



County of Santa Cruz

COUNTY ADMINISTRATIVE OFFICE

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Agenda: April 9, 2002

March 30, 2002

BOARD OF SUPERVISORS
County of Santa Cruz
701 Ocean Street
Santa Cruz, CA 95060

REPORT ON CRIMINAL JUSTICE SYSTEMS COSTS ASSOCIATED WITH NON-VIOLENT DRUG OFFENSES

Dear Members of the Board:

The following provides your Board with a report on the costs associated with the processing of non-violent drug offenders through the criminal justice system. As your Board is aware, our office has been working with various representatives of the criminal justice system, the Health Services Agency, and the Criminal Justice Council (CJC) on an evaluation of these costs and whether these resources could be redirected to prevention and treatment programs. The working group developed a proposed methodology for the evaluation, reviewed case data, and confirmed the components of costs. The group also spent considerable time discussing the various charges that would constitute the target population for the purposes of this evaluation and discussed the various treatment programs that are available for this population, including drug diversion, Drug Court, and Proposition 36. A status report was provided to your Board on March 5, 2002 that discussed several findings from this review, among them that:

- The vast majority of individuals charged with personal use or simple drug offenses are placed into Proposition 36 programs, Drug Court, or diversion programs, all of which provide a range of treatment and counseling services based upon the individual offense;
- Representatives of the criminal justice system and the HSA Substance Abuse program believe that the current policies of the local criminal justice agencies and the Superior Court facilitate the entry of individuals charged with non-violent drug offenses into treatment alternatives and maximize the opportunities for utilizing the programs; and,
- Additional treatment programs and other resources are needed to address the needs of this population. Follow-up evaluation is critical to address the issues of recidivism and ongoing support needs.

We also advised your Board in the March 5 report that based on our findings it appears that the funds currently expended in the criminal justice system for the target population provide a means for compelling individuals into treatment programs that may not be possible outside the sanctions of the criminal justice system.

BACKGROUND AND METHODOLOGY

Members of the working group developed a proposed methodology for the evaluation, reviewed case data, and confirmed the components of costs. The methodology includes:

- a target population that includes all felony and misdemeanor criminal charges for non-violent drug offenses. Statistics for the target population were obtained from the District Attorney's case management system and averaged over a three year period;
- an identification of the criminal justice system processing of individuals charged with these offenses from the point of arrest to outcome. Cost data was then developed utilizing arrest and filing information and other points of contact throughout the criminal justice system process. Court related costs were developed based on a single court component where all cases within the target population are now being processed.
- a review of the various points where incarceration costs can be incurred for the target population. These include pre-arraignment, remands from Drug Court and other interim sanctions, and as sentencing for failure to complete programs. Jail days were estimated based on averages provided by the Probation Department and the Superior Court Judge assigned to Drug Court.

Attached to this report are a series of Tables that set forth case and cost data for the target population. Notes accompanying the tables clarify the statistics and information provided in the tables. The tables include:

Table 1- Drug Filings for Target Population- Three Year Average 1998/99- 2000/01

This table lists the felony and misdemeanor filings for the target population based on a three year average from 1998/99 through 2000/01. The table provides data for the Sheriff's Department and other law enforcement agencies in the County. The data includes one misdemeanor offense that is routinely charged as a citation - H&S 11357(b) Possession of less than an ounce of marijuana - which results in a fine only and requires relatively few justice system resources compared to other cases. Citations are also issued on a less regular basis for certain other misdemeanor offenses. The data for the target population filings was obtained from the District Attorney's records.

Table 2- Total Arrests and Drug Filings for Target Population in Santa Cruz County

This table provides data on the total number of drug filings by agencies compared to the total number of arrests for all offenses by the Sheriff's Department and all other agencies. The arrest data in this table is based upon the bookings at the County Jail and has been adjusted to include 11357(b) cases for comparative purposes since they are included in the drug filings but not included in the original booking figures. The target population based upon the total number of drug filings compared to all offenses represents approximately 18% of all agency arrests countywide.

Table 3a and 3b- Law Enforcement Costs for Apprehension of the Target Population

This table provides two approaches for the costs of determining the Sheriff's Department and countywide agencies' costs for arrests of the target population. Table 3a calculates the costs based on the target population arrests as a percentage of the Sheriff's Department's 2000/01 net county cost for its Operations Budget. This amount is then adjusted by a weight factor of 30% to adjust for the reduced amount of resources spent on these lower level offenses.

Countywide costs are then extrapolated from the Sheriff's Department's costs based on the percentage of target population arrests. This results in a cost of approximately \$360,000 for Sheriff's services and a countywide cost of approximately \$1 million for law enforcement services.

Table 3b was recommended by the Sheriff's Department as an alternative method based on an estimated number of hours for an individual arrest for one of the target offenses. The Sheriff's Department believes this direct cost approach should be utilized for purposes of this evaluation since the target cases require few resources and do not involve a large part of the Sheriff's Department's operations, e.g., investigation, community service, etc. This results in a significantly lower estimate of law enforcement costs both for the Sheriff's Department and countywide law enforcement.

Summary Table 7 uses the total cost methodology from Table 3a for apprehension costs for the target population.

Table 4- Estimated Booking Costs and Revenue

This table sets forth the cost incurred by the County for the booking of the target population into the Main Jail. In this case, individuals charged with citations are excluded from the data since they are not booked but rather cited and released in the field. The booking fee revenue is collected from the cities and certain other jurisdictions based upon the actual costs for booking.

Table 5- Estimated Court Related Costs Associated with the Target Population

These costs are based upon one full time Superior Court where all target population cases have been consolidated. This consolidation has been in response to the effectiveness of Drug Court where all cases were heard by a single Superior Court Judge and to further the effectiveness of Proposition 36 as a supportive alternative to incarceration.

Table 6- Estimated Incarceration Costs for the Target Population

This table lists the various points where incarceration costs can incur for the target population, including pre-arraignment, remands from Drug Court, other interim sanctions, and as sentencing for failure to complete programs. It should be noted that the information provided in this report is based upon 2000/01 data which predates the implementation of Proposition 36 on July 1, 2001. As a result, certain data may be overstated based on the alternative to incarceration policies of Proposition 36. For example, HSA staff have estimated that individuals who would previously fail the PC 1000 drug diversion program and be sentenced to jail would now be eligible for Proposition 36.

Statistics for the Minimum Security Facilities show that reduced population has occurred at these facilities since the implementation of Proposition 36 although this is somewhat offset by remands and other interim sanctions at the Main Jail related to Drug Court policies. Longer term evaluation of jail day savings will be done as part of the Proposition 36 follow-up underway by the Health Services Agency and Proposition 36 Committee.

Table 7- Summary of Estimated Criminal Justice System Costs for the Target Population

The summary table provides countywide and County costs for the target population and estimates that a total of approximately \$3.8 million in Net County Cost was spent on the target population in fiscal year 2000/01. This total does not include costs for the various

alternative or treatment programs that service the target population. It is anticipated that the estimated costs for incarceration - the largest category of costs - will be somewhat mitigated by the implementation of Proposition 36. It should also be noted, however, that incarceration costs are relatively fixed and could not be reduced significantly unless a facility or portion of a facility was closed.


Based on our evaluation and discussions among the working group members of the criminal justice system and the health services agency, it appears that the funds currently expended in the criminal justice system for the target population provide a means for compelling individuals into treatment programs that may not be possible outside the sanctions of the criminal justice system. Although a certain percentage of the population enter treatment programs on a voluntary basis, a large percentage enter based upon a criminal offense. Absent additional statutory changes in the classification and processing of drug offenses, such as with Proposition 36, costs will continue to be incurred in the criminal justice system. As a result, we do not believe it is currently possible to redirect these funds.

It is clear, however, that additional resources are needed for prevention and treatment of drug abuse. State and federal drug policies must focus more resources on prevention and treatment, especially among youth, and develop innovative programs that would encourage more individuals to enter treatment voluntarily, rather than through the criminal justice system. Various reports speak to the large amount of resources at the State and federal levels that are spent on drug abuse and its effects on the health, welfare and education systems. These reports deal with the much larger percentage of offenders in the criminal justice system that are drug involved - potentially 80% - than the target population addressed in this report. These reports often fail to acknowledge that it is local government who is the first point of contact for these individuals and it is local government where additional resources should be targeted to make a difference.

At the local level, all efforts should be made to maximize efficiency in the criminal justice system to reduce costs where possible. Proposition 36 is moving the system in the right direction by mandating treatment as an alternative to incarceration of drug offenders. Based on implementation to date of Proposition 36 in Santa Cruz County, we believe that there is a strong commitment among representatives of the criminal justice system, the Court, and the Health Services Agency to implement this program, and other alternative programs, in an efficient, effective, and coordinated manner that will benefit the individual and the community through reduced drug abuse, increased quality of life, and ultimately cost savings in the criminal justice system.

It is therefore **RECOMMENDED** that your Board accept and file this report on the evaluation of costs associated with the criminal justice system processing of non-violent drug offenses.

Very truly yours,


SUSAN A. MAURIELLO
County Administrative Officer

cc: Criminal Justice Council of Santa Cruz County
Sheriff-Coroner
District Attorney
Public Defender
Probation
Health Services Agency

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Drug Filings for Target Population Three Year Average - 1998/99 - 2000/01

Table 1

Charge		Sheriffs	Other	Tot. Drug	% of Total
		Dept.	Agencies	Filings	Drug Filings
Felony					
H&S 11350	Possession of a Controlled Substance	135	289	424	19.6%
H&S 11358	Cultivation of Marijuana	21	6	27	1.2%
PC 653f(d) F	Solicit Sales Felony	6	9	15	0.7%
Sub Total		162	304	466	21.5%
Misdemeanor					
H&S 11357(a)	Possession of Hashish	5	11	16	0.7%
* H&S 11357(b)	Possession of < 1 oz of Marijuana	124	379	503	23.2%
H&S 11357(c)	Possession of > 1 oz of Marijuana	11	27	38	1.8%
H&S 11550	Under the Influence of a Controlled Subst.	239	314	553	25.6%
H&S 11364	Possession of Paraphernalia	73	126	199	9.2%
H&S 11365	Presence During Unlawful Use	5	27	32	1.5%
PC 653f(d) M	Solicit Sales Misdemeanor	12	43	55	2.5%
PC 381	Possession/Use of an Inhalant	2	19	21	1.0%
H&S 4060	Possession w/o Prescription	1	7	8	0.4%
Sub Total		472	953	1,425	65.9%
Wobbler (Can be filed as a felony or misdemeanor)					
H&S 11377	Forged or Altered Prescriptions	119	139	258	11.9%
H&S 11368	Possession of Methamphetamines	1	14	15	0.7%
Sub Total		120	153	273	12.6%
Total		754	1,410	2,164	100.0%

* Charged as a citation with fine only

Notes:

1. Filings are based on a three year average (98/99 - 00/01) and adjusted for DEA Drug Task Force arrests in 00/01
2. Filings are for an individual. To clarify, if an individual is arrested on 3 separate occasions and the DA files charges three separate times, these statistics **will** reflect three filings. However, if the DA files **more** than one of these charges against a defendant, it is only counted once as the more serious charge.

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**Total Arrests and Drug Filings for
Target Population in Santa Cruz County
FY 2000/01**

Table 2

Arresting Agency	Total Arrests- All Offenses (including citations)	% of Agency Arrests to Total Arrests	Total Drug Filings (including citations)	% of Agency Drug Filings to Agency Arrests	% of Agency Drug Filings to Total Drug Filings
Sheriff's Dept.	4,337	35.7%	754	17.4%	34.8%
Other Agencies	7,809	64.3%	1,410	18.1%	65.2%
Total	12,146	100.0%	2,164	17.8%	100.0%

Source: Filings - District Attorney Records
Arrests - Sheriff's Office Records, based upon total bookings and adjusted to include 11357 (b) citations.

**Law Enforcement Costs for Apprehension
of the Target Population
FY 2000/01**

**Table 3a-
Total Cost Methodology**

Item	Cost
Sheriffs Dept. Operations Budget - 2000/01 Actual Net Co. Cost	\$6,946,697
% Sheriff Drug Filings to Total Sheriff Arrests	17.4%
Weighting Factor	30.0%
Sheriff's Dept. Cost Based on % Weighted Drug Filings	\$362,618
Sheriffs Dept. % of Drug Filings to Total Drug Filings	34.8%
County Wide Costs	\$1,042,005

Notes:

1. Weighting factor applied to adjust for lower than average staff time required for simple drug offenses.
2. County wide costs are extrapolated from Sheriff's costs based on proportionate percentage of drug filings for all agencies.

**Table 3b-
Direct Cost Methodology**

Agency	Sal & Ben	Hrs/ Arrest	# of Arrests	Cost
Sheriff's Department	\$34.21	2	754	\$51,582
Sheriff's Dept. % of Drug Filings to Total Drug Filings				34.8%
County Wide Costs				\$133,287

Notes:

1. Methodology uses Sheriffs Department assessment of direct staff time for an average simple drug arrest.
2. County wide costs are extrapolated from Sheriff's costs based on proportionate percentage of drug filings for all agencies.

Sources: Auditor Controller 2001/02 Final County Budget and Sheriffs Department

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Estimated Booking Costs for Target Population FY 2000/01

Table 4a

Item	Amount
Total # of Drug Filings less Citations (11357b)	1,661
2000/01 Booking Fee	\$149.23
Total Estimated Booking Cost for Target Population	\$247,871

Notes:

1. Individuals with citations are not booked into the County Jail.

Estimated Booking Fee Revenue for Target Population FY 2000/01

Table 4b

Item	Amount
# of Drug Filings less Citations (11357b)	1,661
Sheriffs Department Bookings- not chargeable	(547)
Total Chargeable Bookings	1114
2000/01 Booking Fee	\$149.23
Estimated Booking Revenue for Target Population	\$166,242

Notes:

1. Individuals with citations are not booked into the County Jail, thus no booking fee is charged.

Source: Booking Fee- Sheriff Office's Detention Bureau
Filings- District Attorney Records

Estimated Court Related Costs Associated with the Target Population

Table 5

Function	FTE	FY 00/01 Annual Cost
Prosecution		
Atty	1.50	132,202
court		
Judge	1.00	172,966
Bailiff	1.00	63,730
Court Reporter	1.00	69,456
Court Clerk	1.00	49,026
Defense		
Atty - PD	1.50	132,203
Atty - Conflicts	1.00	88,135
Probation		
DPO II	2.00	99,616
Estimated Court Related Costs	10.00	807,333

Note:

1. Based on one full time consolidated Court for all target population drug offenses

Sources: District Attorney's Office, Superior Court, Main and Conflict Public Defenders, Probation, Auditor-Controller

**Estimated Incarceration Costs for the Target Population
Pre- Proposition 36 Implementation
FY 2000101**

Table 6

Reason for Incarceration	# of Individuals	Cost Per Day	# of Jail Days	Total
Pre Arraignment				
Misdemeanors (released on own recognizance-OR)	NA			
Felonies (50% OR; 50% incarcerated)	233	57.50	2	26,795
Remanded & Re-referred				
From/to Drug Court (Average 5 per week)	260	57.50	4	59,800
Sentenced - Failed Programs				
Min jail days (90 days)	317	57.50	60	1,093,702
Min jail days (120 days)	362	57.50	80	1,665,976
Min jail days (180 days)	14	57.50	120	98,923
Estimated Incarceration Costs				2,945,197

Notes:

1. The number of jail days in the above table assumes that individuals are first time offenders with single offenses. Actual bed days can vary based upon the circumstances of each case. The number of jail days listed above is the minimum number of days in each category.
2. Sentenced for failed programs is based on the number of individuals that did not successfully complete the PC 1000 program and the Drug Court program in the target population and were not eligible for other programs. Effective July 1, 2001, many of these individuals will now be eligible for Proposition 36 treatment programs.
3. The actual number of jail days served in jail is 2/3 of the sentence because of the 1/3 good time, work time policy. Minimum jail days are determined based upon type of offense.
4. 11357(b) Poss. of < 1 oz marijuana are not included because they are charged as citations.

Sources: Drug Court and Probation for jail day information.
HSA Alcohol and Drug Program for drug treatment program statistics.
Sheriff's Detention Bureau for the daily jail rate.

**Summary of Estimated Criminal Justice System Costs
for the Target Population-
Pre- Proposition 36 Implementation
FY 2000/01**

Table 7

Function	All Agencies Cost	County Agencies Cost	County Revenue Offset	Net County Cost
Law Enforcement Agencies	1,031,622	362,618		362,618
Booking	247,871	247,871	166,242	81,629
Prosecution	132,202	132,202		132,202
court	355,178			0
Defense	220,338	220,338		220,338
Probation	99,616	99,616		99,616
Incarceration	2,945,197	2,945,197		2,945,197
Total	5,032,024	4,007,842	166,242	3,841,600

Notes:

1. County cost for law enforcement represents Sheriffs Department cost from Table 3a.
2. Court costs **are** financed by the State.