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Editorial: As prisoner numbers fall, don't enlarge jails

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Gov. Jerry Brown's bold plan to realign the criminal justice system is the most far-reaching policy initiative he has undertaken in his first 10 months in office, bar none.

But if counties deal with it by simply expanding jail capacity, it will become a big, expensive flop.

Sacramento County is a case in point. A seven-member Community Corrections Partnership committee faces a decision Thursday whether to reopen a 275-bed jail immediately, or focus on approaches to reduce existing jail population – to make way for offenders who used to be sentenced to state prison.

That recommendation would go to the Board of Supervisors on Nov. 1.

The most promising avenue for reducing jail population while maintaining public safety is to look closely at people who have been arrested and accused of a crime, but who are awaiting trial. In the past, jails were roughly evenly divided between pretrial detainees and people who had been convicted and sentenced to a jail term. Now, sentenced offenders are a shrinking minority – 40 percent – of the Sacramento County jail population.

That trend should be reversed.

The issue should be: Who, really, needs to be detained before trial, and who should be allowed to remain in the community while his or her case proceeds?

Counties need to take a hard look at the risks arrestees pose to public safety while they await trial. In Sacramento County, 31 percent of the pretrial population has had no previous arrests, or only one arrest. Forty-three percent have had no prior convictions. Sixty-three percent were arrested for nonviolent property, drug or alcohol crimes. Most are local people and are not a flight risk.

A substantial portion of these pretrial detainees could be effectively managed in the community, which would eliminate the need to reopen the 275-bed Bauman facility at the Rio Cosumnes jail complex.

What exactly is keeping low-risk pretrial detainees in jail?

A major issue is over-reliance on bail. In the pool of 1,294 local pretrial detainees in Sacramento County, the 437 arrested in violent, sex or weapons- related cases are rightly

held in jail without bond. But that leaves 812 people who a judge has said could be released if they paid bail, but remain in custody because they can't pay. Bail in Sacramento County is extraordinarily high – only 9 percent of the 812 have had bail set under \$20,000.

The county needs to screen every person booked into county jail, and release low-risk individuals, with conditions such as home detention or regular phone checks to make sure they attend court hearings.

The seven-member Community Corrections Partnership committee ended in a 3-3 tie at last week's meeting. Sacramento City Police Chief Rick Braziel, who could not be present last week, will be the deciding vote Thursday.

He and the rest of the committee should send a strong message that realignment means something new – not just business as usual.

Sacramento County jails

- Average daily population in 2010: 4,096

- Maximum capacity:

without Bauman Facility – 4,808

with Bauman Facility – 5,083

- Pretrial/sentenced inmates: 2006 – 55%/45% 2010 – 60%/40%

- Characteristics of pretrial inmates: 0-1 prior arrests – 31%

no prior conviction – 43% arrested in nonviolent property, drug or alcohol cases – 63%

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