County of Los Angeles
Sheriff's Department Headquarters
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LEROY D. BACA, SHERIFF

June 6, 2006

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
Los Angeles, California 90012

Dear Supervisors:

SHERIFF'S DEPARTMENT'S PERCENTAGE RELEASE PROGRAM

This correspondence is in response to your Board's motion dated May 23, 2006, concerning the practices of the Sheriff's Department's (Department) Percentage Release Program, which includes what impact the additional 4,474 jail beds have on reducing the Sheriff's Early Release Program; the reinstatement of criminal history reviews; merging the identification of early release candidates with the inmate classification system; and inmate recidivism rates.

HISTORY

The Department's Early Release Program commenced in 1988 by order of United States District Judge William P. Gray, who mandated that the County's jail system be "operated constitutionally at their appropriate capacity." Judge Gray authorized the Sheriff to release inmates early to reduce jail overcrowding and comply with his Federal order.

The current Percentage Release Program was re-implemented in June 2002, due to pending budgetary curtailments. This led to a reduction of jail beds and the partial closures of several jail facilities, including the Century Regional Detention Facility, North County Correctional Facility, and Pitchess Detention Center (North and East facilities). During this time, the amount of jail-time served by Percentage Release inmates decreased from 70 percent in June 2003, to the current 10 percent. Due to these curtailments, which resulted in a reduction of jail beds, the number of percentage releases increased from 12,118 in 2002, to 63,473 in 2005.

To date, the Department has re-opened approximately 1,796 of the 4,474 beds your Board funded, with approximately 2,678 jail beds to be filled. Once this is accomplished, the current total number of jail beds will increase to 22,245, which is very close to the number of jail beds that were available when the Percentage Release Program was implemented in June 2002. While there are many short-term and long-term variables that impact the Early Release Program, we estimate that the additional 4,474 jail beds would translate into an approximate 35 percent increase in inmates jail time.

Hiring sufficient personnel to fully staff and re-open all of the jail facilities remains a priority, and the Department's recruitment efforts are on target to accomplish this goal.

NEW RELEASE PROCEDURES

Criminal history checks have been implemented and are used as a basis to screen inmates who pose a threat to public safety from being released through the Percentage Release Program. These checks are part of the inmate classification process, which encompasses the newly created Centralized Housing Unit.

Criminal records used to disqualify an inmate from the Percentage Release Program will be based upon several factors, including:

- Serving a state prison sentence for a crime of violence
- Convictions for using a firearm in the commission of a crime
- Convictions for a crime causing great bodily injury or death
- Repeated convictions for domestic violence
- Convictions for either child or elder abuse
- Convictions for child pornography
- Convictions for sex crimes against children
- Convictions for stalking
- Convictions for making a terrorist threat
- Violation of civil injunctions by members of targeted street gangs
- Felony probation violators

The release criteria are the same for both males and females. However, all inmates are subject to a discretionary review of their criminal history by the Department. Inmates may still be disqualified from the Percentage Release Program if the inmate is determined to pose a threat to public safety.

RECIDIVISM

While it is not possible to reliably predict which inmates will re-offend, there are trends that can be evaluated. The data below covers five offense categories and the highest initial arrest percentages (listed by type of offense and inmate age):

Type of Offense

Of the 218,001 inmates released via the Percentage Release Program since June, 2002:

- 22 percent were arrested for a drug offense
- 19 percent were arrested for a vehicle code violation other than DUI
- 16 percent were arrested for a violent crime
- 13 percent were arrested for driving under the influence
- 12 percent were arrested for a property crime

The above five categories made up 82 percent of all inmates released through the program.

Of the 33,464 Percent Release inmates that were rearrested:

- 21 percent were rearrested for a drug offense
- 21 percent were rearrested for a vehicle code violation other than DUI
- 14 percent were rearrested for driving under the influence
- 14 percent were rearrested for a violent crime
- 13 percent were rearrested for a property crime

The above five crime categories represent 83 percent of the 33,464 inmates that were rearrested.

Age

Of the 218,001 inmates that were released via the Percentage Release Program:

- 9 percent were over the age of 50
- 22 percent were between the ages of 40 to 49
- 32 percent were between the ages of 30 to 39
- 20 percent were between the ages of 24 to 29
- 17 percent were between the ages of 18 to 23

Of the 33,464 Percent Release inmates that were rearrested:

- 5 percent were over the age of 50
- 19 percent were between the ages of 40 to 49
- 27 percent were between the ages of 30 to 39
- 17 percent were between the ages of 24 to 29
- 32 percent were between the ages of 18 to 23

Reviewing the Department's Percentage Release Program, inmates between the ages of 18 and 23 have the highest rate of recidivism. While this age group comprises a majority (32 percent) of the jail's inmate population, it notably has the highest percentage of gang membership.

The recidivism rate for all percentage release inmates released from the Los Angeles County jail system is 15 percent. This rate is much lower than the national average of 63 percent that was reported in a 2002 Bureau of Justice Statistics, United States Department of Justice Recidivism Study. While the Department's Percentage Release Program is being updated and improved to address dynamic issues, it is important to note that inmates released under this program were 48 percent less likely to re-offend when compared to the national average.

CONCLUSION

The vast number of inmates confined in the jail system has rendered it impossible to comply with legal mandates imposed upon the Department without the judicious practice of releasing inmates early. Furthermore, the County's jail system is facing scrutiny and potential litigation by the ACLU, which may further reduce available jail bed space, and a Federal judge is currently reviewing our jail system with an emphasis on examining overcrowding issues. The Department will continue to mitigate these competing issues, while the safety of the public and the inmates we are entrusted to house will remain a paramount concern.

Should you have any questions, please contact Chief Marc L. Klugman, Correctional Services Division, at (213) 893-5017 or Chief Sammy L. Jones, Custody Operations Division, at (213) 893-5001.

Sincerely,

LEROY D. BACA
SHERIFF