

Key Factors in California's Jail Construction Needs

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SUMMARY

Now that California has shifted responsibility for many criminal offenders to the counties, county jail systems face greater capacity challenges. This report highlights two important factors in addressing jail capacity constraints: aging jail facilities and long-term needs. We show that a number of facilities are old and likely in need of costly updates or replacement and that growth in the state's population is likely to exert significant pressure on the county jail system. Our analysis suggests that a thoughtful combination of further jail construction and decreased reliance on incarceration is needed, given the magnitude of the current and future jail needs.

COUNTY JAILS FACE PRESSURES AND CHALLENGES

Motivated by a federal court ruling, California shifted significant responsibilities from its overcrowded and expensive state prison system to the counties. This reform—known as realignment—eliminated the practice of returning technical parole violators to state prison, designated a series of lower-level offenses that are now punishable by jail sentences rather than prison sentences, and greatly increased incentives for local criminal justice systems to use alternatives to incarceration.

With new responsibilities and a significant increase in the average daily jail population (ADP), California's already crowded county jails face new pressures and challenges. Moreover, many county facilities were built several decades ago and were not designed for long-term detention.

To address these constraints, the state has provided funding for jail expansion. Two measures, AB 900 (2007) and SB 1022 (2012), allocated \$1.2 billion and \$500 million respectively for new jail construction. The legislature passed AB 900 to help alleviate overcrowding in both state prisons and county jails. In its two phases, AB 900 provided 21 counties with funding for 9,768 new beds.¹ In June 2012, SB 1022 made additional funds available to cover the cost of providing 2,221 new beds in 15 counties.²

However, there may still be a need for additional funding. In the latest round of SB 1022 allocations, 36 counties requested funding but only 15 received it. Most recently, Governor Brown's 2014–15 proposed budget included \$500 million in lease-revenue bonds for county jail construction. Citing aging facilities and overcrowding, the governor wants to fund new facilities and programming space for counties working to succeed under realignment.³

This suggests the need for more capacity in both the short and long term. In assessing capacity needs, it is important to examine current jail capacity and conditions—including the age of existing jail facilities—and consider the impact of population growth on future jail needs.

CURRENT CONDITIONS

Realignment brought the statewide ADP close to the peak levels observed in 2006–2007 (Figure 1). Even at recent low points of statewide jail population, county jails did not have a large number of open beds. With no new construction since 2005, statewide rated jail capacity has remained around 77,000 beds.⁴ For much of this period, statewide jail ADP exceeded the rated capacity of county jails—by at least 3,000 and as many as 7,000 inmates.⁵ In June 2013, the most recent month for which data is available, ADP exceeded capacity by 5,000.

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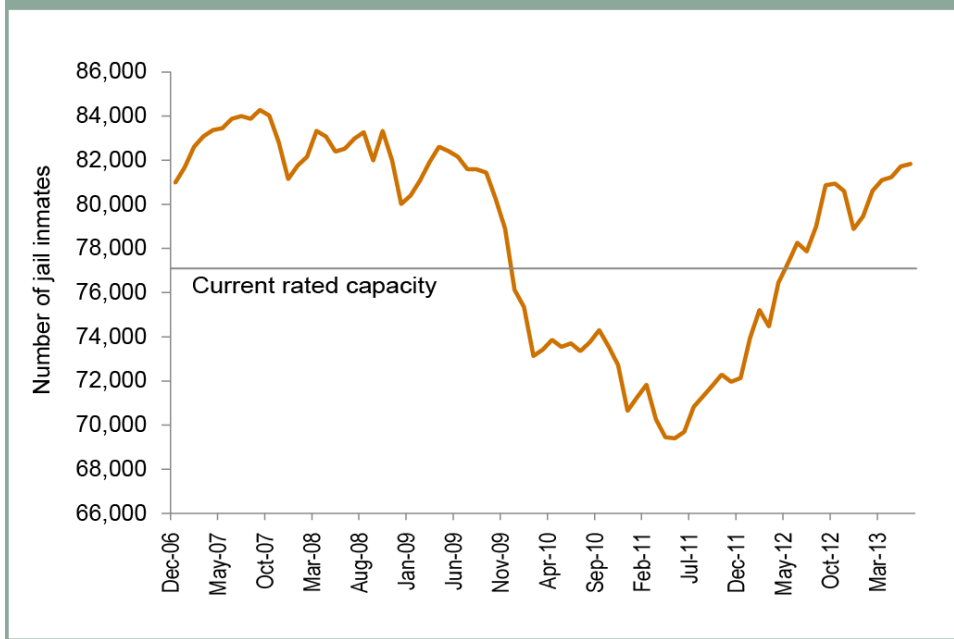


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FIGURE 1. CALIFORNIA'S COUNTY JAIL ADP, DECEMBER 2006–JUNE 2013



SOURCE: Jail Profile Survey 2006–2013, Board of State and Community Corrections.

NOTE: All calculations include Santa Ana Police Facility.

In that same month, 55 of the 123 jail facilities in California housed more inmates than their rated capacity. Furthermore, 39 jail facilities in 19 counties faced court-ordered jail population caps, which require them to release inmates when ADP reaches the level set by the court. Some counties have released inmates under voluntary population caps, but over the six-month period between January and June 2013, 84 percent (65,928) of the 78,359 capacity releases statewide were in counties operating under court orders.⁶

Jail Populations Are Changing

In addition to housing parole violators who would have gone to state prison before realignment, jails now house offenders convicted of felonies, some of whom are serving substantially longer sentences than the pre-realignment county maximum of one year.

These changes pose a number of challenges for counties. The increased number of offenders, especially those serving longer terms, increases the need for medical and mental health beds, as well as programming and recreation spaces. Also, there are concerns about increased violence, both between inmates and between inmates and staff. There is no publicly available statewide data regarding inmate-on-inmate assaults in county jails, but several counties reported increased jail violence in their SB 1022 applications and the issue has been noted in local media.⁷ Data from the BSCC shows that the number of reported inmate assaults on staff were substantially higher in the first six months of 2013 (546), compared to the first six months of 2011 (440).⁸ Furthermore, the increase in maximum- and medium-security inmates makes it more difficult to manage jail beds effectively.⁹ The challenges include matching inmates to appropriate types of beds, housing higher-security inmates in facilities not designed for them, increased flight risk, and inefficient use of space.¹⁰

The recent increases in ADP and changes in the inmate population have raised concerns about new lawsuits. Since the implementation of realignment, Alameda, Fresno, Monterey, and Riverside have faced new inmate lawsuits over jail conditions and overcrowding.

Many Facilities Are Old and Outdated

The age of county facilities presents a serious challenge. In the 1980s, jail construction began to move toward podular designs that allow for direct supervision of inmates.¹¹ Many facilities still in use are configured in a traditional linear “jail-steel” design, fostering nondirect supervision. Traditional “jail-steel” linear facilities are more costly to operate and pose significant challenges to updating control-room and surveillance technology to current industry standards.¹² Moreover, unlike state prisons, all existing county jail facilities were constructed

for the mission of holding pre-trial inmates and sentenced offenders for short periods. They were not designed to provide medical, mental health, and recreational services for sentenced individuals serving more than a year. Now that realignment is changing the jail inmate population, these services are increasingly important.

Recent construction funding applications show that counties are at times opting to update their facilities to fulfill new responsibilities at the cost of reducing much needed system capacity. Fresno County’s SB 1022 funding request is a good example. Fresno’s South Annex Facility was built in 1941 and has serious structural and maintenance issues. Even though the county faces jail overcrowding, it submitted a plan to replace the South Annex with a facility that will have programming and medical care space, but fewer beds overall. Other SB 1022 applications reveal a similar willingness to sacrifice current or needed future capacity in order to update aged and inadequate structures—even in seriously capacity-constrained counties such as Butte, Merced, and Tulare.

Additional beds and programming space funded by AB 900 and SB 1022 may help address the problems of aging facilities and outdated design, but some counties will still be operating aging facilities. Of the 123 jail facilities in California, 56 (more than 40%) were completed in the 1970s or earlier. Counties have remodeled some of these aging facilities, but 25 jails are still configured according to the older design.¹³ These 25 facilities have a rated capacity over 10,300 jail beds, or slightly more than 13 percent of the total beds statewide.

Replacing all of these aging facilities would require substantial state and/or local funding. For example, 18 facilities totaling more than 11,000 beds were built in the 1950s or earlier (Table 1). It could cost more than \$3 billion (not including the cost of bond financing) to replace them.¹⁴ We do not yet have adequate information to determine whether remodeling could produce adequate and effective jail facilities at a lower cost; this could be a viable option in some cases. However, for older facilities built in relatively dense urban areas, it may not be possible to add modular structures.

Decade constructed	Number of facilities	Total rated capacity	Number of facilities remodeled	Number of beds in facilities not remodeled
Before 1950	8	5,632	7	493
1950s	10	5,366	6	1,562
1960s	19	12,914	9	3,829
1970s	19	7,203	9	4,476
1980s	33	22,782	14	14,552
1990s	33	22,216	4	19,566
2000s	1	768	–	768

SOURCE: Board of State and Community Corrections.

NOTES: Kings County Main County Jail is not included in this table because the BSCC did not list an original construction date. Most of the remodels occurred in the late 1990s and 2000s, with the most recent in 2006.

FUTURE NEEDS

In addition to being costly, jail expansions require long-term planning. The AB 900 experience illustrates this. Although the bill passed in 2007, as of early 2014 only three projects were completed, and some counties were still in the planning phase. The BSCC included a preference criterion for “shovel ready” projects in the SB 1022 application process, but it typically takes five to seven years to go from the planning stage to completion.¹⁵ Local and state stakeholders need to consider both the current and long-term needs of county jail systems in their expansion discussions.

It is difficult to be certain about future jail capacity needs. For one thing, these needs could be affected by changes to criminal justice policies—such as a rollback of realignment, or new sentencing and jail practices. In fact, three changes to realignment currently under consideration could reduce both near- and long-term jail capacity needs. The governor has proposed to send county inmates sentenced to more than 10 years to state prison.¹⁶ He has also proposed split sentences as the norm for local offenders.¹⁷ Finally, increased use of risk assessment for low-risk inmates awaiting trial would free up some jail beds. Of course, it is difficult to predict the impact of these measures. It is also difficult to account for factors like broader crime and arrest trends, which are affected by local budgets and the number of law enforcement officers. Nonetheless, we can make basic jail capacity projections based on a fundamental and relatively reliable determinant: population growth.¹⁸

Currently, county jails statewide are operating at 105 percent of rated capacity. A look at Table 2 shows that 21 counties are above capacity, including some of the state’s largest: Los Angeles, Orange, Riverside, San Bernardino, and Santa Clara. There are some large counties with ample jail space, such as Alameda, Contra Costa, and San Francisco. But for the most part, jail capacity is less strained in small counties such as Sierra, Modoc, Trinity, Calaveras, and Glenn.

TABLE 2. NUMBER OF COUNTIES WITH ADP/RATED CAPACITY ABOVE 90 PERCENT

ADP/Rated capacity	Current (2013)	2020	2025	2030	2035	2040
>90%	36	26	28	30	31	33
>95%	28	19	22	26	29	29
>100%	21	15	18	20	25	25
>105%	16	11	14	18	19	22
>110%	13	6	11	13	16	18
>120%	9	3	3	7	8	10
>130%	6	2	3	3	4	7
>140%	1	1	3	3	3	4

SOURCE: Authors’ calculations based on Department of Finance Population projections and data from the Board of State and Community Corrections.

NOTE: ADP projections are based on Department of Finance’s county-level projections for the population age 15–39. No other factors potentially affecting jail populations—such as local and state policies and practices, as well as crime and arrests—are factored in.

Planned expansions under AB 900 and SB 1022 will ease overcrowding in many counties: the number operating above rated capacity is projected to decline from 21 to 15 by 2020.¹⁹ For example, Riverside County’s ADP/rated capacity ratio is projected to decline from 101 percent to about 88 percent, while San Bernardino is projected to go from almost 105 percent to about 90 percent. Some counties will still be housing substantially more inmates than their facilities were designed to hold, but the number above 120 percent of capacity is projected to decline from nine to three. This suggests that expansions have been planned for the counties with the greatest needs.

Projections based on planned expansions from AB 900 and SB 1022 indicate that population growth in future decades could bring jail overcrowding to roughly current levels—or higher, when aging facilities are factored in. Future need is most obvious in areas expected to experience the strongest population growth. In many coastal counties, the population age 15 to 39 is projected to increase modestly, and declines are predicted in large counties like Los Angeles, Orange, and Alameda. But substantial growth is expected in inland counties like Riverside, San Bernardino, Fresno, and San Joaquin. If there are no additional expansions or other efforts to reduce the jail population, all four of these counties are likely to be above rated capacity in 2040, particularly Fresno (172%) and San Joaquin (187%). Overall, 25 counties are

projected to hold more inmates than their jails were designed to house by 2040, and 10 counties will be at or above 120 percent of their rated capacity. Of course, court-ordered jail population caps will prevent some of these counties from reaching these levels. This means that if no actions are taken by the state or counties, capacity-constrained releases are likely to increase.

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It would cost about \$1.2 billion to add enough capacity—4,300 beds—to bring statewide ADP levels down to full capacity in 2040.²⁰ A more manageable level of 90 percent of capacity would require as many as 14,600 new beds, at a total cost of about \$4 billion.²¹ Because construction costs account for only 10 percent of the lifetime cost of a new facility, and because counties are largely responsible for operating costs, they have considerable incentives to pursue alternatives to incarceration. Potential tools to manage jail population pressures include releases based on risk assessment (possibly

accompanied with electronic monitoring, work release programs, day reporting center requirements, etc.); split sentencing, and shorter but “swift and certain” sanctions for parole and probation violations, such as “flash incarceration.” Importantly, but with less immediate effects, the identification and implementation of effective reentry services may also address the challenges faced by county jails.

CONCLUSION

Clearly, California faces some challenging decisions about jail expansions and population management. Without further jail expansion and/or new policies and practices that reduce incarceration, capacity constraints will be more severe in 2040 than they are today. Moreover, a substantial number of aging jail facilities need—or will soon need—to be replaced by facilities in which counties can provide effective services and programs as well as safe environments for inmates and staff.

Given the substantial amount of time and money required to design and build new facilities, California needs a long-term plan that takes population growth into account, and the state needs to make judicious funding decisions. Since one of the goals of realignment is for counties to pursue alternatives to incarceration, it seems reasonable to give preference to counties that have addressed jail capacity challenges through tools like split sentencing, alternative custody programs, and risk assessments for releases of pre-trial detainees.²²

Our analysis suggests that the jail capacity challenge is unlikely to be met exclusively through either increased jail construction or decreased reliance on incarceration. Meeting this challenge will probably require a thoughtful combination of efforts carried out jointly by the state and the counties.

Additional tables on AB 900 and SB 1022 jail construction projects, court-ordered population caps, county jail construction and remodel years, and current and projects jail capacity and needs are available in the PPIC data depot.

NOTES

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1. Seven counties received funding in Phase 1, with a planned 3,144 new beds constructed. Fifteen counties received Phase 2 awards for a planned 6,624 new beds constructed. For full funding allocation information, see the table on AB 900 jail construction projects in PPIC's data depot.
2. Estimated bed counts come from conditional awards selected by the BSCC and are subject to change. Counties must meet various requirements set by the BSCC, Department of Finance, and State Public Works Board to receive construction cost reimbursement from the state. Staffing cost requirements of new facilities can be a significant hurdle for counties receiving AB 900 or SB 1022 awards. San Joaquin County recently relinquished a AB 900 award because it would not be able to afford full staffing of the new facility. For full funding allocation information, see the table on SB 1022 jail construction projects in PPIC's data depot.
3. In response to the governor's proposal, the Legislative Analyst Office (LAO) recommends that the legislature ask the administration for further justification of additional funds for jail construction financing. See "The 2014–15 Budget: Governor's Criminal Justice Proposals."
4. Overall rated capacity does fluctuate by small amounts over the time period. Small changes to jail configurations or remodels create small changes in the rated capacity statewide.
5. Arguably, the monthly average of the daily jail population understates a county's need for jail capacity since jail populations fluctuate both daily and seasonally. Also, operating jails close to or at capacity challenges sheriffs' ability to match inmates with appropriate types of beds. For example, beds in a male ward cannot be used to house female inmates, minimum-security beds should not be used to house maximum-security inmates, and inmates of opposing gangs cannot be housed in the same ward.
6. Capacity releases are not new to the state. As one would expect, with no recent new construction, capacity releases follow the jail population trend. Data from monthly Jail Profile Survey show that statewide capacity releases were particularly high in 2006 and 2007, decreased between late 2009 and late 2011, and are now on the rise once again. For information on individual counties, see the table on court-ordered population caps in PPIC's data depot.
7. See for example "Jail Violence on the Rise," *San Jose Inside*, March 3, 2014. Inmate escape is another concern.
8. Reported inmate assaults on staff reached an eight-year high in the first six months of 2013, higher than the reported numbers for 2006 (539) and 2007 (456) when ADP was greater than current levels. Only data from counties that reported information in every quarter between 2006 and 2013 are used.
9. In June 2013, counties reported an ADP of 59,956 maximum and medium security inmates, compared to 52,435 in June 2011—an increase of 14.3 percent.
10. Factors in matching offenders to appropriate types of beds include gender, security level, and gang affiliation. For a recent discussion of increased flight risk, see *Fresno Bee*, April 3, 2014. Inefficient use of space, might result from a county not having enough single-bed cells for maximum-security inmates who must be housed separately; in that case, the county would have to house each of these inmates in a double-bunk cell that otherwise would hold two inmates.
11. National Institute of Corrections, *A Comparison of, "Direct" and "Indirect" Supervision Corrections Facilities* (June 1989). National Institute of Corrections, *Direct Supervision Jails: 2006 Sourcebook* (September 2006).
12. California State Sheriffs' Association, *Do the Crime, Do the Time? Maybe Not, in California* (June 2006). Referring to Men's Central Jail in Los Angeles County, Sheriff Baca commented on the cost of running an old linear-style facility (March 2013).
13. While the BSCC data reports a year for a facilities latest remodel, it is not entirely clear what each remodel consisted of. It could be that a remodel was an addition to an existing facility, with no actual remodel occurring to the original jail cells or structure. Multiple remodels could have taken place between original construction date and date of newest remodel. For a breakdown of facilities by county, see the table on county jail construction and remodel years in PPIC's data depot.
14. SB 1022 is expected to generate 2,221 beds at a cost of \$615 million (\$500 million from the state and \$115 million from the counties). The total per bed cost is approximately \$276,902 (\$225,124 and \$51,778 from the state and county respectively), implying a total cost for 11,000 beds of about \$3.046 billion. We use the beds being constructed under SB 1022 to estimate the projected cost because the governor's most recent proposal mentions using the \$500 million to build SB 1022-like projects.
15. For future funding allocation decisions, the state should determine to what extent the "shovel ready" criterion actually speeds up the process of adding capacity and whether a preference for such projects is justified if it comes at the expense of applications that demonstrate greater need.
16. Indirectly, this proposed change may have the unintended consequence of providing counties with an incentive to sentence some felons facing long sentences to sentences of 10 or more years. This would further reduce jail capacity pressures to some extent, but at the expense of the state prison system.
17. Split sentences were introduced with realignment. With a split sentence, an offender convicted of a non-serious, non-sexual, non-violent crime—a so-called 1170(h) felony—serves a reduced jail term followed by supervision under county probation.

18. State and local agencies tend to use population projections generated by the Department of Finance; according to the DOF, these projections are also “used in determining the annual appropriations limit for all California jurisdictions, to distribute State subventions to cities and counties, to comply with various State codes, and for research and planning purposes by federal, state and local agencies, the academic community and the private sector.”
19. To determine the population growth between now and 2040, we use the Department of Finance’s county-level projections for the population age 15 to 39. This age range was chosen to capture growth in the most criminally active age groups. Specifically, we use data from Report P-2, “State and County Population Projections by Race/Ethnicity and Age (5-year groups).” We use the county-level changes in this population as a measure of the change in needed jail beds. All else being equal, counties projected to see greater population growth are expected to need more jail beds than counties with less growth. We base our projection on the January–June 2013 average ADP reported in the Board of State and Community Corrections Jail Profile Survey—the most up-to-date jail information available. Projections based on 2012 data predict somewhat lower needs because 2012 ADPs were generally lower than those observed in 2013. However, the ADP trend line (Figure 1) shows no sign of a leveling off in the growth in the statewide jail populations, raising the possibility that our projections understate the future need for additional jail space. To determine whether the projected need will be met by capacity, we also use the current and projected rated capacity based on jail capacity increases through AB 900 and SB 1022. All currently planned jail constructions are assumed to be in operation by 2020. For data by county, see the table on current and projected jail capacity and needs in PPIC’s data depot.
20. The 2040 projected statewide ADP is about 93,000 and the projected capacity, including AB 900 and SB 1022 projects, is about 88,700. The difference 4,300 (93,000–88,700) generates an approximation of the additional beds needed for capacity to catch up with the projected ADP.
21. Based on costs from SB 1022 applications of approximately \$276,902 per bed (14,600 * \$276,902 = \$4.043 billion). It would require a statewide capacity of 103,300 beds to house the projected 93,000 inmates at 90 percent of capacity.
22. Additionally, the state may want to consider asking for justifications from counties housing inmates on federal contracts—primarily detainees on U.S. Immigration and Customs Enforcement holds—before awarding funding for jail expansions.

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