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**California's Jails and
Juvenile Detention Facilities**

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CALIFORNIA'S JAILS AND JUVENILE DETENTION FACILITIES

Changes in California's population, increasing numbers of persons arrested for crimes, and changes in law have had significant impacts on local correctional facilities for adult and juvenile offenders. While the number of jail beds in California has more than doubled since 1980, many of those arrested for crimes are never booked into jail and thousands of offenders are released after serving only a fraction of their jail sentence because of a lack of space. The state's juvenile detention facilities have remained virtually unchanged over the past 30 years, even though the types of juvenile offenders have become more violent and the number of offenders has increased. In this section, we summarize the state of California's jails and juvenile facilities.

California's 58 counties are responsible for detaining, in secure facilities, both juveniles and adults who (1) have been arrested for a crime and are awaiting trials or court decisions, or (2) are serving time for committing a crime. Adult offenders are housed in county jail facilities. Jail facilities are generally the responsibility of the county sheriff. Juveniles are housed in juvenile halls or other county detention facilities, such as ranches and camps. County juvenile detention facilities are generally the responsibility of the county's Chief Probation Officer. These adult and juvenile local detention facilities are literally the "front door" of the state's criminal justice system.

The state's Board of Corrections oversees the operations of jails. It does this by setting jail standards, inspecting facilities biennially, establishing staff training standards, and administering jail bond construction funds. In addition, the board maintains data on the state's jails. The board also sets standards for, and inspects, local juvenile facilities.

California's Jails

The state's 460 jails are operated by county sheriffs (except in Napa and Santa Clara Counties, where county corrections departments, responsible to the board of supervisors, operate the jails). In addition, some city

police departments operate jails. However, state regulation provides that police department jails are for holding prisoners for less than 48 hours. Incarceration of presentenced and sentenced jail inmates is a county responsibility. In 1993-94 (the most recent data available), counties reported that jail expenditures totaled \$1.2 billion. Almost all of these costs are borne by counties. However, in the current year, county sheriffs received \$12.5 million from the General Fund to support their jail operations. Figure 6 shows some basic characteristics of the state's jail system.

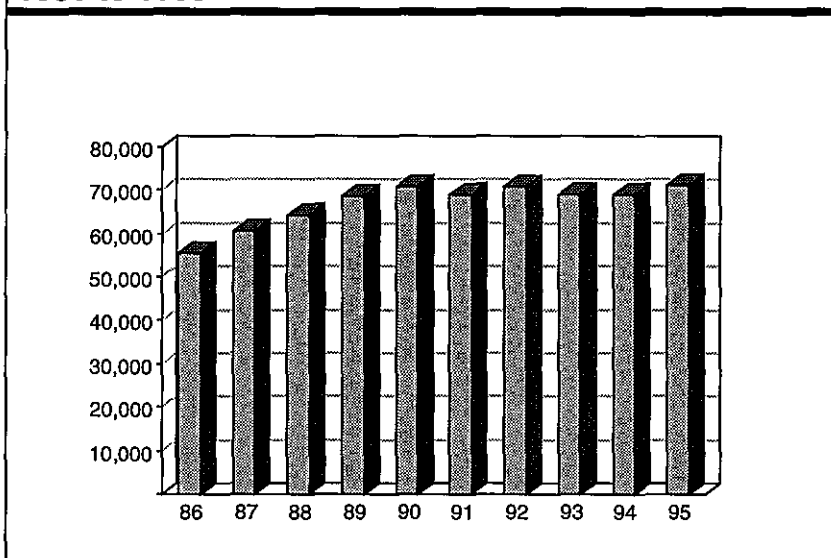
Figure 6
California's Jails

- 1.3 million people booked into California jails in 1996.
- Average daily population of jails in 1996 was 72,473 individuals.
- Capacity of the state's jails was 66,358, resulting in overcrowding of 109 percent.
- 70 percent of inmates are being held on felony charges.
- 59 percent of inmates are awaiting trial or sentencing; the remaining 41 percent are sentenced.
- 27 counties, accounting for 74 percent of all jail beds, are under court imposed population limits.
- By the year 2000, the average daily population is expected to be 102,247, with a capacity of 68,982 beds, resulting in overcrowding of 148 percent.

In 1980, there were almost 32,000 jail beds statewide. However, by 1996, after the largest capital outlay program for county jails in the United States, the number of beds increased to just over 66,000. This building program was largely funded by \$1.5 billion from five state general obligation bonds passed throughout the 1980s. Monies generated from the bond issues have been used to construct more than 27,000 new jail beds. To qualify for state bond monies, counties were required to pay 25 percent of the costs of new construction. The Board of Corrections reports, however, that local governments actually paid about 50 percent of all costs. A 1996 bond measure (Proposition 205), that would have provided \$350 million for local jails, was defeated by the voters in the November election.

How Many People Are in Jail? Almost 1.3 million adults, more than 104,000 per month, were booked into jail in 1996. On any given day the state's jails house between 70,000 and 75,000 adults either awaiting trial, court decision, or who have been sentenced. More than 70 percent of jail inmates are being held for, or have been convicted of, felonies. Almost two-thirds of the jail population is awaiting trial or sentencing; the remaining inmates are serving sentences (generally less than one year). Figure 7 shows the growth in average daily jail population for the past ten years.

Figure 7
Average Daily Jail Population
1986 to 1995



California jails account for 15 percent of the nation's total jail population, and the state's average daily population exceeds the total average daily populations for all jails in the Northeastern states (including New York and Pennsylvania).

Jails Are Overcrowded. All of the state's jail facilities have experienced increased population and almost all of them have reported overcrowding. Much of this growth, prior to 1994, can be attributed to a variety of factors. Among these factors are (1) growth in the state's population, (2) increases in the number of individuals arrested for crimes, and (3) reduced capacity of certain other county facilities, most notably, county institutions for the mentally ill and substance abusers.

In 27 counties with overcrowded conditions, the federal courts have imposed limits on the number of people who can be held at any one time. Jails in these counties account for more than 70 percent of the state's total jail beds. For these counties, jail administrators have to release inmates to reduce population, whenever population exceeds the cap, or face monetary or other sanctions. As a result, inmates who would have been held for longer periods of time, either awaiting trial or to complete a sentence, are often released early.

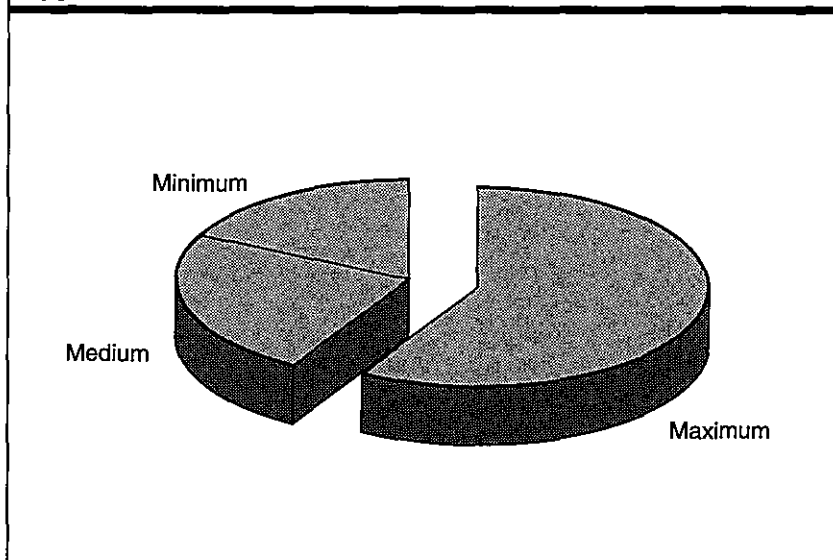
Impact of "Three Strikes." The implementation of the "Three Strikes and You're Out" law has contributed to jail overcrowding. In 1996, there were approximately 6,500 "second- and third-strikers," or 8.8 percent of the total jail population, awaiting trial. These inmates have had several effects on jails. Because persons charged with a strike are more likely to contest their cases in court rather than accept a plea bargain, they tend to stay in jail longer awaiting a trial, which has lengthened the average stay of inmates in jail. Additionally, because "strikers" stay in jail longer awaiting trial, there is a larger percentage of nonsentenced versus sentenced inmates held in jail. Longer lengths of stay and increasing numbers of nonsentenced inmates result in a smaller pool of inmates that can be released to meet population caps.

The second- and third-strike inmates require higher levels of security than average inmates, primarily because of the longer sentences these inmates are facing. For example, a person arrested for felony petty theft might spend three to six months in jail as a minimum security inmate. However, under the provisions of the "Three Strikes" law, the same inmate when charged as a "striker" could face 25 years to life. In this instance, the inmate would be reclassified as a maximum security inmate because the inmate poses a greater escape risk. Figure 8 shows the security classification of jail inmates for 1996.

The Board of Corrections reports that the capacity of the state's jails has decreased by up to 2,000 beds because of the changes in security needs. These beds are rated for lower security inmates (for example, these facilities could be easy to escape from without extensive modification), and cannot be used for higher-risk inmates, such as the "strikers" awaiting trial.

Large Numbers of Inmates Being Released Early. As a result of jail overcrowding, many inmates are released earlier from jail than they would be otherwise. About one third of all people arrested and booked in the state are released early because of a lack of jail space. Each month 29,000 inmates are released early from California jails—7,000 who are awaiting trial and 22,000 before the completion of their sentence. Some

jails report that sentenced inmates will serve less than 20 percent of their sentences because of overcrowding.

Figure 8**Security Classification of Jail Inmates
1996**

Many Offenders Never Get to Jail. In addition to early releases, many jails report that they no longer accept certain types of offenders. For example, most large counties no longer accept bookings of persons arrested for misdemeanors, such as prostitutes, public inebriates, and vandals. These individuals, who in the past would have been booked and held in county jails, are now "cited and released" by law enforcement officials. The inmates released before trial and those cited and released are required to appear before court. If they fail to appear the court issues an arrest warrant. As of September 30, 1996, in more than 2.6 million cases (10 percent of them felonies), an individual who was never booked, or had been released early from jail, never showed up for court.

The Future for Jails. The Board of Corrections estimates that, in order to house all those persons who are being released early, counties would need by the year 2000 to construct jail facilities containing an additional 30,000 beds, which would cost several billion dollars to construct. If these facilities are not constructed, or other alternatives developed, larger numbers of inmates will be released early or will never be booked into

jail. In addition, there will be a continuing need to improve the security levels of existing facilities, in order to safely house inmates.

Finally, we expect that there will also be increasing numbers of mentally ill and substance abusing inmates as part of the jail populations. These types of inmates place significant and specialized demands on jail facilities. Federal drug utilization data show that in Los Angeles, San Diego, and Santa Clara Counties between 52 percent and 73 percent of all arrestees test positive for some illegal drug, regardless of offense. Those under the influence of drugs present important management problems for jail administrators.

There is no data on the number of mentally ill inmates in jail, but jail administrators in several of the largest jurisdictions have estimated that up to 10 percent of those arrested have some mental problem. Many jails, such as the Sacramento County Jail, have fully staffed mental health hospitals as part of the jail. These needs and the needs of sick inmates will also put pressures on California's jails in the future.

County Juvenile Detention Facilities

Juvenile offenders in counties are subject to a "continuum of care" where services are provided by county probation departments and other county and private agencies for prevention, intervention, supervision, and detention. Statewide there are more than 50,000 juvenile offenders under the supervision of probation departments. The offenders are supervised in their homes or in other placements, such as group homes or foster care homes, or are detained in juvenile halls, ranches, or camps. Juvenile halls, ranches, and camps, serve the same detention function for juveniles as jails do for adults. In 1993-94 (the most recent data available), statewide probation costs for adults and juveniles were \$811 million, with the majority of these costs being borne by the county. We do not know how much counties spend for local juvenile detention facilities. Figure 9 provides some basic information about the state's juvenile halls and ranches and camps.

Juvenile Halls. Juvenile offenders, after being arrested, are detained in local juvenile halls, usually for short stays. While in the hall, juvenile offenders go to school and participate in various recreational and other programs. Juveniles placed in juvenile halls usually are awaiting court action. Many of these youths are being detained for very serious or violent offenses. Figure 10 shows the types of offenses of juveniles detained in 1995.

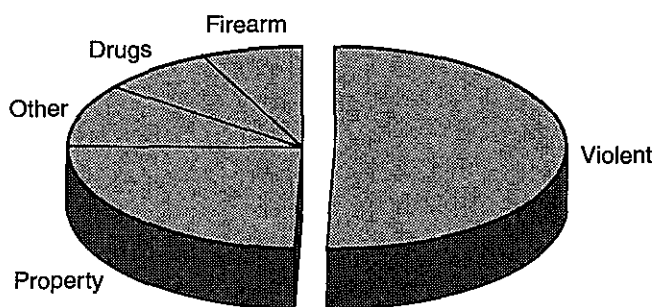
Figure 9

California's Local Juvenile Detention Facilities

- 47 juvenile halls operated by 43 counties.
- Juvenile halls house more than 6,400 juvenile offenders.
- Juvenile offenders held for violent offenses account for 50 percent of juvenile hall population.
- Ranches and camps in 25 counties.
- Ranches and camps house more than 4,000 juvenile offenders.
- Juvenile offenders held for violent offenses account for 35 percent of ranches and camps population.

Figure 10

**Offenses of Juveniles Detained
In Juvenile Halls
1995**



Almost all of the halls report overcrowding. The overcrowding is due primarily to the growth in the number of juvenile offenders. Juveniles who are awaiting trial as adults, are also detained in juvenile halls. Because of federal law, juveniles under most circumstances cannot be held in adult jail. The federal law requires that juvenile offenders cannot come in "sight or sound" contact with an adult criminal offender. Consequently, only a very small number of jails has the ability to house juveniles—ten counties with only 138 beds in 1995.

Juvenile offenders awaiting trial in adult court can stay in a juvenile hall for months and sometimes years. In contrast, the average juvenile offender awaiting a hearing before the juvenile court is detained for less than a month. At the main juvenile hall in Los Angeles, an average of up to 200 juveniles out of a total of 750 are offenders awaiting trial in adult court for murder or other serious or violent crimes. Some smaller counties report that the majority of their beds at any time are occupied by these types of offenders.

Because of overcrowding, many counties report that their juvenile halls will not accept many juveniles who have been arrested. Police agencies, when they arrest a juvenile, bring the offender to the juvenile hall. However, the probation department makes the decision to book and detain the juvenile offender. If the hall is full with violent offenders or with those awaiting trial in adult court, the arrested juvenile is not booked because no space is available. When the juvenile offender is not booked, he or she is released to the custody of parents and returned to the community. In some counties, a juvenile might be arrested several times for property offenses, such as burglary or car theft, before he or she is actually booked into juvenile hall.

Juvenile Ranches and Camps. Ranch and camp beds are placements for offenders whose cases have been adjudicated in court. Juveniles who have been adjudicated for very serious offenses, such as murder, can be placed in camps at the discretion of each county.

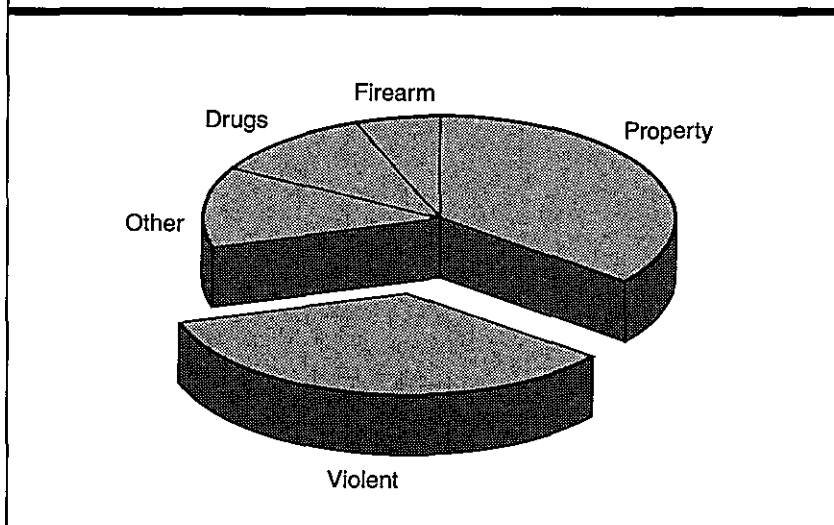
Figure 11 shows, by type of offense, the juveniles detained in 1995.

While placed in a ranch or camp, the offender receives a variety of rehabilitative services and attends school. Several county ranches and camps offer specialized programs such as "boot camps," sports camps, and conservation camps. Generally, a ranch or camp placement is the county's last placement option before an offender is committed to the Youth Authority. However, counties report that they do not have enough space for all offenders whom they wish to place in a ranch or camp. Recently, counties have received both federal and state funds to support

their local juvenile facilities. (We discuss this issue later in this chapter in our analysis of the Youth Authority.)

Figure 11

**Offenses of Juveniles Detained
In County Ranches and Camps
1995**



Other Placement Options. In addition to juvenile halls, ranches and camps, county probation departments use a variety of other placement options. For example, juvenile offenders can be placed in foster care or group homes if they otherwise meet the eligibility requirements for these programs. Counties also use nonresidential placements, such as day treatment centers. A day treatment center is a nonresidential placement where a probationer must report at a specified hour—usually in the early morning—and stay at the center until the evening. At the center the probationer receives schooling, counseling, and other services. In addition, the probationer is supervised for the entire time while at the center.

State Support for Juvenile Facilities. In 1988 and 1990, the voters approved a total of \$100 million in general obligation bonds (Propositions 86 and 147) for renovating, constructing, and acquiring new juvenile facilities. In November 1996, a bond measure (Proposition 205) that would have provided \$350 million for local juvenile facility construction was defeated by the voters. In addition, the state has provided General Fund support for local ranches and camps. This subsidy, allocated based on the number of available beds in each county, totaled \$32.7 million in

the current year and is proposed for the budget year. Furthermore, the Governor's welfare reform proposal includes \$139 million in federal funds for county probation departments to provide services to eligible juvenile offenders. We discuss this proposal in our analysis of the Youth Authority budget.

The Future for Local Juvenile Detention Facilities. The need for services and space for juvenile offenders is expected to increase in future years. In 1995, juveniles age 11 to 17, the population of juveniles most likely to commit crimes, was 11 percent of the state's population, but accounted for 16 percent of all arrests. California's juvenile population is expected to increase 33 percent by 2004. An increase in the juvenile population has the potential for a significant increase in the number of juvenile arrests. However, because of overcrowding, juvenile arrests do not always result in the juvenile being detained.

We also expect that the number of juvenile offenders who are mentally ill or substance abusers will likely increase. For example, probation departments report that, because there are limited county mental health resources available for adolescents, there has been a significant increase in the number of offenders who are mentally ill. Often juvenile halls are the only place in a county where juveniles can be securely detained. As a consequence, a mentally ill or suicidal juvenile is placed in a hall because it is the only place that his or her safety can be guaranteed.

In addition, large numbers of juvenile arrestees are also substance abusers. Federal data on Los Angeles, San Diego, and Santa Clara counties estimate that between 35 percent and 58 percent of all juveniles arrested tested positive for some type of illegal drug.

A March 1995 assessment of California's juvenile halls, ranches, and camps conducted for the Youth Authority identified the need for over \$350 million to upgrade and develop new juvenile facilities through the year 2000. This assessment noted that, like adult violent inmates, violent juvenile offenders require higher levels of security. Increases in the number of juvenile offenders held for violent offenders, might actually lead to a decrease in the number of state's juvenile beds because of increasing security needs. This would occur because violent offenders need closer supervision, and with existing staff resources, county probation departments would not be able to supervise as many beds. In addition, because of changing fiscal incentives that could reduce county use of the Youth Authority, counties may decide to develop new local alternative placements. There has been no estimate or assessment undertaken to evaluate the state's needs for nonresidential placement options.

Conclusion

The state's local detention facilities are overcrowded and will probably become more crowded as the century draws to an end. As a consequence of overcrowding, many offenders are being released early, either before they have been to court or after they have been sentenced. Sentenced adult inmates serve only a fraction of their sentence in many counties. Each month over 28,000 inmates are released for no other reason than the lack of space in jails.

In addition, because of the lack of jail and juvenile hall space, many offenders who are arrested are never incarcerated. While we do not have data on the number of adults who have been arrested but not booked because of a lack of space, we do know that there are over 2.6 million unserved misdemeanor and felony warrants for those who failed to appear before court. We do not know how many juvenile arrestees are never booked into juvenile halls, but are allowed to return—unpunished—to their community.

We estimate that costs for upgrading and building sufficient new adult and juvenile space could cost in the billions, although some stop-gap measures can be used to partially ameliorate the problems. In our Capital Outlay chapter of this *Analysis*, we recommend that the Legislature earmark federal prison construction funds for improving existing jail and juvenile facility security. In addition, we note that part or all of the state's monies from these federal grants can be used for construction of new local juvenile facilities. Finally, counties should be encouraged to develop alternatives to incarceration. Day reporting programs for both adult and juvenile offenders are less costly to operate and also provides a higher level of supervision than regular community supervision. County programs that prevent and intervene for the mentally ill and substance abusers could also reduce demand on both adult and juvenile facilities.



Legislative Analyst's Office



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Property Taxes: Why Some Local Governments Get More Than Others (August 27, 1996).

An Overview of the 1997-98 Governor's Budget (January 15, 1997).

Welfare Reform in California: A Welfare-to-Work Approach (January 23, 1997).

Class Size Reduction: (February 12, 1997).

This report was prepared by Clifton John Curry, under the supervision of Craig Cornett. The Legislative Analyst's Office (LAO) is a nonpartisan office which provides fiscal and policy information and advice to the Legislature.

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