

# Siskiyou County Jail: The End of Traditional Incarceration

## Summary

The Siskiyou County Civil Grand Jury of 2021-2022 investigated some factors that are having a negative impact on the Siskiyou County Jail and subsequently, the quality of life of Siskiyou County citizens.

These include:

- The Siskiyou County Jail does not have adequate capacity to house the number of offenders required.
- Alternatives to incarceration, including diversion programs have been closed or reduced significantly.
- Recent California legislation which allows for the early release and diversion of many offenders who may have previously been incarcerated. These offenders significantly impact Siskiyou County law enforcement, courts, jails, and county residents.
- COVID has complicated jail operations since 2020.

## Glossary

**Recidivism** - the tendency of a convicted criminal to reoffend.

**Incarceration** - the state of being imprisoned.

**Diversion** - an instance of turning something or someone aside from its course.

## Background

The Siskiyou County Jail was constructed in 1987, but for many years has been too small to house the number of offenders arrested. Multiple ballot measures for a new and larger facility have failed. Alternative housing and programs have been proposed and utilized to address the lack of capacity with inconsistent results. Since 2020 COVID has further compounded the issue of inadequate jail space.

Important California legislation reviewed for this report includes:

- AB 109 (California Public Safety Realignment Act of 2011)
- Proposition 47 (Criminal Sentences, Misdemeanor Penalties Initiative Statute) passed in 2014
- Proposition 57 (Public Safety and Rehabilitation Act) enacted 2016
- Penal Code 853.6 (Alternatives to Bail) enacted 1967, amended 2022

These laws have resulted in changes that have reduced the severity of penalties. Many offenders convicted of less serious felonies now serve time in our county jail rather than prison. Certain crimes previously considered felonies have been reclassified as misdemeanors. Examples include shoplifting, grand theft, receiving stolen property, forgery, fraud, and writing a bad check; offenses where the monetary value involved does not exceed \$950. In addition, the personal use of most illegal drugs is now charged as a misdemeanor. An alternative to the bail system has also established the criteria for the “arrest and release” of those apprehended for misdemeanor crimes. Offenders are now issued a citation in lieu of incarceration in the jail. This often results in repeat offenses being committed by those same individuals.

The County is now required to incarcerate locally those offenders convicted of felonies while they wait for space to become available at a state prison. This has resulted in many prisoners being held locally long-term waiting to be transferred, occupying jail space that could be used for other offenders. Further, felons convicted of non-violent crime now have greater opportunity for early release on parole based on good behavior.

Against this backdrop, the Grand Jury reviewed the local effects from these legislative changes.

## **Methodology**

The Grand Jury conducted interviews with County agencies and City departments which are all involved in law enforcement. Other sources reviewed in the inquiry included reports, booking forms, the penal code and miscellaneous documentation of programs administered to offenders.

## **Discussion**

Legislation over the past decade has had a significant effect on local law enforcement and the public in Siskiyou County. The interviews revealed impacts on multiple departments stemming from the “early release” policy. For example, crimes involving less than \$950 of monetary damage now result in the offender being released with a misdemeanor. This often results in repeat offenses being committed. An example used by one agency was of an individual involved in ten incidents and already arrested five

times in the six weeks since the beginning of the year. In the past year there were 100 arrests of repeat offenders, each committing an average of three crimes (300 crimes in a year).

When prisoners are released from jail the arresting law enforcement agency are not notified. Multiple agencies stated that notification would be helpful as these individuals are often back on the street committing crimes before local jurisdictions are even aware they have been released.

Prisoners from other county communities are released from jail directly into the City of Yreka with no means of transportation back to their location of residence unless prior arrangements were made by the inmate. There are times when local agencies do transport these individuals, however this reduces the agency's ability to perform regular law enforcement duties. This was noted by multiple departments and often results in those individuals committing additional crimes.

At the time of this writing, only two thirds of the jail staff positions are filled (22 of 31). It is noted that the annual starting salary of a Siskiyou County Sheriff Deputy is \$40,000-\$45,000 and is not competitive with neighboring counties. Nearby counties have starting salaries considerably higher than Siskiyou County and offer a signing bonus. This contributes to the difficulty in filling open positions. The jail capacity is 107 inmates, but currently houses 87 due to insufficient staffing. Other issues which limit the jail capacity include mandates from recent laws, the shortage of cells, and COVID precautions requiring increased spacing for inmates, Due to inadequate capacity and staffing, the jail finds itself compelled to release certain offenders back into the community. County voters rejected funding a new jail in 2019.

At this time, the Siskiyou County jail population is comprised of convicted felons awaiting transfer to a state penitentiary, prisoners diagnosed with mental health issues awaiting transfer to a state facility, offenders suspected of mental health issues awaiting evaluation by Behavioral Health, and offenders awaiting trial.

If the jail staff believes a prisoner is experiencing mental health issues that may result in harm to themselves or others, Siskiyou County Behavioral Health is contacted for further

evaluation to determine the least restrictive environment appropriate for the individual, such as a private cell instead of housing in the general jail population. These evaluations are subject to legal protections under the Protected Health Information Act as provided in Penal Code 5150. The specific results of an evaluation are kept confidential unless subpoenaed to be shared with the court, District Attorney or Public Defender.

It is noted that the State does **not** mandate certain types of prisoners to be released. There is no automatic release. The decision to release any offender is made at the local level. Staff from the Jail, in conjunction with the District Attorney's office and Court, determine eligible candidates for release. The Probation Department provides a written report to the presiding judge for determining the formal terms of their probation. Regarding this, a law recently passed by the California State legislature now limits probation to no more than two years.

On the other hand, more serious and violent crimes require a decision by the court, which alone has the latitude to release such offenders.

Multiple authorities interviewed noted that many offenders who qualified for "early release" should not be out of jail. There is minimal accountability for these offenders and few consequences for breaking the terms of their "early release." As a result, agencies find themselves dealing with numerous repeat offenders resulting from "early release" policies.

There was consensus among those interviewed that diversion and rehabilitation programs offered through the Community Corrective Partnership have contributed to greater success for those offenders released back into society. Recidivism has been reduced by 75% in that group.

Siskiyou County diversion programs which have been used historically in lieu of incarceration include:

Community Service  
Counseling  
Educational Support  
Electronic and GPS Monitoring  
Mental Health  
Treatment/Counseling

Residential Multiservice Centers  
Victim Restitution  
Inactive Programs  
*Work Training*  
*Day Reporting Center*  
*Drug Courts*

Not all the programs are funded by the County. Certain programs are mandated and funded by the State. Currently the italicized programs are inactive due to insufficient staff and funding.

## **Findings**

- F1 In spite of mandated “early release”, the present Siskiyou County jail is not large enough to accommodate the number of prisoners.
- F2 The Siskiyou County jail is understaffed resulting in reduced capacity and effectiveness in dealing with the offenders housed there.
- F3 In the absence of a daily newspaper and local broadcast media, the public has no readily accessible information on law enforcement activities and arrests such as an old-fashioned police blotter.
- F4 Diversion and rehabilitation programs listed in the Community Corrective Partnership discussion are not fully functional.
- F5 Prisoners from outlying areas are released from the jail located in Yreka, usually with no means to return to their original residence location.

## **Recommendations**

- R1 The Siskiyou County Sheriff’s Department should explore alternative existing sites to house offenders by November 1, 2022.
- R2 The Board of Supervisors should prioritize expand hiring efforts to fill open Sheriff’s Department vacancies. This should include streamlining screening procedures, expanding searches, reevaluating qualifications, and addressing more competitive compensation packages, by November 1, 2022.
- R3 The Siskiyou County Sheriff’s Department should deliver current updated information on law enforcement activity and arrests via their digital platforms by November 1, 2022.
- R4 The Board of Supervisors should, in light of the housing shortage for inmates, prioritize and make fully functional all diversion and rehabilitation programs under the control of the County by November 1, 2022.
- R5 The Board of Supervisors should plan and implement a transportation program to assist individuals in returning home after being released from the jail by November 1, 2022. This transportation program should consider offering transportation vouchers for early release inmates to return for their court dates

## **Request for Responses**

The following responses are required pursuant to Penal Code sections 933 and 933.05:

**From the following governing bodies:**

Board of Supervisors: Recommendations R2, R4-R5

**From the following individuals:**

Sheriff of Siskiyou County: Recommendations R1, R3

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.