



SACRAMENTO COUNTY CRIMINAL JUSTICE CABINET

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TO: Board of Supervisors

FROM: Lynn Wynn, Principal Administrative Analyst
Sacramento County Criminal Justice Cabinet

RE: **Fiscal Year 2009-10 Proposed Budget Report Back – Impact of Reductions on the Criminal Justice System and Departments**

Sacramento's criminal justice system involves many public and private stakeholder agencies working together to address crime and public safety in the community. The complex system includes city, county and other law enforcement agencies, prosecution, defense, court, corrections, coroner, human assistance, public health, mental health, alcohol / drug and other groups who respond to adult crime and juvenile delinquency. The agencies are statutorily charged with preventing, apprehending, trying, defending and punishing convicted offenders. These agencies process significant numbers of adult and juvenile criminal cases each year. Each stakeholder strives to make the most cost-effective use of allocated resources. Significant changes and policies implemented at each stage of the justice system can, however, adversely affect other stakeholder agencies as well as the overall operations of the justice system.

The budget reduction impacts stated at the Board of Supervisor Fiscal Year 2009-10 Proposed Budget Workshops by the District Attorney, Sheriff, Correctional Health and Jail Psychiatric, Public Defender, Conflict Criminal Defender, Probation, Coroner, Behavioral Health, Health and Human Services and Human Assistance will have significant and long-lasting negative effects on case processing decisions, workloads, and resources our criminal justice agencies can direct to community crime problems.

To better understand the fiscal impact of the reductions, information from a research study the Criminal Justice Cabinet (Cabinet) commissioned in 2000 has been summarized to provide your Board with system-wide estimates of how the lower budget allocations will affect workload and resource levels across our justice agencies. This reference study established a baseline for the Sacramento justice system, outlined system-wide characteristics, case processing decisions and enabled major justice system impacts to be determined based on historical data. The study was updated in 2003 and updated again for the purposes of responding your Board's inquiry during the Fiscal Year 2009-10 Proposed Budget Workshops.

In order to put the system-wide fiscal information into context, the following criminal justice workload data has also been included:

1. **Sacramento Crime Rates** – For the past several years, crime rates throughout California and in Sacramento County have been declining. The average reported crime rate per one hundred thousand in population in Sacramento County for the period 2001-2007 has gone down nine percent, however, the statewide average over the same period declined by 12.3 percent. Sacramento County's crime rate is also

nearly thirty-one percent higher than the reported crime rate throughout the State. Sacramento's reported crime rate has been higher than the state-wide rate since 1991. (*The California Crime Index includes homicides, forcible rape, robbery, aggravated assault, burglary, and motor vehicle theft.*)

2. **Adult and Juvenile Arrests** – The overall volume of adult and juvenile felony and misdemeanor arrests in Sacramento County has not changed significantly over the past fifteen years. Annually, about forty-nine thousand five hundred adults and seven thousand juveniles are arrested by local law enforcement agencies for felony and misdemeanor crimes. About one out of every three adult and juvenile arrests involves serious crimes of violence and weapons offenses or drug law violations.
3. **Drug Usage and Mental Health Issues** – Local research studies show that seventy percent or more of all adults booked into the County Jail are under the influence of drugs at the time of their arrest and booking. Approximately sixty percent of juveniles booked into the County Juvenile Hall also have one or more drugs in their system at the time of their arrest. System-wide, criminal justice agencies report that ten to fifteen percent of adult and juvenile offenders also have significant mental health issues.
4. **Workload Distribution** – Besides responding to high volumes of offenders, Sacramento criminal justice officials who are charged with the day-to-day response to crime are expected to exercise their own judgment within limits set by law. They must decide, for example, (a) whether to take action, (b) where the situation fits in the scheme of law, rules and precedent, and (c) which official response is appropriate. Discretion is exercised throughout the criminal justice system. Currently, about seventy percent of adult arrests are prosecuted by the District Attorney. Nearly seventy-nine percent of the prosecutions for felony and misdemeanor offenses result in a conviction and sentencing. The majority of defendants convicted (fifty-five percent) are placed under the supervision of the Probation Department while the remainder (forty-five percent) are fined or receive some other sanction. System-wide, the adult felony and misdemeanor dispositions in our criminal justice system have not changed significantly over the years. The case decision process and workload at each stage of the system has remained relatively constant.
5. **Other Agency Resources** – Past research in Sacramento County and throughout the State has demonstrated that most interventions and other supportive / rehabilitative programs (particularly those involved with addressing substance abuse and mental health needs of the adult and juvenile offender populations) pay for themselves and are cost-effective. The Sacramento criminal justice system, like most jurisdictions throughout the State, has not been able to financially support large numbers of these types of resources. Currently, there are extremely limited types of these programs and resources that serve local offenders. Cutting and reducing these types of programs will create a greater gap and will likely severely affect community crime rates. The Mental Health Court has already been defunded and disbanded through the loss of the Mentally Ill Offender Crime Reduction grant and budget reductions in Probation. This program showed a cost savings of \$93,717 in its first year through a reduction in jail bed days and an eighty-eight percent decrease in recidivism for program participants. If there is a loss of funding for the Proposition 36 program either from the county or in combination with state budget cuts, increased recidivism will occur due to the loss of Probation's ability to hold program participant's accountable by attending treatment and supervising drug tests.

There will not be any impact to the jail as this is a statutory sentencing option, however, it will be up to the treatment providers to provide oversight which could have an adverse affect on the program. If the Drug Court is closed due to Probation's budget cuts, increased recidivism will occur which has been a proven success of this program. In 2008, eighteen thousand fifty-one jail bed days were avoided by program participants that saved the system \$1,392,995.

Using the adult and juvenile decision process and case flow data from the prior System-wide Impact Study prepared for the Cabinet which has been updated through 2005–06 with agency resource expenditure information annually reported by stakeholder agencies to the California Attorney General's Office, estimated average individual and cumulative case processing costs the Sacramento justice system incurs through arrests, detention, prosecution, court adjudications, and sentencing for adults and delinquent youthful offenders was developed and summarized in the following Tables.

Sacramento County Adult Justice System Estimated Average Cost / Case / Defendant by Stage of Adult Justice System		
Primary Stages of Adult Criminal Justice System	Estimated Processing Cost Per Arrest / Case / Referral (2005–06)	Estimated Cumulative Processing Costs (2005–06)
Stage 1: Pre-adjudication Process Law Enforcement Adult Investigations & Arrests	\$5,955	\$5,955
Stage 2: Screening & Arraignment Process Pretrial Jail Booking & Incarceration Pretrial Services District Attorney	\$1,948 \$62 \$1,230	\$7,903 \$9,133
Stage 3: Court Adjudication Process Adult Criminal Court Public Defender / Indigent Legal Representation	\$3,160 \$1,144	\$12,293 \$13,437
Stage 4: Post-adjudication Process Probation Supervision Drug Court (Enhanced Program) Sheriff's Work Project Sheriff's Home Detention County Jail Commitment State Prison Commitment	\$1,198 \$6,890 \$622 \$7,025 \$9,065 \$46,746	\$14,635 \$20,327 \$15,257 \$22,282 \$24,322 \$60,183

Sacramento County Juvenile Justice System Estimated Average Cost / Case / Defendant by Stage of Juvenile System		
Primary Stages of Juvenile Justice System	Estimated Processing Cost Per Arrest / Case / Referral (2005–06)	Estimated Cumulative Processing Costs (2005–06)
Stage 1: Pre-adjudication Process Law Enforcement Investigations & Arrests	\$5,955	\$5,955
Stage 2: Risk Assessment & Screening Process Juvenile Intake & Court Investigations	\$841	\$6,796
Secure Detention	\$4,615	\$11,411
Prosecution	\$445	\$11,856
Stage 3: Court Adjudication Process Juvenile Court	\$1,664	\$13,520
Public Defender & Indigent Legal Representation	\$755	\$14,275
Stage 4: Post-adjudication Process Probation Supervision	\$2,219	\$16,494
Work Project	\$1,031	\$17,525
Local Commitment Facilities	\$9,573	\$26,067
Foster / Group Homes	\$79,847	\$96,341

Further budget reductions to the criminal justice system will adversely affect staffing and available programs needed to manage both the volume and nature of arrests that will need to be adjudicated and will continue to come to the attention of Sacramento’s adult and juvenile justice system. More importantly, law enforcement arrest statistics indicate twenty-five percent of adult arrests come from the Sheriff’s Department and the remaining seventy-five percent come from local and other law enforcement agencies. This means the District Attorney, Public Defender, Conflict Criminal Defender and Probation are handling the entire caseload from all agencies. By reducing these budgets, the net effect is putting greater risk to their ability to respond to crime, thereby affecting a larger segment of the population that does not live within the county unincorporated area. This will create an ongoing negative impact on communities, neighborhoods and businesses throughout Sacramento County.

Below is another summary chart showing areas where justice costs might be saved and negative impacts / cost increases to the system will likely occur because of the proposed reductions of the County departments:

Department Facing Reduction	Consequences	Savings To System	Negative Impacts/Cost Increases To System	Who Is Affected
Sheriff	Reduced number of officers available to patrol unincorporated area, respond to crimes, reduced number of detectives available for investigations, reduced number of support staff	Fewer arrests will be made thereby resulting in fewer cases being sent to the DA's Office for prosecution also resulting in fewer cases for the Public Defender and the Conflict Criminal Defender to defend; reduced criminal cases in court resulting in less congested court calendars and fewer hearings, prelims, and jury trials	Increased crime to the public, delays in identifying and apprehending criminals, loss of economic revenue to businesses, unsafe community, reduced public safety	DA, PD, CCD, Probation, Adult and Juvenile Court, citizens of the community
Correctional Health and Jail Psychiatric	Processing of inmates will take four or more hours, taking officers off the street and reducing arrests	Fewer arrests will be made thereby resulting in fewer cases being sent to the District Attorney's Office for prosecution also resulting in fewer cases for the Public Defender and the Conflict Criminal Defender to defend; reduced criminal cases in court resulting in less congested court calendars and fewer hearings, prelims, and jury trials	May have to pay law enforcement officers overtime for delay in processing offenders in jail. May have increased litigation due to lack of access to medical care	SSD, DA, PD, CCD, Probation, other law enforcement agencies, County (law suits), citizens of the community
District Attorney	Units will be eliminated and other units will be reduced. Caseloads from the eliminated units will be shifted to existing units. Attorney caseloads will increase by fifty percent. Reduced crime lab assistance resulting in delays in case processing. Certain categories of crimes may not be prosecuted at all.	Higher attorney caseloads may result in fewer cases being able to be prosecuted. This results in fewer cases for the Public Defender and the Conflict Criminal Defender, reduced criminal cases in court resulting in less congested court calendars and fewer hearings, prelims, and jury trials	Constitutional rights of victims and defendants will not be met; statutory mandate to file cases may not be met resulting in dismissals; may not be able to meet ethical responsibilities; delays in court calendars, increased workload for PD and CCD due to delays in being able to not handle larger caseloads; increased jail population or release of criminals	PD, CCD, SSD, other law enforcement agencies, Adult and Juvenile Court, citizens of the community

Department Facing Reduction	Consequences	Savings To System	Negative Impacts/Cost Increases To System	Who Is Affected
Public Defender	Will be forced to overload cases to CCD because they will not be able to meet standards of providing effective defense for clients; will not be able to handle conservatorships, probate, forced medical, and contempt cases. Increased caseloads due to decreased staffing will cause delays in adjudicating cases.	None	Will not be able to provide their constitutional mandate of providing counsel to indigent defendants. When cases are overloaded to CCD, if they are not able to handle overload because of 71J contract issues, defendants will then be appointed private counsel by the court which is more expensive and there will not be the accountability and controls in place. Delays in adjudicating cases will result in congested court calendars.	DA, CCD, Adult and Juvenile Court, citizens of the community
Conflict Criminal Defender	If they cannot take on overload case, PD will have bigger caseload or cases will get assigned private counsel by court at a higher cost.	None	Court will appoint attorneys, investigators and experts to provide representation, which could cost the same or higher than county hourly rates, which the county must pay; administrative and fiscal oversight and accountability provided by CCD will not be present; attorneys and vendor claims not paid may file claims against the county which could result in litigation for counties failure to pay; private attorneys may request to be relieved from continuing representation from on-going cases causing court delays; investigators, experts and vendors may refuse to accept assignments on new cases	DA, PD, Adult and Juvenile Court, citizens of the community
Probation	No longer will be able to participate in Neighborhood Accountability Boards, closure of juvenile work project, no participation in Prop 36 drug diversion program, elimination of adult Drug Court, investigative reports for the court may not be prepared in time, minimal processing of juvenile offenders issued citations, Adult Field Services operations will be significantly reduced, Juvenile Field Operations will only be able to supervise high risk offenders, reduction in administration and IT, closure of Warren E. Thornton Youth Center (WETYC), closure of Boys Ranch	None	Virtually abolishes supervision of adult offenders, eliminates community supervision of all but high risk juvenile offenders, eliminates all county commitment facilities/residential treatment options for juveniles in Sacramento, extremely detrimental to the youth detention facility suitability plan imposed by the Corrections Standard Authority, high liability for litigation related to overcrowding and conditions of confinement, Reduction in processing of court reports will cause delays in prosecuting and defending cases, which will increase costs. No Prop 36 and Drug Court participation will result in more cases being added to prosecution and defense caseloads instead of being diverted out of the system/being resolved. Elimination of Boys ranch and WETYC will cause overcrowding at Youth Detention Facility resulting in the release of juvenile defendants.	DA, PD, CCD, SSD, other law enforcement agencies, Adult and Juvenile Court, citizens of the community

Department Facing Reduction	Consequences	Savings To System	Negative Impacts/Cost Increases To System	Who Is Affected
Coroner	<p>Their response time to pick up dead bodies could be ten hours or longer; death notifications to families will have to be done over the phone instead of in person; law enforcement and fire personnel will have to wait at the scene for deputy coroner to respond; will not meet legal mandate of filing death certificates, will have to perform fewer homicide autopsies - child death cases will take priority</p>	None	<p>Delays in getting information to DA and Law Enforcement to complete cases, resulting in delays in solving and filing cases. Delays to families in death notification; increased cost to law enforcement and fire agencies to pay for them waiting on scene until deputy coroner arrives; less homicide autopsies will result in cases not being solved or filed.</p>	<p>DA, PD, CCD, SSD, other law enforcement agencies, fire agencies, citizens of the community</p>
Behavioral Health	<p>Members receiving mental health treatment will no longer be served; alcohol and drug services will be reduced; public guardian will move LPS conservatees from locked facilities to board and care facilities with increased risk of serious injury to self and others; insufficient staff to safeguard conservatees' and decedents' real property</p>	None	<p>Members that do not receive their medication or support services will impact the system through additional arrests, contact with law enforcement, increased jail stays, increased jail medical costs, potential suicides in jail; increased costs for increased stays at the Mental Health Treatment Center; responsibility for providing or accessing acute psychiatric care will be placed on law enforcement, court system, jail system, emergency rooms, public guardian, community partners at increased costs.</p> <p>AOD reductions could lead to increased arrests/recidivism, increased jail time, increased court cases.</p> <p>LPS conservatees in board and care homes may result in increased calls to law enforcement for assaults on others, increased jail time, and increased cases to DA and PD. Potential for theft of real property resulting in additional calls to law enforcement, increased case loads for theft cases, arrests, DA and PD cases.</p>	<p>DA, PD, CCD, SSD, other law enforcement agencies, Adult and Juvenile Court, hospitals, citizens of the community</p>

Department Facing Reduction	Consequences	Savings To System	Negative Impacts/Cost Increases To System	Who Is Affected
Health and Human Services – Adult Protective Services	Elimination of investigations of financial abuse to senior and dependent adults who are victims of financial abuse and scams	Less cases will be referred to the DA for prosecution resulting in fewer cases for DA, PD and CCD	Loss of financial recovery to victims, no consequences for offenders	DA, PD, CCD, citizens of the community
Health and Human Services – Juvenile Medical Systems	Elimination of daily nurse sick call and nursing assessments prior to juvenile booking, reduction in physician care, delay in medical attention as a result of incidents	None	Decrease in the timeliness of medical services provided to detained juveniles will result in higher percentage of patients sent out to emergency rooms for medical care at a higher cost, placing the lives and safety of incarcerated juveniles at risk, may result in the County falling below the mandated level of care and create the potential for litigation, increase to court calendars for hearings related to juvenile medical care	PD, Probation, County (lawsuits), Court, citizens of the community
Human Assistance	Elimination or reduction of services to needy and homeless may result in increased crime	None	Increased crime to public, additional cases to SSD and other law enforcement agencies, DA, PD, CCD, Probation, increased homeless people taken to jail for crimes	DA, PD, CCD, SSD, other law enforcement agencies, Probation, Adult and Juvenile Court, citizens of the community

As evidenced by the negative impacts stated above, reductions to any or all of the departments that are stakeholders in the criminal justice system will create ongoing significant adverse operational affects across the entire system. Costs will increase, cases adjudicated in the system will take longer, crime will increase and the citizens of Sacramento County and community at large will suffer. Without sufficient funding, it will take many, many years to restore the gains that have been achieved that have resulted in the nine percent decrease in the overall crime rate. The overall effects of these budget reductions will be felt for many years.