

Policy Brief

**Jail Needs Assessment for San Mateo County:
A preliminary analysis**

By

Mike Males, Ph.D.

Senior Research Fellow, Center on Juvenile and Criminal Justice

Daniel Macallair, MPA

Executive Director, Center on Juvenile and Criminal Justice

Catherine McCracken, M.S.

Program Director, Center on Juvenile and Criminal Justice

Introduction

On April 5, 2011, Governor Edmund G. Brown signed into law Assembly Bill 109 (AB 109) codifying, one of history's most sweeping reforms of California's criminal justice system. This landmark legislation comes 35 years after then Governor Brown signed the Determinant Sentencing Law (DSL) of 1976, ushering in an era of unprecedented prison population expansion. Under the DSL, rehabilitation was eliminated as a goal of sentencing in California in favor of more punitive practices that emphasized incarceration. With the shift to more punitive policies, incarceration rates soared resulting in inevitable overcrowding and a deterioration of conditions within the state's prisons and jails. As result present day criminal justice stakeholders in each of California's 58 counties are addressing the challenge of how to serve an increased number of individuals under their supervision.

The Center on Juvenile and Criminal Justice (CJCJ) produced this report at the request of San Mateo County's Controller's Office. The intention of the analysis is to explore San Mateo County's current and historic criminal justice system trends and determine the future necessity of additional county jail construction. This report provides San Mateo County criminal justice stakeholders with a data-driven analysis that explores targeted areas to apply model interventions that reduce unnecessary incarceration while promoting public safety.

San Mateo County is one of the most affluent counties in California, with 2010 median household incomes (\$82,750) well above the state average (\$57,700). Additionally, the percentage of residents with incomes below poverty thresholds (6.8%) is well below the state as a whole (15.8%). For every race and age level, San Mateo County residents have poverty levels

less than half the state average. The county's population has stabilized, with current and projected growth levels (1% to 1.5% per decade) that are much slower than California as a state (10%) (Demographic Research Unit, 2010). The county thus has (with a few exceptions) generally lower crime rates and social problems, as well as more resources available to apply to reducing them.

However, within these apparently stabilizing factors lies great change. Like other major counties, San Mateo County has undergone a dramatic population shift in recent decades, with a significant increase in minority populations. Thirty years ago, three-fourths of the county's adults age 18-69 was White, of European origin.¹ After declines of 30% and 40% in the white and black populations respectively, a 260% rise in the Latino population, and a quadrupling in the Asian population, today there are 80,000 more San Mateo County adults than in 1980, 6 in 10 of whom are Asian, Hispanic, African-American, and other nonwhites. The state Demographic Research Unit (2011) projects continued slow population growth, with declining white populations offset by continued increases in Asians and Latinos.

Methodology

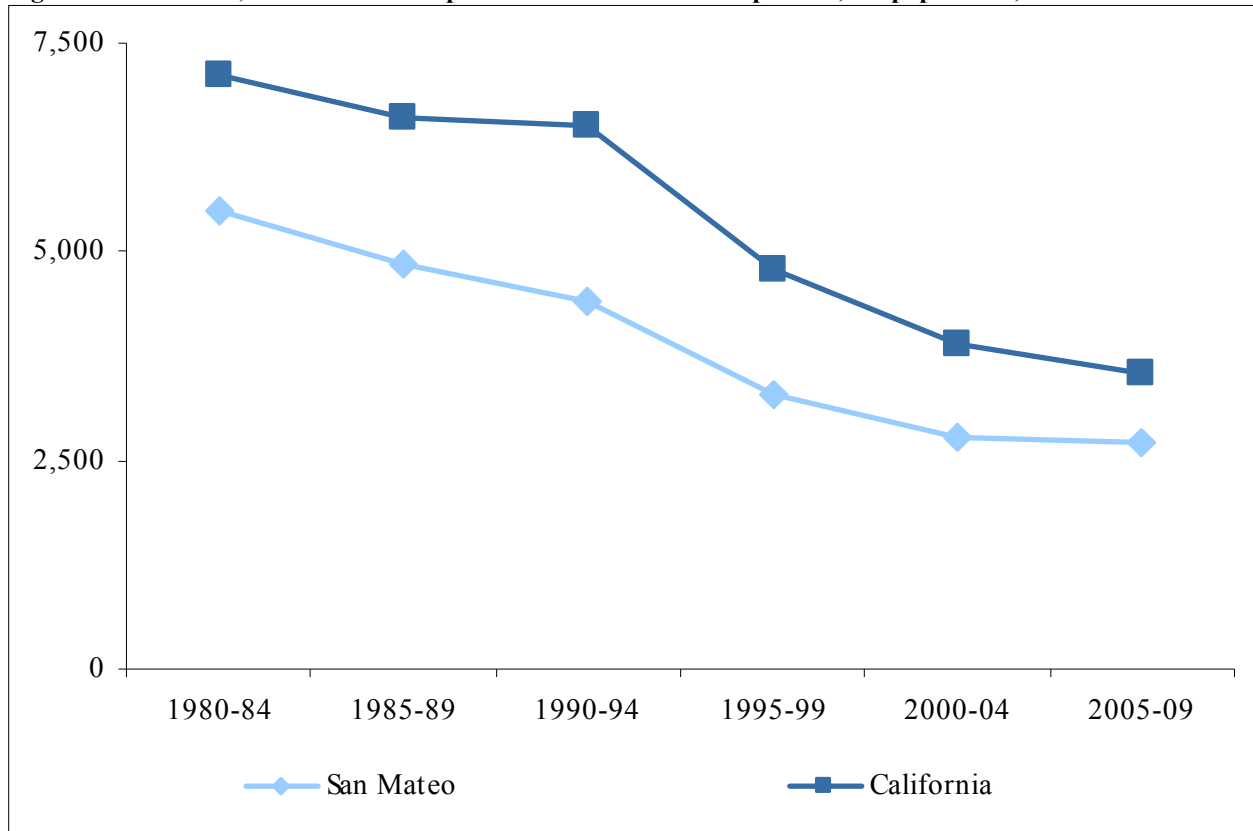
Data on reported crime, arrests, jail populations, probation cases and outcomes, criminal justice personnel and expenditures, for this report were obtained from the county's and statewide California Criminal Justice Profile issued annually by the state Criminal Justice Statistics Center (2011). Statistics on prison populations are from reports by the California Department of Corrections and Rehabilitation (2011), and additional information on jail inmates from the Correction Standards Authority (2011). Statistics on drunken driving fatalities (California Highway Patrol, 2011) and on homicides and illicit-drug fatalities (Center for Health Statistics, 2010) were assembled to further illuminate crime levels and trends. Populations obtained from the Bureau of the Census (2011) and projections from the state Department of Finance, Demographic Research Unit (2011) were used to calculate population-adjusted rates for the county and statewide.

¹ The Department of Justice (DOJ) utilizes the age range 18-69 to calculate criminal offending rates.

Recent historical trends

During the 1980-2010 period of rapid demographic change, San Mateo County experienced a steady decline in rates of reported crime (Figure 1).

Figure 1. San Mateo, Part I offenses reported to law enforcement per 100,000 population, 1980-2010

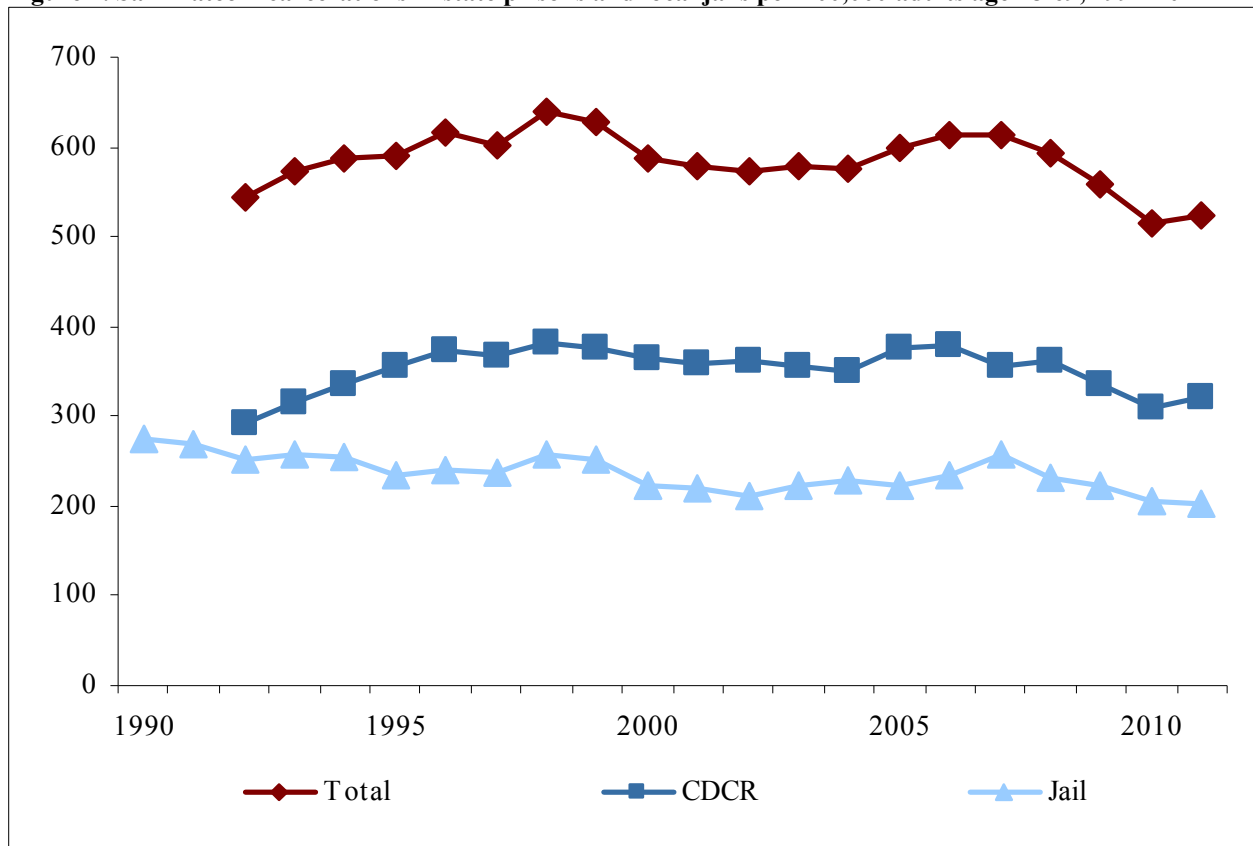


Source: Criminal Justice Statistics Center (2011).

Note: Part I offenses are four violent crime (murder, rape, robbery, and assault) and four property crimes (burglary, theft, motor vehicle theft, and arson) defined by law enforcement as an “index” of crime.

After 1990, San Mateo County experienced smaller declines in adult arrest rates and incarcerations in both state facilities and local jails (Figure 2). The county’s lesser crime drop since 1990 is largely explained by the fact that San Mateo County did not experience the surge in violent offending found in other urbanized counties during the late-1980’s and early-1990’s. This may be due to the lack of large areas of concentrated poverty associated with violence outbreaks in other counties and/or other unknown factors.

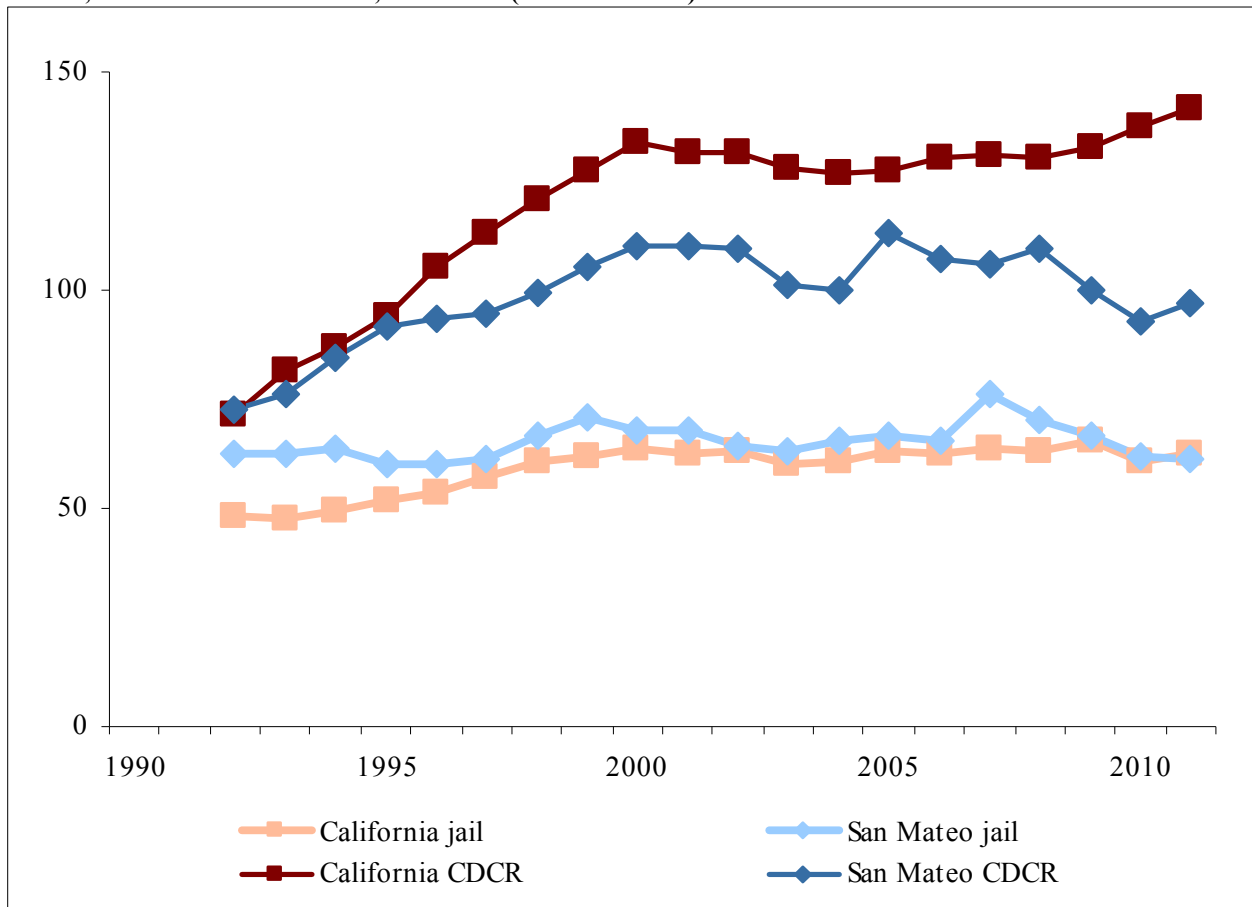
Figure 2. San Mateo incarcerations in state prisons and local jails per 100,000 adults age 18-69, 1992-2011



Sources: California Department of Corrections (2011); Corrections Standards Authority (2011).

During the 1980s, San Mateo County mirrored the state trend of increasing imprisonments in the state Department of Corrections and Rehabilitation (CDCR) facilities (Figure 3). After 1990, the county diverged from the state, with a slight decline in state prison commitments per arrestee as other counties' state commitments rose sharply. San Mateo County local jail incarceration rates during the last three decades have been similar to those of the state average. Overall, San Mateo County has fewer individuals confined per capita, and has shown a significant decrease in incarcerations in recent decades, than the state as a whole, whether the index is per-population or per-arrestee.

Figure 3. Incarcerations in state CDCR prisons and local jails per 1,000 adult felony and misdemeanor arrests, San Mateo vs California, 1992-2010 (2011 estimated)



Sources: California Department of Corrections (2011); Corrections Standards Authority (2011).

The first reason San Mateo County has not experienced increasing imprisonments and incarcerations is the decline in arrests over the last two decades (Table 1). Since peaking in 1989 at approximately 6,000 adult felony arrests that year, the number of arrests had dropped to under 5,000 by 2010. Only part of this decline is due to slow population growth; per-capita arrest rates have also fallen. Felony rates remain higher among the county’s two poorest demographics, Latinos and African-Americans, than among its two wealthiest demographics, Whites and Asians. It is interesting to note that while felony rates declined sharply among Latinos and African Americans during the last two decades, they have risen among Whites and Asians.

Table 1. San Mateo adult felony arrests and arrest rates, 1980-2009/10

Annual average arrests for years:	Felony arrests	Average annual felony arrests per 100,000 adults age 18-69				
		Total	White	Latino	Black	Asian/other
1980-84	3,948	946.0	629.9	1,083.8	5,734.5	434.5
1985-89	5,061	1,149.3	693.4	1,539.8	7,487.2	488.9
1990-94	5,090	1,119.5	613.2	1,756.1	7,377.6	531.6
1995-99	5,202	1,109.5	542.2	1,389.1	5,133.6	506.2
2000-04	5,195	1,073.5	712.2	1,537.8	6,058.6	707.6
2005-09	5,058	1,036.1	713.0	1,552.5	5,936.3	587.0
2010	4,882	994.5	664.6	1,463.0	5,709.8	543.5
Change						
1980-1990	+29%	+18%	+13%	+43%	+4%	+35%
1990-2010	-4%	-11%	+8%	-17%	-23%	+2%

Note: Total felony arrests are available for 2010 and for race through 2009.

Source: Criminal Justice Statistics Center (2011).

Alleviating jail crowding

Counties face challenges in implementing the mandates of AB 109 to manage more non-serious offenders at the local level instead of committing them to state facilities. As of early 2011, San Mateo had around 580 inmates in state prison (Department of Corrections and Rehabilitation, 2011). Based on population and crime trends and the offenses of San Mateo County inmates, CJCJ estimates that the county could be called upon to handle as many as 150 to 200 non-violent, non-serious, non-sex offenders ("non-serious" are difficult to estimate) whose sentencing offense was drug possession or a lower level property crime and who would have been sent to state prison in the past.

Constructing a new jail

In early 2011, the county's local jail average daily population (ADP) was approximately 1,000, with a maximum daily count of around 1,050. Population caps have evidently not been imposed by courts on San Mateo County jails as in other jurisdictions, but the county estimates the combined rated capacity for the San Mateo County Sheriff's Office operational correctional facilities, including the Maguire Correctional Facility (MCF), the Women's Correctional Center (WCC), the Men's Transitional Facility (MTF) and the Women's Transitional Facility (WTF) at 834 rated beds. The county's jails have held as many as 1,300 inmates in the recent past (July 2007), which is considerably over design capacity (Sheriff's Office, 2011; Criminal Justice Statistics Center, 2011).

The Sheriff's Department proposes constructing a new jail facility of with a rated bed capacity of 488-552 new beds and 88 non-secure transitional beds at projected costs of \$145 to \$160 million for construction and \$44 million for annual operations (this includes existing Sheriff's Office budget of \$17 million). The Sheriff's Department, based on a projected jail ADP of 1,451 inmates (including an estimated 350 more new felons and parole violators returned with a new term to be held locally due to realignment) plus an ongoing vacancy rate of 5%, suggests a jail capacity shortfall of 251 beds in 2014 and beyond. This is approximately 100 individuals more than the state estimated. The projected shortfall of 251 is reflective of the county maintaining

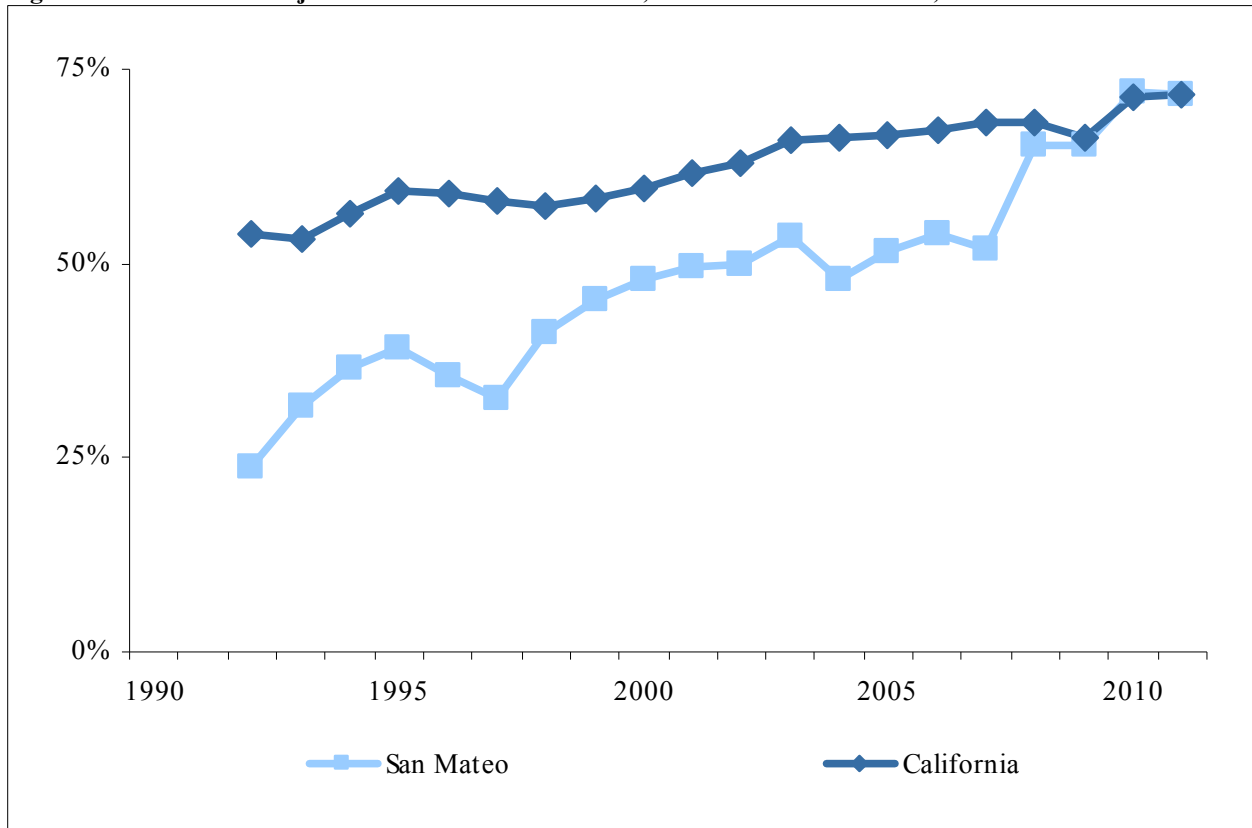
two jail facilities (Maguire Correctional Facility and the replacement jail) with a rated capacity of 1,264 in 2014 (Sheriff’s Office, 2011).

However, under alternative scenarios of population, crime, realignment, and offender management, San Mateo County may have sufficient jail beds to house the current maximum daily population and new inmates retained at the county level under the mandates of AB 109. There are several additional trends in San Mateo County’s use of local jail space that could impact the county’s realignment efforts that should be evaluated in terms of effect on public safety, offender rehabilitation, and fiscal costs in comparison to those entailed with building more jail capacity.

Non-sentenced inmates

First, as Figure 4 shows, San Mateo County has experienced a significant increase (recognized from a much lower base) than other counties in the percentage of jail beds (ADP) occupied by non-sentenced inmates. While the state average share of non-sentenced inmates rose from around half in 1992 to 72% in 2011, San Mateo County’s share nearly tripled, from around one-fourth in 1992 to an identical 71% in 2011.

Figure 4. Percent of local jail ADP that is non-sentenced, San Mateo vs California, 1992-2011



Source: Criminal Justice Statistics Center (2011); Correction Standards Authority (2011a).

Identifying the cause of the surge in non-sentenced populations in local custody is essential to determining local jail capacity needs. Possible factors include:

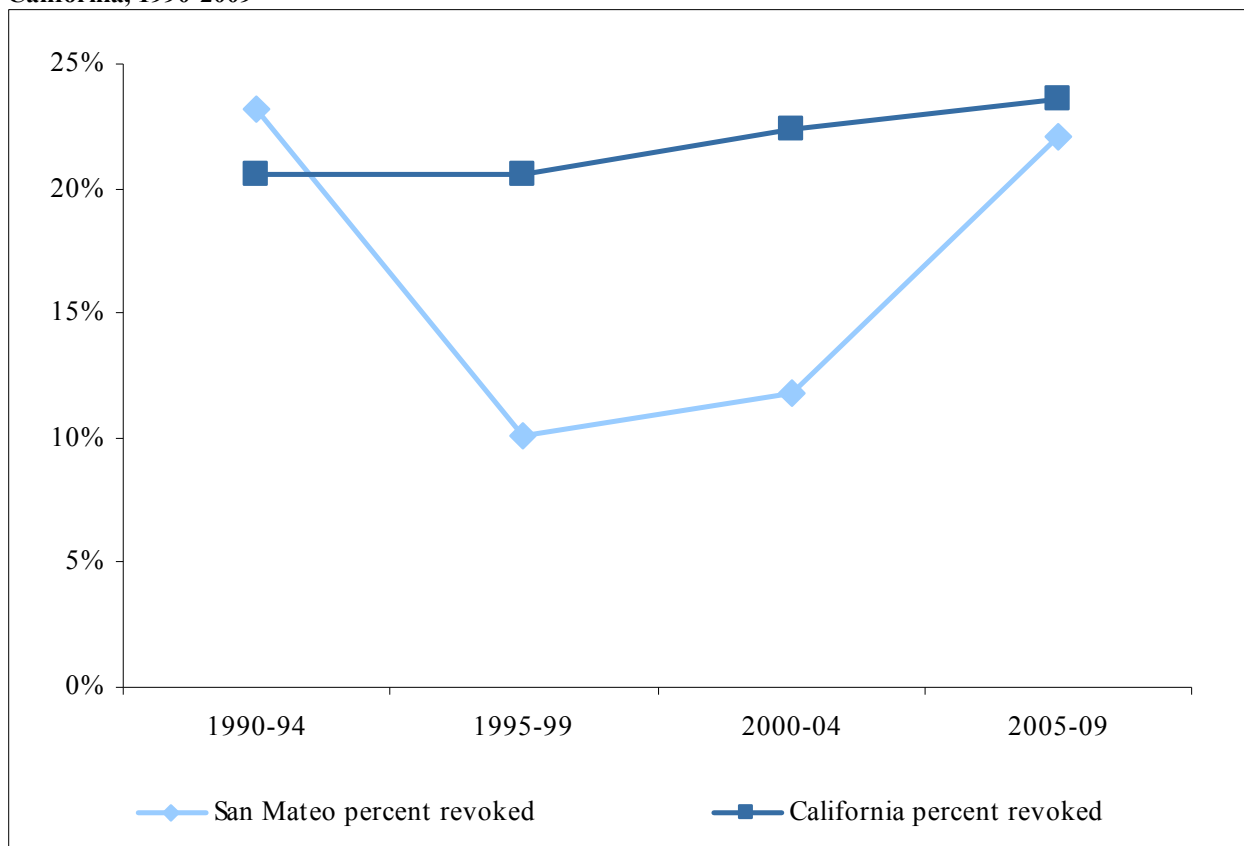
- A backlog of court processing of arrestees
- Holding increasing numbers of inmates awaiting transport to facilities in other counties or federal facilities
- Lack of pretrial release mechanisms

Several appropriate interventions and strategies exist state and nation-wide to address the above challenges within the criminal justice system. For example, Santa Cruz County has deliberately implemented a pretrial unit that has demonstrated considerable success in reducing numbers of non-sentenced jail inmates.

Maximizing Probation

A second alternative to jailing is to manage more arrestees through the Probation Department. A means of alleviating jail space is to reduce probation revocations for violations of probation terms or new offenses, which often result in jail or prison sentences. Figure 5 shows that in the 1990's San Mateo County made considerable progress in reducing probation revocations which has since reversed, trends that invite closer examination given dissimilar state trends.

Figure 5. Probation cases revoked as a percent of total probation caseload, 5-year averages, San Mateo vs. California, 1990-2009

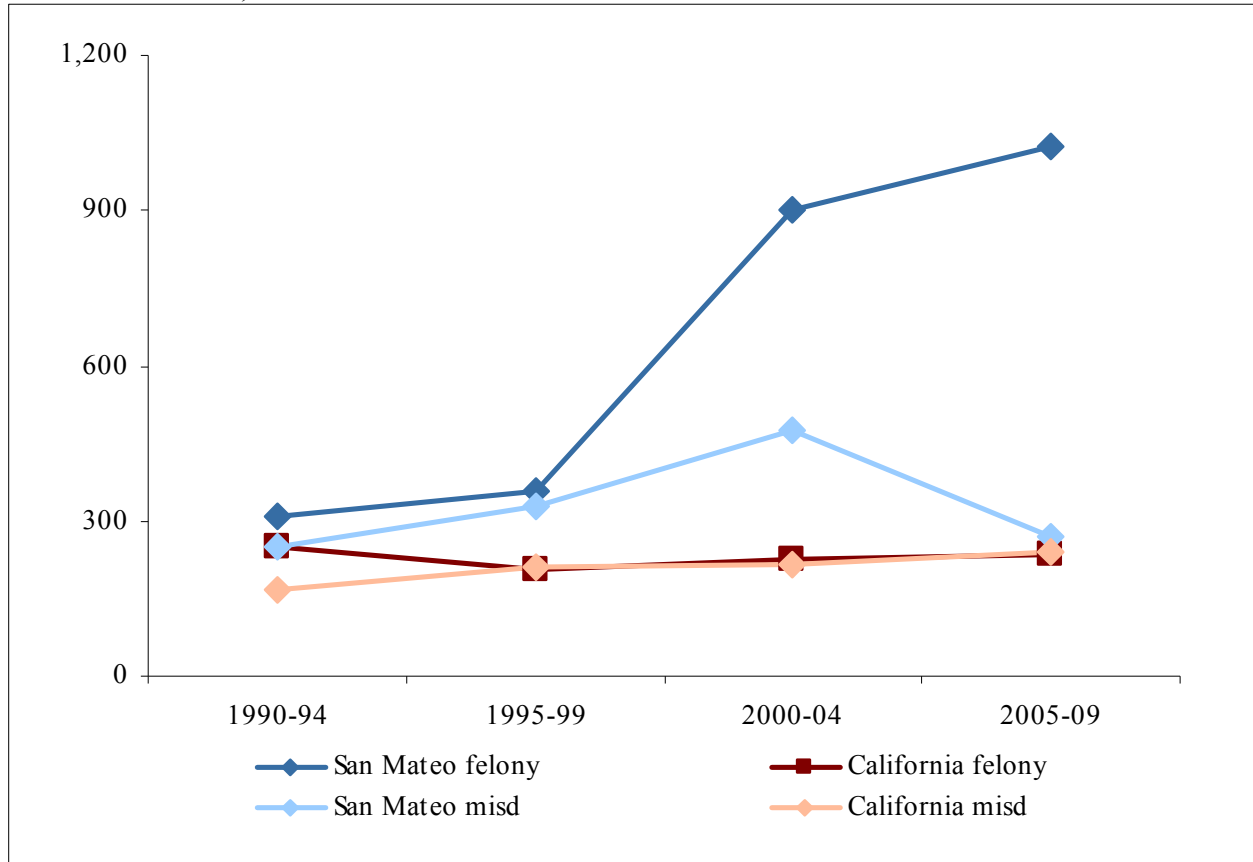


Source: Criminal Justice Statistics Center (2011).

Use of probation to supervise felons

Additionally, as Figure 6 shows, San Mateo County has made a considerably greater commitment to serving felons through probation (measured as a proportion of felon arrestees) than other counties while maintaining a similar misdemeanor probation caseload. This trend is beneficial to alleviating jail space formerly occupied by felons that could be managed on probation.

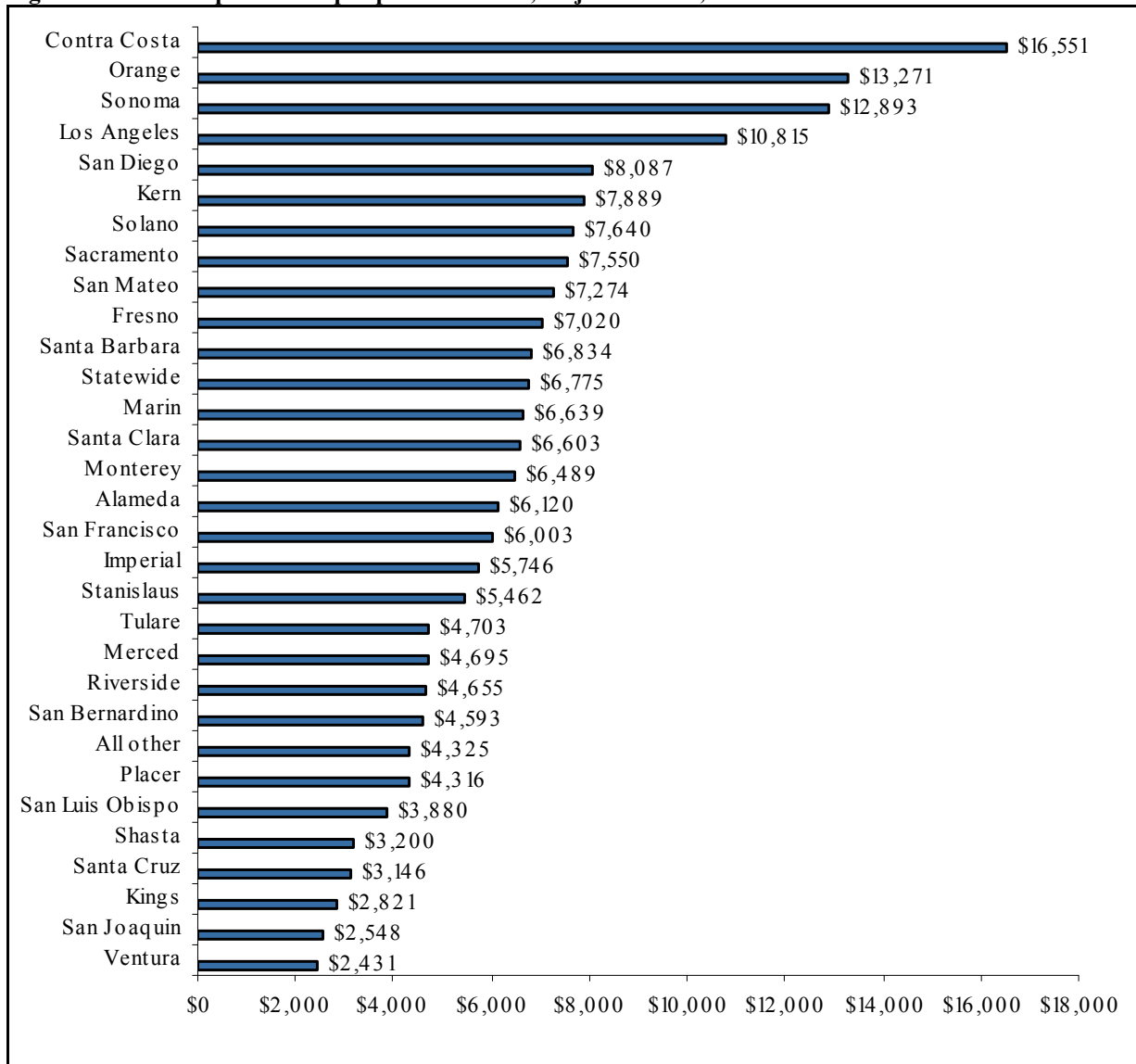
Figure 6. Probation caseload per 1,000 felony and per 1,000 misdemeanor arrests, 5-year averages, San Mateo vs. California, 1990-2009



Source: Criminal Justice Statistics Center (2011).

As Figure 7 shows, San Mateo County spends slightly more (\$7,274 per year) than the state average (\$6,775) and ranks in the top half of populous counties in terms of spending per probation case. This may reflect nothing more than the fact that more affluent counties like San Mateo have higher wage and other cost structures than average.

Figure 7. Annual expenditures per probation case, major counties, 2008



Source: Criminal Justice Statistics Center (2011).

Crime trends indicate San Mateo County has not suffered increases in crime due to its greater management of felons by probation rather than incarceration. However, as in other California counties, problems with chronic drug offenders persist within the county.

Relevant social trends: Homicide, DUI, and drug deaths

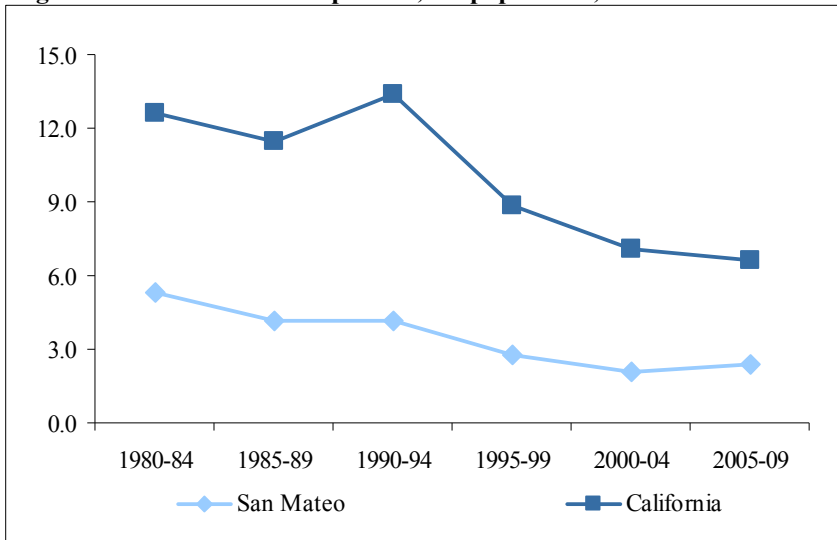
In 2009, 59% of San Mateo County’s adult arrests involved direct drug and alcohol violations such as drug sales or possession or drunk driving (not including the contribution of drug and alcohol abuse to other offenses). Analysis of how the county manages drug and alcohol offenders is critical to incarceration policies. Figures 8a, 8b, and 8c depict three key public health trends that serve as performance indexes for criminal justice and treatment programs: homicide, drug, and drunken-driving (DUI) deaths.

For homicide and DUI, San Mateo County's trends are downward, with some leveling off in the 2000's, as are California's with the notable exception of an early-1990's homicide peak. For drug deaths, San Mateo County experienced a unique decline in the early 1990's but has since paralleled the state in steady increase. Drugs, led by opiates (both street and prescription), have supplanted alcohol as the county's chief substance abuse problem. For all three measures, San Mateo County's rates are considerably below the state average, which is generally the case for more affluent counties.

The contradictory trends are further complicated by the fact that the county faces two distinct public health/crime problems relating to drugs: homicide (many if not most related to drug abuse and drug dealing by individuals or gangs) and illicit-drug overdose. Over the last two decades, San Mateo County has experienced 391 homicides and 899 drug overdose fatalities. Homicides tend to disproportionately involve Latinos and African-Americans (59%) and those under age 25 (33%), though the age pattern is not nearly as pronounced in San Mateo County as it is in less affluent counties.

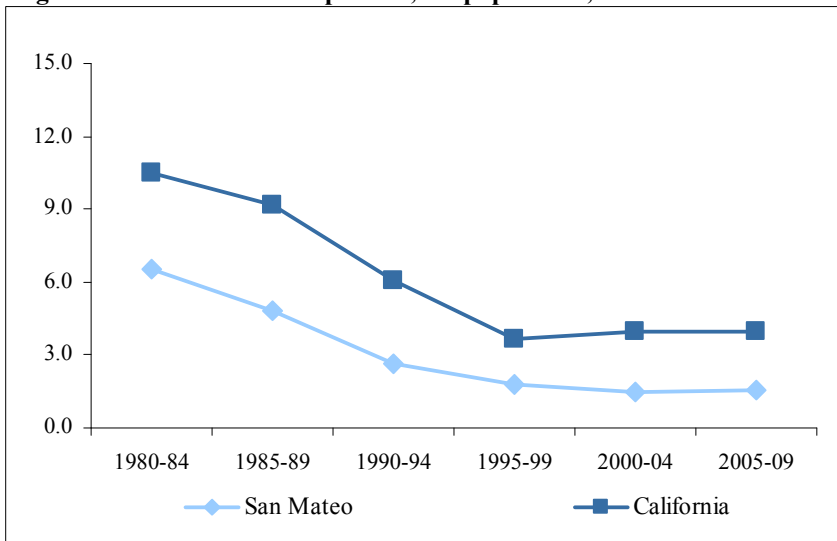
Illicit drug overdose, in contrast, overwhelmingly afflicts whites (76%) and individuals 40-years-old and older (70%). While whites age 40 and older comprise only 14% of homicides, they account for 53% of the county's illicit-drug fatalities. In contrast, Latinos and African-Americans under age 25 account for just 2% of drug fatalities, but 22% of homicides. These extreme divergences are reflected in arrest patterns as well (in 2009, nonwhites comprised 54% of simple drug possession arrests but 65% of drug felonies).

Figure 8a. Homicide deaths per 100,000 population, San Mateo vs. California, 1980-2009



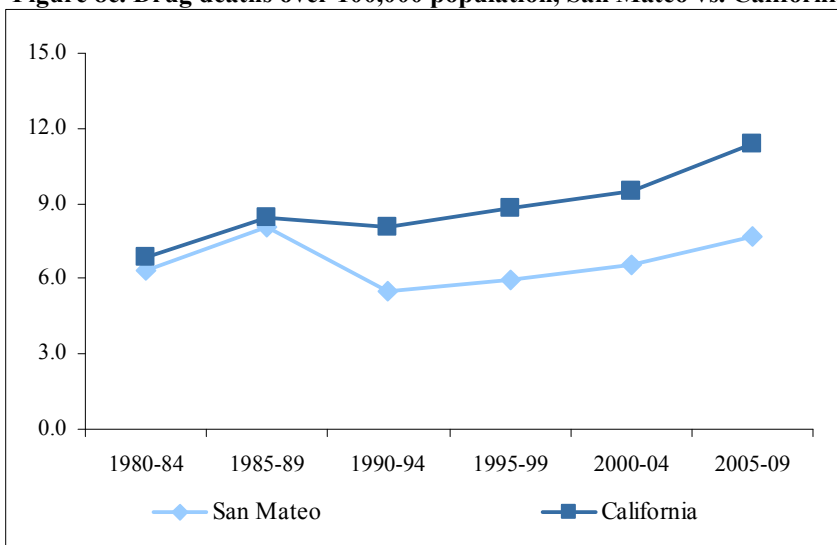
Source: Center for Health Statistics (2010).

Figure 8b. DUI death rates per 100,000 population, San Mateo vs. California, 1980-2009



Source: Center for Health Statistics (2010)

Figure 8c. Drug deaths over 100,000 population, San Mateo vs. California, 1980-2009



Source: California Highway Patrol (2011); Center for Health Statistics (2010).

Addressing these dual, yet interrelated crime issues is a challenge for local governments, all the more so given AB 109's mandate to manage more convicted felons locally instead of through the state prison system. Counties will be forced to design more innovative drug treatment regimes that not only reduce drug abuse and drug-driven criminal offending, but also the violence involved in drug distribution.

San Mateo County was ranked early on by the Drug Policy Alliance's Proposition 36 monitoring group, The Lindesmith Center, as the second best county in California (behind only San Francisco) in "shifting from criminal justice to public health approach[es] in treating drug addiction". The group noted that "San Mateo County allocated 91% of its [\$3.1 million state-allocated] budget to treatment-related services" and "an extensive range of culturally-competent programs," including "mental health and psychiatric services as part of its holistic approach to treating addiction" (Prop36.org, 2001). The fact that homicide has been declining even as drug overdoses have been increasing (as they are across the state) indicates some positive trends in at least the former area.

Conclusion

This data driven analysis suggests areas that San Mateo County criminal justice stakeholders can explore further alternatives to maximizing jail bed space. This initial assessment identifies populations for further examination and targeted interventions, including the current non-sentenced jail population, the aging habitual drug abusing population, and probation violators. After further analysis, county stakeholders could consider existing interventions such as the enhanced implementation of pretrial services, increased probation department and community-based treatment services, and expediting inmates scheduled for transfer to other state prison or other jurisdictions.

In light of these findings, CJ CJ has identified seven major factors in determining whether San Mateo County requires additional jail space:

1. **The slow growth of the county's population.** Further, the populations showing increases, primarily Asian and Latino, are those showing considerable arrest decline in recent years.
2. **Stable arrest patterns over the last decade after considerable declines in the 1990s.** This reduces the population requiring incarceration.
3. **The management of offenders at the local level under AB 109 who would formerly have been sent to state prison.** Currently, based on maximum daily jail populations housed in the past (1,300), current maximum daily populations (1,000 to 1,100), and a maximum estimate of new inmates mandated by AB 109 (150 to 200), San Mateo County appears to have several viable options to ensure sufficient jail space to manage projected inmate populations.

4. **The potential to reduce non-sentenced jail populations through expedited pretrial release, court processing of cases, and expedited transfer of inmates held for other jurisdictions.** San Mateo County could benefit from the experience in Santa Cruz County, which has sharply reduced non-sentenced jail populations since 2005 as other counties', including San Mateo's, have risen.
5. **The potential for increased use of probation to supervise felons, which San Mateo County has implemented with no apparent impact on crime, arrest, or drug/alcohol casualty rates.** San Mateo County's experience supplements that of Santa Cruz, which also increased probation supervision of felons but with less favorable drug/alcohol fatality trends.
6. **The potential to reduce probation revocations.** This occurred in San Mateo County in the 1990s and may relate to policies in place at that time, which contributes to reduced incarceration.
7. **The potential to use community-based drug/alcohol treatment, often in conjunction with probation supervision, to reduce the need for jail space.** San Mateo County appears one of the state leaders in implementing Proposition 36.

Five of the seven factors above show generally favorable trends in San Mateo County. Only probation revocations and jailing of non-sentenced arrestees show negative trends during the last decade. Policies that hold the potential to reverse these trends have been deliberately implemented in Santa Cruz County.

Based on current trends, CJCJ recommends deferring construction of new jail space until alternative pretrial release, expedited court processing and transfer, expanded probation supervision, reduced probation revocation, and expanded community treatment alternatives have been fully explored. Additionally funding, possibly from a community foundation, should be identified to conduct a more detailed analysis of the current jail and probation population.

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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, CJCJ cannot be responsible for data reporting errors made at the county level.

For more information please contact:

Center on Juvenile and Criminal Justice
440 9th Street
San Francisco, CA 94103
(415) 621-5661
cjcjmedia@cjcj.org
www.cjcj.org

www.cjcj.org/blog
[facebook.com/CJCJmedia](https://www.facebook.com/CJCJmedia)
twitter.com/CJCJmedia

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