

Santa Cruz 'Smart on Crime' Panel Looks at Pros and Cons of Adding State Convicts to County Jails

Some of the county's top law enforcement officers talked about new solutions to an age-old problem: how to stop recidivism in Santa Cruz.



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From left to right, County Supervisor Neal Coonerty, District Attorney Bob Lee, Santa Cruz Superior Court Judge Paul Marigonda, Sheriff-Coroner Phil Wowack, San Benito Chief Probation Officer Brent Cardell, Michael Hernandez, Danielle Obinger of Friends Outside, Jesus Catarino, an ex-felon who is now back at college thanks in large part to local non-profits, and Public Defender Larry Biggam, seen walking back to his seat.

Photos (1)

Top officials in the Santa Cruz criminal justice system held a public conference on Monday to discuss, in the words of Sheriff Phil Wowack, "one of the largest changes I have ever seen in my 30 years of law enforcement" and one that he said needed many aspirins to sort out.

The headache he referred to is California Assembly Bill 109, or the Public Safety Realignment Act, which went into effect in October and [released thousands of state prisoners back to the county jails](#).

The bill, part of the state's way of dealing with its budget crisis, kept only the most heinous offenders in prison and turned over "non-violent, non-serious and non-sexual" offenders to the counties.

Wowack said that this will be a "great impact on the county jail system," which already runs at 115 percent capacity.

Some at the conference held at the First Congregational Church on High Street in Santa Cruz, suggested there may be positive aspects to the new burden.

“It isn’t changing the sentences, but it is changing where and how they are served, and maybe, hopefully, we can now deal with them in a better way than we have been,” said Santa Cruz Superior Court Judge Paul Marigonda a former prosecutor from Scotts Valley.

Indeed, many members of the Santa Cruz criminal justice system said they are hopeful that despite the administrative difficulties placed upon them by the bill, it will also allow them more freedom and room for experimentation in addressing crime and its causes at the community level.

"Before this act was passed Santa Cruz was already implementing these procedures and we have experience with them. So we're kind of ahead of the curve," said Marigonda, who added that Santa Cruz County is a leader in progressive solutions.

One of them is Evidence Based Practices, which links offenders to programs that can help them get rehabilitated rather than simply warehousing them in a cell.

County Chief Probation Officer Scott Macdonald said these programs “get away from just doing what sounds good, what feels good and start doing things that we know will work, that have been proven to work.”

One example is the “Serial Inebriate Program," which offers those who have repeatedly been arrested for being drunk in public a chance to go to rehab instead of county jail.

District Attorney Bob Lee said that the program has had success in its first year.

The county will also cut back on overcrowding by having some convicts serve some of their sentence in work programs from home, where they will be monitored by GPS bracelets and spend days working for nonprofits. The work is thought to be a way to give them confidence and real-world skills.

“The practical effect of what you see is that we’ve been able to use the law in many different ways," said Marigonda. "As with every case though, you look at the particulars of the offender to determine if it’s appropriate."

Santa Cruz is also considering taking a page out of San Benito County’s book and instituting Community Review Boards, which would essentially be small groups of residents who would work closely with individual inmates to try and determine the root cause of their problems, and provide step-by-step goals and solutions.

“Crime is a community problem, so we need a community solution,” said San Benito's Michael Hernandez, who has volunteered on several such boards. “It’s like an engaged citizenship, it encourages people to get involved, to be proactive and really get to the bottom of the problem and help to solve it.”

San Benito County Chief Probation Officer Brent Cardell said that 85 percent of low-level inmates who have gone through the community board process, have gone on to serve their remaining time, pay their remaining fees and then, most importantly, stay out of trouble afterwards.

Statewide, the system hasn't been working. The penal system has been so bad that in May the US Supreme Court ruled that California must reduce its prison population, currently housed in a prison system operating at 180 percent of capacity, because the inhumane conditions faced by inmates amounted to cruel and unusual punishment.

Additionally, officials said, California’s rate of recidivism is over 70 percent, meaning that 7 out of ten prisoners will be back sooner or later.

“If I could think of a system perfectly engineered to breed crime, it would be one where you toss an inmate in with a bunch of other criminals, in a place with terrible conditions, force him to fend for his life, and don’t teach him any useful ways to deal with his problems and then toss him out on the street again,” said Public Defender Larry Biggam.

The hope then is that AB 109 will stem the flow of new inmates to state prisons and allow counties to better deal with lower risk offenders.

The mix of headaches and hope had some shaking their heads.

“I’m not going to judge it yet,” Lee said. “I’m not going to go one way or the other. I’m going to watch, and I’m going to see how it all plays out.”