

THE IMPACT OF THE PUBLIC SAFETY REALIGNMENT ACT ON MENDOCINO COUNTY

June 2, 2014

SUMMARY

The 2013-2014 Grand Jury elected to report on how prison Realignment has affected Mendocino County after many residents expressed concerns to the local media regarding the impact of Realignment on public safety.

A lawsuit was filed with the Federal District Court regarding prison overcrowding. The State's response to the order of the federal court, Assembly Bill 109 entitled Public Safety Realignment Act, is intended to reduce the California State prison population.

Prisoners sentenced to State prisons prior to Realignment will not be transferred to county jails to finish their sentences. Since the implementation of Realignment, defendants who are convicted of non-serious, non-violent, non-sexual felonies, without similar prior offenses can now be sentenced to serve their time in county jails. In Mendocino County, Realignment caused an increase in the number of inmates from 206 to 270 by the end of June 2013.

When State parolees violate parole, they will not be automatically returned to State Prison. Instead, a hearing will be held in the Superior Court and the State parolees may be incarcerated at the County Jail. Upon release from County Jail, the County Probation Department will monitor the former parolee or probationers. The prisoners released from State Prison on parole will be monitored by the State Parole Department. Realignment places responsibility on the County to rehabilitate inmates with issues of alcohol, drug use, and other behavioral issues.

The purpose for Realignment is to reduce the State Prison population from 158% of capacity to 137% by February 2016. If the percentage is not met, the State will issue paroles. When prisoners who have been convicted of non-violent, non-serious, or non-sexual crimes are released from State Prison, they will be supervised by the County Probation Department.

The County Jail staff is no longer able to separate the un-sentenced prisoners, who are awaiting sentencing from the Superior Court, from the sentenced prisoners due to the lack of available space. An additional difficulty is separating the different classes of prisoners: e.g., gang members from maximum security inmates. As a result there are more violent incidents occurring at the County Jail.

The County Jail staff is meeting the basic needs of the inmates with the available budget and Realignment funds.

The Grand Jury recommends that the County fund expansion at the County Jail to accommodate the needs of the Jail due to the increasing numbers of inmates as a result of Realignment.

BACKGROUND

The Grand Jury decided to review the effects of Realignment on our County Jail, the Probation Department, and the Conservation Camps. Realignment is the State's response to a Federal lawsuit requiring the State to reduce California's prison population. A prisoner sentenced to State Prison prior to Realignment will not be transferred to county jail to finish his/her sentence.

APPROACH

The 2013-2014 Grand Jury, per California Penal Code Section 919(b), conducted the mandated inquiry into the County Jail and the conservation camps within the County, reviewed documents, and interviewed County and City law enforcement leadership. Visitations were also conducted to local law enforcement agencies with holding cells.

FACTS

In 2011, the Governor signed Assembly Bills 109 and 117. These two bills are commonly designated as Realignment. In a press release, the Board of State and Community Corrections stated:

“Realignment:

- “shifted responsibility for all sentenced non-violent, non-sex offenders from state to local jurisdictions;
- “established Postrelease Community Supervision (PRCS);
- “changed the parole revocation process;
- “tasked Community Corrections Partnerships (CCPs) with planning for the change and implementing the local plans; and
- “gave local law enforcement the right and the ability to manage offenders in smarter and cost-effective ways.” (sic)

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To comply with Realignment, the State has changed many policies and laws involving state and county prisoners. At the time of this investigation, no one currently serving time in State Prisons is being released any earlier than they would have been prior to Realignment.

Reimbursement from the State for Realignment is in proportion to the number of prisoners the counties sent to State Prison for which the county will now have responsibility for supervising. The County of Mendocino receives less money for Realignment costs than other counties, because it has sent fewer prisoners to State Prison.

Additional funds are supplied to the County by the State for Realignment. As a result, the County Jail has been able to hire six new correctional deputies, one of which is assigned to a new pre-trial release program.

There is also funding for parole holds and new funds authorized by six different State legislative acts. (CDCR fact sheet titled 2011 Public Safety Realignment)

Persons released from State Prison after completing a prison term for a felony that is

- **Not** a serious or violent felony
- **Not** a third strike

- **Not** a crime when the person is classified as a high risk sex offender
- **Not** a crime when the person is required to undergo treatment by the California Department of Mental Health

will be supervised by County Probation Departments instead of the State Parole Department.

Under Realignment, convicted defendants of the aforementioned, less serious crimes may now be sentenced to serve more than one year in county jails. Prior to Realignment, sentences to county jails were for up to one year.

When State parolees violate parole, they will not be automatically returned to State Prison. Instead, a hearing will be held in the Superior Court and the state parolee may be incarcerated at a county jail. Upon release from county jail, the County Probation Department will monitor the former parolee or probationers. The prisoners released from State Prison on parole will be monitored by the State Parole Department. Realignment places responsibility on counties to rehabilitate inmates with issues of alcohol, drug use, and other behavioral issues.

The Mendocino County Jail staff no longer separates the un-sentenced prisoners from the sentenced prisoners due to the lack of available space. There is a lack of maximum-security single cells available to separate different classifications of prisoners: e.g., gang members from maximum security inmates. There are now more violent incidents occurring at the County Jail.

The Mendocino County Jail capacity for State recognized beds is 301. At the time of the Grand Jury's visit, 292 inmates were in the County Jail. The Jail was responsible for 42 individuals on the work release program and six on the ankle bracelet home release program. In Mendocino County, Realignment caused an increase in the number of inmates from 206 to 270 by the end of June 2013.

In Mendocino County, the number of inmates over the age of 60 increased 314% between 2006 and 2013. As a result, the medical problems which require treatment, such as dementia or failing organs, are more serious and costly. These inmates may require single cell spaces and constant medical attention.

Inmates housed at the Mendocino County Jail are not eligible for Medi-Cal or Medicare. However, under the Affordable Care Act, when inmates are admitted to a hospital they are then covered under Medi-Cal or Medicare for the length of the hospital stay.

The Mendocino County Probation Department monitors probationers and is in charge of knowing how many probationers are in Mendocino County at any given time. When prisoners convicted of non-violent, non-serious, or non-sexual crimes are released from State Prison, they will be supervised by the County Probation Department. The Probation Department has received additional funds which have allowed the Department to add 5.5 new probation officer positions. In February 2014, in addition to the 400 adults and 100 juveniles it supervised, the Probation Department also supervised 85 former State inmates.

In short, under Realignment:

- Inmates currently in State Prison will not be transferred to county jails.
- Inmates currently in State Prison will not be released any earlier than they would have been released otherwise.

- All felons currently in State Prison will continue to serve their sentences in State Prison.
- All felons convicted of current or prior serious offenses or violent offenses or sex offenses or sex offenses against children will go to State Prison, not to county jails.
- There are nearly 60 additional crimes that are not defined in the Penal Code as serious or violent offenses but, at the request of law enforcement, these may be added in the future as offenses whose sentences would be served in State Prison rather than in county jails.

The Grand Jury visited the Parlin Fork and Chamberlain Creek Conservation Camps. The camps are part of the State Prison System, not part of the County Jail. Managers at the Conservation Camps informed the Grand Jury that Realignment has not affected operations at the camps.

FINDINGS

- F1. Realignment has increased the responsibilities of the Mendocino County Department of Probation and the Mendocino County Jail.
- F2. The County Jail staff is meeting the basic needs of inmates with available budget and Realignment funds.
- F3. Realignment may cause overcrowding at the current County Jail.
- F4. Violent incidents have increased at the County Jail due to the inability to separate different classifications of inmates.
- F5. The County Jail may now be responsible for housing inmates who, prior to Realignment, would otherwise go to State Prison.
- F6. There is a lack of available space for: inmate housing, the visitors' center, and attorney consultation rooms at the County Jail.
- F7. Realignment provides funding for mental health services, e.g., drug rehabilitation, which has had a positive affect on former inmates who have been able to turn their lives around.

RECOMMENDATIONS

The Grand Jury recommends that:

- R1. Mendocino County assign high priority to funding for increased housing for inmates. (F3, F4, F5, F6)
- R2. Mendocino County assign high priority to funding for an expanded visitors' center and attorney consultation rooms. (F6)
- R3. Mendocino County continue to use and expand current and emerging technology designed for jail management and staff safety. (F4)

REQUEST FOR RESPONSES

Pursuant to Penal Code §933.05, responses are required from the following individual:

Sheriff, Mendocino County (All findings and All recommendations)

Pursuant to Penal Code §933.05, responses are required from the following government body:

Board of Supervisors, Mendocino County (All findings and All recommendations)

BIBLIOGRAPHY

California Department of Corrections and Rehabilitation fact sheet titled *2011 Public Safety Realignment*

Reports issued by the Civil Grand Jury do not identify individuals interviewed. Penal Code §929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.