening” refers to a triage process to determine if an individual is at moderate or high risk for a particular behavior. Screening instruments are brief; require little training, education, and expertise to administer; and typically do not have rigorous quality control measures. “Assessment,” on the other hand, typically refers to a longer, more extensive process of defining the nature of an individual’s condition and developing specific intervention recommendations, if needed. Assessments are often conducted by people with special training and experience.

There are four generations of assessments:

- **First generation assessments** rely on clinical or professional judgment, are usually conducted through an interview and review of file information, and are unstructured. Although still used in some jurisdictions, they are subject to bias and preconceived notions.
- **Second generation assessments** are actuarial analyses of mainly static variables (i.e., factors that cannot be changed through intervention) that are statistically

related to reoffense (e.g., age, criminal history). These assessments are structured, consistent, and reliable, but they provide limited information about how to reduce an individual’s risk of recidivism.

- **Third generation assessments** are actuarial analyses of both static and dynamic factors (dynamic factors are changeable through intervention). These assessments, which are often called risk/needs assessments, indicate what factors should be targeted for services in order to reduce offender risk.
- **Fourth generation assessments** are actuarial analyses of both static and dynamic factors, and they integrate assessment results with a case management plan to ensure that dynamic risk factors are addressed.

Burrell, W. D. (2017). Risk and needs assessment in probation and parole: The persistent gap between promise and practice. In F. S. Taxman (Ed.), *Risk and need assessment: Theory and practice* (pp. 23–48). Taylor & Francis.

## SCREENINGS AND ASSESSMENTS IN SACRAMENTO COUNTY

Sacramento’s jails, reentry services, probation, and behavioral health agencies, among others, are using various screening and assessment instruments. However, many critical decisions are being made across decision points without the benefit of these instruments. The potential exists for negative consequences.

TCG recommends that the county extend its current screening and assessment practices and implement a *comprehensive* risk-based system by examining each decision point to help determine how a screening or assessment instrument can aid in decision-making. A number of agencies across the United States are using these instruments to help guide each key decision point, including law enforcement citation/arrest determinations, diversion placements, plea conditions, specialty court placements, sentencing conditions, responses to probation violations, jail programming placements, case-specific deliverables of community-based organizations, reentry discharge planning, and early termination decisions.

## Potential Negative Consequences When a Justice System Does Not Use Actuarial Information to Inform Decision-Making

The following are examples of negative consequences that could occur when making decisions without actuarial assessment information. Items in parentheses are examples of screening or assessment tools that are currently being, or that could be, used in Sacramento County to prevent the negative consequences.

- Law enforcement under responds to a domestic violence event. (Lethality Assessment Program)
- Law enforcement underutilizes citations, resulting in unnecessary arrests. (proxy or PSA)
- Individuals are placed on diversion based on their offense instead of their risk of future misconduct, resulting in poor outcomes. (proxy, Washington Static Risk Assessment)
- Dangerous individuals are released pretrial based on financial means while low-risk individuals without financial means are held unnecessarily. (PSA)
- Jails place low-risk individuals with high-risk individuals in the same housing, resulting in a “contamination effect.”

This means that lower-risk individuals become higher risk over time and/or are subject to predatory behavior. (COMPAS and LS/CMI)

- Drug courts admit individuals who are low risk, resulting in a waste of valuable resources that could be used for the higher risk. (LS/CMI, AUDIT-C, ASAM)
- Defense counsel negotiates a plea deal that fails to address a client’s dynamic risk factors, increasing the likelihood that they will return on a new charge. (LS/CMI)
- Courts sentence individuals without knowing their risk level or criminogenic needs, resulting in a misalignment in terms of the type and intensity of intervention needed. (LS/CMI)
- Probation supervises an individual but fails to address their top criminogenic needs, leading to repeat illegal behavior. (LS/CMI)
- A community-based service provider fails to customize programming to an individual’s criminogenic needs, resulting in poor outcomes. (LS/CMI)

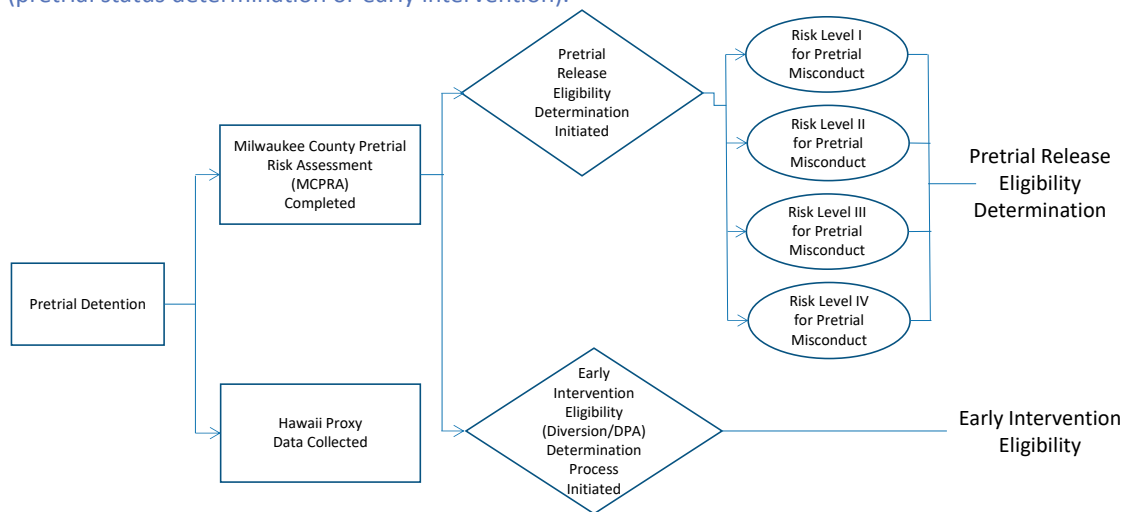
In addition, TCG suggests that Sacramento County adopt a *universal* screening and assessment process. “Universal screening and assessment” refers to a continuous, 24 hours per day, seven days per week, 365 days per year operation. This screening and assessment would typically operate out of the jails and apply to all arrestees booked into the facilities. However, individuals can come to the prosecutor’s or court’s attention through other means, so screening and assessment must be available outside of jail facilities. Community service providers often conduct these screenings and assessments.

As noted earlier, the use of screenings and assessments can have a particular impact on decisions around the use of incarceration and, by extension, on the jail population. As previously discussed, a significant portion of the existing jail population is believed to be at lower risk to commit future misconduct. Given the cost to the taxpayer and the potential iatrogenic effect (inadvertent harm) of incarceration, it would be in the justice system’s and general public’s interests to know the risk level of everyone who enters the system. A universal screening and assessment system would maximize the effectiveness of the justice system by identifying defendants who can be safely released to the community, resulting in more appropriate and effective use of jail beds (thereby improving the goal of cost avoidance), and by identifying pretrial defendants who pose too great a risk to be released (thereby improving the goal of community safety).

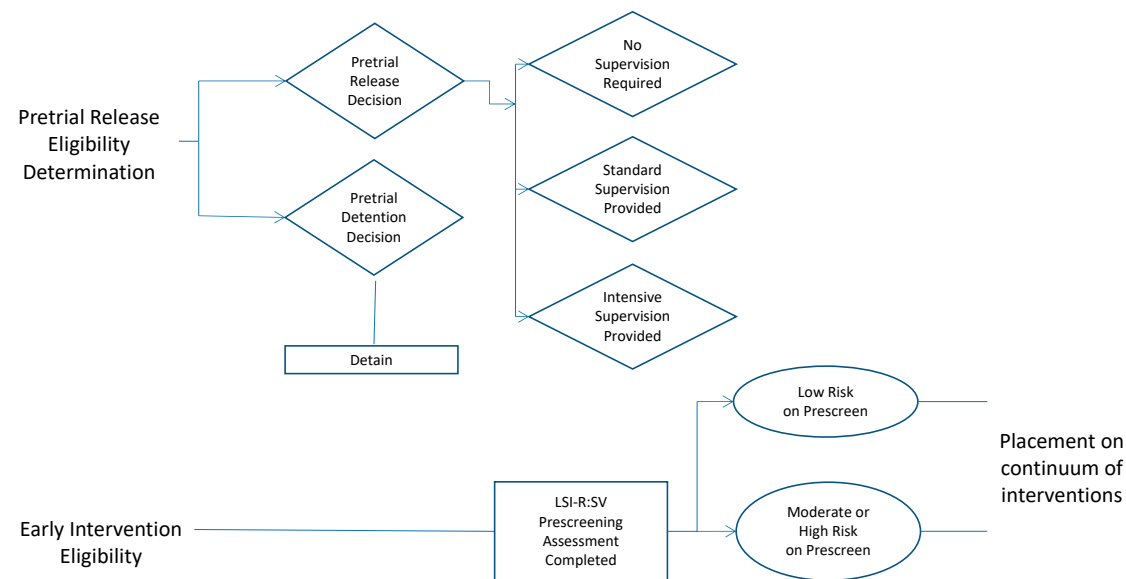
### Screenings and Assessments: An Example from Milwaukee

Figures 7.1–7.3 illustrate the points in the Milwaukee criminal justice process by which screening or assessment would likely take place under a universal screening model. There is an initial pretrial screen at the point of pretrial detention, a pre-screen at the point diversion is selected or the individual is in a plea or pre-sentencing stage, and a comprehensive assessment at the point of sentencing, probation, and reentry.<sup>20</sup>

**FIGURE 7-1:** Use two screening instruments to sort the population into one of two paths (pretrial status determination or early intervention).

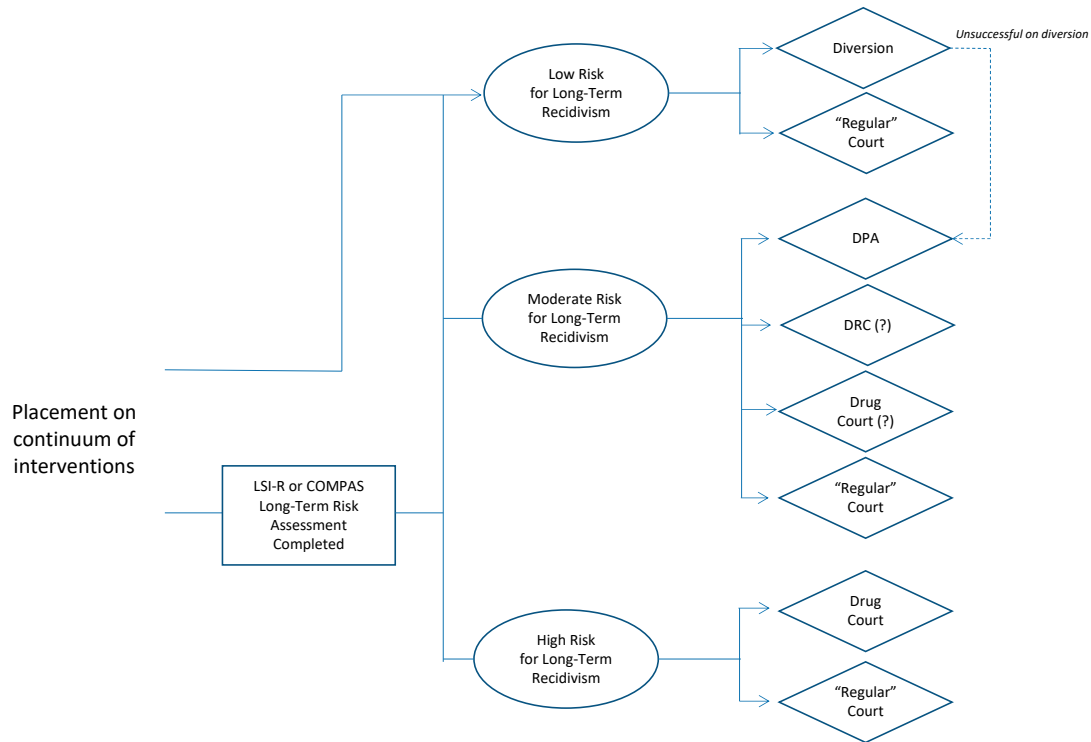


**FIGURE 7-2:** Determine pretrial release conditions for those on a pretrial path; identify initial eligibility for early intervention based on the assessment instrument.



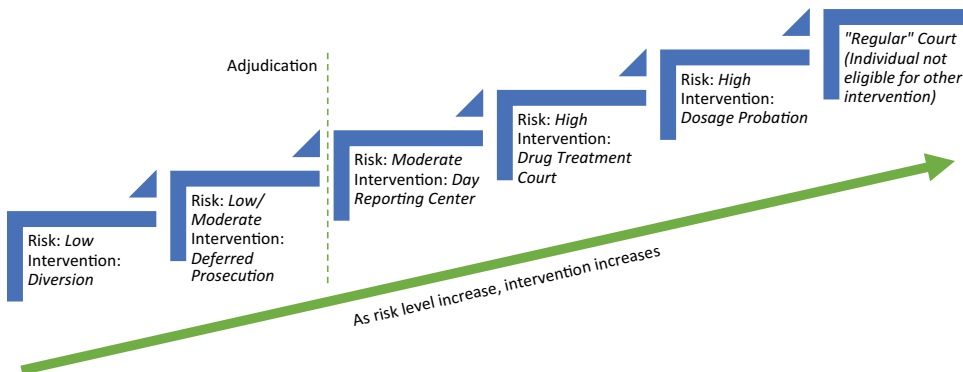
<sup>20</sup> While this example illustrates Milwaukee’s version of universal screening and assessment, as noted earlier, screens and assessments are also utilized at an earlier stage (i.e., at the point of the citation or arrest decision) and at various other decision points such as reentry.

**FIGURE 7-3:** Determine final placement on a continuum of interventions based on a comprehensive assessment.



From this flowcharting process, Milwaukee County was able to carefully map out what interventions would be appropriate for justice-involved individuals given their risk level (see figure 8) and how many are projected to fall within each category.

**FIGURE 8:** Correlation Between Risk Level and Level of Intervention



## DOSAGE IN A RISK-BASED SYSTEM

A risk-based system also examines what programming is needed to maximize recidivism reduction and what dosage and intensity of that programming are required. Much like the medical field, dosage research asserts that when the justice system applies an insufficient amount of intervention, recidivism reduction outcomes are diminished. Conversely, overapplication of dosage is wasteful and could even result in decompensation (treatment fatigue). Research has provided guidelines on programming dosage and intensity targets needed to maximize recidivism reduction for different risk levels:

- Moderate risk: 100 hours of dosage-eligible programming
- Moderate–high risk: 200 hours of dosage-eligible programming
- High risk: 300 hours of dosage-eligible programming

Indeed, a newly explored concept of “dosage probation” has emerged. The idea behind dosage probation is that the length of supervision should not be decided in terms of years but rather by the amount of programming received. It incentivizes justice-involved individuals by allowing early termination when they meet their dosage requirements based on their risk assessment. This model has received international attention and has gained a lot of traction even before the research outcomes have been fully tested.

Dosage is not a new concept to Sacramento County Probation or Jail Reentry. Indeed, the Probation Department considers dosage in its Day Reporting Centers, and the Sheriff’s Office tracks dosage on individual client and aggregate levels in its reentry programs. However, TCG suggests that the concept of dosage be applied to all, not just some, justice system agencies. More effective use of resources can be expected when adopting a risk-based system, one that relies on research around risk to reoffend, effective programming assigned to individuals based on risk and need, and applying the right amount of dosage.

### Policy Implications of a Risk-Based System

A risk-based system elicits a number of policy implications, all of which potentially address public safety and some of which can impact the use of jail. The following are some examples of policy questions:

- How do we know that the jails are not used for lower-risk individuals except under extenuating circumstances?
- What is the proper course of action for a low-risk individual who commits a serious crime?
- How do we handle the individual who constantly commits petty crimes? How can we provide them services without using the authoritative and expensive corrections system?
- Under what circumstances does a particular factor eclipse risk (e.g., violent offense, threat to self-harm)?
- How do we identify that small pool of individuals who are so high risk that we cannot adequately program for them while still protecting the public?



- How does the justice system consciously seek ways to avoid unintentionally doing harm (e.g., overresponding, under responding, mixing risk levels, placing people in programs for which they are not well suited, etc.)?
- How do we ensure that all programs use risk information as part of their eligibility criteria to improve effectiveness and avoid unintended negative impacts?
- What is the dosage target for each program? How will we ensure that the programs provide services that adhere to the dosage principle?

## **A ROADMAP FOR ADOPTING UNIVERSAL SCREENING AND ASSESSMENT IN SACRAMENTO COUNTY**

The following is a step-by-step process that Sacramento County could follow to implement a universal risk screening and assessment process.

### **Step 1**

Conduct stakeholder training on the value and limitations of risk screening and assessment instruments. This training is especially important for all decision-makers who have access to these tools, given their importance and the potential for their misuse. A number of curricula are available either through the instrument authors, professional trainers, or associations. Furthermore, it is recommended that—in most cases—each stakeholder group be trained separately so that the information and discussion can be tailored to the group’s particular needs.

### **Step 2**

Identify and define levels of risk. Different instruments consider different factors when measuring risk and needs (e.g., results of a validation and norming process, researcher input based on the validation results and current assessment literature, the local tolerance for risk), and they weight these factors differently. Furthermore, different instruments use different risk and needs categories (e.g., low, moderate, high; low, low–moderate, moderate–high, high). Finally, there are no universal definitions of the different risk levels, so “low risk” might mean something different depending on the instrument. Even jurisdictions using the same instrument may not define risk levels in the same way. One jurisdiction could place an individual with a particular assessment score in a “low risk to reoffend” risk category while another jurisdiction using the same instrument could assign an individual with that same assessment score to a moderate, or even high risk, placement.

There are some efforts underway to standardize the terminology associated with risk and needs levels, as well as the way assessment results are interpreted. Some researchers recommend adopting a five-level risk/needs construct, as illustrated in table 5.<sup>21</sup>

**TABLE 5: Risk/Needs Levels and Number of People Out of 100 Expected to Reoffend in Each Level**

Risk/Needs Level	Profile of the Group	# Expected to Reoffend Within 2 years
Level I	Few criminogenic or non-criminogenic needs. Risk of criminal behavior is similar to that of people without a criminal record. Have access to support resources.	4 out of 100
Level II	Have 1–2 criminogenic needs which tend to be transitory or acute, not ingrained or sustained. Will likely respond positively to services.	19 out of 100
Level III	Have multiple criminogenic needs and are in the middle of the risk and needs distribution of the correctional population. Have 1–2 criminogenic needs that are driving their behavior. Likely have some non-criminogenic needs (e.g., past trauma or mental health needs).	40 out of 100
Level IV	Have multiple criminogenic needs and chronic barriers to accessing support resources. Treatment should be highly structured and lengthy.	65 out of 100
Level V	Have most or all the major criminogenic needs, many of which are chronic, severe, and long-standing. Have few support resources and strengths. Treatment would need to be intense, long-lasting, and provided in a highly structured environment.	90 out of 100

Regardless of the number of risk levels the county selects, it is important for stakeholders to understand the differences between those levels in terms of group profile, risk of recidivism, and appropriate interventions.

### Step 3

Determine at what points in the criminal justice process risk screening and assessment are needed. The National Institute of Corrections’ Evidence-Based Decision Making initiative identified thirteen key decision points, all of which could benefit from reliable assessment information about the justice-involved individual. At some decision points, the system needs only risk information; at other decision points, risk *and* need information may be needed. In some cases, it may be necessary to assess an individual’s potential for violence in addition to their general risk to reoffend.<sup>22</sup> A mapping exercise will help stakeholders clearly articulate where such screening and assessment is needed, the type of screening and assessment (e.g., risk, need, violence, lethality, reassessment), and the approximate number of individuals who will need to be accommodated at each stage.

21 Hanson, R. K., Bourgon, G., McGrath, R. J., Kroner, D., D’Amora, D. A., Thomas, S. S., & Tavarez, L. P. (2017). *A five-level risk and needs system: Maximizing assessment results in corrections through the development of a common language*. [https://csgjusticecenter.org/wp-content/uploads/2020/01/A-Five-Level-Risk-and-Needs-System\\_Report.pdf](https://csgjusticecenter.org/wp-content/uploads/2020/01/A-Five-Level-Risk-and-Needs-System_Report.pdf)

22 In most instances, a separate instrument is needed for violence screening.

## Key Decision Points That Can Be Informed by Assessment

- Arrest decisions (cite, detain, divert, treat, release)
- Pretrial status decisions (release on recognizance, release on unsecured or secured bond, release with supervision conditions, detain, respond to noncompliance, reassess supervision conditions)
- Diversion and deferred prosecution decisions
- Charging decisions (charge, dismiss)
- Plea decisions (plea terms)
- Sentencing decisions (sentence type, length, terms and conditions)
- Local and state institutional intervention decisions (security level, housing placement, behavior change interventions)
- Local and state institutional/parole release decisions (timing of release, conditions of release)
- Local and state reentry planning decisions
- Probation and parole intervention decisions (supervision level, supervision conditions, behavior change interventions)
- Community behavior change (treatment) interventions
- Noncompliance response decisions (level of response, accountability and behavior change responses)
- Jail and prison (or local and state) discharge from criminal justice system decisions (timing of discharge)

Center for Effective Public Policy & The Carey Group. (2017). *A framework for evidence-based decision making in state and local criminal justice systems* (4th ed.). National Institute of Corrections. [https://info.nicic.gov/ebdm/sites/info.nicic.gov/ebdm/files/EBDM\\_Framework.pdf](https://info.nicic.gov/ebdm/sites/info.nicic.gov/ebdm/files/EBDM_Framework.pdf)

### Step 4

Determine which screening and assessment instruments will be adopted and by whom. As noted above, different instruments may be used depending on the objective and time of administration. Table 6 identifies some of the most common tools used to screen adults for risk to reoffend, along with key information about each tool.

**TABLE 6: Commonly Used Adult Screening Tools**

Screening Tools	CAIS	COMPAS screener	LSI-R LS-CMI Quick score	ORAS-CSST	M-OST	PROXY	SPIn pre-screen	WISC	STR/ONG Static
Time to administer (minutes)	10	5	10	10	10-15	5	20	10	20
Number of items	11	4	8	9	8	3	30	11	26
Automated scoring available	Yes	Yes	Yes	Yes	No	No	Yes	No	Yes
Risk and needs combined	Partial	No	Yes	Partial	Yes	No	Yes	Yes (limited)	STR is risk/ONG is need
How conducted	File review	File review	Interview	File review or interview	Interview	Self-report	Interview	File review or interview	Interview
Cost	Yes	Yes	Yes	No	No	No	Yes	No	Yes

The tools listed are very similar in terms of their ability to predict recidivism largely because they measure most of the same key factors (i.e., criminal history, antisocial lifestyle, personality (coping skills), and alcohol/mental health issues); however, each instrument has its own strengths. Selecting the “right” tool is an agency-specific decision. While table 6 lists only screening tools for risk, additional tools could be reviewed for risk assessment, need assessment, and special populations, such as domestic violence, substance abuse, and so on.

According to the National Institute of Corrections, it is important to consider questions such as the following when selecting instruments:<sup>23</sup>

- Is the screen or assessment valid and reliable?
- Is the screen or assessment copyrighted?
- What is the cost to use the screen or assessment, including time and training?
- Is medical, mental health, or substance abuse training necessary to administer the screen or assessment?
- Is the screen or assessment available in other languages?
- Is the screen or assessment available in an electronic format?
- Can the screen or assessment be conducted in an environment that respects the offender’s privacy?

Given that Sacramento County has experience with a number of screening tools, it is recommended that they look at their existing tools first to avoid unnecessary complication that would result from having different tools, vendors, validation, norming, and training requirements.

### Step 5

Determine what language or terms to use to share screening and assessment information. As noted above, the terms used to identify risk levels are often misunderstood. For example, some people erroneously interpret “low risk” as “no risk.” Others may view “high risk” as being at high risk to commit a violent act or at high risk of being untreatable and/or unable to be managed in the community, or they may view “high risk” as meaning that an individual *will* commit a future crime. These interpretations are in contrast to considering “high-risk individuals” as those with a higher risk to commit a crime than moderate-risk individuals.

There are many reasons why it is important to use the right terminology; the specific terms used to talk about risk have many potential impacts. For example, using the term “high risk” can create a labeling effect and adversely impact an individual. A justice system practitioner may be more likely to use control and containment options when an individual is described as “high risk.” If a high-risk individual

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<sup>23</sup> National Institute of Corrections. (2015). *Transition from jail to community implementation toolkit: Module 6—Screening and assessment*. <https://info.nicic.gov/tjc/sites/info.nicic.gov/tjc/files/module6.pdf>

commits a new crime, especially a serious offense, it is hard to retrospectively justify the decision to keep that individual in the community. And, without additional information, media reports that refer to an individual's risk level can lead to an inaccurate picture of a situation. Imagine a newspaper headline that states "Justice System Releases High-Risk Offender" or "Judge Sends Low-Risk Father of Eight to Prison." Risk language is loaded and should therefore be used carefully. For this reason, some assessments, such as the PSA, use scores, not risk levels, to communicate assessment information; some jurisdictions provide a score with a percentage that indicates the likelihood of rearrest or reconviction); and other jurisdictions, such as some in Australia, have a tier system that uses terms such as "monitor," "assist," "change," and "control."

In addition to using appropriate terminology to indicate risk, it is important to understand what risk assessments predict. That is, risk assessments predict how likely it is that in the future *a group of similar individuals* will be rearrested (in the case of pretrial) or reconvicted (in the case of sentenced or adjudicated individuals); they do not predict how likely it is that *an individual within that group* will be rearrested or reconvicted. An individual may or may not act in a manner considered likely based on the group profile.

Once the language is determined, it is important to identify how, when, and with whom screening and assessment information will be shared. At what point in the process will the screening and assessment information be provided? Which parties will receive the information? Will the information be uploaded to a database and, if so, who will be able to access it? How will the information be used? Risk assessments should be used only for their intended purposes.

### Step 6

Develop a careful plan for implementing the universal screening and assessment system. As previously noted, Sacramento County already has in place a number of screening and assessment tools and can build on its existing infrastructure and experience. Nonetheless, TCG recommends using the risk assessment principles supported by The JFA Institute which are listed on page 51 of this report.<sup>24</sup>

### Step 7

Measure and assess how well the universal screening and assessment process is performing. Adopting a universal risk screening and assessment system will allow justice system stakeholders to know the risk level of participants in every program—from diversion to specialty courts to probation to jail to reentry. Stakeholders will not have to guess whether a particular program has many or few individuals who are high or low risk. They will know whether they are unintentionally creating risk contamination conditions within the programs. And, they will know if they are using resources most effectively.

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<sup>24</sup> See <http://www.jfa-associates.com/publications/NewReleases/TheValueofPretrialRiskAssessmentInstruments.pdf>, page 7

Screening and assessment performance is contingent on the fidelity of its application and proper application to decision-making. Four processes are recommended to ensure the instruments are valid and applied as intended:

1. **Validation:** Any actuarial instrument must be validated to ensure that it accurately measures what it intends to measure (e.g., how well higher scores on the risk instrument comport to higher misconduct rates). The instrument should also be tested to ensure it is valid for all subpopulations.
2. **Norming:** Once the data is known, the jurisdiction will need to create cutoffs for grouping the distribution of scores. Usually, there is a bell curve that shows the distribution and cutoff points. These are partly determined based on judgment and risk tolerance.
3. **Fidelity:** Regardless of the simplicity of the instrument, it is crucial to implement processes to ensure that assessors are consistently conducting the assessment with fidelity (i.e., in the intended manner). This is often done through an interrater reliability process whereby all assessors score the same case and compare results against each other and the scoring manual.
4. **Evaluation:** Data must be collected and analyzed to ensure that universal screenings and assessments are being conducted as intended. Data can be in the form of process and outcome measures. As an example, the following measures relate to pretrial screenings and assessments:
  - Number and percent of defendants assessed prior to initial appearance
  - Number and percent of defendants making an initial appearance by assessed risk level
  - Number and percent of defendants released at initial appearance by assessed risk level, gender, ethnicity, race, and income level
  - Number and percent of defendants released to pretrial supervision after initial appearance by assessed risk level, gender, ethnicity, race, and income level
  - Court appearance rate for defendants under pretrial supervision by assessed risk level, gender, ethnicity, race, and income level
  - Percent of pretrial defendants who are successfully monitored by assessed risk level, gender, ethnicity, race, and income level
  - Percent of defendants arrested for law violations committed while under monitoring status by assessed risk level, gender, ethnicity, race, and income level.

Data might also include responses from stakeholders about their satisfaction with universal screening and assessment and the manner in which information is conveyed to them.

### **CRITICISM OF ACTUARIAL ASSESSMENTS**

The potential harms of being involved in the criminal justice system are well documented. Pretrial detention leads to higher conviction rates, longer sentences, and increased criminal justice system contact. Once convicted, individuals are more likely to suffer collateral consequences, such as difficulty in finding employment and housing, loss of voting rights while under supervision, loss of child custody and/or visitation

rights, and so forth. For prison-bound individuals, additional negative consequences are commonplace, including stigmatization, alienation, diminished sense of self-worth, post-traumatic stress reactions to the pains of prison, negative impacts on individuals' children, hypervigilance to signs of threat or personal risk, interpersonal distrust, emotional over-control, and incorporation of exploitative norms of prison culture.<sup>25</sup>

From a financial perspective, the cost of addressing crime is high, often consuming the greatest percent of local and state budgets. However, high levels of crime erode social controls and create an atmosphere of distrust. Businesses relocate to other cities.

Assessments can help the justice system target its limited resources to maximize outcomes. However, there are critics who object to the concept of making decisions that impede one's freedom based on what a person might do in the future. Furthermore, assessments are not perfect. They will inevitably result in false negatives and false positives. For example, risk assessments that measure future reconviction (or rearrest) often overassess the risk for females. And, if not carefully monitored, assessments could perpetuate disparities.

A growing cacophony of voices are expressing opinions about the impact of risk assessments on people of color, and their views are often in opposition. Some actuarial assessment advocates cite studies that show that black and white defendants with similar risk scores reoffend at roughly the same rates. Others support the use of assessments over professional judgment alone as one strategy among others aimed at increasing consistency and reducing disparities. Increasingly, civil and human rights advocates, among others, stress that the criminal justice system is a reflection of structural racism in our larger society and risk assessments perpetuate these biases. They assert that assessment tools use inherently biased data resulting in people of color being more likely to be arrested, prosecuted, convicted, and sentenced than their white counterparts. Table 7 further illustrates the discrepant points of view.

// **Any system that relies on criminal justice data must contend with the vestiges of slavery, de jure and de facto segregation, racial discrimination, biased policing, and explicit and implicit bias, which are part and parcel of the criminal justice system. Otherwise, these automated tools will simply exacerbate, reproduce, and calcify the biases they are meant to correct.** //

Vincent Southerland, *With AI and Criminal Justice, The Devil Is in the Data*

<sup>25</sup> See <https://aspe.hhs.gov/basic-report/psychological-impact-incarceration-implications-post-prison-adjustment>.

**TABLE 7: Two Statements on the Use of Pretrial Risk Assessments**

Pretrial Justice Institute	JFA Institute
<p>“The intense studying and listening we have done over the last year has provided us with a deeper sense that there is no pretrial justice without racial justice. We now see that pretrial risk assessment tools, designed to predict an individual’s appearance in court without a new arrest, can no longer be a part of our solution for building equitable pretrial justice systems. Regardless of their science, brand, or age, these tools are derived from data reflecting structural racism and institutional inequity that impact our court and law enforcement policies and practices. Use of that data then deepens the inequity....</p> <p>“In the places that have undertaken reform, success hasn’t hinged on an assessment tool; it has been driven by a commitment to decarceration, values-based discussions about the purpose of detention, a willingness to acknowledge the humanity of everyone, and each system’s openness to change. Successful jurisdictions have also learned that the best way to get people back to court safely is by both addressing barriers related to basic needs, like behavioral health treatment or transportation, and assessing policies and practices that govern the way the system does business.”</p> <p><i>Updated Position on Pretrial Risk Assessment Tools: 2/7/2020 (<a href="https://www.pretrial.org/wp-content/uploads/Risk-Statement-PJI-2020.pdf">https://www.pretrial.org/wp-content/uploads/Risk-Statement-PJI-2020.pdf</a>)</i></p>	<p>“These studies show that when applied properly, PRAs (pretrial risk assessments) do not exacerbate racial and ethnic disparities within pretrial release decisions. Rather, there is considerable evidence that PRAs (and other risk instruments) are superior to subjective/clinical decision-making which tend to over-estimate the risk of pretrial defendants and thus falsely justify their detention.</p> <p>“PRAs, when combined with systematic and collaborative processes across the criminal justice system, provide a strong basis for smart pretrial release while ensuring public safety. PRA instruments along with a person’s inability to post bail should not be the sole determinate for pretrial detention. We should not abolish PRAs, but endeavor to ensure that any form of implicit bias is reduced to its lowest level....</p> <p>“The PRA instruments, and the processes for their use, have been researched, validated and tested for racial and gender biases. While they are not perfect, there is no scientific basis to stop using them.”</p> <p><i>See The Value of Pretrial Risk Assessment Instruments: Don’t Throw the Baby Out with the Bathwater by James Austin and Wendy Naro-Ware, The JFA Institute</i></p>

**TCG’S VIEW**

As criminal and juvenile justice practitioners and consultants, TCG has seen the evolution of risk instruments over the past 40 years, from first to fourth generation tools. TCG has engaged—and continues to engage—in vigorous dialogue with practitioners seeking to use science to improve outcomes while avoiding the potential of unintended consequences.

Disparities in the justice system demand our immediate attention. TCG acknowledges that risk assessments that use historical data can perpetuate racial bias. The issue of bias in assessments is a complicated subject and one that is still unfolding as the use of evidence-based practices evolves. TCG’s review of the research is that most tools do not worsen racial disparities. Given the scientific evidence that risk assessment tools are more accurate in predicting misconduct than professional judgment alone, and the absence of data suggesting that assessment exacerbate disparities, TCG supports the continued use of risk assessment tools. TCG is encouraged by the bold and broad support of actuarial tools by numerous academicians, government agencies (e.g., National Institute of Corrections), and specialists (e.g., National Association of Pretrial Services Agencies).



It is, however, unrealistic to expect that risk tools will eliminate the inequities that have been part of U.S. culture for centuries. Assessments are not a panacea and have to be carefully managed. The implementation of these tools should be guided by a set of principles, and those principles should be monitored for adherence to ensure that the assessment objectives are being met and that the tools contribute to the elimination of disparities. To this end, TCG agrees with the six risk assessment principles put forth by JFA, listed below.<sup>26</sup> While JFA's publication refers to pretrial assessments, the principles apply to any screening or assessment instrument.

1. **Due Process and Transparency.** The results of any risk assessment completed for any individual must be fully disclosed to those persons with an ability to contest the assessment's accuracy.
2. **Reliability.** All risk instruments must undergo regular reliability tests to ensure the results are accurate (i.e., that defendants are screened in a uniform and consistent manner regardless of who is doing the screening).
3. **Validity.** All risk instruments should be properly tested to ensure they are properly scoring people by their risk to reoffend and or failure to appear in court pretrial. Pretrial risk assessments (PRAs) should not be tested on rearrests that have occurred after an individual's case has been disposed. Further, future validation studies should seek to use convictions rather than arrests as the dependent variable.
4. **Tested on Local Population.** Research has shown that risk assessment instruments perform best when calibrated to the local population rather than to another city or state. Consequently, PRAs developed in one jurisdiction and subsequently deployed in another must be retested in the new jurisdiction and adjusted accordingly.
5. **Tested for Racial and Gender Bias.** All instruments must show that there is little if any systemic racial and gender bias in the assessment process. This is best accomplished by relying on the fewest number of risk factors that are not correlated with socioeconomic status (e.g., education level, employment history, etc.). With regard to criminal justice factors, prior convictions and supervision failures within given time limits (e.g., felony convictions in the past 10 years, prior supervision failures in the past 10 years, etc.) and the attributes of the offense should be considered, since they have been shown to be strongly associated with risk.
6. **Use in the Detention Decision.** As mentioned above, risk assessment instruments were not designed to be, nor should they be, used as the sole determinant of a detention decision. Given that the vast majority of detained defendants are suitable candidates for release based on the criteria of flight and danger to the community, there should be a presumption of release. In this context, risk assessment is best used to assign conditions of supervision upon release rather than in the decision to detain (or not).

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<sup>26</sup> Austin, J., & Naro-Ware, W. (2020). *The value of pretrial risk assessment instruments: Don't throw the baby out with the bathwater*. The JFA Institute. <http://www.jfa-associates.com/publications/NewReleases/TheValueofPretrialRiskAssessmentInstruments.pdf>

## RECOMMENDATION 4: Expand Existing, Successful Programs

**Recommendation:** Increase the use of existing, successful programs and tie them to risk. The following programs are well suited for expansion both because of their proven effectiveness and their potential impact on the incarcerated population: the Sheriff’s Jail Alternative Programs (Home Detention, the Alternative Sentencing Program, and the Sheriff’s Work Project), Collaborative Courts, Probation and its Adult Day Reporting Centers, and Jail Reentry.

The county could consider adding new correctional programs as an alternative to housing individuals in jail. However, these programs would likely compete for the same pool of individuals served in the existing programs. With one exception—expanding support services—expanding the existing, effective programs will achieve the same objective as adding new programs without requiring the time and costs associated with establishing something altogether new.

Sacramento County has a well-managed continuum of accountability-based and risk reduction programs to serve individuals involved in the justice system, including diversion, jail alternatives, community supervision and programming, vocational services, and incarceration (see figure 9). This structure provides options for placing individuals in the most appropriate level of service and supervision given their assessed risk for reoffending.

**FIGURE 9:** Continuum of Programs



TCG’s review of the existing programs led to the conclusion that a sufficient array of programs currently exists to address the vast majority of corrections-specific needs (e.g., cognitive behavioral programming, reentry services, aftercare, etc.).<sup>27</sup> And, these programs appear to be well run and consistent with research-informed principles. Given this, TCG recommends that Sacramento County focus its attention on expanding existing programs rather than on adopting new programs. New programs might be an appropriate solution for certain subpopulations (e.g., Johns’ programs), but these programs are not likely to impact large segments of the jail population and reap the kinds of results that could close a jail housing unit.

<sup>27</sup> Sacramento County does lack support services for the offender population (e.g., services for those experiencing mental illness, substance use disorders, homelessness), which are delivered by non-justice system organizations. For more information on support services, see “Recommendation 5: Increase Support Services.”

Expanding existing programs in an effective way is not as simple as adding more capacity across the board. Rather, expansion should be done following a critical analysis of how existing programs are currently being used, who they target, and how effective they are at achieving recidivism reduction. This analysis could be approached by reviewing the current eligibility criteria to determine how the risk principle is being applied.

According to the risk principle, higher-risk individuals are the ones most likely to benefit from correctional interventions—especially, high-intensity interventions. In fact, studies have shown that low-risk individuals tend to recidivate at higher levels when programming is overdelivered.<sup>28</sup> There are multiple reasons why recidivism can actually increase for low-risk offenders enrolled in high-intensity programming. As previously discussed, when low-risk individuals are exposed to individuals with significant antisocial tendencies, there can be a contamination effect. High-intensity programs can also remove low-risk individuals from their current prosocial environments and disrupt the natural support systems that can help them avoid trouble in the first place. The need to reserve higher-intensity programs for higher-risk individuals is even more evident when one considers the cost of programs. For example, the Work Release Program run by the Sheriff’s Office costs \$32 per person per day compared to \$172 per day for a jail bed (see figure 10).<sup>29</sup> Inappropriate matching of treatment intensity with offender risk level can lead to wasted program resources.<sup>30</sup>

**FIGURE 10: Cost Per Person Per Day by Program; Adopted Budget FY 2019**



28 Latessa, E. J. (2004). *Understanding the risk principle: How and why correctional interventions can harm low-risk offenders*. [https://www.researchgate.net/profile/Edward\\_Latessa/publication/228601026\\_Understanding\\_the\\_risk\\_principle\\_How\\_and\\_why\\_correctional\\_interventions\\_can\\_harm\\_low-risk\\_offenders/links/53df99ec0cf2aede4b491564/Understanding-the-risk-principle-How-and-why-corre](https://www.researchgate.net/profile/Edward_Latessa/publication/228601026_Understanding_the_risk_principle_How_and_why_correctional_interventions_can_harm_low-risk_offenders/links/53df99ec0cf2aede4b491564/Understanding-the-risk-principle-How-and-why-corre)

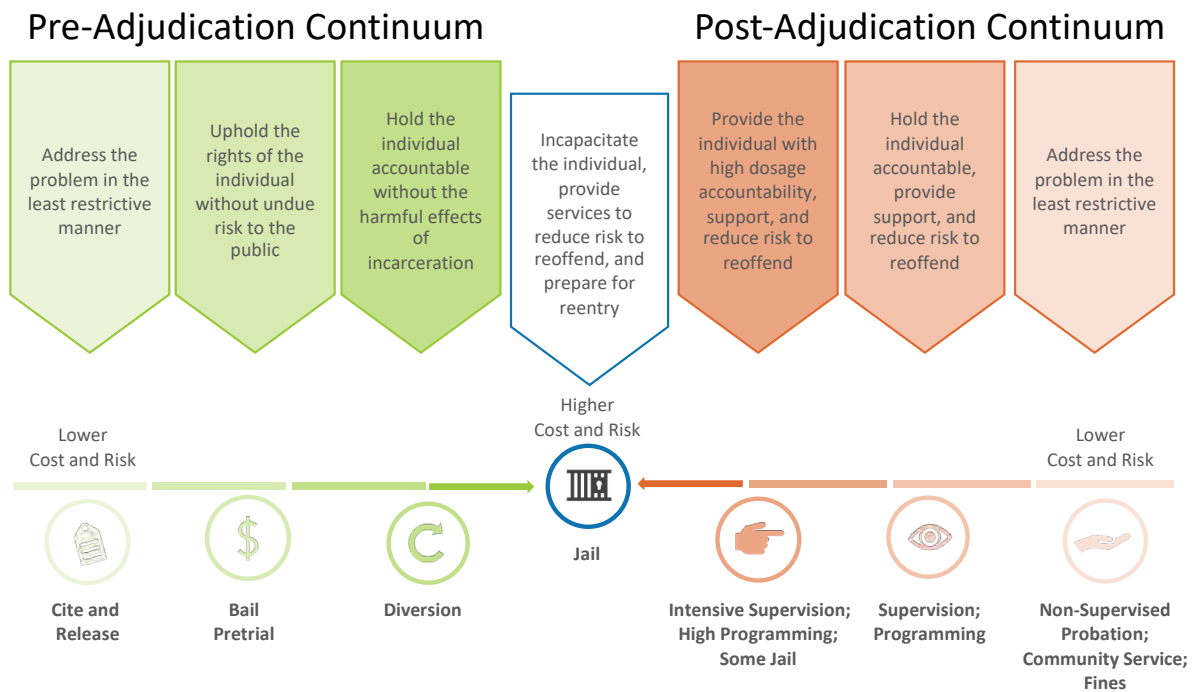
29 These costs were derived by dividing the county allocation for FY 2019 by the number of people served on a daily basis.

30 Bonta, J., & Andrews, D. A. (2007). *Risk-need-responsivity model for offender assessment and rehabilitation*. <https://www.publicsafety.gc.ca/cnt/rsrscs/pblctns/rsk-nd-rspnsvty/rsk-nd-rspnsvty-eng.pdf>

When evaluating the current continuum of accountability and service programs to determine what modifications are necessary to expand their usage, stakeholders should ask questions such as the following: What outcomes are we trying to achieve with this program? What risk level does the program target? Does the current clientele match the desired risk profile? If the clientele does not match the targeted risk level, what adjustments are needed and how will those adjustments be made? What additional space and staffing requirements are needed in order to expand the program?

Figure 11 illustrates how an accountability continuum can be more clearly defined for each stage of justice system involvement. The Pre-Adjudication Continuum begins with programs to address the situation in the least restrictive manner, offering a lower-cost response to individuals with a lower risk to reoffend. The higher the risk the person poses to public safety, the more intense the service should be, resulting in a higher cost. The Post-Adjudication Continuum takes a similar approach that involves community-based responses for lower-risk individuals and an increased intensity of response for higher-risk individuals, with incarceration being the most appropriate response for the highest-risk individuals.

**FIGURE 11: Pre-Adjudication/Post-Adjudication Continuum**



As programs are expanded, it is important to ensure that they continue to be evidence-based—in particular, that they employ the risk-need-responsivity model, which has been shown to have the greatest success in reducing recidivism. Additionally, quality assurance and continuous quality improvement models should be followed. The county already has experience using the Correctional Program Checklist (CPC) and should continue to use the CPC or a similar tool across all program

categories. The CPC results can, in the future, inform leadership about potential program improvements and, ultimately, help guide funding decisions.

The following are examples of current programs in Sacramento County that offer many opportunities for expansion. The descriptions highlight each program's key features and note how expanding the program's criteria and capacity could impact the jail population. In some cases, program performance could be improved by adopting the fidelity measures noted above or by making some policy and practice changes. Although this report is not designed to explore areas where improvements could be made, some suggestions are offered.

### **SACRAMENTO COUNTY SHERIFF'S JAIL ALTERNATIVE PROGRAMS**

The Sheriff's Office operates three jail alternative programs primarily for post-adjudication populations: Home Detention, the Alternative Sentencing Program (ASP), and the Sheriff's Work Project (SWP). Each program operates independently from the others, yet they function in very similar ways by offering community-based accountability. They all have eligibility requirements and charge application and participant fees, which can be reduced or waived based on proof of indigency.

While not every offender will qualify or should qualify for these alternatives, more could be done to refine the enrollment process. For example, implementing a universal electronic application form and screening process for all three programs would streamline the enrollment process and allow applicants to be enrolled in the program that best meets their circumstances. If their circumstances were to change, the form could be updated, and the program placement adjusted. This process could also identify and screen out offenders who could qualify for early release without needing to be enrolled in these programs, freeing up space for others who could benefit from the programs. Program requirements could also be adjusted to eliminate barriers to participation for applicants who would otherwise qualify. Obstacles to consider are housing, ability to pay fees, and physical capabilities. Program eligibility should also incorporate the risk principle, ensuring that the right individuals are receiving the appropriate level and intensity of service based on their risk to reoffend.

For programs where work is a requirement, work assignments could be aligned with long-term employment opportunities to allow for continued employment. In addition, before program enrollment or in tandem with enrollment, offenders should receive instruction on basic workplace functioning and have opportunities to practice these new skills. Finally, each program should establish and report performance outcome metrics to determine effectiveness and assist with program adjustments.

The following provides specific information about the most promising, existing post-adjudication programs and services that could be expanded to reduce the number of individuals in jail. However, it would be worthwhile to review pre-adjudication diversion programs for possible expansion as well. It is also worthwhile to note that none of the programs below requires infrastructure to house participants, so expansion costs would primarily be for staffing.

## Home Detention Program

The courts use the Home Detention Program as an alternative to incarceration at sentencing. Jail inmates can also apply for the program as an early release option. Time in the program can range from 1 day to 12 months.

The program has a rigorous screening process, taking into account the offender's past criminal history and current offense. Offenders who fall under AB 109 are eligible but are required to complete reentry programming prior to acceptance. Participants must have a stable home; an on-site inspection of the home is required to determine its suitability. All residents of the home must agree to random home searches and to living in an alcohol-free environment. If approved, the participant agrees to wear a GPS monitoring device, pass a weekly drug screen, and work (or attend school) between 20 and 60 hours per week. Violations can lead to loss of good time or removal from the program.

Each participant is required to pay a \$130 application fee and a daily program fee of \$47, which is collected weekly. If there is proof of indigency, the offender's monetary obligation can be reduced. At the time of this report, there were approximately 200 active participants in the program.

## Expansion possibilities

The current program could be expanded in three ways:

1. Modify the criteria and processes so that additional individuals can be placed. This change may require keeping track of data to determine the reasons for denial. Some enrollment barriers may be:
  - i. the fee schedule and application fee, especially given the recent nationwide recognition that high fees and fines are creating negative collateral consequences for justice-involved individuals and their families
  - ii. the requirement that the individual must work between 20 and 60 hours per week (or attend school)
  - iii. work hours that are too limiting (they may only work between the hours of 7:45 a.m. and 3:00 p.m.).

Based on assessed risk and other circumstances, it may be appropriate to place some PRCS individuals on the program prior to reentry programming.

2. For those denied because they do not have a stable home, provide housing assistance so that individuals experiencing homelessness have the opportunity to participate in the program.

## Home Detention

### ▲ Direct Court Placement and Alternative to Incarceration

Rather than being sent to jail, an offender can be placed on home detention. In addition, eligible offenders can serve a portion of their jail sentence at home.

### ▲ Accountability Measures

Participants must wear the GPS tracking device and submit to breath alcohol tests.

### ▲ Capacity

The program has a capacity of 350 participants.

### ▼ Fees

A \$130 application fee and daily program fee of \$47 are required unless there is proof of indigency.

### ▼ Eligibility Limitations

Individuals experiencing homelessness are ineligible.

3. Work with judges and attorneys to develop policies to utilize the program not only in cases of direct court placement but also for incarcerated individuals who have served a portion of their time and can earn time off.

#### Possible enhancements

- Utilize an actuarial risk assessment to help determine eligibility.
- Provide risk reduction programming as part of the Home Detention Program, in light of research indicating that such programming reduces violation behavior and future criminal activity.
- Add an educational or employment component to help those in need of support services, thereby reducing the likelihood that they return on a new arrest.
- Collect and disseminate performance outcome data.

#### Alternative Sentencing Program (ASP)

The Alternative Sentencing Program (ASP) is a community service program primarily used for offenders who have civil infractions, such as traffic violations, and who cannot afford to pay the fine. Approximately 10% of the ASP population are adjudicated on a misdemeanor DUI or other nonviolent misdemeanor. At the time of sentencing, the court determines the number of community service hours the offender must complete. The number of hours then determines the fee, as outlined in table 8. Proof of indigency is required to allow for any modification to the fee schedule.

Work opportunities are offered seven days a week but are limited to the hours of 7:45 a.m. to 3:00 p.m.

Worksites are currently vetted by nonsworn personnel and are visited annually to ensure the worksites are appropriate. Worksites are comprised largely of nonprofit organizations, and the work often involves physical labor. Participants are required to report to the prearranged worksite on assigned days and return home after work is completed. There is no formal process for addressing violations. Officers can work with offenders to “get them back on track,” if needed. At the time of this report, there were 1,143 active participants in the program.

#### Alternative Sentencing

##### ▲ Direct Court Placement

##### ▲ Service in Lieu of Fines

Ability to work off court obligations through community service work projects.

##### ▲ Work Available 7 Days a Week

##### ▼ Fees

An application fee and participation fee are required unless there is proof of indigency.

##### ▼ Limited Work Hours

Work hours are limited to 7:45 a.m. to 3:00 p.m. each day.

##### ▼ Limited Work Options

Work sites often require physical labor, potentially excluding individuals who have physical limitations.

**TABLE 8: ASP Fee Schedule**

ASP Sentence	Application Fee	Daily Fee	Total
1–12 hours	\$50	\$0	\$50
13–18 hours	\$80	\$50 flat fee	\$130
19–24 hours	\$80	\$80 flat fee	\$160
Over 24 hours	\$80	\$30 × # of 6-hour days	\$80 + (\$30 × # of 6-hour days)

### Expansion possibilities

The current program could be expanded in two ways:

1. Modify the criteria and processes so that additional individuals can be placed. As with home detention, this may require keeping track of data to determine the reasons for denial. Some enrollment barriers may be:
  - i. the application fee and fee schedule
  - ii. the physical labor required at certain work sites
  - iii. the limited work hour times.
2. Work with judges and attorneys to develop policies to utilize the program not only in cases of direct court placement but also for incarcerated individuals who have served a portion of their time and can earn time off.

### Possible enhancements

- Find work sites that do not require physical labor. Currently, there are physical requirements that could exclude certain individuals with conditions such as pregnancy, lifting restrictions, back problems, etc.).
- Utilize an actuarial risk assessment to help determine eligibility.
- Add an educational or employment component to help those in need of support services, thereby reducing the likelihood that they return on a new arrest.

### Sheriff’s Work Project (SWP)

The Sheriff’s Work Project (SWP) is an alternative to incarceration that is either provided by the court at the time of sentencing or is offered to eligible inmates as an early release option, although this population only accounts for about a quarter of the program’s participants. Individuals enrolled in the program are required to report to their assigned work site by 7:45 a.m. and work a full day (until 3:00 p.m.). Each full day of work counts as one day or 6 hours of work completed. The work typically involves physical labor.



Offenders must pay an \$80 application fee and a daily program fee of \$40 which is collected monthly. All participants are required to pay the \$40 daily fee unless there is proof of indigency, at which time an offender's monetary obligation is reduced to what the Sheriff's Office's on-site financial services personnel deems feasible.

Program participants are not required to have a permanent home address. They also are not drug tested. Program accountability is focused on attendance and work performance. If offenders fail to show up or perform poorly on the job, they can be released from the program.

The duration of program participation is set by the judge at the time of sentencing. Inmates who enter the program through early release typically have approximately 60 days or less left on their sentence. The policy of the Sheriff's Office is to not accept individuals on a sentence longer than 90 days; it is reported that these individuals will not likely be successful. However, the Sheriff's Office did not have data to verify failure rates based on length of placement.

There is currently no formal process for identifying eligible inmates for the program. Inmates learn about it primarily through "word of mouth." At the time of this report, there were 1,300 active participants in the program.

### Expansion possibilities

The current program could possibly be expanded by modifying the criteria and processes so that additional individuals can be placed. Once again, this may require keeping track of data to determine the reasons for denial. Some enrollment barriers may be:

1. the fee schedule and application fee
2. the physical labor required at certain work sites
3. limited work hour times
4. the policy that limits this program to individuals with sentence lengths of 90 days or less.

### Sheriff's Work Project

#### ▲ Direct Court Placement and Alternative to Incarceration

Ability to work in the community in lieu of serving jail time.

#### ▲ Early Release Option

Jail inmates can apply for the program.

#### ▲ People Experiencing Homelessness Can Participate

#### ▼ Fees

A \$80 application fee and daily program fee of \$40 are required unless there is proof of indigency.

#### ▼ Limited Work Hours

Work hours are limited to 7:45 a.m. to 3:00 p.m. each day.

#### ▼ Physical Requirements

Must be able to do physical labor and lift 50 pounds, potentially excluding individuals who have physical limitations.

### Possible enhancements

- Formalize the process of informing potential participants about the program instead of relying on word of mouth.
- Utilize an actuarial risk assessment to help determine eligibility.
- Collect data on failure rates to determine appropriate eligibility criteria related to sentence length.
- Add an educational or employment component to help those in need of support services, thereby reducing the likelihood that they return on a new arrest.
- Align work project assignments with long-term employment opportunities.

### Enhancements Across All Jail Alternative Programs

It is worth exploring the following additional enhancements across all of the jail alternative programs:

- Enhance the continuity between the programs operated by the Sheriff's Office and those offered by the Probation Department.
- Add a case management system in the jail that is for more than just those participating in programming at the RCCC.
- Use risk and needs information from point of entry to discharge for all inmates sentenced to jail for longer than 30 days. (For more information, see "Recommendation 3: Adopt a Universal Risk Screening Process.")
- Explore the use of tablets that contain educational material (e.g., cognitive programming, GED, etc.) and resources to incentivize compliant behavior (e.g., books, music, etc.).

### COLLABORATIVE COURTS

Collaborative courts, also known as problem-solving courts, combine judicial supervision with rehabilitation services that are rigorously monitored and that are focused on reducing recidivism and improving offender outcomes.<sup>31</sup> Sacramento County currently operates more than a dozen specialty courts (see page 16 for a list of specialty and collaborative courts). These courts require more intensive staffing than regular courts due to the frequency of hearings and the inclusion of case management and multidisciplinary teams—all of which are crucial for achieving successful participant outcomes.

### Expansion possibilities

The collaborative courts provide significant opportunity to meet the needs of numerous subpopulations of justice-involved individuals and have the potential for expansion by taking in additional individuals. However, it is TCG's view that expansion should be contingent on the acquisition of support services, especially housing, mental health, and addiction programming. Judicial officials interviewed by TCG reported that only 30% of collaborative court participants have access to the services they need. As noted previously, this shortage of services exists across all justice system agencies and is the most frequently reported barrier to meeting the needs of justice-involved individuals. To expand the collaborative courts without these support services will hamper the courts' ability to keep the participants in the program and improve the likelihood of success.

<sup>31</sup> See <https://www.courts.ca.gov/programs-collabjustice.htm>.

### Possible enhancements

- Collect outcome data.
- Hire an external collaborative court expert to conduct an assessment and provide specific feedback on how the collaborative courts could improve their procedural justice and service provision.

## PROBATION

The Probation Department manages juvenile and adult supervision services. For adult corrections, it provides a number of services such as pre-sentence investigations, restitution services, diversion monitoring, court liaison, interstate compact compliance, and collaborative court support. Importantly, probation provides case management services that direct eligible offenders to treatment and other risk reduction services. The Probation Department is actively supervising approximately 4,500 individuals, with another 17,500 on alternative supervision status (e.g., “banked” or supervised on paper only, in jail on a split sentence, or other status).

Probation has been steadily advancing its use of evidence-based practices as demonstrated by targeted training, the use of actuarial risk and needs assessments, the creation of day reporting centers, and other means. There are a number of reasons it is well positioned to provide additional opportunities to reduce the use of incarceration, including its mission alignment with evidence-based services and alternatives to incarceration, trained staff, and its non-advocacy orientation to information provided to criminal justice decision-making and services. However, it is challenged by a high workload and, consequently, an inability to provide services to all moderate- and high-risk offenders who could benefit from its services. As a result, thousands of individuals who would benefit from case management services if the department were better resourced are placed in unsupervised caseloads.

Despite these and other challenges, the department has exerted efforts to help address incarceration rates. The following are some examples of these efforts:

- **Flash Incarceration.** As discussed, the current PRCS flash incarceration practice allows placement of up to 10 days in jail for a violation and does not require a court appearance. The department is considering expanding its flash incarceration policy to non-PRCS cases, many of which reportedly receive a jail sentence of 60–120 days. Furthermore, the department is stressing that the intent of flash incarceration is to apply a quick sanction, and that the 10-day jail term does not need to be automatically applied. In other words, if 3 days will redirect the individual while holding them accountable, then a shorter term is appropriate.
- **Electronic Monitoring.** Probation is considering whether the use of GPS devices would achieve similar outcomes as flash incarceration without the detrimental effects of removing the individual from the community (e.g., harming their ties to employment, relationships, housing, etc.) and the time involved to process individuals in and out of the jail.

- **Citations.** As previously noted, the Probation Department reports that it is finalizing a policy for officers to issue citations for misdemeanor charges. The intent of this policy is to allow officers to hold offenders accountable without requiring law enforcement involvement.
- **Length of Probation.** The department is exploring the possibility of working with its stakeholders to reduce the amount of time individuals are actively supervised. Currently, most probationers are reportedly court-ordered to complete a lengthy period of supervision (i.e., 5 years). This change will likely only impact the jail population if individuals serving lengthy probation terms are held in jail on a technical violation after the time they would have been discharged under a shorter probation term policy.

### Expansion possibilities

Probation services could be expanded in three ways, each potentially impacting the jail population:

1. Probation officers could increase their use of cognitive behavioral interventions in their one-on-one appointments. (Research has shown that effectively delivered probation services can reduce reconviction rates of moderate- to high-risk offenders by an average of 10–30%, depending on the cited research study. Furthermore, the most impactful programs aimed at changing illegal behavior are cognitive behavioral interventions.<sup>32</sup>)
2. Add capacity to increase the effectiveness of probation supervision. Additional capacity would, for example, allow the department to increase the current minimum contact standard for high-risk caseloads, which is now once per month. Monthly appointments are insufficient to maximize risk reduction. Additional capacity would also allow the department to increase the intervention dosage it provides across all of field supervision. This is important when considering that some court officials reported that they are often hesitant in using probation because they know probation is unable to supervise offenders as intensely as the courts desire due to high caseloads, opting in many cases for a jail sentence and jail programming. As with the collaborative courts, this expansion would need to be coupled with the acquisition of support services, especially housing, mental health services, and addiction programming.
3. Extend the use of risk-based caseloads across all of field probation.<sup>33</sup> The courts would need to be informed as to the kinds of services they can expect when a sentenced individual is placed on one of these risk reduction caseloads.

### Possible enhancements

- Conduct a comprehensive continuous quality improvement process that provides case management staff with risk reduction coaching.
- Make routine the collection and dissemination of outcome data.

<sup>32</sup> Bourgon, G., & Gutierrez, L. (2012). The general responsivity principle in community supervision: The importance of probation officers using cognitive intervention techniques and its influence on recidivism. *Journal of Crime and Justice*, 35, 149–166. <https://doi.org/10.1080/0735648x.2012.674816>

<sup>33</sup> In addition to having risk-based caseloads, the department has specialized caseloads for, for example, sex offenders, domestic violence offenders, and gang members.

## JAIL REENTRY AND ADULT DAY REPORTING CENTERS

As noted in “Strengths of the Current System,” the Sheriff’s Office reentry program and the Probation Department’s three Adult Day Reporting Centers (ADRCs) integrate evidence-based practices. Both of these programs conduct actuarial assessments, provide case planning based on criminogenic needs, offer cognitive behavioral programming and support services, and employ fidelity processes. In many ways, these programs are the most promising in terms of helping to reduce the jail population because they provide—over a longer period of time—intensive services that address offenders’ needs in a holistic way, targeting long-term risk reduction.

### Expansion possibilities

Each of the three ADRCs has a capacity of 75 participants, for a total capacity of 225. However, ADRC management indicated that they could increase capacity within their current space—perhaps as much as doubling existing capacity before having to seek a fourth physical space. In addition, reentry program leadership is prepared to expand its programming if adequate space and staffing were provided.

## SUMMARY

TCG estimates that expanding some or all of the post-adjudication programs listed above could have a significant impact on the jail population by addressing the programming needs of offenders in the community rather than in jail while still holding these individuals accountable. The number of expansion slots would need to be carefully planned so as to avoid pulling participants from the same pool. A successful application of this expansion could result in enough savings from closing jail units to offset the costs needed to operationalize selected expansions noted in table 9. In addition, some of the costs associated with staffing might be offset by using different job classifications (i.e., nonsworn staff) when taking on certain job functions that don’t require the training and experience of sworn staff.

**TABLE 9: Requirements for Program Expansion**

Existing Program	Likely Requirements
Home Detention Program	Additional assessment and monitoring staff; electronic monitoring equipment
Alternative Sentencing Program (ASP)	Additional assessment and monitoring staff
Sheriff’s Work Project (SWP)	Additional assessment and monitoring staff
Collaborative Courts	Support services (e.g., housing, mental health, sobriety center)
Probation	Additional case management and programming staff; support services (e.g., housing, mental health, sobriety center)
Jail Reentry and Adult Day Reporting Centers	Additional case management and programming staff; support services (e.g., housing, mental health, sobriety center); new site

## RECOMMENDATION 5: Increase Support Services

**Recommendation:** Increase support services by adopting a countywide framework for support service delivery, and resource the continuum based on identified population needs. As every criminal justice stakeholder is acutely aware, the county is insufficiently resourced to provide the level of support services needed for the correctional population, especially around housing, mental health, and addiction services. Jail, then, becomes the default behavioral health service provider. As services become increasingly available in the community, the incentive to use jail will decrease.

The nexus between mental illness, substance use disorders, homelessness, and criminal justice involvement is well known, with multiple national studies pointing to an overrepresentation of individuals with these conditions in the justice system. The extent of this issue in Sacramento County, however, is not well documented, even though nearly all justice system partners that TCG spoke to said that one of their biggest challenges is meeting the service needs of justice-involved individuals. The consensus was that if there were sufficient community-based services for individuals experiencing a mental health crisis, addiction, or homelessness, then justice system intrusion would be limited or not needed. The system could then focus on the individuals who require a legal response rather than a social service response to their behavior. Instead, the system is currently overwhelmed by the number of people presenting with one or more social service needs.

The future, however, looks more promising. TCG identified many encouraging initiatives that, once implemented, would offer health and human services responses that are more attuned to the needs of this unique population and that would assist them in achieving long-term stability and well-being.

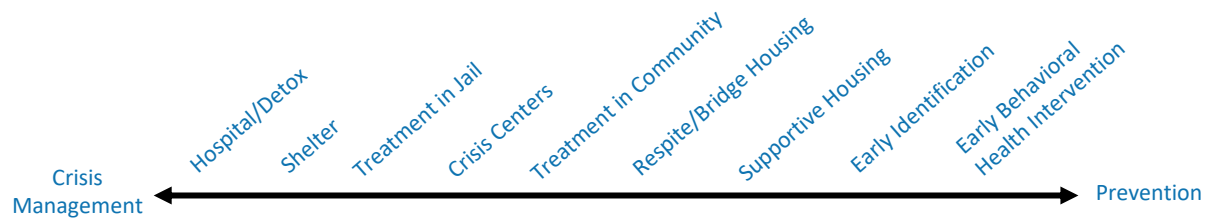
The Harvard Kennedy School, Government Performance Lab, recommends communities establish a framework for service delivery that provides appropriate responses to individuals based on their situational needs.<sup>34</sup> These responses range from hospital/detox services to respite housing to early identification programs to prevent further system penetration (see figure 12 for an example). Having in place this full continuum and pathways to entry can help communities better serve the population and manage resources more effectively.

// We were confusing the pursuit of justice with **the successful adjudication of cases, without recognizing that justice can be achieved in ways that do not directly involve the justice system.** //

Tom Reed and John Chisholm, *From Funnels to Large-Scale Irrigation: Changing the Criminal Justice Paradigm to Improve Public Health and Safety* (p. 3)

<sup>34</sup> Jaeckel, T., & Economy, C. (2017). *Promising solutions to our nation's behavioral health crisis*. [https://hwpi.harvard.edu/files/govlabs/files/promising\\_solutions\\_to\\_nations\\_behavioral\\_health\\_crisis.pdf](https://hwpi.harvard.edu/files/govlabs/files/promising_solutions_to_nations_behavioral_health_crisis.pdf)

**FIGURE 12:** Continuum of Responses



Until this framework can be put in place and operationalized, more needs to be done in the short term to remedy problems. TCG recommends that Sacramento County develop a multifaceted strategy to triage and treat the complex issues surrounding mental illness, substance use, and homelessness to reduce the burden these populations place on the justice system. At the core of this strategy should be the use of a brief screening tool to quickly identify those who have behavioral health disorders and who require further assessment as well as those who have housing needs. The following sections describe the current state of affairs with respect to mental health, substance use, and homelessness services and offer suggestions for how the county might build upon existing efforts. In addition, two case studies—for LEAD® sites and for Multnomah County, Oregon—illustrate how other jurisdictions are developing resources and practices outside of the jail setting to address these challenges. Finally, the issue of funding and service contracts, and how improved processes in these areas can lead to better services, is explored.

## MENTAL HEALTH

National studies estimate that 44% of jail inmates have a mental health disorder.<sup>35</sup> Unfortunately, jails have become quasi-mental health facilities even though they lack the kind of therapeutic environment and clinical-indicated services mentally ill offenders need. Sacramento County Jails are no exception. The jail’s lack of adequate treatment services for mentally ill offenders was one of the concerns raised in the class-action lawsuit filed against the county in 2018. The Sheriff’s Office proposed new medical and treatment wing, while much needed, puts a heavy burden on local taxpayers for its multi-million dollar construction costs and ongoing costs to operate the new wing. Also raised was the efficacy of offering these types of services in jail rather than in the community.

The concern about the number of mentally ill offenders in jail has been an issue of importance for the Board of Supervisors. On January 29, 2019, they signed County Resolution 2019-0043 to “reduce the number of people with mental illness in our county jail.” The resolution is part of the national Stepping Up Initiative, which notes that jails spend two to three times more money on adults with mental illness who require intervention than on those without those needs, yet they often do not see improvements in public safety or these individuals’ health.<sup>36</sup>

<sup>35</sup> Bureau of Justice Statistics. (2017, June). *Indicators of mental health problems reported by prisoners and jail inmates, 2011-12* (NCJ 250612). [https://www.bjs.gov/content/pub/pdf/imhprpji1112\\_sum.pdf](https://www.bjs.gov/content/pub/pdf/imhprpji1112_sum.pdf)

<sup>36</sup> See <https://stepuptogether.org/the-problem>.

Unfortunately, the lack of community-based mental health services makes the justice system the de facto first responder to individuals experiencing a mental health crisis. During an interview with Chief Daniel Hahn of the Sacramento Police Department, he reported, “We average 35 calls per day that are mental health-related.” These calls are up 14% from the previous year.<sup>37</sup> While the department takes efforts to divert these individuals from the system, some situations require officers to make an arrest. In these cases, officers can transport individuals either to jail or the emergency room. Both options have fiscal implications for taxpayers and provide only temporary relief to the community and to the individuals experiencing mental health episodes.

TCG acknowledges the current approaches that are on target for identifying individuals with unmet mental health needs and connecting them to services. For example, Mobile Crisis Support Teams provide on-the-spot triage and services to avoid hospitalization and in-custody interventions. Mental Health Collaborative Courts offer case management support as well as legal responses to incentivize and motivate individuals to engage in treatment and services. These solutions, however, fall short in meeting the existing demand. As one judge shared, only about 30% of their collaborative court population is able to access existing services due to lack of capacity.

TCG also recognizes that the situation creates a “chicken or egg” scenario. Until the community can set up adequate services for individuals with mental health needs, these individuals will continue to penetrate the justice system. In turn, the justice system must provide treatment services for this population even though they would be better served in the community. There are, however, some strategies that could be effective in the short term.

### **Possible enhancements**

One jail health care provider estimated that approximately 35% of inmates held in the Sacramento County jails “have serious mental health issues.”<sup>38</sup> The jails currently conduct multiple screenings upon booking. Proper screening and identification of mentally ill offenders at jail entry are essential not only for housing classification purposes but also for determining who could benefit from treatment while incarcerated. Screening can also identify individuals who have had previous involvement with the mental health system. Such knowledge can help jail health care providers reconnect the person to their local behavioral health system upon release, avoiding gaps in service. Finally, tracking this population can help determine if different and specialized solutions are needed for high utilizers of the jail and the mental health system. Enhancing the screening process and utilizing existing service navigators, who connect people to needed services, can help the county better target services.

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<sup>37</sup> Interview with Chief Daniel Hahn on August 30, 2019.

<sup>38</sup> Support Services Meeting, January 10, 2020.



Treatment for this population must emphasize the co-occurring issues of mental illness and criminality. Researchers have found that factors that predict criminal offending in individuals with mental illness are similar to those of general offenders, including criminal history, antisocial personality, substance abuse, and family dysfunction.<sup>39</sup> The results of this research have led TCG to advocate for treating offenders with mental illness based on the risk-need-responsivity model, with intervention consisting of both mental health treatment and programming that targets criminogenic needs. For mentally ill offenders, mental health symptoms become a responsivity issue if they interfere with the individuals' ability to engage in treatment. Offenders who are experiencing psychotic symptoms, for example, would have a difficult time engaging in treatment until they are stable. For treatment and interventions to be effective, criminal justice professionals and mental health professionals must collaborate on case plans.

This approach for working with mentally ill offenders should be adopted whether offenders are incarcerated or on probation. More importantly, the system should not wait to intervene. Multiple research studies show that treatment for justice-involved, mentally ill individuals can be effective.<sup>40</sup> And, when treatment continues upon release for a correctional setting, offenders are less likely to recidivate criminally and psychiatrically.<sup>41</sup>

Another important enhancement, and a consistent theme throughout this report, is the need for data. The county must develop a process to collect data systemwide on offenders who are mentally ill and on the programs they are accessing. Data collection, at a minimum, should report on the numbers entering the system, where they end up, what services they receive, the outcomes of those services, whether programs are operating at their best, and where improvements can lead to even better results. Until a clearer picture of this population and program outcomes is known, it will be difficult for the county to target where resources are most needed.

### Expansion possibilities

TCG is aware that the county is moving forward with the expansion of Mobile Crisis Support Teams. TCG supports this planned expansion and highly recommends that leaders establish metrics to ensure the teams are achieving the desired result of not only addressing the crisis in the short term but also influencing future system contact and hospitalizations.

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39 Vanderloo, M. J., & Butters, R. P. (2012). *Treating offenders with mental illness: A review of the literature*. Utah Criminal Justice Center, University of Utah. [https://socialwork.utah.edu/\\_resources/documents/MIO-butters-6-30-12-FINAL.pdf](https://socialwork.utah.edu/_resources/documents/MIO-butters-6-30-12-FINAL.pdf)

40 Morgan, R. D., Flora, D. B., Kroner, D. G., Mills, J. F., Varghese, F., & Steffan, J. S. (2012). Treating offenders with mental illness: A research synthesis. *Law and Human Behavior*, 36, 37–50. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3266968/>

41 Ibid.

In addition, the county is currently exploring the possibility of opening a Jail Diversion and Treatment Resource Center in space downtown that formerly housed Sheriff's Office operations. This facility would function as a receiving center of sorts, allowing specialists to screen, triage, and quickly determine the proper response to low-level violations. Multi-agency staff would co-locate at this facility to connect individuals to needed professional services. Such a center, Restoration Center, has been operating in San Antonio, Texas, since 2008, diverting thousands of individuals each year into treatment and services, and saving the city millions of dollars.<sup>42</sup> Restoration Center, operated by the Center for Health Care Services, is a drop-off location where police officers bring individuals in need of psychiatric, medical, and substance abuse help, rather than taking them to jail or the emergency room. The center operates a public safety (sobering) unit, a detox unit, a minor medical care unit, and an outpatient integrated primary care and behavioral health clinic. The center also provides walk-in screening and assessment services, a secure law enforcement area for detained mentally ill persons, and 18 beds for 23-hour stabilization. Medical, psychiatric, and social work professionals staff the facility around the clock. The Center for Health Care Services estimates that in 2018, they diverted approximately 6,000 people from the jail or emergency room, saving taxpayers an estimated \$11 million. Restoration Center is a proven model that serves as a potential model for emergency support services.

### Restoration Center

Restoration Center offers detox, inpatient, and case management services, with a special focus on the needs of clients facing homelessness, trauma, and economic insecurity. The center offers walk-in services and functions as a receiving center for law enforcement to drop off individuals who need psychiatric, medical, and substance abuse evaluations.

## SUBSTANCE USE DISORDERS

The number of offenders in Sacramento County who have a substance use disorder is difficult to determine. The most comprehensive data comes from the 2013 Arrestee Drug Abuse Monitoring Program II (ADAM II) annual report. While the report is somewhat dated, it does reveal some important facts about arrestees in Sacramento County jails:

- 83% tested positive for at least one drug in their system, and 50% tested positive for multiple drugs.
- 69% were unemployed.
- 17.8% were homeless.
- 82% had been arrested at least once prior to the current arrest.
- 52% reported they had been on probation at some time over the prior 12-month period.

Since the ADAM II report was issued, Proposition 47 was passed and laws on the use of substances changed. As a result, it is unknown whether the current jail population is similar to the ADAM II data or whether strategies and laws implemented in the last five years have had any influence on the

<sup>42</sup> <http://apps.bostonglobe.com/spotlight/the-desperate-and-the-dead/series/solutions/>

numbers. Anecdotally, justice system professionals reported that substance use remains a serious problem among their clientele.

To further complicate the situation, there are also high rates of co-occurring mental disorders among offenders who have substance use disorders. It is estimated that 24–34 percent of females and 12–15 percent of males in the justice system have co-occurring disorders.<sup>43</sup> These individuals are particularly challenging to treat since they often engage in drug use to alleviate symptoms associated with serious mental disorders.

Despite these challenges, Sacramento County is well positioned to respond to and treat individuals with substance abuse problems, and efforts are currently underway to expand service capacity. TCG is encouraged by the Department of Health Services' plans to prioritize services for the offender population, a previously underserved population.

### Possible enhancements

Early screening and detection for substance use issues must occur throughout the justice system. Again, TCG cannot emphasize enough the importance of identifying populations in need at the point of entry and being able to respond to those needs adequately. Otherwise, individuals with untreated substance use disorders will continue to penetrate the system, resulting in costs related to crime, lost work productivity, and health care.

Since 1995, Sacramento has been operating Recovery Court (formerly Adult Drug Court) for nonviolent, drug-related offenses. The goal of the program is to “provide treatment and rehabilitation of certain nonviolent drug possession/use and property crime offenders.” The Probation Department oversees the treatment program, with services offered by the Sacramento Department of Health Services and other contracted providers. When drug courts follow best practice standards established by the National Association of Drug Court Professionals, they have more than twice the reduction in crime, and when they consistently monitor operations, review the findings as a team, and modify their policies and procedures to meet validated benchmarks for success, they are twice as cost effective.<sup>44</sup> TCG recommends that Recovery Court conduct an internal assessment to determine how well the court adheres to best practice standards and make any necessary adjustments to ensure that this successful model meets its intended goal.

Another valuable resource that currently exists is service navigators. By connecting people to needed services, these individuals increase continuity of care and improve health outcomes. However, according to health care specialists, service navigators are underutilized in jail. Further work should be done to maximize this resource.

43 Substance Abuse and Mental Health Services Administration. (2015). *Screening and assessment of co-occurring disorders in the justice system*. <https://store.samhsa.gov/system/files/sma15-4930.pdf>

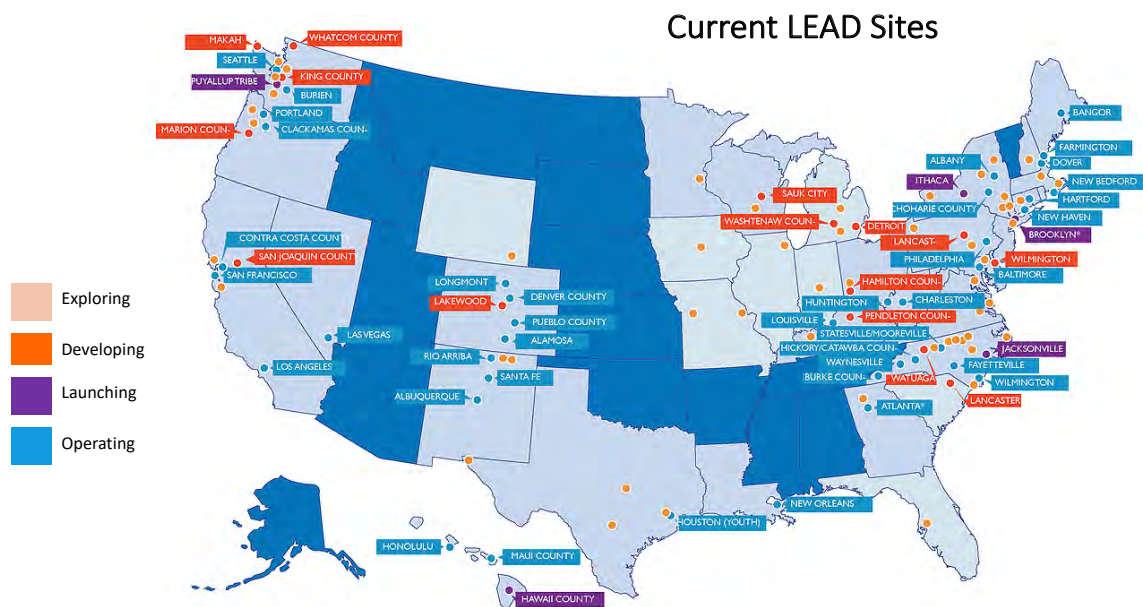
44 See <https://www.nadcp.org/standards/adult-drug-court-best-practice-standards/>.

### Expansion possibilities

In July 2019, the Drug Medi-Cal Organized Delivery System waiver went into effect, allowing the county to seek reimbursement for community-provided evidence-based treatment services. TCG believes this waiver presents a significant opportunity to serve more offenders in the community, providing judges with the assurance that offenders will be able to access treatment without having to be incarcerated. The county already has a comprehensive plan in place to expand treatment services, and TCG is hesitant to make recommendations on a plan that has been thoroughly vetted by behavioral health professionals. TCG is encouraged that the expansion will provide the offender population with an appropriate level of care, including outpatient treatment, residential treatment, withdrawal management, narcotic treatment services, recovery support services, case management, physician consultations, and additional medication-assisted treatment.

### Case Study 1: Law Enforcement Assisted Diversion (LEAD)<sup>®</sup>

Law Enforcement Assisted Diversion (LEAD)<sup>®</sup> is a community-based diversion program with the goal of improving public safety and public order while reducing justice system involvement of low-level offenders with unmet behavioral health needs. At the point of contact, law enforcement officers have the authority to refer these individuals to this intensive, trauma-informed case management program, where they receive a wide range of support services, such as housing, mental health, and addiction programming, that are tailored to their needs. Most commonly, these services are provided through a contract with a community-based organization. As of the writing of this report, there are 38 LEAD<sup>®</sup> programs operating across the United States, including three in California: in Contra Costa County, Los Angeles, and San Francisco. (For more information, see <https://www.leadbureau.org/>.)



## HOMELESSNESS

Homelessness is a severe problem in Sacramento County. The 2019 Point-in-Time Homeless Count indicated that homelessness in Sacramento County has increased by an estimated 19% since 2017.<sup>45</sup> The rise in homelessness reflects the continued challenge with housing affordability locally and across the state. From January 2017 to April 2019, the median rent in Sacramento rose 14 percent, compared to a five percent increase nationally.<sup>46</sup> Cities in Sacramento County also had the highest rent increases among all California cities. The number of justice-involved individuals who are homeless is currently unknown and is yet another critical piece of data necessary for criminal justice planners.

TCG heard from multiple county employees that working with offenders experiencing homelessness is complicated as their homeless status often makes them ineligible for services or makes it difficult to engage them in services. Homeless individuals often have higher rates of mental illness and substance use than the general population. They are likely to be unemployed or unemployable. They are also more likely to violate the terms of their supervision. More significantly, homeless individuals are more likely to experience longer jail stays; they do not qualify for some early release programs because they lack a stable living environment. TCG observed one example of this scenario during a Mental Health Collaborative Court hearing. A defendant, who would have otherwise been released, was ordered to remain in jail for another week because he did not have a stable place to live.

// **We have seen firsthand the positive influence**  
that permanent supportive housing has on  
a person's life. For the participants we have  
**housed, two-thirds of residents are either**  
employed or attending vocational activities. //

Carl Clark, MD, president and CEO, Mental Health Center of Denver (<https://www.denvergov.org/content/denvergov/en/mayors-office/newsroom/2019/three-years-into-denver-s-innovative-social-impact-bond-program-.html>)

### Possible enhancements

Again, a brief screening tool for early identification of individuals who are homeless and in need of housing assistance is an essential first step. This screening should take place across all justice system entry points. Once people experiencing homelessness are identified, navigators can help connect them

45 Baiocchi, A., Curry, S., Williams, S., Argello, T., Price Wolf, J., & Morris, J. (2019, June). *Homelessness in Sacramento County: Results from the 2019 point-in-time count*. <https://sacramentostepsforward.org/wp-content/uploads/2019/06/2019-Final-PIT-Report-1.pdf>

46 Ibid.

to housing options, especially before they are released from jail. Whether a person has housing or not should not be the only deciding factor for keeping them in jail.

As noted above, gathering data about this population is essential, especially data about high system utilizers. It is important to know not only who is involved in the system but also the frequency of contact with the system from emergency room visits to law enforcement contact to jail stays. This data can help prioritize needed services. While most programs often have long waiting lists, focusing attention on those who could benefit from them the most could result in reduced justice system involvement among individuals experiencing homelessness.

### Expansion possibilities

The most apparent solution to homelessness is to provide housing. However, the answer is much more complicated than that. Homeless individuals who are also justice-involved often have untreated medical and behavioral health needs in addition to their criminogenic needs. Supportive housing is indicated for much of this population and is one of the most cost-effective way to help them live more stable and productive lives. Accelerating the expansion of supportive housing for the justice-involved homeless population should be considered as a high priority.

An example of a successful, supportive housing venture is the Denver Supportive Housing Social Impact Bond (SIB) Initiative. The program targets people who are struggling with homelessness, substance use, and mental health problems, and who are also high system users of jail, detox, and emergency rooms. Through December 2018, 330 people had been housed through the Denver SIB. Two years after entering housing, 79 percent of participants were still housed.<sup>47</sup>

In addition to supportive housing, street outreach workers are needed to provide medical care and administer injectables, including mental health medications and addiction medications, to the homeless/street population.

### Case Study 2: Behavioral Health Resource Center

According to the 2019 Grand Jury Report of Multnomah County, Oregon, it is estimated that 33% of adults in custody suffer from severe mental health challenges and 50% have housing issues. The report notes that “all stakeholders agree that jails are not the appropriate place for those with mental health challenges—it is not a therapeutic environment and is not designed to help improve a mental health situation.” The grand jurors call for upstream resources, including housing, access to mental health care, and expanded community addiction services.

In January 2019, Multnomah County commissioners approved the establishment of a 24-hour per day behavioral health resource center. Once completed, this center will prioritize services for people with mental illness and homelessness who have come to the attention of the justice system. It will offer immediate basic services such as showers, laundry, and mail service in a day center along with long-term stabilization through connections to services, treatment, and housing. The project is being developed in partnership with peer-run, mental health community-based organizations.

47 Cunningham, M., Gillespie, S., Hanson, D., Pergamit, M., Oneto, A. D., Rajasekaran, P., O'Brien, T., Sweitzer, L., & Velez, C. (2019, November). *Maintaining housing stability: Interim lessons from Denver's Social Impact Bond Initiative*. Urban Institute. [https://www.urban.org/sites/default/files/publication/101165/maintaining\\_housing\\_stability\\_interim\\_lessons\\_from\\_denvers\\_expansion\\_of\\_supportive\\_housing\\_fact\\_sheet\\_1.pdf](https://www.urban.org/sites/default/files/publication/101165/maintaining_housing_stability_interim_lessons_from_denvers_expansion_of_supportive_housing_fact_sheet_1.pdf)

## FUNDING AND SERVICE CONTRACTS

Lack of services has a resounding impact on the entire criminal justice continuum. There are various explanations for this lack of services, including, in the past, insufficient attention to the offender population and a shortage of funds. Yet, as has been mentioned, there has been a recent positive shift in focus to the offender population. In the past year, the state amended the Mental Health Services Act (MHSA) to allow funds to be used for the parolee population, the first time a justice-involved population has been included.<sup>48</sup> The county is pursuing other avenues for expanding services to the justice-involved population. One promising development is the department's pursuit of a state Innovations Grant that would potentially provide \$9 million in behavioral health dollars over three to five years. If awarded, any grant dollars the county spends on direct services could be matched one-for-one with federal dollars, doubling the county's potential reach and creating a continuum of care for the criminal justice population.

According to county employees, funding is just the first step. It can take a year or more to issue contracts to service providers. The process is complex and involves multiple steps. A scope of work must first be developed and approved; this could take anywhere from three to six months. The approved scope of work must then be embedded into a Request for Proposal (RFP). The deadline for application is typically 30 days after the RFP is released. Then, a committee reads, scores, and ranks eligible applicants. If the contract exceeds \$100,000 (which most do), the Board of Supervisors must vote on the selection at a public meeting. If the selected provider is a start-up, a facility must be located in which to deliver the service. This process can take a significant amount of time as the provider has to obtain "good neighbor" approval for their selected location, adding to the already long timeline.

### Possible enhancements

Contracting timelines are difficult to overcome, but some strategies could be considered to shorten the process. For example, the county could limit eligible applicants to those who already have an approved facility. Another option would be to adopt an open contracting process that creates a list of approved providers from which agencies can select; this would be similar to an approved vendor list. Providers would then be reimbursed only for actual services provided at pre-approved rates.

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<sup>48</sup> The Act is funded by a 1 percent tax on incomes over \$1 million.

## RECOMMENDATION 6: Put in Place an Ongoing Continuing Education Series

**Recommendation:** Sponsor a series of research-informed forums or roundtables to increase awareness of practices that are or are not effective, especially those that impact the use of jail. Whatever changes are made to manage the jail population differently, it will require the willingness of key decision-makers to do something differently to meet justice needs. Criminal justice stakeholders—who know that they are responsible and will be held accountable for their decisions on a daily basis—would benefit from a clear understanding of what is effective and what actions can inadvertently be harmful. A consensus among criminal justice stakeholders on the research foundation behind policies and programs would help bolster stakeholders’ support for the use of non-incarceration programming where appropriate.

In order for the criminal justice system to operate at the highest level of effectiveness and maximize its limited resources, decision-makers need to have a comprehensive working knowledge of what is and is not effective in achieving short- and long-term public safety objectives. Fortunately, a great deal of research is available to provide guidance.

### SEVEN WAYS TO REDUCE RECIDIVISM

The National Institute of Corrections provided a summary of seven ways to reduce recidivism, each of which impacts stakeholders across the criminal justice system (law enforcement, prosecution, defense, courts, probation, jail and prison, reentry).<sup>49</sup> Many of these ways to reduce recidivism have already been discussed in this report and underscore the recommendations that have been offered.

#### 1. Assessments

**Use risk/needs assessment tools to identify risk to reoffend and criminogenic needs.**

**Research finding:** Structured assessment tools predict pretrial misconduct, institutional misconduct, and risk of reoffense more effectively than professional judgment alone. Brief screening tools provide a quick assessment of risk; comprehensive tools provide information on risk to reoffend and effective targets of intervention to reduce future crime. Adjunctive tools (e.g., substance abuse, gender-informed, sex offense-specific, mental health, violence) provide more comprehensive and specialized information.

**Examples of policy and practice implications:** Law enforcement uses assessments to inform cite versus arrest decisions; pretrial services conduct assessments prior to key decisions; prosecutors and judges use assessments to inform plea and sentencing decisions; jails and prisons use assessments to determine

<sup>49</sup> Center for Effective Public Policy & The Carey Group. (2017). *A framework for evidence-based decision making in state and local criminal justice systems* (4th ed.). National Institute of Corrections. [https://info.nicic.gov/ebdm/sites/info.nicic.gov/ebdm/files/EBDM\\_Framework.pdf](https://info.nicic.gov/ebdm/sites/info.nicic.gov/ebdm/files/EBDM_Framework.pdf). Used with permission.



housing assignments and work release placements; parole boards consider validated risk/needs assessment results during their deliberations; community corrections uses assessments to determine intensity of supervision and case management.

## 2. Risk Level

### **Direct programming and interventions to medium- and high-risk defendants/offenders.**

**Research finding:** Recidivism rates are reduced an average of 30% when medium- and high-risk offenders receive appropriate behavior-changing programming. Conversely, offenders assessed as low risk to reoffend do not benefit from behavior-changing programming and are slightly more likely to recidivate when they are overly supervised or programmed.

**Examples of policy and practice implications:** Agencies performing assessments color code case files of high-, medium-, and low-risk offenders for easy identification by decision-makers; for low-risk offenders, prosecutors use diversionary programs, prosecutors and judges avoid excessive conditions, defense counsel advocates for low-intensity interventions, community corrections uses call-in or kiosk reporting; judges, prosecutors, and defense counsel target medium- and high-risk offenders for programming designed to positively influence behavior; treatment programs designed to reduce recidivism modify admission criteria to admit only medium- and high-risk offenders.

## 3. Match Needs

### **Focus interventions for medium- and high-risk offenders on their individual criminogenic needs and match the level of interventions to their risk levels.**

**Research finding:** Cognitive behavioral programs are generally the most effective programming interventions for higher-risk offenders. Furthermore, employing program interventions that influence the traits that lead to future crime (i.e., criminogenic needs) yields stronger reductions in recidivism (up to an average of 30% reduction). The net value (the cost of the program less the savings derived from preventing crime) of the average, evidence-based cognitive behavioral program targeted to medium- and high-risk offenders, using a cost/benefit formula, is \$10,050 per adult offender. Finally, the level of programming intensity or dosage should match offenders' risk levels.

**Examples of policy and practice implications:** Judges ensure that sentencing conditions align with specific criminogenic needs; community corrections and treatment providers use assessment instruments to identify offenders' criminogenic traits; treatment providers provide program listings that identify the criminogenic needs their services address and avoid "one size fits all" programs; cognitive behavioral services are systematically utilized; community corrections refers offenders to programs based upon the match between offenders' needs and programs' services; county executives/managers ensure that service contracts with treatment providers include accountability measures to make certain that the services provided include cognitive behavioral interventions.

#### 4. Misconduct

**Respond to misconduct with swiftness, certainty, and proportionality.**

**Research finding:** There is little evidence that graduated sanctions (i.e., sanctions that increase in severity based on the number and nature of acts of misconduct) increase compliance with supervision and treatment; instead, they may increase noncompliance. Responses to behavioral misconduct are more likely to result in positive outcomes when they adhere to the principles of celerity (swiftness), certainty, fairness, responsivity, proportionality, and parsimony. Further, the use of confinement as a sanction for technical violations can actually result in increased recidivism rates.

**Examples of policy and practice implications:** Court administrators develop policies to move cases swiftly through the court system; judges, prosecutors, and community corrections agencies establish violation decision-making guidelines that take into account the risk of the offender and the severity of the violation behavior; community corrections uses a decision-making tool to aid supervision officers in structuring their responses to violation behavior and in responding to all violation behavior in some fashion; judges and community corrections streamline procedures that allow for swift action following offender misbehavior.

#### 5. Rewards and Incentives

**Use more carrots than sticks.**

**Research finding:** The use of incentives and positive reinforcement is effective in promoting behavioral change. Positive reinforcement should be provided at a rate of at least four reinforcers for every expression of disapproval (or sanction). To be effective, incentives and rewards should be tailored to the individual; swiftly applied; applied generously initially, and tapered over time; and provided in a manner that encourages internalizing the intrinsic benefits of the behavior. This formula enhances offenders' motivation to continue exhibiting prosocial behaviors and attitudes.

**Examples of policy and practice implications:** Judges and community corrections develop policies around the structured and specific use of rewards to reinforce positive behavior; defense counsel requests review hearings when clients reach significant milestones; community corrections acknowledges progress through the posting of awards, writing letters of affirmation, providing complimentary bus passes, praising offenders' behavior to their families, and reducing reporting requirements; community corrections consistently emphasizes the link between continued prosocial behavior and achieving long-term prosocial goals; law enforcement acknowledges law-abiding behavior of known offenders.

## 6. Community-based

**Deliver services in natural environments where possible.**

**Research finding:** Although treatment services provided in structured (e.g., residential, institutional) settings are demonstrated to be effective, services delivered in natural environments (i.e., settings in offenders' immediate surroundings that most closely resemble prosocial, supportive environments) improve offenders' bonding to the prosocial community and more effectively reduce recidivism. Diversion programs with an intervention component can be effective in reducing recidivism as compared to the traditional forms of criminal justice processing (i.e., incarceration and probation).

**Examples of policy and practice implications:** Law enforcement refers to community-based crisis services for offenders with mental health conditions; judges and prosecutors use community-based rather than residential or institutionally based programs when the safety of the community is not in jeopardy; county executives/managers provide support for funding and zoning community-based programming options; judges, prosecutors, defense counsel, community corrections, and others take inventory of available services to ensure a continuum of service options; community corrections utilizes prosocial family members, employers, and mentors to support the offender; resource directories are developed and shared among stakeholders.

## 7. Sanctions

**Pair sanctions with behavior change interventions.**

**Research finding:** Research demonstrates that sanctions without programming (e.g., boot camps without a treatment component, electronic monitoring, intensive supervision, incarceration) do not contribute to reductions in reoffense rates. In fact, the use of incarceration can have an iatrogenic effect (inadvertent harm) on individuals; increases in time served do not reduce, and may even increase, recidivism.

**Examples of policy and practice implications:** Prosecutors and judges employ a combination of sanctions and behavior-changing programming for purposes of risk reduction; county executives/managers fund a balance of behavior-changing programming and accountability measures; community corrections agencies address offender misbehavior with behavior-changing, rather than solely punitive, responses.

## FORUMS OR ROUNDTABLES

Decision-makers in need of this information include not only those responsible for running courts or agencies but also those who make dozens of case decisions daily, ranging from whether to cite or release, provide a nonmonetary bail option, provide a diversionary opportunity, seek a revocation, and so forth. As such, knowledge of effectiveness needs to permeate each agency working with a criminal justice population—even agencies that have only brief encounters with justice-involved individuals.

As noted previously, Sacramento County has adopted a culture of learning and collaboration and is well positioned to take advantage of this body of research. However, stakeholders need to be cognizant of implementation barriers when attempting to integrate research findings and to be prepared to devise strategies to overcome the barriers.

It is common for change efforts to fall short of their promise; this is not unique to criminal justice. In fact, implementation experts note that up to 85% of organizational change initiatives fail to reach their potential.<sup>50</sup> The reasons for this are abundant, including the following, observed in jurisdictions outside of Sacramento County:

- Knowledge is misapplied, for example, when a judge sends someone to prison because the risk assessment indicated that the individual was “high risk.”
- Change is difficult when people have done things the same way for years, for example, when courts automatically give a set term of probation based on the offense instead of tailoring the length of probation to the individual.
- There are incentives to act in a way that is contrary to research-informed practices, such as when a probation officer ignores a violation because of the paperwork required to deal with the violation.
- Knowledge is not translated to practice, such as when a probation officer does not act upon the research calling for a swift response to a violation (the celerity principle) and, instead, responds to violations only at the end of the month.
- Knowledge is not converted to local application, such as when stakeholders learn about the concept of dosage (i.e., the number of hours of intervention to maximize risk reduction) but do not know the dosage amounts of the various interventions available to them.

It is recommended that the Criminal Justice Cabinet and/or the Correctional Facilities Issues Committee sponsor a series of research-informed forums or roundtables. The forums or roundtables could be offered quarterly; be targeted to increase awareness of practices that are or are not

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<sup>50</sup> Rogers, R. W., Wellins, R. S., & Conner, D. R. (2002). *The power of realization: Building competitive advantage by maximizing human resource initiatives*. Development Dimensions International. [http://www.ddiworld.com/DDI/media/white-papers/realization\\_whitepaper\\_ddi.pdf?ext=.pdf](http://www.ddiworld.com/DDI/media/white-papers/realization_whitepaper_ddi.pdf?ext=.pdf)

effective, especially those that impact the use of the jail; and build on one another. To maximize the impact of the forums or roundtables, consider the following practices:

- Provide continuing legal education (CLE) credits.
- Identify when the forum or roundtable is for mixed audiences (i.e., when the topic is more general) or for a particular stakeholder group (i.e., when the information is specific to a certain group, such as prosecutors or the courts).
- When appropriate, use knowledgeable speakers from the same or a similar field as those participating in the roundtable (e.g., have a judge speak to judges, or have a prosecutor speak to prosecutors), especially when the speakers have implemented changes related to the topic area.
- Ensure that the highlighted areas are informed by research rather than reflective of “best practices.” While there is value in hearing about best practices, most of these have not been empirically tested. Although they may sound like good ideas, over time, some of them fail to produce expected results. By focusing initially on those initiatives that have a solid, research-based foundation, stakeholders can have greater confidence in moving forward with changes.
- Make sure the speakers are consistent in their messaging. While there are some differences in the research literature, most of it is fairly uniform. And, while there is always room for disagreement, when a justice system is attempting to align its practices for maximum effect, providing one speaker who contradicts another can be frustrating and confusing to stakeholders and can create cynicism about the research.
- The following topics are particularly relevant to adopting a risk-based and research-informed justice system designed to maximize results and manage limited resources, and may provide a good starting place for educational forums and roundtables:
  - risk assessments: what they are; what they do; what they don’t do; how to use them effectively; what challenges arise in their application (e.g., tendency for the justice system to exaggerate risk; implicit bias; etc.)
  - effective pretrial principles
  - programs that work and don’t work in reducing recidivism
  - importance of dosage
  - use of fidelity assessment tools to ensure that programs are effective
  - factors that contribute toward supervision effectiveness/length of time when supervision tends to lose its effectiveness
  - importance of supervision after incarceration/advantages and disadvantages of split sentencing
  - effective use of punishers and rewards/incentives in shaping offender behavior.

## APPENDIX 1: Methodology for Comparing Incarceration Rates and Admission Rates

### INCARCERATION RATES

The Bureau of Justice Statistics (BJS) requests U.S. jail data from a number of large jails. This data is housed in the National Archive of Criminal Justice Data. TCG requested assistance from The Pew Charitable Trusts to acquire this data. Their research division was able to extract the data from BJS and, using the Codebook, provided 2017 ADP totals for county jails of similar size to Sacramento's. Since jail data can vary considerably depending on how the numbers are calculated and which inmates are counted as part of the ADP, TCG compared the BJS information on the California counties with BSCC data. Only small differences in the ADP were noted in the two data sources, giving face validity to the data provided.

County	BSCC Source	BJS Source	Difference (#)	Difference (%)
Alameda	2543	2464	79	3.1
Sacramento	3558	3568	10	0.003
Santa Clara	3442	3474	32	0.009

#### Step 1: Create a list of similarly sized counties.

- Go to the US Census website (<https://data.census.gov/cedsci/>) and select the counties that had between 1.4 and 2.0 million residents in 2017.
- A total of 13 counties had a population between 1.4 million and 2.0 million residents. However, jail data from four counties (including three from New York and Middlesex County, MA) was not available, and BJS data from Bexar, TX, was not made available by Pew. This left eight counties (three California counties and five U.S. counties outside of California) in the comparison group.<sup>51</sup>
  - Santa Clara, CA: 1,938,153
  - Broward, FL: 1,935,878
  - Wayne (Detroit), MI: 1,753,616
  - Alameda, CA: 1,663,190
  - Philadelphia, PA: 1,580,863
  - Sacramento, CA: 1,530,615
  - Palm Beach, FL: 1,471,150
  - Hillsborough, FL: 1,408,566

<sup>51</sup> TCG used a different jail data source, NACo, to determine if Bexar County may have higher or lower incarceration rates than Sacramento County. Using this alternative source, Bexar County had a significantly lower ADP incarceration rate (282) than Sacramento County (358). This data is not included because the data source differs from BJS.

**Step 2: Narrow the overall population to those most at risk of arrest (i.e., residents ages 16–64).**

- Go to the US Census website (<https://data.census.gov/cedsci/>).
- Search for the county in the search bar.
- Click on the filter and select the year 2017.
- Click on age and sex.
- Deduct the population subcategories of 15 years of age and under and 65 years of age and over.

The following is the calculation for each comparison county and Sacramento County:

County	2017 Population	2017 Population Ages 16–64
Santa Clara, CA	1,938,153	1,300,918
Broward, FL	1,935,878	1,260,874
Wayne (Detroit), MI	1,753,616	1,122,841
Alameda, CA	1,663,190	1,130,925
Philadelphia, PA	1,580,863	1,059,714
Sacramento, CA	1,530,615	996,059
Palm Beach, FL	1,471,150	873,261
Hillsborough, FL	1,408,566	925,682

**Step 3: Create a per capita rate conversion.**

Divide 100,000 into the 2017 population ages 16-64 to get a per capita multiplier.

**Step 4: Identify the average daily jail population rates.**

Insert the jail population data provided by BJS through Pew into the table.

**Step 5: Compute the average incarceration rates.**

Divide the ADP (Column C) by the per capita population factor (column B) to get the incarceration rate. The per capita population factor consists of individuals ages 16–64 from step 3 divided by 100,000. The 2017 average incarceration rate of Sacramento County and comparison counties are shown in the table on page 82.

County	Column A 2017 Population Ages 16–64	Column B Population Conversion to 100,000	Column C 2017 Jail ADP	Column D Incarceration Rate (per 100,000)
Santa Clara, CA	1,300,918	13.01	3,474	267
Broward, FL	1,260,874	12.61	3,877	307
Wayne (Detroit), MI	1,122,841	11.23	1970	175
Alameda, CA	1,130,925	11.31	2464	218
Philadelphia, PA	1,059,714	10.60	6650	627
Sacramento, CA	996,059	9.96	3568	358
Palm Beach, FL	873,261	8.73	2149	246
Hillsborough, FL	925,682	9.26	3054	330
Average of all counties not including Sacramento				310
Average of two similarly sized California counties				243

Four additional California counties outside the population range of 1.4 to 2 million—San Bernardino, Los Angeles, Riverside, and San Francisco—were also examined using BSCC data. The following results indicate that San Bernardino incarcerates 10% more per capita than Sacramento, and Los Angeles, Riverside, and San Francisco incarcerate considerably less than Sacramento (47%, 48%, and 84% percent less, respectively).

County	Column A 2017 Population Ages 16–64	Column B Population Conversion to 100,000	Column C 2017 Jail ADP	Column D Incarceration Rate (per 100,000)
San Bernardino	1,409,293	14.09	5,540	393
Los Angeles	6,853,172	68.53	16,609	242
Riverside	1,541,050	15.41	3,759	244
San Francisco	641,662	6.42	1,254	195

## ADMISSION RATES

Jail admissions is an indicator of a jail’s booking activity. This measure does not count movements to court or medical services, only new admissions to jail. TCG attempted to find a reliable and replicable source for comparing jail admission rates nationally. However, the reviewed data sources that examined admission rates in U.S. jails did not match either the data reported by Sacramento’s jails or TCG’s review of the data extract provided as part of this analysis. However, the Board of State and Community Corrections (BSCC) Jail Profile data was consistent with the data extract. While BSCC data is limited to California counties, it does provide some insight on jail admission practices in Sacramento County.



**Step 1: Create a list of similarly sized California counties.**

- Expand the number of California counties for comparison purposes by using a population range of 1.1 million to 3.3 million (only three California counties have a census population between 1.4 million and 2.0 million residents). A total of eight counties, including Sacramento County, have a population within this range according to the US Census website (<https://data.census.gov/cedsci/>).
  - San Diego: 3,337,685
  - Orange: 3,190,400
  - Riverside: 2,423,266
  - San Bernardino: 2,157,404
  - Santa Clara: 1,938,153
  - Alameda: 1,663,190
  - Sacramento: 1,530,615
  - Contra Costa: 1,147,439

**Step 2: Narrow the overall population to those most at risk of arrest (i.e., residents ages 16–64).**

- Go to the US Census website (<https://data.census.gov/cedsci/>).
- Search for the county in the search bar.
- Click on the filter and select the year 2017.
- Click on age and sex.
- Deduct the population subcategories of 15 years of age and under and 65 years of age and over.
- Repeat for each comparison county.

The following is the calculation for each comparison California county and Sacramento County:

County	2017 Population	2017 Population Ages 16–64
San Diego	3,337,685	2,236,329
Orange	3,190,400	2,109,337
Riverside	2,423,266	1,541,050
San Bernardino	2,157,404	1,409,293
Santa Clara	1,938,153	1,300,918
Alameda	1,663,190	1,130,925
Sacramento	1,530,615	996,059
Contra Costa	1,147,439	740,760

### Step 3: Create a per capita rate conversion.

Divide 100,000 into the 2017 population ages 16-64 to get a per capita multiplier.

County	2017 Population Ages 16–64	Population Conversion to 100,000
San Diego	2,236,329	22.36
Orange	2,109,337	21.09
Riverside	1,541,050	15.41
San Bernardino	1,409,293	14.09
Santa Clara	1,300,918	13.01
Alameda	1,130,925	11.31
Sacramento	996,059	9.96
Contra Costa	740,760	7.41

### Step 4: Determine the number of jail admissions for Sacramento County and similarly sized California counties.

On the BSCC website, [http://www.bscc.ca.gov/m\\_dataresearch/](http://www.bscc.ca.gov/m_dataresearch/), click on the ADP & Rated Capacity tab. Then, on the right-hand side, select the county jurisdiction. When there are multiple jail facilities, enable each of those facilities for that particular county to get a combined number.

County	2017 Total Jail Admissions
San Diego	82,103
Orange	58,211
Riverside	49,835
San Bernardino	75,247
Santa Clara	42,550
Alameda	38,456
Sacramento	40,735
Contra Costa	23,497

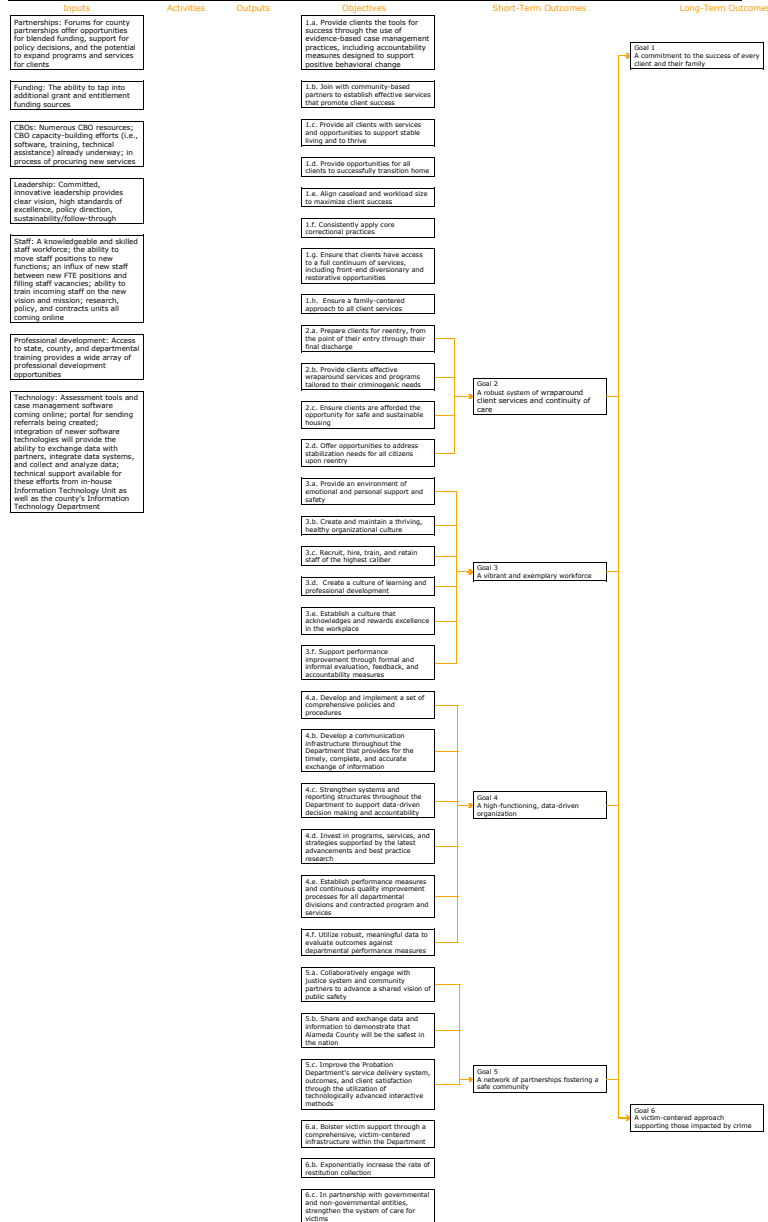
**Step 5: Compute the average per capita admission rates.**

Divide the total jail admissions (Column C) by the per capita population factor (column B) to get the jail admission rate. The per capita population factor consists of individuals ages 16–64 from step 3 divided by 100,000. The 2017 average jail admission rate of Sacramento County and comparison counties are:

County	Column A 2017 Population Ages 16–64	Column B Population Conversion to 100,000	Column C 2017 Total Jail Admissions	Column D Admission Rate (per 100,000)
San Diego	2,236,329	22.36	82,103	3,672
Orange	2,109,337	21.09	58,211	2,760
Riverside	1,541,050	15.41	49,835	3,234
San Bernardino	1,409,293	14.09	75,247	5,340
Santa Clara	1,300,918	13.01	42,550	3,271
Alameda	1,130,925	11.31	38,456	3,400
Sacramento	996,059	9.96	40,735	4,090
Contra Costa	740,760	7.41	23,497	3,171
Average of all CA counties with a population of 1.1–3.3 million ages 16–64 (not including Sacramento)				3,550
Average of two similarly sized California counties (not including Sacramento)				3,336

# APPENDIX 2: Extract of Sample Logic Model

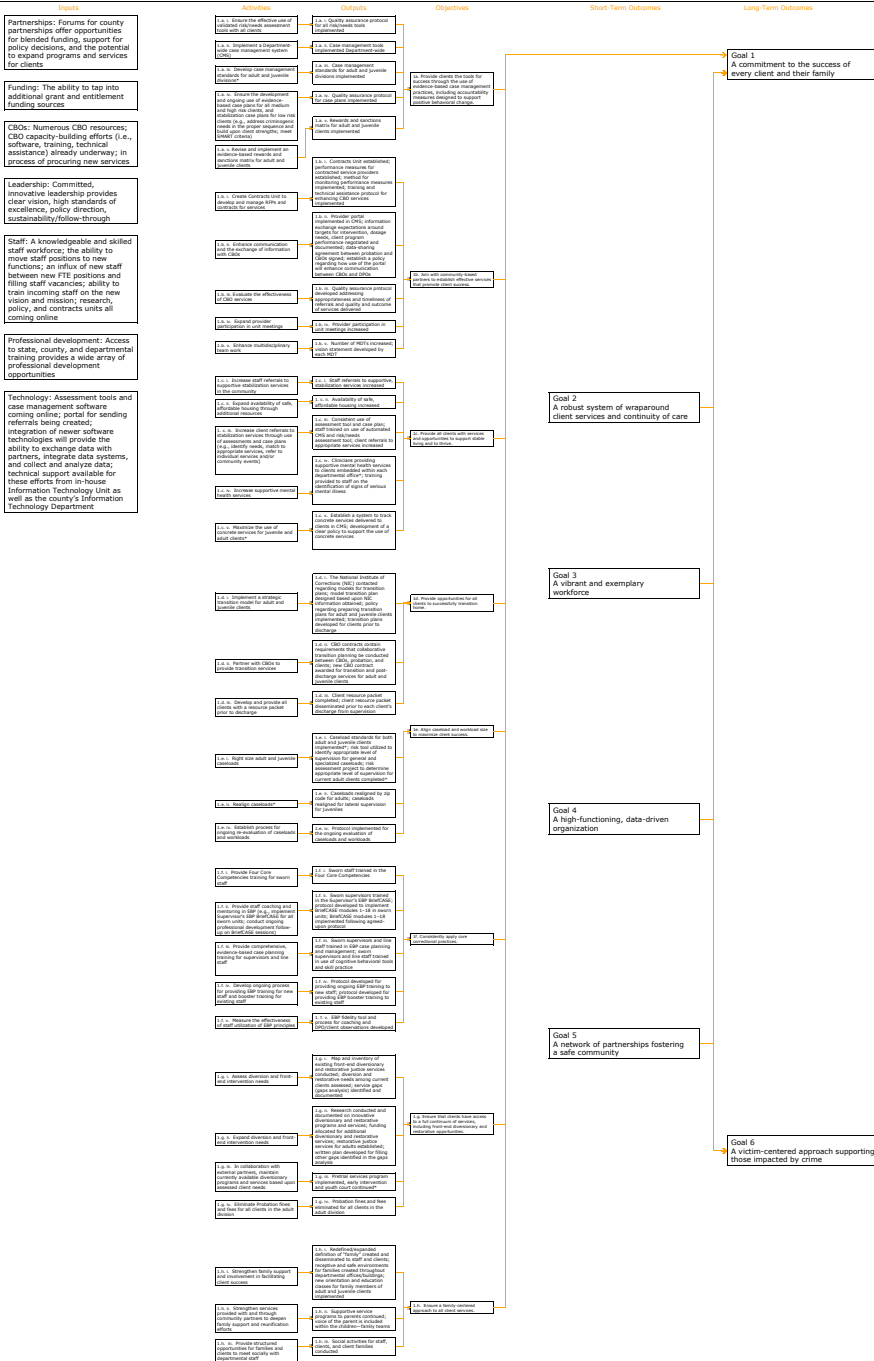
## Alameda County Probation Department Logic Model



### Contextual Conditions

- CBOs: Insufficient client capacity; insufficient data capacity; some resistance to contemporary probation practices
- County labor: Capacity to handle volume of changes; some resistance to contemporary probation practices
- Board of Supervisors: Level of support for changes is unknown
- Legislation: State and federal legislation that may dictate changes in practices
- Funding: Uncertainties due to potential changes in federal and state funding streams (e.g., Title 46, AB109 allocations), potential funding restrictions (e.g., sanctuary cities), and the uncertainty of county allocations among governmental and nongovernmental agencies
- Organized community activism/support: Some resistance to change anticipated
- General public: The majority of the general population is unfamiliar with probation's work; a minority is not supportive
- Staff: Some resistance to change; the absence of a learning culture
- Community partners: Not all have kept pace with contemporary probation practices

**Alameda County Probation Department**  
Goal 1 Logic Model



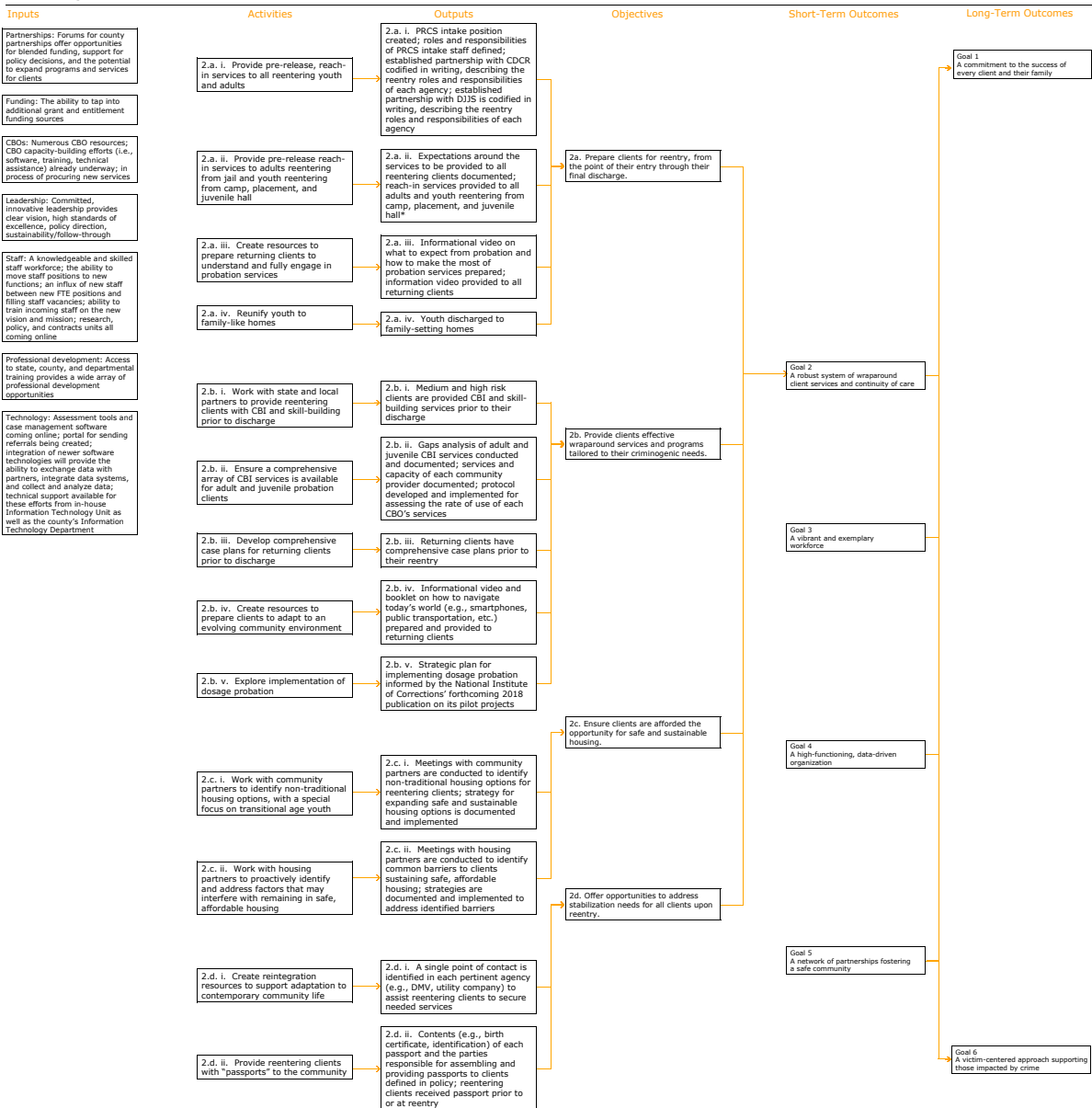
An \* following an item indicates work that is already underway

**Contextual Conditions**

- CBOs: Insufficient client capacity; insufficient data capacity; some resistance to contemporary probation practices
- County labor: Capacity to handle volume of changes; some resistance to contemporary probation practices
- Board of Supervisors: Level of support for changes is unknown
- Legislation: State and federal legislation that may dictate changes in practices
- Funding: Uncertainties due to potential changes in federal and state funding streams (e.g., Title 45, AS109 allocations), potential funding restrictions (e.g., sanctuary cities), and the uncertainty of county allocations among governmental and nongovernmental agencies
- Organized community activism/support: Some resistance to change anticipated
- General public: The majority of the general population is unfamiliar with probation's work; a minority is not supportive
- Staff: Some resistance to change; the absence of a learning culture
- Community partners: Not all have kept pace with contemporary probation practices

# Alameda County Probation Department

## Goal 2 Logic Model

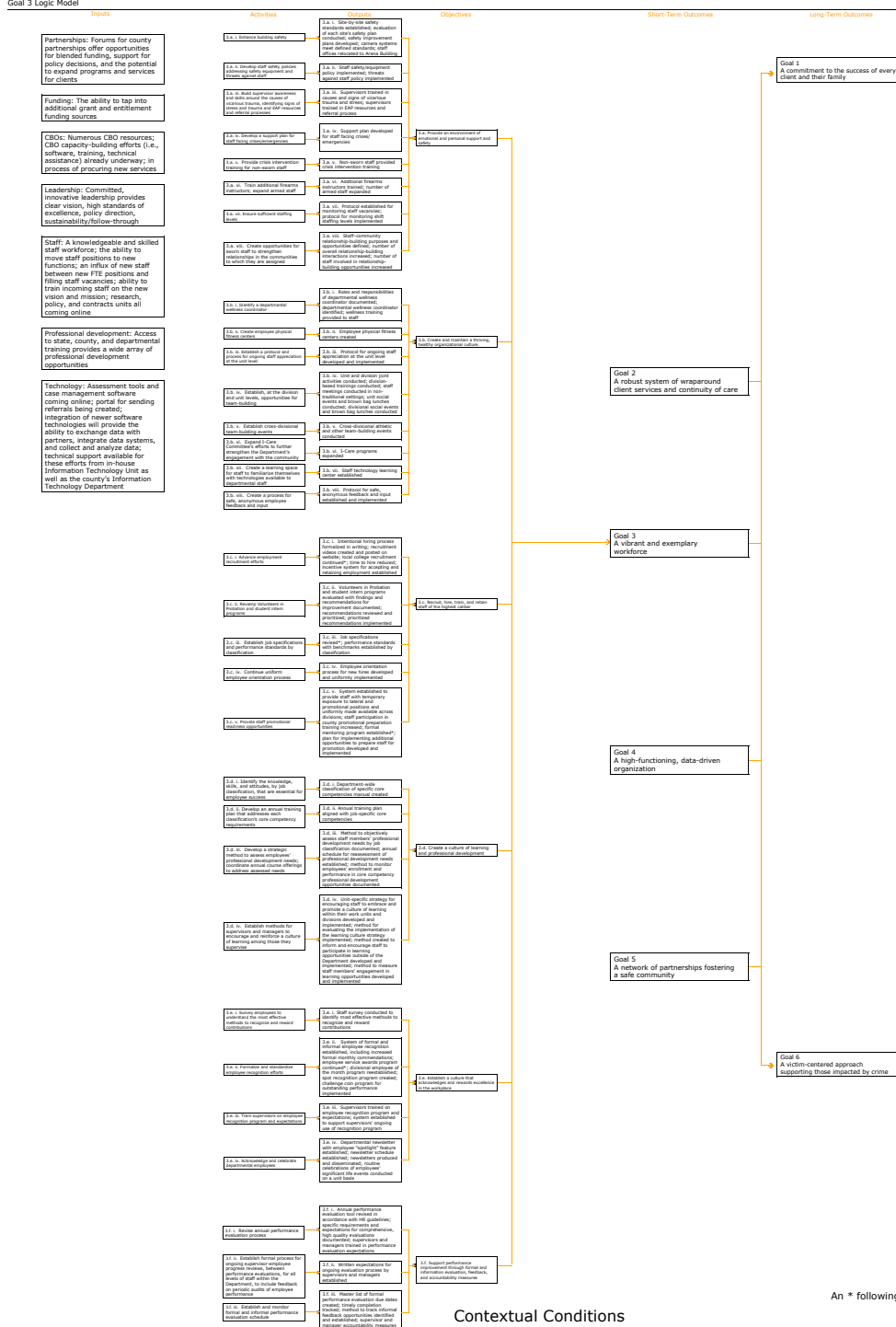


An \* following an item indicates work that is already underway

### Contextual Conditions

- CBOs: Insufficient client capacity; insufficient data capacity; some resistance to contemporary probation practices
- County labor: Capacity to handle volume of changes; some resistance to contemporary probation practices
- Board of Supervisors: Level of support for changes is unknown
- Legislation: State and federal legislation that may dictate changes in practices
- Funding: Uncertainties due to potential changes in federal and state funding streams (e.g., Title 45, ASOP allocations), potential funding restrictions (e.g., sanctuary cities), and the uncertainty of county allocations among governmental and nongovernmental agencies
- Organized community activism/support: Some resistance to change anticipated
- General public: The majority of the general population is unfamiliar with probation's work; a minority is not supportive
- Staff: Some resistance to change; the absence of a learning culture
- Community partners: Not all have kept pace with contemporary probation practices

**Alameda County Probation Department**  
Goal 3 Logic Model

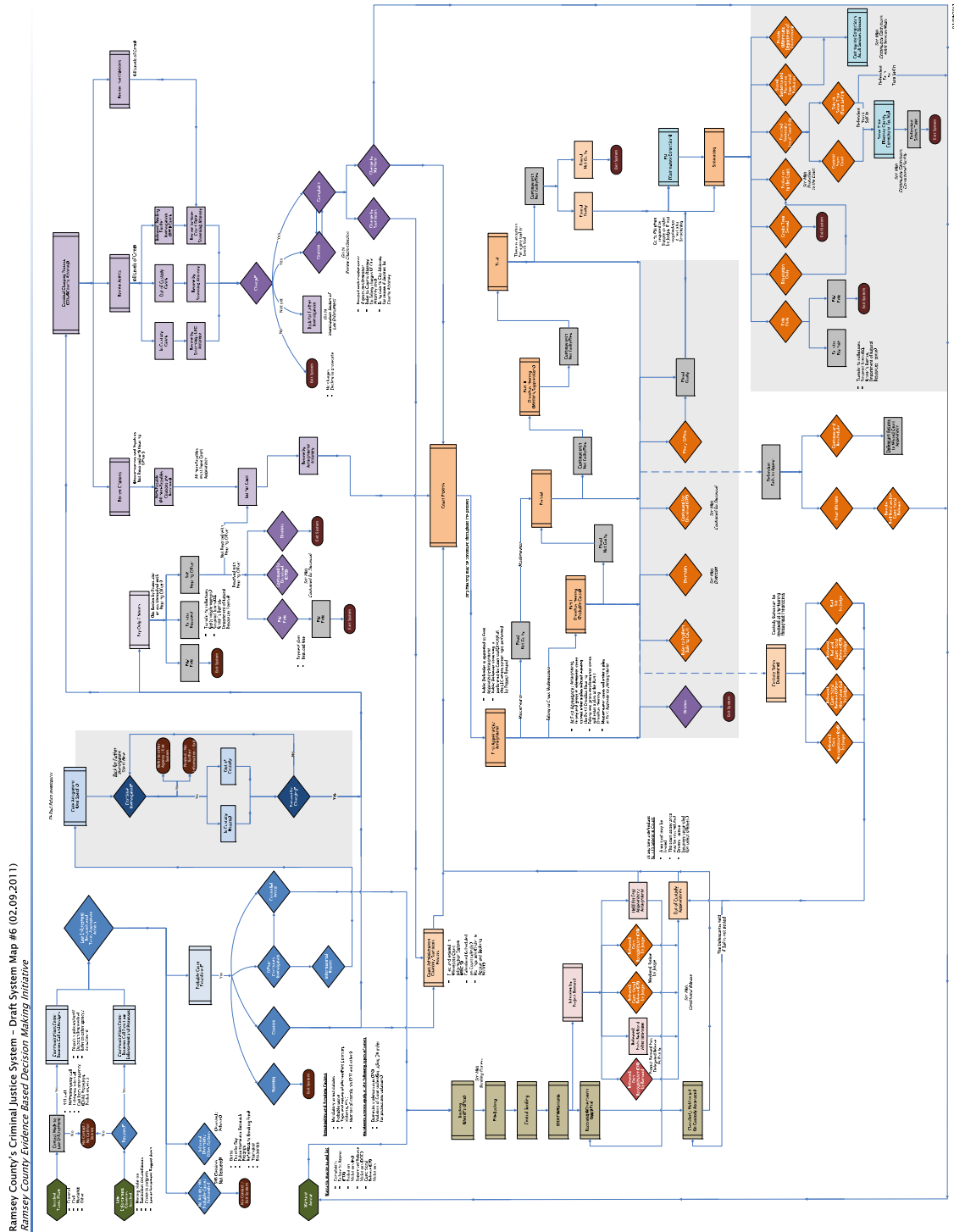


**Contextual Conditions**

- CBOs: Insufficient client capacity; insufficient data capacity; some resistance to contemporary probation practices
- County labor: Capacity to handle volume of changes; some resistance to contemporary probation practices
- Board of Supervisors: Level of support for changes is unknown
- Legislation: State and federal legislation that may dictate changes in practices
- Funding: Uncertainties due to potential changes in federal and state funding streams (e.g., Title 4E, AB109 allocations), potential funding restrictions (e.g., sanctuary cities), and the uncertainty of county allocations among governmental and nongovernmental agencies
- Organized community activism/support: Some resistance to change anticipated
- General public: The majority of the general population is unfamiliar with probation's work; a minority is not supportive
- Staff: Some resistance to change; the absence of a learning culture
- Community partners: Not all have kept pace with contemporary probation practices

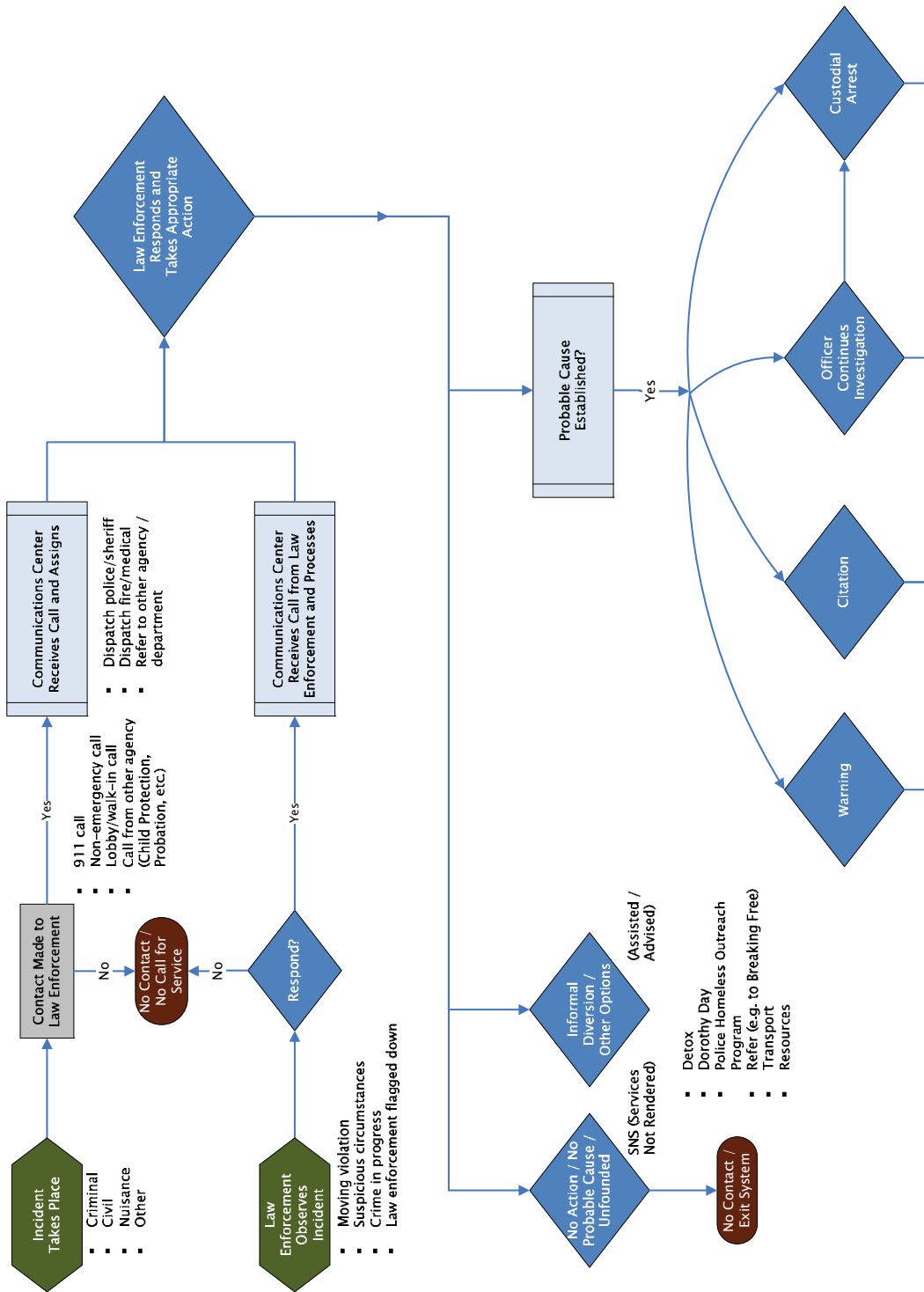
# APPENDIX 3: Sample System Map—Ramsey County

## COMPREHENSIVE MAP





# MAP SUBSECTION



## APPENDIX 4: Sample Committee Charter—Sample County Probation Department Continuous Quality Improvement Committee

### COMMITTEE PURPOSE

The CQI Committee was formed by the Executive Management of Sample County Probation for the purpose of recommending a QA/CQI framework and process that can be applied to policies and practices across all bureaus. This framework is designed to improve practice and process fidelity in order to achieve the agency’s mission. Once the QA/CQI framework is established, the committee will transition to an advisory committee which will provide input into the ongoing application of fidelity procedures and otherwise assist the Operations Support Bureau in its QA/CQI efforts.

Continuous quality improvement (CQI) is defined as a process that generates current, specific feedback for practitioners for the purpose of ensuring that services and practices are delivered in their intended manner. By contrast, quality assurance (QA) is defined as an audit process that retrospectively examines practices for the purposes of identifying and correcting divergence from policy or protocol. CQI seeks to:

- affirm services and practices that are being delivered in alignment with research and policy
- increase consistency across the department, recognizing the guiding principle of “one mission—one vision—one department”
- identify areas where improvements can be made.

Furthermore, the CQI effort seeks to create and nurture a work environment that is characterized by an ongoing desire to learn and improve. In doing so, it will utilize:

- a relatively simple CQI process, with tools that are focused, short, and easy to use
- a process that is integrated with technology whenever possible
- a process that utilizes audit instruments but that has a primary emphasis on improving quality and fidelity
- a development process that involves all levels of the agency and supports the vision that quality is the responsibility of the entire organization
- an implementation plan that provides adequate training and support for an effective initial implementation and ongoing sustainability
- a means to identify and celebrate success as significant development and implementation mileposts are reached.

## ROLE AND LIMITATIONS

The CQI Committee is a volunteer member group created to advise the Chief Probation Officer and Executive Management on the development, implementation, and support of a QA/CQI framework. Members of the CQI Committee are appointed by Executive Management to fulfill a specific role over a limited period of time. While the committee does not have final decision-making authority, its advice will be carefully considered.

The CQI Committee will have three phases, as follows:

- **Phase 1:** the development of a QA/CQI framework
- **Phase 2:** the implementation of the framework (to include a pilot-testing period)
- **Phase 3:** the ongoing review of QA/CQI data and the support of processes to use that data to make incremental improvements in the department's functioning

## TASKS

The CQI Committee will develop recommendations on a proposed QA/CQI framework and, once approved, on how the framework should be implemented. This includes:

- determining what obstacles might exist and how best to overcome them
- providing advice on what specific steps and procedures should be taken to ensure that the framework will be carried out successfully (i.e., timeliness, communication, support, training)
- determining the best method to reach out to non-committee staff to solicit their views and ideas (e.g., surveys, interviews, focus groups, email requests for input).

## MEMBERSHIP AND APPOINTED POSITIONS

Members of the CQI Committee are selected to represent a cross-section of the department. Factors in selecting members include:

- knowledge and experience working in an outcome-based environment
- experience in change management projects
- interest in the subject of QA/CQI
- diversity of perspectives and opinions
- expressed motivation and commitment to this committee and its mission.

The total number of committee members will not exceed 30. At least one member will represent each area listed on the membership roster located on page 98. Members are expected to serve on the committee for one year. However, the committee will stagger its rotation so that all members do not turn over at the same time. At the end of the first year, half of the membership will remain and then rotate off six months later for a total of 18 months. Thereafter, all members all rotate off the committee

every 12 months. The goal is to rotate committee members so as to broaden the knowledge, input, and commitment of all staff in QA/CQI. If members are promoted or transfer, they will stay on the committee until the end of their rotation and will be replaced by someone in the job position they were to represent.

The chair and co-chair of the committee will be selected by Executive Management based on skill, interest, and facilitation qualifications. The chair will be a manager to ensure seamless communication with Executive Management. The co-chair will be a nonmanager. Members are encouraged to indicate their interest in serving in the capacity of chair or co-chair. The chair's responsibilities include:

- setting the agenda for meetings
- facilitating meetings
- monitoring discussions to ensure they are within the purpose and vision of the committee
- providing a first review of meeting minutes and then distributing the minutes
- assisting in tracking the progress of action items and ensuring that tasks are followed through
- working closely with the Assistant Division Director, Strategic Support Division, who is the lead staff in the department's QA/CQI effort.

The co-chair's responsibilities include facilitating the meeting in the chair's absence, assisting with coordination functions, and otherwise providing support and leadership at the direction of the chair.

One member will be selected by the committee to serve as secretary. The role of secretary is to document decision and action items and send to the chair and co-chair for review and dissemination.

## **MEMBER ROLES AND RESPONSIBILITIES**

The CQI Committee shall incorporate the experiences, expertise, and insight of all members. Members are expected to:

- attend meetings and actively participate
- understand the strategic implications and outcomes of activities being pursued
- be genuinely interested in the topic and be willing to provide broad support for the outcomes being pursued
- serve as advocates and liaisons, carrying discussion items to their constituency and communicating their constituency's concerns to the committee while being mindful of the overall QA/CQI goals
- foster open and constructive communication both inside and outside of the committee
- prioritize department goals over individual or work unit interests
- agree to the content of information that will be shared with anyone outside of the committee to ensure consistency.

If a committee member misses three meetings in a 12-month period of time, their membership slot will be filled by another staff member.

## DECISION-MAKING PROCESS GUIDELINES

- Decisions on recommendations will be reached by consensus, if possible.
- The chair will use the “thumb method” to determine if the group is in agreement. A “thumbs up” means that the person supports the decision. A “thumbs to the side” means that the person may not fully support the recommendation but “can live with it.” A “thumbs down” means that the individual cannot support the recommendation and that an alternative decision can be discussed. If all individuals give a “thumbs up” or a “thumbs to the side,” the group will have consensus. If just one person gives a “thumbs down,” the group does not have consensus.
- If there is not a consensus, the group will re-discuss the issue. However, at some point, the group will need to decide and move on. If no consensus can be reached after a reasonable amount of time/effort, the group will move ahead with a recommendation when at least 75 percent of individuals—a “super majority”—indicate support with a “thumbs up” or “thumbs to the side.”
- All members have equal status within the group for the purposes of input and decision-making.
- No proxy voting or attendance is allowed.
- If a CQI Committee member cannot attend a meeting during which a decision is being made and that individual has or would likely have views that might be contrary to the final decision, then the individual should notify the chair who will decide whether to delay the voting. Key voices are to be heard when key decisions are being made.
- To avoid too many delays, the chair is encouraged to let members know in advance if a key decision is to be made and request views from those individuals who will not be in attendance. While the chair is encouraged to do this, it is ultimately up to the individual members to keep the chair informed when they are not going to be in attendance and when they might have differing opinions than the group.

## MEETING FREQUENCY AND DURATION

The CQI Committee will begin its work on May 1, 2020 and will continue until the work ends or is transferred to another entity. Unless decided otherwise, meetings will be held monthly. The length of meetings will depend on the agenda, but each meeting is not expected to last more than three hours. If necessary, all-day meetings may be scheduled.

## COMMUNICATION

It is the goal of the CQI Committee to communicate recommendations to Executive Management in a timely manner. If necessary, the committee may seek input before recommendations are made. To ensure alignment between the committee and Executive Management, lines of communication must remain open by adopting the following methods:

- The Executive Sponsor, the Chief Probation Officer, and/or Executive Management may be asked to attend CQI Committee meetings on occasion to help guide discussions and explain any administrative

considerations impacting the QA/CQI work. The CQI Committee should seek to avoid putting forth any recommendations that may surprise Executive Management.

- The committee chair (or, in their absence, the co-chair) will provide updates to, communicate information to, and/or request Executive Management input through the Executive Sponsor. The CQI coordinator will assume this role in the absence of the chair or co-chair. In addition, the CQI coordinator will serve in an advisory capacity and as the Strategic Support Division liaison.
- Lines of communication with staff and management who are not part of the CQI Committee will be established and their input will be considered.
- Members will serve as conduits of information and ideas to the areas of the department they represent so that a broad representation of staff have input to the committee and its recommendations.
- Committee members will respect the confidentiality of the CQI Committee's internal communication, its proposed ideas, and its planning activities. It is important to balance committee transparency with the responsible sharing of information in a time-appropriate manner.

## **RULES OF OPERATION**

CQI Committee members agree to the following operating guidelines and to hold each other accountable to them:

- All members will participate.
- Be courteous.
- Don't interrupt.
- Don't talk over each other.
- Value healthy conflict and constructive feedback; listen without judgment; respect divergent views; disagree respectfully; create a safe environment to share opinions.
- Use professional discretion when checking electronic devices.
- Take important phone calls outside of the meeting.
- Be honest and open.
- Be on time and start/end the meeting on time.
- Keep internal discussions confidential; communicate decisions and action items upon agreement by committee at the end of the meeting.
- Send agendas by email in advance of the meeting.
- Allow each member to add items to the agenda.
- Conclude each meeting with:
  - a summary of what was accomplished
  - a list of action items to be conducted before the next meeting

- next meeting agenda items
- what should be made known to non-committee members and how it should be communicated;
- Keep meeting minutes (limited to decision and action items, and items for communication).
- Distribute meeting minutes by email and allow enough time for committee members to read the minutes and offer corrections before the next meeting.
- Complete assignments in a timely manner.

## MEMBERSHIP ROSTER

Member	Representing
	AB 109
	Admin & Fiscal
	Admin & Fiscal
	Adult Supervision
	Adult Supervision
	Adult Supervision
	Clerical Services
	Collections
	CQI Coordinator/Strategic Support
	Employee Support/Development
	Employee Support/Development
	Employee Support/Development
	Work Center
	Juvenile Court Services
	Juvenile Field
	Juvenile Field
	Juvenile Hall
	Juvenile Hall
	Juvenile Hall
	Juvenile Hall
	Juvenile Supervision
	OC/IT
	Professional Standards
	Research
	Special Supervision
	Special Supervision
	Special Supervision
	Youth Services
	Youth Services
	Youth Services



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