

2003-2004 SANTA CLARA COUNTY CIVIL GRAND JURY

IMPACT OF DRUG OFFENDER DIVERSION ON JAIL COSTS

Summary

In November 2000, California voters approved Proposition 36 that requires courts to refer some drug abusers to treatment programs rather than sending them to jail. This diversion reduced the jail population in the County of Santa Clara (County), which should have reduced the funding required for the County Department of Correction (DOC). However, while the jail population has declined substantially, DOC expenditures have continued to increase, primarily because staffing has not been reduced proportionately.

Background and Discussion

The Santa Clara County Civil Grand Jury (Grand Jury) reviewed information supplied by the County Department of Alcohol and other Drug Services (DADS) that the diversion, starting in 2001, of would-be inmates into substance abuse treatment should cause a substantial reduction in the need for beds and in the budgets at the County jails. However, such a budget reduction has not occurred. According to the DADS document:

“There had been a significant reduction in utilization of jail beds over the past few years without a reduction in staffing and funding for the DOC. If these empty beds, which appear to be fully funded, could be eliminated, with entire housing units at both the Main Jail and Elmwood closed and the full costs eliminated, substantial County General Fund money could be redirected to offset reductions in high priority areas.

“In FY 99, DOC had an average daily population of about 4,800 inmates and a staff of 1,108 [full-time equivalent staff (FTE)]. In FY 04, DOC had an average daily population of about 3,800 inmates and a staff of 1,094.5 (FTE).

“A comparison shows that although approximately 1,000 jail beds, about 20%, were emptied, the staff was only reduced 13.5 FTE or about 1%. If the costs of the 1,000 beds were to be eliminated from the budget (\$125 million in FY 04), about \$25 million could be saved.”

The Grand Jury sought additional information to substantiate these statements. County figures show that on average about 2,200 arrestees annually (a large percentage of those arrested for drug offenses) now enter treatment instead of jail or state prisons (for longer sentences). DOC

expenditures have increased, from \$101 million in fiscal year 1998, to \$116 million in 2001 and \$131 million in 2004 (fourth-quarter projection). Staffing has remained nearly constant for the past six years while the jail population has declined by 750 or more inmates, to around 4,000. Thus, the main assertions in the DADS report would appear to be correct.

At the same time, overtime expense at the jails rose from \$7.4 million in fiscal year 1998 to \$10.7 million in 2001, declining to \$9 million in 2003. Starting in March 2003, average overtime hours have fallen by about 50% from 2001, cutting the overtime expense for fiscal year 2004 to a projected \$5.4 million. This effective decline in staffing via reduced overtime only partially compensates for the much larger reductions in jail population.

A 1994 seminal state study showed a savings of at least seven dollars in societal costs for every dollar spent on treatment. Including probation monitoring, Proposition 36 substance abuse treatment in this County varies between \$2,000 and \$7,500 per offender annually, depending on individual needs. The cost to keep an offender in jail averages \$32,000 per year, with a wide variation in the cost for maximum and minimum security inmates. Thus, depending on the length and security level of the jail sentence avoided, the County could easily be experiencing savings in line with the state figures, but only if DOC cuts expenses.

The jail population figures already include additional inmates due to renting jail capacity to other agencies. At the moment, the County has rented up to 200 beds to federal and state agencies, including 50 to Homeland Security. It plans to rent 172 more to the State for a State prison parole violators program. The County charges between \$18,000 and \$32,000 per inmate per year, depending on the security level. This rental policy makes effective use of the existing facilities as long as the price charged covers the County's incremental costs and recovers at least all overhead that otherwise could have been eliminated. The revenue received does preserve some County jobs, but that does not obviate the need to reduce staff size to a level appropriate to the number of combined County and contracted inmates, well below the past jail population.

The Grand Jury did not estimate the total savings that could result from the reduced jail population since some expenses do not decrease proportionately with the size of the jail population. However, since the majority of the DOC budget is due to the expense associated with DOC personnel, the savings should be substantially proportional to the population reduction.

Finding I

There has been a reduction in total jail inmate population in the County since Proposition 36 was passed. However, there has been virtually no decrease in jail staffing and little corresponding savings.

Recommendation I

An independent financial and operational audit should be made of the Department of Correction to determine the savings that could be achieved due to the reduced inmate population.

PASSED and **ADOPTED** by the Santa Clara County Civil Grand Jury on this 8th day of June 2004.

Richard H. Woodward
Foreperson

References

Documents

“Controlling Cocaine,” Rand Corporation, 1994.

County Substance Abuse and Crime Prevention Act Annual Report, July 1, 2001 - June 30, 2002.

DOC Fiscal FAQ Report, May 25, 2004.

Fax from County DADS, January 22, 2004.

“Report on Capacity and Security Levels within the Facilities at the Department of Correction,” County Office of Budget & Analysis, January 21, 2004.

State of California Department of Alcohol and Drug Programs, Evaluating Recovery Services: The California Drug and Alcohol Treatment Assessment (CALDATA) General Report, April 1994.

Summary of the Substance Abuse and Crime Prevention Act Annual Statistical Report Fiscal Year 2002-2003.

Interviews

Classification and Programs Unit Commander, County DOC, March 25, 2004.

County DADS Director and DADS Research Institute Director, March 9, 2004.

County Executive and two Deputy County Executives, February 3, 2004.