

ROBBING PETER TO PAY PAUL: THE STORY OF JAIL FUNDING IN SAN FRANCISCO

by Mike Pignato and Vincent Schiraldi

Introduction

A Fiscal Cancer

One of the problems with state- and county-wide bond initiatives is that they foster the notion that public policy decisions are made in a vacuum, entirely independent of one another. In the case of jails, for example, voters are never asked if they would like to build more jails and have fewer after-school programs for their children; fewer police or social services; or poorer health care.

Nonetheless, these types of trade-offs are inherent in any public policy decision and particularly in the case of jail construction bonds. According to the California Board of Corrections, the operating costs for jails are 12 to 16 times the cost of a jail's construction over its expected life. Data such as these have prompted the California Counties Foundation to dub jail construction and operation costs a "fiscal cancer" in county budgets. They note:

A fiscal cancer eats at the budgets of county governments in California. Just as cancer attacks the human body and its vital organs, so does this fiscal cancer assault the financial resources of counties and erode their ability to perform all of their functions. Ironically, the fiscal cancer involves the growth and multiplication of cells, just as physical cancer does. The fiscal cancer, of course, is the enormous outlay required to build and operate county jails in California.

(California Counties Foundation, 1991)

This phenomenon has held particularly

true for San Francisco. Over the past four years, the budget for jails in San Francisco has increased by 40%, while the city's general fund has only increased by 20%. This year, as other major city departments struggled with budget cuts, the Sheriff's Department's budget increased by a substantial 26%!

Jails and Homelessness

In 1991, candidates on both the local (then-Police Chief Frank Jordan) and national (Republican Candidate Pat Buchanan) levels offered plans for using jails to combat homelessness. These proposals were premised on the belief that our society has become 'too comfortable' for the homeless, who have therefore increased in number. The popular notions that homeless persons were inclined toward serious criminal behavior and that we are currently being too 'soft' on such individuals, also played an important part in the formulation of such proposals.

However, the data do not support these contentions. County jail prisoners are not, on the whole, the threatening conglomeration of individuals they have been hyperbolically portrayed as in the media. According to a 1988 report by the National Council on Crime and Delinquency, misdemeanor crimes account for 83% of charged offenses for persons entering San Francisco's jails. Misdemeanor offenses are less serious crimes, punishable by probation, fines, or up to one year in jail. Eight-five percent of jail

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admissions are for non-violent offenses, including 16% for disorderly conduct; 14% for traffic warrants; and 10% for out of county warrants. Furthermore, of the approximately 53,000 adults detained in San Francisco's jail during the year the study was performed, only 11% were eventually sentenced to jail.

According to a 1985 landmark study of San Francisco's jail population by John Irwin, prisoners are primarily poor, undereducated, unemployed persons of color. In the San Francisco Health Department's 1991 report "Prisoners as Multi-System Users" (Klein & Saul), Professor Irwin's data are borne out. Sixty-two percent of female and half of all male inmates had been recipients of public assistance. Forty-two percent of both men and women in the jail had not graduated from high school. Only 25% of the women and half of the men reported being employed either full or part time prior to their arrest. Furthermore, the Health Department's study noted that 26% of the jail population had no permanent address.

According to researchers Snow, Baker and Anderson (1989), crime is often related to the absence or inaccessibility of alternative survival strategies. Indeed, many of the city's homeless end up in jail because they either "engage in criminal behavior to make ends meet" or because their "daily routines and idiosyncratic appearance and behavior bring them to the attention of the police." The mosaic of social ills noted by Dr. Irwin in 1985, and verified by today's data, prompted him to report that San Francisco's inmates are arrested and held "more because they are offensive than because they have committed crimes."

The use of jails to curb homelessness persists as a public policy option in San Francisco. In the 1992 election, an increase in the capacity of the jail system is being proposed along with a law designed to 'crack down' on homeless beggars. This study was designed to examine some of the costs of these proposals as they relate to the ultimate goal of public safety.

Findings

• *Every homeless person in San Francisco could be housed and a truly replacement jail could be constructed for the cost to the*

city of the proposed \$158 million jail.

The city could meet its five-year affordable housing goal of 33,000 units, enough to house each and every homeless person twice over and replace the existing county jail at its current bed capacity, with the \$158 million that is proposed to double the capacity of the current jail.

The city's 1992 Comprehensive Housing Affordability Strategy (CHAS — a five year plan required by HUD of local governments) sets as a goal the rehabilitation of 12,000 units and the new construction of 21,000 units. These units would range from Single Occupancy (SRO) hotels to multiple-bedroom family units, and be affordable to residents ranging from extremely low-income to moderate-income. These units would provide housing for each and every one of the estimated 8,000 homeless people in San Francisco, as well as for 25,000 low-income people at-risk of homelessness.

An annual allocation of \$15 million in new local monies would be enough to acquire, construct, and operate this housing, assuming that current levels of state, federal, and private sector subsidies are sustained.* Over the five years, the total cost to the city of these 33,000 units would be \$75 million — \$83 million less than the \$158 million bond proposed by Proposition B. The remaining \$83 million would be enough to replace the county jail at near its current capacity.

• *For the daily cost of incarcerating one prisoner in the San Francisco Jail, 3.75 individuals could be housed in a city shelter.*

The city spends \$60 per day to house inmates in San Francisco's jails, whereas shelter placements cost between \$16 and \$18 per day according to the Mayor's Office on Homelessness. The Center on Juvenile and Criminal Justice does not recommend shelters as a long-term, or even a particularly effective short-term, solution to the problems of homelessness.

*Even in the unlikely worst case scenario, if all other sources of funds disappeared and the city had to completely fund housing for the homeless, over 14,000 shelter beds — a much less desirable form of housing for the homeless than permanent housing, but more desirable than jails — could be constructed for \$158 million.

Still, 4,500 San Franciscans were turned away from shelters last year. Once arrested, persons without a residence are often denied access to alternatives to jail due to either program rules or practice. As a result, homeless persons are rarely released on their own recognizance, bailed out, placed on "house arrest", or sent home on probation. Even though shelter placements do little to interrupt the cycle of homelessness so many are caught in, they at least help to avoid some of the more brutalizing and costly effects of jailing.

- *The average cost per cell of the proposed jail is \$205,729, 78% of the cost of the average home in San Francisco.*

This staggering cost per cell must be analyzed relative to the potential benefit of jail construction. According to the National Council on Crime and Delinquency, the average length of stay for presentenced inmates in the San Francisco jail is 10 days, and the average length of stay for sentenced inmates is 34 days. A question which can reasonably be asked is, is it worth \$205,729 per cell so that San Francisco can incarcerate 750 more individuals at a given time serving 34 day sentences? Despite the fact that the jail system's population has nearly doubled in the past decade, increasing from 1,200 to 2,200, the crime rate in 1991 remains virtually identical to that of 1981 (FBI Crime Index).

Recommendations

- *Immediately fund and implement a range of rehabilitative correctional programs, including half-way houses, residential and out-patient substance abuse treatment, alcoholism rehabilitation, job programs, day treatment, and intensive su-*

pervision, for homeless offenders who would otherwise be incarcerated.

At the present time, the city is preparing to spend \$158 million plus \$118 million in debt repayment along with \$60 in daily maintenance costs per inmate for a generation of new inmates. Few would argue that if a pretrial defendant who would have otherwise occupied a jail cell can be returned to court effectively, at a lower cost, and without reoffending through one of the aforementioned programs, both the taxpayers and the defendant benefit. Based upon their success in other comparable jurisdictions, the programs highlighted above have been recommended by two teams of consultants hired by the City of San Francisco to evaluate the jail overcrowding crisis. It is now time to implement these well considered, safe, and effective alternative programs.

- *Redirect scarce city resources from a law enforcement approach toward homelessness to one that emphasizes permanent housing and meaningful participation in mainstream society.*

If the law enforcement approach were the simple solution so many maintain it to be, the city ought to have realized substantial crime control benefits by now. Over the past decade, we have increased the number of police officers on the streets, the number of jail cells we operate or rent, and the number of inmates imprisoned in them. We have simultaneously witnessed a dramatic rise in homelessness, and no reduction in crime. Far from having been too soft on crime, we have clearly made a genuine effort to reduce both crime and homelessness through law enforcement and jails. Those efforts have been a glaring failure. It is now

*Is it worth
\$205,729
per cell so
that San
Francisco
can
incarcerate
750 more
individuals
at a
given time
serving
34 day
sentences?*

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time to declare peace and to foster an attitude of cooperation toward addressing the root causes of homelessness that remain largely untouched by reactive remedies such as jails.

Conclusion

The solutions to complex problems are never as simple as 30 second commercials or single-issue propositions make them appear. At first blush, one might be tempted to say that if some jails are good, more jails must be better. But in these times of fiscal constraints, each spending decision necessitates a trade-off. This study sought to elucidate one glaring example of our society's "robbing Peter to pay Paul" in an illusory effort to buy well needed public safety. It concludes that the substantial money and use of personnel attendant upon toughening laws and using jails to deter homelessness, would be more wisely be spent on preventing and addressing the real causes of homelessness and crime.

The Center on Juvenile and Criminal Justice is a public policy organization which engages in research and provides technical assistance on criminal and juvenile justice issues.

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