



State of California



The State of the Jails in California

Report # 3: IMPACT OF CONVICTED DRUNK DRIVERS ON LOCAL DETENTION SYSTEMS

BOARD OF CORRECTIONS

OCTOBER 1986

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PREFACE

The State of the Jails in California

Report #3: Impact of Convicted Drunk Drivers on
Local Detention Systems

The Board of Corrections is pleased to publish this report on the impact of sentenced drunk drivers in California jails. It is the third in a series of reports describing trends in numbers and types of prisoners held in local detention facilities.

Though the Board does not have historical population data on convicted drunk drivers, this survey and report are a response to recent increased concern from jail administrators regarding this group of offenders.

In response to these findings, the Board of Corrections will target technical assistance and training efforts toward coping with the convicted drunk driver in, what is typically, an overcrowded jail.

Your comments, suggestions and responses to this report will be most welcomed.

N. A. Chaderjian
Chairman, Board of Corrections
Secretary, Youth and Adult
Correctional Agency

State of California

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THE STATE OF THE JAILS IN CALIFORNIA

REPORT #3: IMPACT OF CONVICTED DRUNK DRIVERS ON LOCAL DETENTION SYSTEMS

Jail crowding continues to be a problem for local jurisdictions in California. The current jail capacity is 39,576. On June 14, 1986, there were 56,951 prisoners in California jails, 44 percent over capacity.

Over the past several years, California has committed over \$1.3 billion¹ to a Statewide effort to solve the counties' jail overcrowding problems through the construction of new jail beds and replacement of deteriorated facilities. However, jail populations are continuing to grow, and even with the new beds, facilities will continue to be overcrowded.

The Board of Corrections, as part of its overall effort to provide technical assistance to counties, researches local corrections issues such as overcrowding. One component of the overcrowding problem that has been discussed by local corrections officials is the impact that mandatory sentencing legislation for drunk driving has had on jail populations. Although no historical data exists on the number of convicted drunk drivers in jail, counties have reported a substantial increase in this category of offender.² While, typically, these are manageable prisoners, corrections officials are troubled by the fact that they occupy expensive jail space and that little counseling or programming is available to help reduce the rate of recidivism.

In an effort to determine the impact of convicted drunk drivers on local detention systems, the Board of Corrections conducted a survey of all California counties to identify: the number of convicted drunk drivers in the jails, the type of housing space they occupy, the availability of in-custody treatment programs, and the alternatives to incarceration that are used for this population. This report summarizes the results of that survey.

Number of Convicted Drunk Drivers

The survey asked for the number of convicted drunk drivers on a Wednesday and Saturday in June 1986. Historically, judges have sentenced some offenders to serve their jail time on weekends only to allow them to maintain their employment. Although the data indicates this practice still exists in some counties, it has been abandoned in many counties due to the fact that the practice exacerbates an already serious overcrowding problem.

¹\$1,045,000,000 State funds + 25 percent county matching funds.

²Only Marin County reported having done a study on trends in drunk driving jail sentences. They found that the percentage of sentenced drunk drivers in jail dropped in recent years from 65-75 percent of the sentenced population to 50 percent. However, DUI inmates were now serving longer jail terms.

Fifty-six counties responded to the survey. (Alpine County does not hold sentenced prisoners, and San Luis Obispo did not respond.) On Wednesday, June 11, 1986, there were 6,411 convicted drunk drivers in local jails, and on Saturday, June 14, 1986, there were 6,857 drunk drivers. (See Table 1: Number of Convicted Drunk Drivers in Local Detention Facilities.) These convicted drunk drivers represented 12 percent of the total (pretrial and sentenced) population in jail on those two days.

The percentage of convicted drunk drivers in county detention systems varied from a low of one percent in San Francisco and three percent in Amador and Del Norte to a high of 53 percent in Inyo County.

One of the major concerns of local officials is that sentenced drunk drivers are housed in expensive space. This concern is validated by the data. It is estimated that drunk drivers represent 23 percent of the sentenced population serving jail time Statewide. Forty-one percent (41%) of the convicted drunk drivers are housed in maximum/medium-security housing. This is the most expensive type of housing to construct and to operate. Forty-five percent (45%) of the drunk drivers were housed in minimum-security housing, and 14 percent were housed in work furlough space.

In-Custody Treatment Programs

Forty-five of the responding counties (80 percent) indicated that Alcoholics Anonymous worked with sentenced drunk drivers in the jail facilities. However, only eight counties (14 percent) provided an in-custody treatment program other than counseling provided by AA. The counties were: Colusa, Contra Costa, Marin, Napa, Riverside, San Diego, San Joaquin, and Ventura. Six of these programs provided alcoholism counselors (paid and volunteer), both on a regular basis and by request, to conduct individual and group counseling and education. The Inmate Welfare Fund was used in Ventura County to fund the counseling and workshops. Local alcoholism councils operated some counseling programs, and county mental health operated others.

Only two counties operate facilities and programs which could be considered alternative housing or treatment programs.

San Joaquin County offers a program at the Residential Treatment Center at the County Hospital for sentenced drunk drivers. Inmates sign a work furlough-type agreement and attend rehabilitation sessions at the County Hospital during the day; they return to the honor farm at night. The program is funded through the County Hospital.

Contra Costa County initiated the Marsh Creek Detention Facility Alcohol Education Project in June 1986. Approximately 60 eligible, convicted drunk drivers are housed separately from the general honor farm population and participate in an eight-hour-per-day alcohol education program. Each inmate spends a minimum of 30 days in the program. The program is funded by State education ADA funds.

TABLE 1: NUMBER OF CONVICTED DRUNK DRIVERS IN LOCAL DETENTION FACILITIES

County	DUI of Total ADP	Convicted Drunk Drivers Housing Classification				Convicted Drunk Drivers Housing Classification					
		June 11, 1986		June 14, 1986		June 11, 1986			June 14, 1986		
		Convicted DUI	Total ADP	Convicted DUI	Total ADP	Med./Max.	Min.	Work Furl.	Med./Max.	Min.	Work Furl.
Alameda	10.5	278	2,697	292	2,774	15	165	98	12	181	99
Amador	3.0	0	34	1	29	0			1		
Butte	19.5	40	231	50	235	17	23		15	35	
Calaveras	37.0	11	31	13	33	11			13		
Colusa	13.0	8	69	10	74	8			10		
Contra Costa	11.0	104	946	104	912	11	61	32	11	61	32
Del Norte	3.0	2	54	1	61	2			1		
El Dorado	14.0	21	152	24	168	21			24		
Fresno	15.5	230	1,397	214	1,417	34	174	22	25	155	34
Glenn	7.5	3	50		44	3			4		
Humboldt	20.5	37	199	40	182	37			40		
Imperial	9.5	25	275	29	291	5	20		5	24	
Inyo	53.0	22	42	23	42	22			23		
Kern	14.0	287 ¹	2,142	314 ¹	2,134	287			314		
Kings	29.5	92	315	97	328	58	34		59	38	
Lake	19.0	13	66	13	71	13			13		
Lassen	12.5	5	42	6	46	5			6		
Los Angeles	5.0	969	19,648	1,018	20,156	599	370		649	369	
Madera	21.0	62	266	50	269	62			50		
Marin	22.0	57	258	56	256		57			56	

¹Kern County data on number of convicted drunk drivers is estimate from total drunk driver population (pretrial and sentenced) on the two sample days.

County	DUI of Total ADP	Convicted Drunk Drivers Housing Classification									
		June 11, 1986		June 14, 1986		June 11, 1986			June 14, 1986		
		Convicted DUI	Total ADP	Convicted DUI	Total ADP	Med./Max.	Min.	Work Furl.	Med./Max.	Min.	Work Furl.
Mariposa	8.5	2	16	1	26	2			1		
Mendocino	15.0	24	170	27	165		24			27	
Merced	42.0	178	444	183	421	28	150		28	155	
Modoc	7.0	1	22	2	21	1			2		
Mono	35.0	5	19	7	16	5			7		
Monterey	31.5	227	735	257	812	46	108	73	70	112	75
Napa	27.5	30	123	35	121	5		25	8		27
Nevada	8.5	5	82	11	100	3	2		6	5	
Orange	17.0	519	3,199	571	3,335	58	461		71	500	
Placer	30.0	39	196	86	216	9	30		36	50	
Plumas	15.0	3	27	6	31	3			6		
Riverside	17.0	252	1,522	257	1,481	52	200		62	195	
Sacramento	15.5	321	1,952	303	1,971	76	168	77	79	146	78
San Benito	22.0	14	62	14	66	14			14		
San Bernardino	14.5	224	1,609	323	2,127	224			323		
San Diego	16.3	316	3,603	301	3,587	97	142	77	87	147	67
San Francisco ²	1.0	12	1,514	13	1,491			12			13
San Joaquin	15.0	159	1,059	163	1,068	20	139		17	146	
San Mateo	24.5	205	844	217	877	34	70	101	42	70	105
Santa Barbara	19.5	142	705	143	732	51	54	37	50	54	39

²San Francisco took the data sample on August 27 and 30, 1986.

County	% DUI of Total ADP					Convicted Drunk Drivers Housing Classification					
		June 11, 1986		June 14, 1986		June 11, 1986			June 14, 1986		
		Convicted DUI	Total ADP	Convicted DUI	Total ADP	Med./Max.	Min.	Work Furl.	Med./Max.	Min.	Work Furl.
Santa Clara	11.0	345	3,238	354	3,284	209		136	219		135
Santa Cruz	17.0	71	422	77	436	5	41	25	5	47	25
Shasta	17.0	66	383	64	376	32	34		31	33	
Sierra	8.0	1	12	1	13	1			1		
Siskiyou	4.5	2	32	1	31	2			1		
Solano	16.0	66	428	76	457	66			76		
Sonoma	23.5	108	457	106	462	20	88		9	97	
Stanislaus	28.5	189	752	241	764	54	135		66	175	
Sutter	14.0	18	143	23	150	18			23		
Tehama	12.5	13	104	13	105	13			13		
Trinity	37.5	8	24	10	24	6	2		7	3	
Tulare	20.0	142	734	152	721	2	140		4	148	
Tuolumne	28.5	19	62	17	66	19			17		
Ventura	24.0	347	1,458	352	1,463	176		171	183		169
Yolo	19.0	48	267	57	283	9	39		14	43	
Yuba	23.5	24	117	34	130	24			34		
STATEWIDE	12.0	6,411	55,450	6,857	56,951	2,594	2,931	886	2,887	3,072	898

Appendix 1 is a list of contact people in each of the counties that operate in-custody treatment programs other than those sponsored by Alcoholics Anonymous. A detailed description of the Contra Costa County program is included in Appendix 2.

Weekenders

As mentioned earlier in this report, it has been the practice of judges to sentence some offenders to serve their jail sentences on weekends only. Counties were asked whether the total in-custody sentenced population increased significantly due to persons serving jail sentences on weekends only. Thirty-three counties (59 percent) reported having significant population increases on the weekends. Counties reporting significant increases indicated that there were 985 weekend-only prisoners, on the average, each weekend in 1985. Approximately 704, or 71 percent, of these weekend-only prisoners were convicted drunk drivers. Weekend-only prisoners ranged from only a few in Sierra, Lassen, and Plumas to around 150 in San Bernardino, San Diego and Orange Counties. Twenty-three counties reported no significant population increase on the weekends. The 985 weekend-only prisoners reported in the other jurisdictions accounted for two percent of the total jail population on Saturday, June 14, 1986.

Work in Lieu of Jail

In an effort to reduce overall jail populations and also reduce the weekend population, many counties have implemented a work-in-lieu-of-jail program. These programs operate under Section 4024.2 of the Penal Code, which states that the board of supervisors of any county may authorize the sheriff or other official in charge of county correctional facilities to offer a volunteer program under which any person committed to such facility may perform 10 hours of labor on the public works or ways in lieu of one day of confinement.

Current legislation permits acceptance of any county jail commitment to the work-in-lieu program but includes the following restriction: PC 4024.2(d), "If the court sentences the defendant to a period of confinement of 15 days or more, it may restrict or deny his or her eligibility for the work release program."

Most program participants do not spend any time in custody. However, some programs release persons from jail early to serve their remaining sentence in the work program. Some programs operate seven days a week, and others operate only on the weekends.

The work-in-lieu program has the advantage of being able to pay for itself. Many counties charge the offender a flat administrative fee and also the per-day charge allowed in the legislation. Some counties use correctional staff to supervise the work crews, while other counties require the agency receiving assistance to provide the supervision. Some counties provide transportation to the work sites, and other counties require the offenders to arrive at the site on their own.

Thirty-eight (68 percent) of the counties reported operating a work-in-lieu-of-jail program in 1985.³ This is an increase of 15 counties since 1982-83 when only 23 counties operated such programs. In 1985, 161,467 persons participated in the work-in-lieu-of-jail program. (See Table 2: Work-in-Lieu-of-Jail Program - 1985 Program Participants.) Although the numbers are not exactly comparable, it appears that the use of the work program alternative has grown substantially since 1982-83 when 23 counties reported 27,777 sentenced offenders granted work in lieu.

There are substantial differences among counties in the use of the work-in-lieu program. Sacramento and Santa Clara Counties contributed 66 percent of the work program participants in 1985. Other large counties used the program less than many medium and small size counties.

Most counties accept first, second, and third-time drunk driving offenders in the work program. Eligibility is determined more by length of sentence, e.g., 30 days or less, than by offense. A few counties (nine) take first or second drunk driving offenders only.

The vast majority of offenders in the work program are convicted drunk drivers. In 41 percent (15) of the counties, more than 80 percent of the participants were drunk drivers. In 86 percent of the counties, more than half of the participants were drunk drivers.

Other Alternatives Used for Sentenced Drunk Drivers

Eleven counties (20 percent) indicated that there were other public or private agencies operating programs that served as alternatives to jail for convicted drunk drivers.

Six of these programs are community service work programs operating in counties that also have a work-in-lieu-of-jail program (Fresno, San Diego, Nevada, Riverside, Tuolumne, and Mendocino). These programs are operated by Probation and the Marshal's Office (Riverside only).

Five counties described education and counseling programs available to drunk drivers. Pathways, in Colusa, Yuba, and Sutter Counties, served 1,030 first and second-time offenders in 1985. The Sierra Council on Alcoholism served 781 first and second-time offenders in Placer and Nevada Counties in 1985. Pacific Education Service served 360 drunk drivers in 1985 in Placer.

Only two programs appear to be direct alternatives to jail. Monterey County has a residential treatment center for alcoholics. In 1985, the program saved 15,000 jail days; 40 participants entered from the jail and most of these offenders were drunk drivers. The usual stay is 60 days.

³The Probation Departments in Imperial and Siskiyou Counties started work release programs in early 1986. Each program has had 30 to 40 participants; the majority of participants in Imperial were drunk drivers, and 20 percent of the Siskiyou workers were drunk drivers.

TABLE 2: WORK-IN-LIEU-OF-JAIL PROGRAM

1985 Program Participants

Alameda	5,164	Placer ⁷	744
Amador ¹	273	Riverside	2,591
Butte ²	189	Sacramento	55,527
Contra Costa	5,305	San Bernardino	2,640
El Dorado	127	San Diego	4,704
Fresno	2,496	San Francisco	2,055
Glenn	83	San Joaquin	3,490
Humboldt	268	San Mateo	3,542
Kern	2,897	Santa Barbara	900
Kings ³	92	Santa Clara ⁸	51,726
Los Angeles ⁴	2,168	Santa Cruz	2,500
Madera	35	Shasta ⁹	35
Marin ⁵	1,431	Solano	596
Mendocino	4	Sonoma ¹⁰	1,700
Merced	76	Sutter	631
Monterey ⁶	2,649	Tulare	669
Nevada	196	Tuolumne	700
Orange	2,000	Ventura	140
		Yolo ¹¹	454
		Yuba ¹²	<u>670</u>
		STATEWIDE	161,467

Footnotes to Table 2:

- 1 Probation operates the work program in Amador.
- 2 Numbers for six months only. Accept second and third DUI convictions only after mandatory 48 hours in-custody.
- 3 Probation Department operates the work-in-lieu program. Convicted drunk drivers are not eligible.
- 4 Los Angeles Sheriff's Department has significantly increased the use of the work program so that participants numbered 7,268 in the first eight months of 1986 and are targeted to average 1500 per day by December 1986.
- 5 Probation Department administers work program in Marin.
- 6 Only persons who do not complete the program are excluded from participation.
- 7 Probation operates the work release program. Inmates with 30 days or less left to serve are removed from custody and put on this program.
- 8 Santa Clara County operates two work programs. The weekend only work-in-lieu-of-jail program had 49,089 participants for calendar year 1985; 55 percent of these participants are estimated to be drunk drivers. The judge sentences participants directly to the weekend work program operated by the Sheriff's Department. Participants in the P.C. 4024.2 work-in-lieu program are removed from custody by the Sheriff and put on the program; there were 2,637 participants in calendar year 1985.
- 9 Work-in-lieu program initiated in October 1985.
- 10 Probation operates the work-in-lieu program.
- 11 Program started April 1, 1985.
- 12 Probation operates the work-in-lieu program.

Other Alternatives Used for Sentenced Drunk Drivers (Continued)

Madera County Probation operates a special parole (house arrest) program in which a monitor checks up on the participant at night, either in person or by telephone.

In Los Angeles County, there are several cities (e.g., Torrence, San Fernando) that rent jail space to sentenced drunk drivers. First and second time offenders may, at the discretion of the judge, serve their time at the city jail. San Fernando charges \$60 a day, although some space is reserved for indigents. Offenders work during the day and remain in custody at night. This program does not have a significant impact on county jail population levels. San Fernando only houses about three to four offenders per weekend.

Conclusion

Convicted drunk drivers are a substantial proportion of the sentenced county jail population in California. Drunk drivers often occupy expensive jail housing. Very few in-custody treatment programs exist for this population. Examples from a few counties indicate that these offenders could make more productive use of their sentenced time. This could occur through expansion of the work-in-lieu program and/or establishment of in-custody treatment programs like those in San Joaquin or Contra Costa Counties.

IN-CUSTODY TREATMENT PROGRAMS

Colusa County
Frances Austin
(916) 458-2115

Colusa County Counseling Center

Contra Costa County
Peter Christiansen
(415) 372-4872

Marsh Creek Detention Facility
Alcohol Education Project

Marin County
Ralph Merola
(415) 499-6652

Alcoholism Council of Marin

Napa County
Dale McBride
(707) 253-4403

Napa Council on Alcohol Problems/
Work Furlough Mandatory Program
for Acceptance

Riverside County
Laura T. Wagoner
(714) 787-1207

Alcoholism Control Section of
Mental Health Department

San Diego County
R. Ariessohn
(619) 579-4457

Counseling programs at Las Colinas,
Central Jail, Vista Jail.

Vickie Markey
(619) 560-3169

Camp Westfork and Barrett Programs

San Joaquin County
Mary Curtis
(209) 944-2340

Residential Treatment Program at
County Hospital

Ventura County
William Wade
(805) 654-2305

Counseling and Substance Abuse
Workshops

The Marsh Creek Detention Facility (MCDF) Alcohol Education Project began June 23, 1986 under the joint sponsorship of the Contra Costa County Sheriff's Department and the Contra Costa County Office of Education.

Convicted drunk drivers and other alcohol related offenders at MCDF who apply and are accepted into the program are housed separately from the general sentenced population at the MCDF. They participate in a structured 8-hours per day alcohol education program patterned after a very successful local private agency's residential treatment program and staffed by three specially trained instructors. Each inmate spends a minimum of 30 days in the program.

Participation in the Project is voluntary and inmates who apply for the program are first interviewed by an alcohol counselor who verifies if an alcohol problem exists and who assesses motivation and amenability for participation in the program.

Inmates admitted to the program are expected to participate actively and to observe all program and all facility rules. Repeated willful violation of these rules, or non-participation, is grounds for expulsion from the program and return to the general population.

The program emphasizes involvement of family members and continued monitored participation in a community based alcohol abuse program following release. Inmates enrolled in the MCDF Alcohol Education Project receive good time/work time and school time credit toward sentence reduction and upon successful completion of the primary phase of the program, the program staff will, if authorized by the inmate, provide verification of the inmate's successful completion of the program to the judges and/or the County Parole Commission.

To assure the success of this program, the program is voluntary, the program staff have the right to reject and expel applicants when appropriate and the program is not intended to be either an alternative to the Work Alternative Program or to other community residential treatment programs.

An Advisory Board consisting of representatives from various criminal justice agencies, alcohol programs and the judiciary is actively involved with the program.

The Contra Costa County Probation Department is assisting with a long-term follow-up evaluation of the program.

The program is funded by state ADA and consists of three instructors, two full-time credentialed adult education instructors (one of whom is also a licensed family therapist and a certified sex counselor) and one part-time instructor who is an MSW with an extensive background in alcohol abuse counseling.