

# Sacramento County Community Review Commission Ad Hoc Committee Report

Jail Releases

Submitted for Consideration

May 30, 2023

## Jail Releases Ad Hoc Committee

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## Executive Summary

After a review of current operations and comparative counties, the Ad Hoc Committee recommends the Sacramento County Sheriff's Office develop and/or refine policies and procedures regarding (1) the timing of releases, (2) medications provided upon release, (3) clothing options provided upon release, (4) short-term housing options provided upon release, and (5) transportation options provided or otherwise made available to released persons.

## Analysis & Findings

### History & Background

The key question for this ad hoc committee was how the CRC could provide the Board of Supervisors with a meaningful supplement to the reports the Board already receives from subject matter experts. The Board already receives reports and opinions from subject matter experts working both independently and within working groups. Thus, the question became, "What can *we* do?"

The Committee also received numerous anecdotal accounts from stakeholder groups and community people about the conditions of release for persons leaving the Sacramento County Jail. These persons described dire stories of persons released in unsafe conditions, including:

- Numerous accounts of persons released between 1 am and 4 am without adequate clothing or transportation options;
- Accounts of persons being released without psychotropic medication they had been receiving while in custody;
- Accounts of persons released and left to wander the Downtown area due to the lack of transportation.

The ad hoc committee chose to focus solely on potential best practices in discharging people from confinement. While the Board receives a host of information regarding the big picture of jail population reduction, the reports do not always specifically examine daily or "micro-level" practices connected with releasing persons. The ad hoc committee hypothesized that basic needs should be at the top of the list. This includes policies and procedures describing release timing, medication upon release, transportation upon release, short-term housing options, and clothing needs. It is believed that implementing strategies targeted on the functional basics of release procedures, the county could help set up released persons for success and stifle re-arrest cycles. Because the County, SSO, inter-connected agencies, and stakeholder groups are all currently working on discharge planning, the

Committee will respectfully review these more “daily” issues rather than the broad subject of “discharge planning.”

### Issues Presented

What are the best practices that should go into the actual release of a person for incarceration, including: time of day, medication supplies, clothing assistance, housing assistance, and transportation needs?

### Methodology

The ad hoc committee began its work by discussing the issues presented by the booking loop in general. From there, the committee reached out to subject matter experts both in committee meetings and as individual commissioners. Commissioners individually discussed the issues with stakeholder group leaders, law enforcement leaders and professionals, and subject matter experts in the field. These conversations informed and helped refine the issue presented by this report. The Committee also reviewed the O’Connell Sacramento Jail Study and the December 2022 Jail Population Reduction Plans.

After taking in the data, listening to the community stakeholders, and assessing how to Committee can *actually* provide actionable recommendations that are still going unaddressed, the Committee chose to examine policies that relate to the following services upon release:

- Timing of releases;
- Location of releases;
- Access to services at time and location of release;
- Medications provided upon release; and
- Transportation options provided upon release.

The Committee then identified potential comparison counties. These included Fresno, Santa Clara, San Bernardino, and Alameda Counties.

The Committee members then split up the work for the identified comparison counties and attempted to learn each county’s discharge practices. The results of the comparative analysis failed to address the concerns previously identified, so the committee looked for out-of-state examples.

This report uses several abbreviations readers are likely already familiar with:

- SSO refers to the Sacramento County Sheriff’s Office.
- SD refers to a sheriff’s department.
- LEA / LEO refers to law enforcement agency / officer.

- ACH refers to Sacramento County's Department of Health Services. Adult Correctional Health Division.
- SMI refers to a serious mental illness.
- CBO refers to Community Based Organization.
- The County refers to the County of Sacramento.
- The Committee refers to this ad hoc committee.

## Sacramento County Release Operations

### A. Relevant Intersections with the Mays Consent Decree and County Jail Population Reduction Plans

The *Mays Consent Decree* [hereinafter, the Decree] resolved class action litigation stemming from confinement conditions in the Sacramento County Jail System. The Decree requires the county to provide constitutionally adequate care and confinement conditions to inmates. It applies to both the Main Jail and the Rio Cosumnes Correction Center. It is monitored by a group of attorneys known collectively as "Class Counsel" as well as subject-matter experts in mental health care, medical care, and suicide prevention. The monitors inspect the jails and provide reports every six months to a federal court overseeing the Decree.

According to the O'Connell Sacramento Jail Study, there are **six overarching themes** that drive incarceration in Sacramento:

- 95% of the average daily population are charged or convicted of felony offenses;
- 75% of the average daily population is held in pretrial detention
- Most stays are short—55% are less than 3 days, 20% less than 1 day;
- Stark racial disparities;
- Behavior Health conditions; and
- Readmission.

On December 8, 2022, the Board of Supervisors approved the County's Jail Population Reduction Plans to help address the needs of the Decree. Several of the reduction plans relate directly to the subject of this report.

Specifically:

- Plan 9: Booking Memos and Advisories;
- Plan 12: The development of an Integrated Resource Center;
- Plan 27: Improve connections to services and resources prior to and during jail discharge processes;
- Plan 28: Sheriff's Reentry Services;

Other plans will indirectly impact the booking loop, such as plans that reduce incarceration for technical violations:

- Plan 8: Assisted Outpatient Treatment (AOT / Laura's Law);
- Plan 10: Commit to Partnerships with other LEA's within County to explore use of alternative booking sites for quick releases;
- Plan 11: Enhance citation and field release protocols;
- Plan 14: Establish team dedicated to risk assessments and screening protocols;
- Plan 15: Expand capacity for pretrial monitoring services provided by the Probation Department;
- Plan 16: Expand pretrial screening and support services provided by Indigent Defense;
- Plan 17: Expand Adult Day Reporting Center location and/or other jail alternatives;
- Plan 24: Implement an automated court reminder system;
- Plan 25: Expand warrant diversion efforts; and
- Plan 29: Forensic Full Service Partnership

Relevant for this report is the general recommendation for a "release playbook." (O'Connell, at p. 75.) The Sacramento Jail Study recommends a playbook for persons released from custody that reflects needs that most released persons might have, including mental health needs, housing stabilization, substance use treatment, and the similar options.

#### B. Summary of Release Operations in Sacramento County

##### *Records Reviewed*

The Committee reviewed (1) SSO Operation Order, Releases (4-09), a chart obtained by County staff describing the timing of releases in 2022, (2) a BSCC Jail Profile Survey entitled "Late-Night Release Information," (3) Filing of Sixth County Status Report Pursuant to Paragraph 12 of the Consent Decree for Case No. 2:18-cv-02081 TLN KJN, submitted to Hon. Kendall J. Newman of the United States District Court, Eastern District of California, Sacramento Division by County attorneys, (4) those reports that are accessible on the Sacramento Sheriff's Office public-facing webpage, (4) a memo dated January 23, 2023 to SSO Release Officers, and (5) a memo dated May 19, 2023 to SSO Release Officers.

In obtaining records, the Committee also worked with County staff and SSO officials to secure copies of relevant orders, policies, and procedures.

## *Summary of Findings*

**Timing:** County staff worked with the SSO to obtain data on the timing of releases. The data indicates that a large amount of releases are occurring at a times where it access to necessary services is difficult. Only **52%** of all releases in 2022 occurred between “business hours” of 6 am to 5 pm.

Unfortunately, **27%** of all releases in 2022 occurred between 11 pm and 6 am. That is **6,778 persons** released to the streets, overnight, an average **565 persons** a month. This is more than double the percentages of similar releases in counties examined in the BSCC JPS Survey. For instance, the Survey found that in September 2021, Alameda has **12%** of its releases occur in the same hour. Contra Costa had **7%** of its releases in this hour.

SSO reported all time-served persons are processed and released in the morning between 6 am and 12 pm. Internal research on releases during a six-month period found that a majority of after-hours releases occur as a result of afternoon and night court sessions. Individuals charged with offenses related to public intoxication and driving under the influence may also be released during late hours; SSO estimates this impacts between six and eight persons per month.

Since the beginning of this report, SSO has amended its late night release policy to limit late night releases that occur between midnight and 6 am. Specifically, unless required to be released by court order or similar, no late night releases will occur going forward as a general rule. Where a released person has secured transportation they may be released. For persons where release is required to occur, they will be given the option to wait until 6 am until being released. Released persons will also be advised to use a free telephone in the booking area. Notably, the memo requires night shift officers to release persons who do elect to stay, seemingly ensuring that these persons do not remain within the jail long past 6 am.

**Medications:** According to the Sixth County Status Report, sentenced and court-ordered persons are released with a 30-day supply of essential medication. As of January 2023, ACH reported that discharge medications were provided to approximately 70% of eligible sentenced and court-ordered patients upon release. ACH staff are coordinating with SSO to obtain more accurate lists of potential release candidates in order to increase medications delivered at release. Persons who are released from jail facilities whose cases have not yet been resolved may obtain a prescription for a 30-day supply of medication at the County Primary Care Pharmacy. ACH reports that less than five percent of patients pick up their medications from the Primary Care Pharmacy. ACH began piloting a discharge medication program for

individuals pending full case resolution in January 2023. The pilot initially included patients with SMI and comorbid diseases and was expanded to include patients with Type I Diabetes, Hepatitis C, HIV, and patients receiving antibiotics.

**Clothing:** The Operation Order, Releases does not require the releasing officers to ensure the individual has adequate and weather-appropriate clothing.

**Housing:** The Operation Order, Releases does not require the releasing officers to ensure the individual has a short-term housing plan.

**Transportation:** The Operation Order, Releases does not require the releasing officers to ensure the individual has transportation.

### In-State Comparisons

In many respects, the comparison counties are in similar situations as Sacramento—subject to lawsuits and in a state of development and change.

#### A. Fresno County

##### *Records Reviewed*

Commissioners reviewed the Policies and Procedures made available to the public on the Fresno County Sheriff's Department website, including the 2022 Inmate Orientation Handbook and "Fresno County Sheriff's Office, Jail Division Policies and Procedures, No. C-210, Inmate Release from Custody."

In *Cruz v. County of Fresno*, case number, 1:93-cv-05070 began in March of 1993. In the past thirty years, it resulted in numerous orders, updates, and consent decrees. It is still technically "open" because of a permanent injunction against the Fresno County Jail.

##### *Summary of Findings*

**Timing:** According to the Inmate Handbook, releases occur between **8 am and 10 am**. Individuals have access to make free phone calls from a pre-release area.

**Medications:** Fresno SD provides a minimum 7-day supply of essential medications, including psychiatric medications, fillable at a nearby pharmacy.

**Clothing:** No information on clothing could be obtained.

**Housing:** There is no indication that Fresno SD provides or aids in obtaining short term emergency housing for released person.



**Transportation:** There is no indication that Fresno SD provides or aids in obtaining transportation for released person.

## B. San Bernardino County

### *Records Reviewed*

The committee obtained the 2018 San Bernardino Remedial Plan connected to federal litigation (*Briggs*) as well as the San Bernardino Master Sheriff Manual.

### *Summary of Findings*

In *Briggs et al v. County of San Bernardino et al*, case number 5:18-cv-00355, plaintiffs alleged that San Bernardino County jails violated the constitutional rights of confined persons by subjecting them to inhumane conditions, inadequate medical care, and excessive force by staff. In 2020, the county entered into a settlement which created a remedial plan to address the issues raised in the lawsuit. The committee obtained and reviewed a copy of the remedial plan. It includes several measures aimed at improving conditions in the county's jails, such as:

- Improving medical and mental health care: The county agreed to implement several measures to improve the quality of medical and mental health care provided to inmates, including increasing staffing levels, improving the process for providing medication, and providing more comprehensive mental health services.
- Addressing overcrowding: The county agreed to reduce overcrowding in its jails by implementing various measures, such as increasing the use of electronic monitoring and home confinement for low-risk offenders and expanding alternatives to incarceration programs.
- Improving use of force policies: The county agreed to revise its use of force policies and provide additional training to correctional staff to reduce the use of force and ensure that any use of force is necessary and proportional to the threat posed.
- Enhancing staff training and supervision: The county agreed to provide additional training to correctional staff on various topics, such as mental health, de-escalation, and crisis intervention. The county also agreed to improve its system for monitoring and disciplining staff who engage in misconduct.

The remedial plan is subject to ongoing oversight by the court and the parties to the lawsuit to ensure that the county is complying with its obligations under the settlement agreement.

The committee then reached out to plaintiff's counsel in *Briggs* and inquired about discharge planning. The most recent information provided requires the following to be done by the San Bernardino County Sheriff's Department:

- SBCSD shall ensure that SMI inmates in specialized mental health units prescribed psychiatric medications have access to transitional prescription(s) immediately upon release from jail.
- Inmates with SMI on specialized mental health units will receive enhanced discharge planning as defined by policy and include at a minimum documented assistance with housing, individualized treatment plan driven after care appointments and services, health insurance applications, other benefit services and hospitalization, if clinically indicated via a 5150.
- Inmates on the mental health caseload in general population shall receive an initial discharge needs assessment and plan at the time of their initial comprehensive assessment. All community resources shall be listed in the inmate orientation materials on the electronic kiosks so that all inmates can determine which services they wish to access. Inmates should be informed via orientation materials that they can request assistance from a social worker through the normal request for service process should they need additional advice regarding discharge preparations.

Specific details on releases could not be obtained.

### C. Santa Clara County

#### *Records reviewed:*

The committee reviewed the remedial plan stemming from federal litigation and relevant updates. The Committee also obtained the Santa Clara Department of Corrections Manual and Inmate Rulebook. The Committee also reviewed the resources provided by the Diversion and Reentry Services for the County of Santa Clara and spoke with staff therein.

#### *Summary of Findings:*

Santa Clara County is subject to a number of lawsuits relating to treatment of confined persons in its jails, including *Plata v. County of Santa Clara*. In *Plata*, was filed in 2012 and alleged that the conditions in the county's jails violated the constitutional rights of inmates. In 2015, the court issued an order finding that the county's jails were overcrowded and ordered the county to implement a remedial plan to address these issues. As relevant to this committee's report, the settlement includes provisions related to discharge planning for inmates leaving the Santa Clara County jails.

Under the terms of the settlement, the county is required to provide discharge planning services to inmates who have been identified as having an SMI or a serious medical condition. The discharge planning services are designed to help these inmates transition from jail back into the community and to ensure that they have access to appropriate medical and mental health care upon their release.

The discharge planning services may include developing a post-release plan, arranging for follow-up medical or mental health appointments, providing medications, and coordinating with community providers to ensure continuity of care. The county is also required to provide discharge planning services to inmates who are homeless or at risk of becoming homeless upon release.

- **Reentry Planning:** The Santa Clara County Sheriff's Office has a Reentry Services Unit that works with individuals to develop a plan for reentry into the community. The unit provides information and referrals to a range of services, including employment and training programs, housing assistance, and substance abuse treatment.
- **Medical and Mental Health Care:** Santa Clara Valley Medical Center provides medical and mental health care services to individuals who are released from custody and who have identified health care needs. These services may include follow-up care, medication management, and referrals to community providers.
- **Housing Assistance:** The county provides a range of housing assistance services to individuals who are released from custody and who are homeless or at risk of becoming homeless. These services may include rental assistance, temporary shelter, and supportive housing programs.
- **Employment and Training Programs:** The county offers employment and training programs to help individuals transition back into the community and obtain employment. These programs may include job placement services, vocational training, and educational programs.
- **Substance Abuse Treatment:** The county provides a range of substance abuse treatment services, including detoxification, residential treatment, and outpatient treatment programs, to individuals who are released from custody and who have substance abuse issues.

With that background in mind, the Committee recognized that many of the areas it wished to examine were likely in flux. Thus, the below summary should be considered provisional-only.

**Timing:** Per the Inmate Handbook, persons are “released after 8 am on the morning of your release.”

**Medications:** Santa Clara County does provide medication refills to eligible inmates upon their release from custody. To be eligible for medication refills, inmates must have a verified prescription from a Santa Clara Valley Medical Center (SCVMC) provider and must meet certain other criteria, such as having a verified destination and being released during SCVMC's normal operating hours. Inmates who are eligible for medication refills will receive a 30-day supply of their medication upon their release.

**Clothing:** No information could be obtained.

**Housing:** Santa Clara County does provide some housing assistance programs for eligible individuals upon their release from custody, but it's unclear whether the county provides specific housing vouchers for inmates.

One program that the county offers is the Community Re-Entry Services (CRES) program, which provides transitional housing assistance and other supportive services to eligible individuals who are re-entering the community after incarceration. The program is designed to help individuals secure stable housing, employment, and other services to support successful reentry and reduce recidivism.

**Transportation:** Santa Clara County provides eligible inmates with a one-way bus pass upon their release from custody. The bus pass is provided to eligible inmates at no cost and is valid for travel on VTA (Santa Clara Valley Transportation Authority) buses and light rail lines. To be eligible for a bus pass, inmates must meet certain criteria, such as having a verified destination and being released during the VTA's normal operating hours. Inmates who are not eligible for a bus pass may be provided with information about other transportation options, such as ride-sharing services or taxi vouchers, depending on their circumstances.

The bus tokens are provided by a number of different organizations and entities. The Santa Clara County Sheriff's Office provides some as do Community Based Organizations partnering with the sheriff. At two locations, a CBO sets up a table for released persons and provides them these tokens, daily.

#### D. Alameda County

##### *Records Reviewed*

The Committee had identified Alameda County as another potential comparison. Committee members spoke with law enforcement officials

within the Alameda County Sheriff's Office and utilized a questionnaire to obtain similar information. Unfortunately, written policies could not be obtained before completion of this report.

### *Summary of Findings*

**Timing:** Releases occur at the Santa Rita Jail. Nothing is in place to prevent a late night release.

**Medication:** This information could not be obtained.

**Clothing:** No clothing is provided. Release deputies will utilize a Community Based Organization to provide clothing should a released person request it.

**Housing:** There does not appear to be an official policy on housing, although it seems likely that the Alameda County Sheriff's Office is exploring CBO partnerships to deliver housing-related information. For instance, "Roots" maintains a large trailer in the jail parking lot to assist with re-entry services. These services include a ride to the BART station, food, water, and information on housing, employment, and other services.

**Transportation:** The Alameda County Sheriff's Office provides indigent released inmates (defined as those persons with less than \$6.90 on their "books") with a \$2 bus pass upon release. Released persons with less than \$1.90 are provided both a bus pass and a BART ticket worth \$6.90.

## E. Other Comparisons

### *Records Reviewed*

The Committee also reviewed data from the Board of State and Community Corrections (BSCC). BSCC regularly obtains self-reported data from carceral institutions. One such data service is the **Jail Profile Survey**, which include information such as **Late-Night Release Data**, a population trends dashboard, and a **Jail Population Trends Report**, dated March 27, 2023. At the time of writing this report, the survey query tool was having technical issues. Nevertheless, the Committee did obtain and review relevant results reports, including one on Late-Night Release Date (LNR Report).

### *Summary of Findings*

The LNR Report provided numerous helpful data points. For instance:

- Butte County schedules releases to occur between 8 am and 10 am, daily. The County maintains a 24 hour-a-day accessible lobby equipped with a cell phone charging station. Individuals are offered a bus pass upon return.
- Contra Costa County releases persons from three locations. Releases occur during hours when public transportation is in operation unless

the individual has secured their own transportation. Persons released from the “Marsh Creek Detention Facility” are driven to a local public transportation terminal.

- Riverside County processes releases between 6 am and 6 pm. Regardless of hour, individuals are offered transportation. The County maintains a public lobby accessible 24 hour a day.
- San Joaquin County does not release individuals between midnight and daylight unless there is a vehicle waiting for them. The County operates a 24-hour lobby to notify the released person that transportation has arrived.
- Santa Cruz County does not release female persons during late-night hours when avoidable or transportation is not available. The sheriff has an agreement with a third-party agency to provide short-term emergency housing, transportation, and other services to female persons released from custody.

### ATIMS – Data Collaboration Between Criminal Justice Partners

During this term of the Commission, the SSO released a new inmate management system, “ATIMS.” This management system was designed to streamline releases and better aid SSO’s response to critical needs of confined persons. Unfortunately, the system went “live” and the other justice partners were unprepared. Internal systems within the Sacramento Superior Court failed to communicate with the SSO system. This led to community complaints regarding the late release of inmates, sometimes for a day or more based on anecdotal accounts heard in public meetings. While these type of late releases present unnecessary financial costs for the county, they also carry a moral cost. When learning of the problems, many commissioners were outraged by the idea of keeping people incarcerated longer than their sentence or beyond a pretrial release order.

Since learning of the issue, the Commission was apprised of the remedial efforts made by the criminal justice partners and their technology departments. The partners are to be commended for rapid escalation and prioritization of the issue. That said, problems like these should not happen in the future and could be easily avoided with proper communication between the criminal justice partners. The Committee believes that it can be a resource to the criminal justice partners by being a “notice board” of sorts. Specifically, had the ATIMS program been discussed in a public meeting with the Commission before deployment, commissioners (which include lawyers, judges, community leaders, and law enforcement professionals) would more than likely have asked what coordination was being done between agencies.

It appears to this Committee that by working in isolation, likely for expedience, the SSO also isolated itself from critical feedback and expertise.

## Considerations & Recommendations Relating to the Sheriff's Office

Not all of the areas examined result in a specific recommendation. Nevertheless, for consistency, each area is discussed below. The Committee respectfully puts forward the following recommendations to improve a recently released person's transition out of confinement<sup>1</sup>. The Inspector General should work with the SSO in order to accomplish the intent of the various specified recommendations.

**Timing:** Jail releases should *rarely* occur during the hours of 11 pm and 6 am. The Sacramento Sheriff's Office should amend policy to make sure that releases in this time slot are an exception. Additionally, SSO should coordinate efforts with County criminal justice partners, including the County's Public Safety and Justice Agency and Sacramento County Superior Court, to determine the feasibility of adjusting arraignment calendars to reduce the likelihood of late-night releases for individuals with cases pending resolution.

Notably, Sheriff Cooper and his administration are taking efforts to reduce late night releases, as demonstrated by the two memos in 2023. However, the Committee is concerned that the policies outlined may end up backfiring, a worry also contemplated in the May 2023 memorandum. Specifically, it is conceivable that persons may end up spending more time than necessary in the county jail. This issue will require close monitoring to ensure late night releases do not subvert the Sheriff's laudable goal.

**Limitations:** A further note should be made regarding the other factors at play with release timing. Internal data from the SSO suggests that the high share of late releases is due to the hour of arraignment court. If this is accurate, then a large share of 11p-6a releases must be persons arraigned earlier that day (or the day prior) and ordered released. If this is true, then it raises collateral concerns previously brought to the Commission's awareness. Specifically, the county bail schedule, arrest decisions, and filing decisions.

In examining the intersection of these justice partners, the Board must keep in mind a couple of facts. One, that arraignment is supposed to occur within

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<sup>1</sup> On May 30, 2023, the Community Review Commission voted whether to accept each of the Committee's recommendations. All recommendations were accepted.

two days of arrest for a person held in custody. We shall call this event an “in-custody arraignment.” Persons arrested and released with a citation to appear need not be arraigned for quite some time. Often, weeks or a month beyond the date the officer issued a citation.

Second, a person held in custody for an in-custody arraignment is someone the officer determined is a public safety risk in some vein. As the Board knows, the officer does this through the chosen arrest reason.

Third, once in custody, the person can post bail before that arraignment. And this is where the county wide bail schedule comes into play. Currently, the county wide bail schedule has a substantial jump between misdemeanors and felonies in the bond amounts necessary to post bail and secure release.

Fourth, while being held for arraignment, the DA then prepares a complaint for filing. The DA prioritizes complaints for in-custody persons to comply with due process. At this stage, the DA makes the actual filing decision that will be the subject of the arraignment for most offenses prosecuted in Sacramento County.

Fifth, the person is then arraigned. At this time, the arraigning court can make orders relevant to a defendant’s release.

And so, the Board can observe several inflection points that suggest arrest and filing decisions are not good indicators of public safety interests. If it is true that many persons are being released in the arraignment courts to such a degree as to explain the wide deviation in this county from other counties, then it stands to reason something is happening in the arraignment courts that contradicts the decisions made earlier.

This is in line with other data describing Sacramento County. There is data maintained by the Department of Justice that suggests Sacramento County has the third highest per capita rate of felony filings. There is also data obtained from the Sacramento County District Attorney’s Office that suggests that, in the years 2017 and 2018, many offenses charged at the felony level resolved at the misdemeanor level. Specifically, 43 per cent of all cases in 2017 and 2018 were wobblers. 82 per cent of these cases resulted in a conviction, but only about 25% resulted in a felony conviction.

For instance, of 541 wobbler-level theft charges occurring in the data set, 511 were filed as felonies—94.5%. Of those 511 cases, only 313 actually resulted in a felony conviction—61.2%. This demonstrates a steep drop-off from the initial filing decision. Or consider burglary. Of 1,046 wobbler-level burglary charges, 984 (94%) started as felonies. Only 714 (72.5%) of those



cases resulted in a felony conviction. Or consider driving a stolen vehicle. Of 1,1513 total wobbler-level offenses, 1,500 (99.1%) began as a felony. Only 934 (62.3%) resulted in a felony conviction. Why is there such a disparity between charging decision and result?

It seems to this Ad Hoc Committee that the SSO needs assistance from other criminal justice partners if the County is to seriously address pretrial confinement. Immediate steps seem to include (1) re-evaluation of the countywide bail schedule and (2) a close examination of the validity of felony charging decisions. Potential solutions could be a county-wide bail schedule that adopts misdemeanor bail amounts for wobbler offenses unless the arresting officer complies with the procedures set forth in Penal Code section 1269c.

**Recommendation 1:** The Inspector General should request regular reports and data from the SSO to monitor late night releases. Specifically, the Inspector General should monitor data such as:

- The reason a person is released late at night;
- Whether persons are indeed electing to remain in the Main Jail until 6 am;
- Compliance with the May 19, 2023 memo, specifically, the number of times where a person elects to remain in custody, but is released after 6 am; and
- Strain on custodial staff with the additional workload.

**Medication:** In this area, SSO is ahead of other counties. It appears to offer the longest period of medication-support for released persons. SSO should be commended for its efforts in this regard and should continue to coordinate with ACH to provide information regarding anticipated release dates for inmates with prescribed medication. That said, SSO should also ensure this practice is conformed to written policy, and to support expansions to the ACH pilot to discharge medication to released individuals with cases pending resolution.

**Recommendation 2:** The Inspector General should work with SSO to ensure the medication policy is put into writing.

**Clothing:** In this area, SSO is typical. Very few counties appear to have a set policy ensuring that a released person has access to weather-appropriate clothing and footwear. SSO should explore policies and procedures such as a clothing closet or similar to ensure people are not released in dangerous conditions.

**Recommendation 3:** The Inspector General should work with the SSO, this Commission, criminal justice partners, and CBOs to provide a clothes closet.

**Housing:** It is premature to provide a recommendation in this area. Sheriff Cooper has made it clear that he wants to prioritize the intersection of homelessness and criminal justice. To that end, the Board of Supervisors and related entities and stakeholders are receiving a host of information from persons more knowledgeable than this Committee.

**Transportation:** SSO appears to be behind other counties in ensuring persons have adequate access to transportation upon release. While it is true that the Main Jail location is near local transportation hubs, there is no indication that SSO takes steps done by other counties, particularly for individuals released during hours where public transportation options are not available. The Committee recommends that SSO develop policies and procedures that:

- Ensure releases coincide with public transportation options;
- Provide transportation vouchers; and
- Provide space for released persons to wait for transportation or otherwise secure it.

**Recommendation 4:** The Inspector General should work with the SSO, criminal justice partners, and CBOs to provide transportation options for released persons. This could be in the form of funding for bus passes, taxis, or ride share credits. It could also be partnerships with CBOs.

**Systemic Changes:** While it is clear that SSO was attempting to update its system with expedience, more collaboration could have prevented the issues seen with ATIMS. The SSO should adopt a policy that it will advise the CRC of important changes to policy and procedure like ATIMS. As a potential rubric for what type of changes ought to require public comment, the Committee respectfully suggests that the SSO notify the Commission at least six months in advance of a change that has system-wide impact. This could be done with a simple letter to the CRC that is included in the agenda, part of an annual update, or through comment at a public meeting.

**Recommendation 5:** The Inspector General should be kept abreast of all systemic changes intended to be made by the SSO within one year of their occurrence or soon as otherwise practicable. The Inspector General should report that information to this Commission.

**Release Playbook:** The O’Connell Report’s suggestion of a “Release Playbook” would be critical for released persons leaving the Sacramento County Jail System. While the County and the Department are paying significant attention to a host of services such as diversion and re-entry courts, these programs are not available to all released persons. The development of a Release Playbook that both (1) provides relevant resources for persons who would not qualify for the various treatment courts and (2) aids those persons in planning for release could be a strong step forward in improving the conditions in which a person is released.

**Recommendation 6:** The Committee understands that the County is in the process of producing an updated resource guide for released persons. The Committee recommends the Community Review Commission be granted the opportunity to review and provide feedback on these materials prior to publication and distribution. The Inspector General should be kept abreast of these developments and work with the Commission in addressing community concerns as they arise.

## Suggestions for the Board of Supervisors

Two of the above areas may also require intervention or assistance from the Board of Supervisors.

**1. Require Public Notification of Systemic Changes.** This Commission already receives reports from the SSO on new policies and procedures. A systemic change such as “ATIMS” should be discussed in a public meeting. To the extent necessary to secure compliance, the BOS should take steps necessary to ensure new programs that have such wholesale impact are publicly discussed. The Inspector General should report these developments to the BOS in the same time frames as it does the Commission.

**2. Advisory Group for Release Playbook.** The Committee is aware that there are many organizations that would want to assist in crafting a Release Playbook. This includes permanent public service agencies such as SSO, the Public Defender, the District Attorney, Probation, the Department of Health and Human Services, and others. It also includes CBOs such as the NAACP, Decarcerate Sacramento, the ACLU-Northern California, Youth Forward, CAIR Sacramento Valley - CAIR SVCC, Justice to Jobs Coalition, and many other community-based groups that advocate for justice involved persons. The Committee respectfully suggests that the BOS assign some sort of entity to hear from all stakeholders in crafting the playbook. It could be the subject of the Commission itself and the topic for a future report. It could also be a special board similar to the report from the Commission on Status of Women and Girls.

**Respectfully submitted,**

**Ad Hoc Committee on Jail Releases**

Odette Crawford, Chair. Members: Stoller, J., Lewis, D.

**Acknowledgments**

The Ad Hoc Committee wishes to extend gratitude to the various law enforcement officials, county employees, and stakeholder representatives who provided critical assistance in the development of this report.

The Ad Hoc Committee extends very warm gratitude to **Laura Foster** who diligently aided the Committee in its work. Ms. Foster was an invaluable resource for the Ad Hoc Committee, helping to obtain critical records, keeping the Committee organized, and, above all, being a cheerful presence.