

MEETING DATE: February 11, 2021

AGENDA ITEM: G

TO: BSCC Chair and Members

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SUBJECT: Jail Profile Survey: Addition of Late-Night Release Information and AB 109 Survey: **Requesting Approval**

Summary

This agenda item requests approval to collect data related to late-night releases from jail and the AB 109 survey data through the Jail Profile Survey (JPS).

Background

Jail Profile Survey

Since the early 1980s the Board of State and Community Corrections (BSCC) and its predecessor entities¹ have administered the JPS to collect county jail population data from local jurisdictions. Over the years, the data have provided counties a means of tracking changes in their jail populations and projecting program and facility needs. It has also provided a means to inform stakeholders, researchers, policymakers, and other interested parties about local detention populations.

Addition of Late-Night Release Information to the JPS

In February 2020, the Board approved a staff recommendation to add the collection of information about late-night releases from jail to the JPS after consultation with reporting jurisdictions and subject-matter experts to ensure the new information can be collected.

Following Board approval, BSCC staff developed a draft recommendation for the collection of information related to late-night releases from jails (Attachment 3). The draft recommendation took into consideration existing California law, California's recent legislative efforts, legislative changes in other states, and the concerns associated with late-night releases.

The BSCC's draft recommendation:

- Divides the release time into three time periods (6 a.m. to before 5 p.m., 5 pm to before 11 p.m., and 11 p.m. to before 6:00 a.m.).
- Adds **Section I, Late-Night Release Information**, to the monthly survey form to collect three new data elements:

I-1) Total number of individuals released during the month between 6:00 a.m. and before 5:00 p.m.

¹ Formerly the Corrections Standards Authority (CSA) and Board of Corrections (BOC).

- I-2) Total number of individuals released during the month between 5:00 pm and before 11:00 p.m.
- I-3) Total number of individuals released during the month between 11:00 p.m. and before 6:00 a.m.
- Defines release as:
 - Individuals who were released from a county jail upon completion of a sentence served.
 - Individuals who were released for reasons other than the completion of a sentence, including individuals released:
 - on their own recognizance, includes book and release, or ordered by the court.
 - after their charges are dropped or dismissed by the court.
 - after acquittal by a jury, cited for a misdemeanor, or posting bail.

Input Regarding the Recommendation

On November 16, 2020, the draft recommendation was posted to the BSCC's website and the opportunity to provide comments through a virtual listening session on December 3, 2020 or in writing by email were advertised through a press release,² a BSCC webpage,³ and by email using the BSCC's general listserv⁴ consisting of approximately 1,500 individuals. The press release was also distributed to the JPS data reporters⁵ and the draft recommendation was discussed during a Quarterly JPS Conference Call with data reporters on December 10, 2020. The BSCC sought input on the utility, ability for agencies to collect, and any other relevant information.

No substantive comments related to the draft recommendation were received during the December 3rd virtual listening session. Twenty individuals, excluding BSCC staff, logged into the listening session and one individual asked a question about the general purpose of the JPS. No comments regarding the draft recommendation were received during the listening session.

Two written comments were received. One comment, submitted by a data reporter for a small county opposed the addition of late-night release information because: a) it is another data collection requirement in addition to the considerable burden of data that agencies are already required to report, and b) out of concern that the data may be used by certain entities as a means to target agencies for a lawsuit. The other provided comments not related to the addition of late-night release information (i.e., collection of length of stay information and collecting daily counts rather than monthly averages).

Twenty-five data reporters representing 22 counties participated in December's Quarterly JPS Conference Call. During the meeting, no data reporter mentioned being opposed to the addition and the conversation focused on the following topics:

² Available at <https://www.bscc.ca.gov/news/bscc-seeks-input-on-jps-changes/>.

³ Available at http://www.bscc.ca.gov/s_jpszoom/.

⁴ A listserv for individuals who are interested in the work of the BSCC to subscribe to in order to receive BSCC general mailing and press releases.

⁵ Individual contact at each agency that submits data through the JPS.

- **Individuals included** – which individuals should be counted in each time period for release (e.g., individuals detained until they sober up, cite and release before booking, book and release?)
- **Counts by release type of** – whether counts would be reported by release type (e.g., book and release, bail, sentence served) or just the total number released for each time period. Many data reporters indicated tracking by type of release would be difficult and for some not possible.
- **County policy information** – knowledge of the county's related release policy and practices are required for users to correctly interpret the data. That is, knowledge of the county's release policy and practice may let a data user know that any releases between the hours of 11 PM and 6 AM were at the request of the individuals.
- **Alternate time periods** – a single suggestion to align the time periods with the facilities' shift schedule (i.e., that is most facilities run 10- or 12-hour shift and those should be the reporting time periods).
- **Data availability** – Some data reporters indicated the information is readily available in the jail management system (JMS) while others reported that it would be a manual tally, or the data was not available.

Questions related to the first two topics, individuals included and counts by release type, were answered by BSCC staff based on the information provided in the draft recommendation. That is, all individuals who are released from the facility will be included in the count and a total count -- rather than counts by release type -- would be provided for each time period. Regarding county policy information, consistent with the draft recommendation BSCC staff indicated that reporting agencies would be surveyed to collect information about their release policy as it relates to Penal Code section 4024, and the information would be made public on the BSCC website with instruction that knowledge of these policies should inform the interpretation of the data. Regarding the suggestion of an alternate time period, the draft recommendation was developed to capture releases during time periods in which services and transportation may not be readily available and the safety of individuals may be a concern. Since these concerns are not related to the facilities' shift schedule, the time periods were not modified.

Following the conference call, a survey was distributed to all JPS data reporters to determine data availability across the counties. Based on the survey responses (N = 37 counties):

- 24 percent indicated the data are currently available and reportable in their jail management system.
- 11 percent indicated the data are available but an update to the jail management system is needed to develop a report to extract the information.
- 16 percent indicated an update to the jail management system is needed to collect and report the information.
- 32 percent indicated collection of the data will be a manual process.
- 16 percent indicated the data will not be available and the county will report "U" for unavailable.

After considering the input received and the data availability information, no modifications to the draft recommendation were made.

AB 109 Jail Survey

In 2012, the AB 109 Jail Survey was implemented. The survey was developed in collaboration with the California State Sheriff's Association and Chief Probation Officers of California to collect baseline data to reflect the impact of AB 109, specifically related to Penal Code Section 1170(h) (county incarceration of three (3) people incarcerated in county jails for non-serious, non-sexual, non-violent offenses) and Post-Release Community Supervision on local adult detention facilities. AB 109 Jail Survey data elements are collected monthly (Attachment 4). At the time of development, the data elements were intended to be incorporated as part of the monthly JPS and integrated into the JPS database, data entry portal, and online query system. However, internal information technology resources were not available to accomplish this and instead Excel forms and spreadsheets were used to implement and support the survey. Management of the survey and reported data has been and continues to be a manual process for staff.

Incorporating the AB 109 Jail Survey into the JPS could provide efficiencies not only for BSCC staff but also for those who provide the data. Specifically, incorporating the AB 109 Jail Survey into the monthly JPS survey process would provide some automation for staff and combine two separate review process into one. Additionally, data reporters would be able to submit one survey rather than two surveys through two different submission processes.

Proposed Timeline for Implementation

If the Board approves the addition of late-night release information and the incorporation of the AB 109 Jail Survey into the JPS, the following timeline is proposed for implementation:

Task	Time Period
1. Update JPS System	February – April 2021
a. Update data entry portal	
b. Update internal review process and database reports	
c. Update database tables and publishing process	
d. Update online query system	
e. Test system updates	
2. Update JPS Data Reporting Guides and Materials	April 2021
3. Data Reporter Training	May 2021
4. Go Live with Data Collection	July 2021
5. Due Date for Third Quarter Data	October 15, 2021
6. BSCC Review Process	October – December 2021
7. First Publication of Collected Data	By January 1, 2022

Recommendation/Action Needed

Staff recommends that the Board:

1. Approve addition of late-night release information to the monthly JPS as described in the draft recommendation and the collection of policy and practice information from each county.
2. Approve the incorporation of the AB 109 Jail Survey into the monthly JPS.
3. Approve the timeline for adding late-night release information and the AB 109 Jail Survey into the JPS.

Attachments

G-1: Monthly Jail Profile Survey Form

G-2: Quarterly Jail Profile Survey Form

G-3: Recommendation for the Collection of Information Related to Late-Night Releases from Jail

G-4: Monthly AB 109 Jail Survey Form