

JAIL POPULATION MANAGEMENT STRATEGIES IN A POST-REALIGNMENT ERA



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Fact Sheet

In 2011, California adopted AB 109 Public Safety Realignment requiring counties to assume responsibility for low-level offenders. In a post-Realignment California, counties must implement population management strategies that reserve bed space for high-risk individuals and efficiently allocate resources. This fact sheet lists four available deliberate interventions that counties can employ to alleviate jail bed space and improve public safety outcomes.

- **Expand county use of split sentences, a sentencing option available through Realignment.**

Split sentencing requires AB 109-eligible individuals to serve part of their sentence in custody, and part under county probation supervision.¹ Currently, split sentencing is underutilized; by September 2012, only 24 percent of AB 109-eligible individuals received split sentences (CPOC, 2013). Split sentencing allows counties to connect individuals with community-based programs and drug and alcohol treatment while under probation supervision. The Chief Probation Officers of California strongly supports the increased use of this sentencing option (CPOC, 2012).

- **Limit county compliance for non-mandatory Immigration and Customs Enforcement (ICE) hold requests.**

ICE maintains federal immigration detainer programs through agreements with local law enforcement agencies to hold individuals of interest for up to 48-hours allowing ICE to assume federal custody.² Yet, many of these individuals do not require detention for public safety reasons and counties are not fully compensated for the cost of detention (CJCJ, 2013).³ ICE hold requests are not mandatory and some counties have stopped responding to them, saving their jail bed space and fiscal resources for priority public safety use (Santa Clara County, 2011).

- **Develop and expand pretrial alternatives to detention.**

The use of pretrial services can reduce the population of un-sentenced individuals who often unnecessarily utilize vital county resources and jail bed space. Un-sentenced inmates occupied approximately 65 percent of California's jails in 2011 (CJCJ, 2012). Some counties have developed pretrial services policies that preserve capacity and address the collateral consequences of detainment. For example, Santa Cruz County implemented release alternatives for their pretrial population, reducing their overall jail population while achieving the goals of public safety (CJCJ, 2012a).

¹ For a detailed description of this sentencing option, see California Penal Code § 1170(h)(5)(B).

² The 48-hour period does not include weekends and holidays. ICE holds can result in longer periods of pretrial detention. For example, see Colorado Fiscal Institute (2012).

³ The State Criminal Alien Assistance Program (SCAAP) provides partial reimbursement for individuals "convicted of a felony or second misdemeanor for violations of state or local law, and housed in the applicant's state or local correctional facility for 4 or more consecutive days during the reporting period" (Bureau of Justice Assistance, 2013).

- **Create and utilize community-based supervision alternatives, such as Day Reporting Centers.**

Day Reporting Centers and other forms of intensive community-based supervision and case management can alleviate jail space, engage justice-involved individuals in rehabilitative programming in a non-artificial environment, and provide public safety protections to the community. Counties such as San Francisco and San Bernardino have already implemented programs of this nature that are showing promising trends (CJCJ, 2013a; CSAC, 2012).

Sources:

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Please note: Each year, every county submits their data to the official statewide databases maintained by appointed governmental bodies. While every effort is made to review data for accuracy and to correct information upon revision, CJCJ cannot be responsible for data reporting errors made at the county, state, or national level.

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