Sacramento County's First Jail Population Reduction Plan: Long Overdue and Hopefully Just the Beginning

The Board of Supervisors made a historic decision on March 10th, 2021 to cancel the plan for a new jail annex and instead focus on jail population reduction. Yet, one year and a half later, no measurable progress has been made to reduce the jail population.

After years of tremendous public pressure, in July 2021, the County Board of Supervisors created the Public Safety & Justice Agency, with the stated intention to address the issues around jail population. The Agency released its first Jail Population Reduction Plan on October 28th, 2022. This plan is cursory, incomplete, and is missing crucial tools for measuring its effectiveness over time. It also replicates years-old talking points from the Sheriff’s Department which have no proven track record of effectiveness.

While the County has recycled their talking points, the Main Jail remains overcrowded and still houses double the population for which the building was designed to safely house. Sustainable reductions in our jail populations are not only essential to safely meet the legal requirements from Mays v. Sacramento, but also realistic and possible.

In this letter we explain the following concerns with the county's plan which:

1. Includes no implementation strategy,
2. Includes no strategies for prevention,
3. Includes no way of measuring outcomes, impact, and racial equity,
4. Expands resources for law-enforcement, and
5. Ignores recommendations by county advisory boards and health equity experts

1. No Implementation Strategy

Our community can't afford to waste more time on plans of what the county should do. We know we need to decrease bookings. We know we need to decrease length of jail stays. We know we need to increase diversion away from the horrific jail. These are things we, and county-paid experts, have known for years. But unfortunately, this plan does not include a coordinated implementation strategy. There is no central table or workgroup for all stakeholders to come together and implement the county's plans, despite our advocacy stressing the need for a Brown Act compliant work group to be created for this purpose.

We need strong leadership to break down county silos and ensure that each department has a functional and coordinated implementation plan for jail population reduction strategies informed by consultants and community experts. The siloed approach has not been getting us anywhere. We need a table for all stakeholders to come together to actually coordinate and realize jail population reduction goals. We tried to do this through the Public Safety & Justice Agency, but Deputy County Executive Eric Jones chose not to implement the democratic vision of a Brown Act compliant workgroup with representation and voting power from all relevant
stakeholders in the legal and health systems. How will the County successfully carry out any plans without a venue for all system actors to create collaborative implementation plans?

2. No Strategies for Prevention

No strategies listed are rooted in prevention of initial arrest or strengthening social safety nets, except the Mental Health Urgent Care Clinic, which is not available 24/7 and difficult to access. Basing the County’s plan solely and centrally on one consultant’s recommendations is not only limiting and short-sighted, but questions the willingness of the County to address the root causes of our jail overcrowding crisis, a commitment the Board of Supervisors made in March 2021. O’Connell did not explore any preventative investments or priorities that have been proven to reduce crime and incarceration in communities. Yet the PSJA has chosen to use Mr. O’Connell’s recommendations as their only goals, and his estimates as the only possibility. These estimates on the number of people that could be diverted from the jails were intended to be the floor, not the ceiling.

3. No Way of Measuring Outcomes, Impact, and Racial Equity

The Sacramento County Board of Supervisors, as well as the community members they serve, should be alarmed that there are no data or measurements provided in the plan. Without measurable goals to inform strategic targets and outcomes, the County cannot objectively determine which programs are successful, need improvement, or are simply failing. Success must not only be measured by how many people are released from jail. Instead, a multi-faceted approach to program quality should be informed also by how individuals’ quality of life improves, how the constitutional right to the presumption of innocence is maintained, and how returns to custody are prevented.

County leadership should be required to provide basic information. How many people are utilizing each program? What is the potential of each program to reduce the jail population? It is unacceptable that no measurements have been provided in this report, despite data being available to the County.

The County cannot continue to ignore the fact that the Sacramento County jail system disproportionately impacts Black people, Indigenous people, and People of Color. 39% of the jail population is Black, while Black people only 11% of Sacramento County. Any plan for reducing incarceration needs to include a racial equity impact assessment done by experts on racial equity and include guidance from our community members who have directly experienced the impact of our local criminal legal system. This means more than simply listing the percentage by race of who may be impacted by each recommendation, as O’Connell did in his report. **Focusing on equity requires changing system conditions and culture that increase capacity for equitable outcomes.**
4. Expanded Resources for Law-Enforcement

The Sheriff’s Office already has the power to reduce arrests, jail bookings, and release individuals who have the constitutional right to the presumption of innocence. The Sheriff and other law enforcement agencies are under-utilizing alternative drop-off sites such as the Crisis Receiving for Behavioral Health (CRBH), the Sacramento County Mental Health Treatment Center (MHTC) Law Enforcement Consult Line (LECL), and the Mental Health Urgent Care Clinic. Law enforcement agencies (LEAs) continue to choose not to utilize existing alternatives to incarceration.

How much funding does the county plan to dedicate ot “enhancing citation and field release protocols” using “virtual arrest”? It also remains unclear why the county's plan includes intentions to “expand adult day reporting center locations and/or other jail alternatives.” How and why is this a priority for the county? What is meant by “other jail alternatives?” More Probation Department surveillance?

It is clear that pre-trial diversion can significantly reduce the jail population, but any pretrial program needs to preserve our presumption of innocence, which cannot be done through a program operated by law-enforcement. Sacramento County’s pre-trial (unconvicted) population in the jail is a staggering 83%, making it one of the worst rates in the country among large cities—similar to Louisville, KY, Birmingham, AL, and Tulsa, OK. This population has increased in the past year despite the county’s increased spending on pre-trial programs. Existing county data can and should be used to determine which pre-trial programs are creating the best outcomes for individuals in our community. Investments and policy changes must target the true bottlenecks preventing these programs from reaching their full potential and sustaining pre-trial population reduction through approaches that take a public health approach, not a punishment approach.

“Sheriff Reentry Services” claims to provide “ongoing program services and supports” upon one’s release from custody, but anyone who passes by the downtown jail can see that law enforcement has not been successful, and should not be tasked with providing “reentry services”. Our community continues to see the Sheriff release people with no clothing, no shoes, no phone, no ID, and no options for transportation back to their neighborhood. 55% of people booked in the jail are released within 3 days, and 70% are released within 10 days. Implementing non law-enforcement jail discharge processes and reentry services is urgently needed to close the revolving door of incarceration and ensure individuals are being released with dignity and care.

It is long overdue that the Probation Department stops their inhumane use of flash incarceration of probation rule violations as included in the plan, especially given that 40% of people booked are for “non-new crimes” which include warrant and rule violations.
5. Ignores Recommendations from County Advisory Boards and Health Equity Experts

The County's plan ignores critical, data-driven recommendations already created by numerous County Advisory Boards and health equity organizations on jail population reduction. A groundbreaking report published in August of 2022 interviewed over one hundred community members, including those currently incarcerated, as part of a statewide People Power for Public Health initiative. These letters and reports, which include strategies rooted in public health experience, evidence, and years of advocacy by the local community, argue for drastic increases in health services and housing. A wealth of data shows that meeting the human needs of County residents will prevent crime and reduce incarceration.

There are thousands of people that could be diverted through the County's existing mental health diversion programs. 62% of people in the jail have been diagnosed with a mental illness, most are also pre-trial. However, preventable barriers are delaying mental health assessments and linkages to services that are needed in order to qualify for collaborative court or diversion programs. There is currently a three month waitlist for individuals in custody to even get assessed by the Division of Behavioral Health and linked to a County provider for outpatient treatment within the continuum of care. This bottleneck should be addressed immediately.

There are people with serious mental illness (SMI) currently in the main jail simply because there are no bed spaces available outside of jail walls. Why does the plan exclude any intention to restore the 50 Psychiatric Health Facility beds at the County's mental health treatment center and designate them for those who qualify for mental health diversion from the jail? Restoring these county beds and designating them for jail diversion is an immediate action the board could take to allow for increased MH diversion.

Community members have also been urging the county for years to invest significantly in decentralized community-based health centers across the county that are available 24/7. There is currently no available 24/7 mental health drop-in service that exists anywhere in Sacramento County, which would support preventing the criminalization of mental health crises.

Sacramento County needs to urgently shift priorities toward strengthening health and human services to prevent criminalization and harm. We cannot afford to waste hundreds of millions of public dollars on jail expansion.

We are urging the Board of Supervisors to direct their staff to create an actual plan for jail population reduction that will:

1. Ensure a coordinated implementation strategy across county departments
2. Prioritize prevention strategies
3. Measures outcomes and impacts through a racial equity lens
4. Stop expanding law-enforcement's resources, influence and power
5. Implements recommendations from county advisory board letters and the People Power for Public Health Report created by health equity experts