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

September 12, 2013

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

Dear Supervisors:

REPORT BACK REGARDING MOTION BY SUPERVISOR ANTONOVICH FOR AN ANALYSIS OF OPTIONS TO INCREASE TIME SERVED BY M-7 INMATES AND ASSOCIATED COSTS; INCLUDING THE PROPOSED CONTRACT FOR FIRE CAMPS AND COMMUNITY CORRECTIONAL FACILITIES AND THEIR IMPACT ON THE POPULATION

SUBJECT

The Los Angeles County Sheriff's Department (Department) is responding to the September 3, 2013, motion by Supervisor Antonovich requesting that the Department provide options to expand jail capacity to afford the retention of M-7 inmates to complete their sentences. Specifically, how the impact of fire camps and contract capacity with a Community Correctional Facility (CCF) would influence the increase in time served.

Background

The Department has historically been unable to retain all inmates to the full length of their sentences. Generally, a percentage of time served for Los Angeles County (County) sentenced inmates has been applied to address capacity challenges. In October 2011, Public Safety Realignment (AB 109) required counties to house felons in the jails who would have previously served their sentences in State prison, which exacerbated jail capacity issues.

As of September 1, 2013, there were over 6,100 inmates serving their sentences in the County jails who would have previously served their time in State prison. As a result of the increase of this population and insufficient funding from the State to house this population, the Department has been required to release county sentenced felons prior to completion of their sentence.

M-7 County Sentenced Felons

In addition to AB 109 sentenced felons, the County has been required to house County sentenced inmates in the jails. While these are considerably lower risk inmates, a fraction of those offenders have an original charging offense that appears serious or violent in nature, based on the charging section of the PC (PC). The Department refers top this population as "M-7" inmates. As a result, the Department has required this population to serve 40 percent of their sentence; as opposed to the percent (10-20 percent) other County sentenced inmates may serve.

The M-7 designation includes inmates convicted of charges under the following PC sections: manslaughter (192 PC), mayhem (203 PC), kidnapping (207 PC), robbery (211 PC, 212.5 PC), carjacking (215 PC), aggravated assault (245 PC), negligent discharge of a firearm (246.3 PC), child abuse (273(d) PC), child molestation (290 PC), and child annoyance (647.6 PC).

Projection of Capacity Needs

It is estimated that should the M-7 population be required to serve 100 percent of their sentence, the Department would need approximately 700 additional beds. This capacity need would be gradual; however, most of the 700 additional beds would be necessary within the first six months of implementation of a new policy.

It is important to clarify that the Department has used reasonable assumptions to estimate the population needs should the M-7 inmates be required to serve 100 percent of their sentences. However, the Department does not have expertise in population projections, nor can it accurately project changes in crime, sentencing laws or court/prosecutor behavior. Therefore, the capacity projections are based on best estimates, as a result, it is preferred that a professional projection expert is contracted to assist the Department in completing bi-annual projections of the overall population and subpopulations, such as females and mentally ill inmates. The Department is currently exploring options to contract for such services.

Another area to be considered is the impact that public safety realignment will play in the next year. The AB109 population had remained relatively stable at approximately 5,800 inmates from October 2012 until May 2013. However, in June 2013, the population began steadily increasing and is currently over 6,100 inmates. It is too soon to know if this is a seasonal summer trend or if it will be sustained growth. However, if the trend does not stabilize or reduce, the capacity needs will increase.

Fire Camp Contract

Capacity:	*500 Beds*
Cost per Inmate:	*$46.19 per day*
Annual Cost:	*$8,429,675*
Implementation Timeline:	*July 2014: 300 beds* *July 2015: 500 beds*

The approval of the agreement between the Department and the California Department of Corrections and Rehabilitation (CDCR) to contract for fire training services would provide the jail system additional capacity up to 500 beds. However, these beds cannot be immediately activated to full capacity due to the need to train fire camp inmates prior to transfer to the camp program. It is anticipated that by July 2014, at least 300 beds will be freed up to afford increased time served for M-7 inmates. It is anticipated the program will be fully implemented to 500 beds in early 2015.

The Department is ready to begin transferring inmates as soon as the contract is approved. Currently, there are approximately 250 male inmates involved in the program at various levels of training completion, with another 40 females preparing for transfer to CDCR to participate in the women's fire camp program.

In addition to the bed capacity the program provides, participating inmates will qualify for the accelerated 2 to 1 credit earning. This increased credit earning will reduce in-custody stay by approximately 30 percent, thus creating bed-space in addition to the 500 bed fire camp slots, and immediately impacting the in-custody time of M-7 inmates.

This contract has an established term ending on June 30, 2016. It can be cancelled without cause 60 days after giving notice.

Community Correctional Facility Contract – Taft

Capacity:	*512 Beds*
Cost per Inmate:	*$60.50 per day*
Annual Cost:	*$11,306,240 contract costs*
Departmental Costs:	*The cost for initial inmate transportation in staff overtime, gasoline and ancillary costs is estimated to be $25,000. Routine transportation thereafter will be accomplished via scheduled State transportation runs.*
Implementation Timeline:	*We can deliver approximately 250 inmates to Taft in 30 days, with an additional 250 to follow 30 days later. Transfer can start 60-90 days after contract signed.*

The approval of the agreement between the Department and the city of Taft (Taft) to contract general population male inmates would provide up to 512 beds.

The Department can quickly reconvene with representatives from Taft to review the previous contract for any needed update, finalize a policy for screening inmates for transfer, and develop a transfer timeline to facilitate this activation. Officials from Taft have previously stated that it will take 60-90 days from the date of contract agreement until they are capable of receiving inmates (hiring and training staff). During that time, the Department would be able to initiate inmate screening and schedule bus transportation. This initial screening process may take additional staff resources; however, Court Services Transportation Bureau (CST) stated they could transfer the initial 500 inmates to Taft with minor adjustments, or additions to existing bus runs, as well as only minimal projected overtime. After populating the facility, CST would be able to provide routine transportation to/from Taft via the normal state-wide runs with only minimal additional costs.

The Department is currently involved in CARP scheduling (overtime reduction behind staff shortages), while simultaneously attempting to implement the organizational changes recommended by the CCJV. To re-open a section of East Facility would require re-deployment of personnel and the utilization of overtime, which would hamper the Department's efforts in these two areas. Contracting with Taft would allow the Department access to 512 jail beds without having to hire or de-deploy any staff, therefore, strengthening efforts to end CARPing and implement CCJV recommendations.

Contracting with Taft would also provide time and flexibility for the Department to consider, research, and implement alternative to custody programs.

The challenge of the contract is that it requires a three-year agreement in which the Department can terminate without cause, but it will sustain a fine. The below is from the current proposed MOU with Taft.

> *Sheriff's Department has agreed to pay a penalty of $930,000 (equivalent to one month's payment) if we terminate the agreement during the first 36 months; however, this penalty shall be reduced pro-rata based on the remaining months left in the 36-month period. After the first 36-month period, the Department has no further obligations to pay a penalty.*

The Taft contract also mandates rehabilitative programming, which could facilitate credit earning for program completions. Due to the current crowding conditions in the State prisons, the CDCR has had preliminary discussions with Taft and other CCF's, which give the contracting decision a greater degree of urgency.

Reactivate up to 500 Beds at Pitchess Detention Center – East

Capacity:	*500 Beds (Total Available 1,600)*
Cost per Inmate:	*$112 per day*
Annual Cost:	*$20.1 million for 500 beds* ($40 Million 1,600)
Implementation Timeline:	*Upon approval of funding.*

The Department maintains approximately 1,800 beds at Pitchess Detention Center – East Facility (East). Currently, the facility is being utilized to house low level fire camp inmates who are attending training, and is minimally staffed due to the security level of the inmates. The Department can quickly reactivate vacant housing units at East to allow for the increase in M-7 time. This does not require a contract agreement and does not limit the County in making different decisions in the future.

However, it is important to note that any long term plans for the use of the facility will require additional academy classes to staff the facility as the East staff were moved to other facilities or out to patrol to reduce CARP shifts. For short term and intermediate use, the Department would utilize overtime personnel.

Long Term Concepts

Community Based Alternative Custody – Substance Abuse Programs (Five locations within LA County all housing female inmates)

Since July 1, 2013, over 40 females have been assigned to the program with no significant public safety issues. To date, only one female has been determined to be a program failure due to testing positive for drugs while in the program. At this point, 14 females have completed their sentences in the community and 50 percent of the released women have elected to remain in the program or engage in aftercare voluntarily. Two pregnant inmates have given birth to their children while in the program.

The Department is pursuing the concept of expanding the current pilot program to place inmates into supervised drug treatment as an alternative custody program. In an alternative custody program, the inmates remain under the Sheriff's jurisdiction and are monitored on site by the program staff. While in the program, these low risk inmates are required to wear Global Positioning Devices (GPS) devices and Departmental personnel conduct random site visits of the facilities. All program participants must have a drug treatment need and all will be screened to ensure they are low risk, non-serious/non-violent offenders.

The Department will work collaboratively with the Department Mental Health (DMH) and the Department of Public Health (DPH) to utilize realignment funds designated for the N3 population in order to reach capacity in community based alternative housing. The

Department is exploring the role the Affordable Care Act will play in helping to fund this program.

There is not an existing contract for these beds, but there is opportunity to expand existing County contracts for designated facilities. As the substance abuse alternative custody program is new, it is anticipated to take approximately three years to reach full activation: it is estimated the Department can fill 100 beds by July 1, 2014; 300 beds by July 1, 2015; and 500 beds by July 1, 2016. The estimated cost for the proposed program is approximately $3 million for the first year, $6 million for the second and $10 million for the third and final year.

Implementation of Credit Earning Legislation

The Legislature has provided State prisons and counties opportunities to encourage inmate participation in rehabilitative programs utilizing credit earning incentives. For example, pursuant to PC section 4019.2, County inmates engaged in the fire camp program are currently receiving 2 days credit for every day served in the fire camp program. This is an increase from the 1 day credit for every day served that all County sentenced and AB109 sentenced inmates receive. As a result of the current fire camp program activation, it is estimated that the county has already freed up approximately 50 beds that have been used to house other inmates.

Recently, pursuant to Senate Bill 76, PC section 4019.1 was amended to permit the county to assess rehabilitative program credit of 1.5 days credit for every day served in a county designated conservation camp or vocational program. The Department is currently finalizing the policy on awarding those credits and intends to implement the law prospectively effective October 1, 2013.

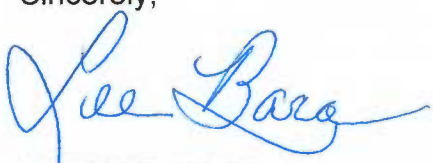
Additionally, AB 624 provides up to 6 weeks program credit for inmates engaged in meaningful rehabilitative programs. These credits are applicable to inmates who are not eligible for fire camp or credits as described above. Specifically, AB 624 amends PC section 4019.4 and allows AB109 inmates to receive the same program credits they would have received if they had completed programs while housed in State prison. This bill was signed into law and will go into effect January 1, 2014. The Department is finalizing policies and procedures in anticipation and will approve credits for program completions earned after January 1, 2014.

Based on current programming slots, it is anticipated applying these credits will prospectively free up approximately 120 beds by July 1, 2014; 350 beds by July 1, 2015; and 400 beds by July 1, 2016. Additional investments in rehabilitative programming would increase these numbers and improve re-entry outcomes upon release.

While outside of the control of the Department, the Department remains committed to working with justice partners to continue to explore opportunities regarding the pre-sentence population, diversion for mentally ill, specialized courts, use of split sentences,

and contract capacity for acutely mentally ill. Each of these are exceedingly complex, but are areas that have the potential to reduce the reliance on the Department's limited jail bed capacity, and will assist in targeting the highest risk offenders for retention in jail beds.

Sincerely,



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