

Opinion: Time to rethink keeping pretrial suspects behind bars

By Lenore Anderson

Throughout the heated debates on the future of health care, one fact was never disputed: Overcrowded emergency rooms drive up the cost of care for all of us. Moving people who don't need emergency care to other settings for treatment allows ERs to focus on those most in need – and saves money.

Another indisputable fact is that some of California's county jails are reaching emergency status.

Here's why: After the U.S. Supreme Court ruled in 2011 that California must reduce its state prison population, a landmark new state law – Public Safety Realignment – shifted responsibility for managing people convicted of nonviolent, nonserious, nonsexual offenses from state prisons to local counties. The state also divides up hundreds of millions of dollars among counties for this new responsibility.

Now it's up to local law enforcement and policymakers to ensure that the problem of state prison overcrowding isn't solved by simply overcrowding local jails.

The good news is that there is a proven way to reduce jail populations – and taxpayer dollars – without compromising public safety. The bad news is that too few counties fully utilize this approach.

The approach targets “pre-trial detainees.” According to 2011 data, seven out of 10 people in county jails across California haven't been convicted of a crime. They're in jail – taking up beds and taxpayer dollars – awaiting trial, often for months

at a time.

Because many of these people are accused of less serious offenses, such as low-level property and drug offenses, judges set bail so they can await trial at home, not in jail. But many of these people remain in jail because they can't afford the bail amount.

This statewide challenge hits especially close to home: Included among the 2011 list of the 13 California counties with the highest percentage of pretrial detainees are Sacramento, 59 percent; Placer, 66 percent; Sutter, 81 percent; and Yolo, 90 percent – the highest in the state.

Since housing one person in jail costs local taxpayers \$100 per day, compared to less than \$15 a day for pretrial supervision, high rates of pretrial detainees were too costly for cash-strapped counties even before the law changed. Now that realignment is here, alternatives for low-risk people are a must.

A few counties are reaping the rewards of supervising pretrial detainees outside of a jail setting. Here's how it works:

- Trained staff assess risk by asking if community supervision jeopardizes public safety or the likelihood of the accused appearing in court.
- These experts then share their assessment and recommendations with the judge as to whether the person should be released and under what conditions.
- If the judge assigns the person to pretrial supervision, staff monitor the person in the community and ensure they make all court appearances and abide by all conditions – drug testing, electronic monitoring, curfews, home detention, etc.
- Some programs also offer drug screening, substance abuse and mental health treatment, and other programs as participants

await trial.

Santa Cruz County turned to this model years ago to reduce its jail overcrowding. Analysis of its program reveals 89 percent of participants appeared on their court date, and 90 jail beds were freed up each day – a 25 percent drop.

By 2011, Santa Cruz had reduced its pre-trial detention rate to 56 percent, well below the statewide average, which saved the county \$857,513 in 2011 alone. The county has not requested any realignment funds to expand its jails, whereas a majority of California counties – less than one-third have robust pre-trial programs – have.

For example, Sacramento, Placer, Sutter and Yolo counties requested within the past year a combined \$182 million in state funds for jail expansion. Fortunately, leaders in Yolo County have begun a pretrial supervision program, and its fellow counties across the state should follow its leadership. I recently contributed to a report by California Forward's Partnership for Community Excellence, to be released this week, that can guide counties.

Public safety – and the cost of maintaining it – is critical to the future of our state. Pretrial assessment and supervision are the new way, and it must become the rule, not the exception.

During the health care debate, no one suggested building larger waiting rooms at hospitals. We should look beyond the Band-Aid solution of expanding jails. Safely reducing overcrowding, not coping with it, is better for public safety and taxpayers.

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